SENATE—*Monday, October 30, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 5 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear God, the very time of the day of this opening of the Senate puts an exclamation point to our prayer for Your help in the negotiations between the Congress and the President. As nature abhors a vacuum, You deplore deadlocks that debilitate progress. We know that when we seek Your problem-solving power, there are no unresolvable differences. Nothing is impossible with You. And yet You have ordained that we must ask for Your intervention. Then mysteriously You work in the minds and hearts of all involved to discover solutions and compromises that will bring resolution to the conflicts of wills as well as differences about what is best for our Nation.

We humbly confess our need for You, Lord. Times like these put intensity and intentionality into our motto, ''In God We Trust.'' We do trust in You, Lord. Give all involved in this present conflict the desire to set aside political advantages. You have promised that if we pray with complete trust, You will accomplish what seems to be humanly impossible. Thank You for hearing our prayer. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS, a Senator from the State of Alabama, 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. Senator SESSIONS is recognized.

SCHEDULE

Mr. SESSIONS. On behalf of the majority leader, I note that today the Senate will be in a period of morning business until 7 p.m., with Senators DOMENICI and REID in control of the time. A vote on a continuing resolution that funds the Government until tomorrow morning will occur at 7 p.m. Senators should be aware that votes on continuing resolutions are expected each day. Senators should also be aware that multiple votes could occur each day starting tomorrow. Negotiations are ongoing, and it is still hoped that agreements can be made to wrap up the 106th Congress prior to the elections.

I thank my colleagues for their attention.

Mr. REID. Mr. President, if I could ask a question of the acting majority leader.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I thank the Chair. I am wondering if the Senator from Alabama would check with the majority leader to give us some idea of when he is planning to come in tomorrow; he is planing multiple votes. Numerous people have been calling and asking about that today.

Mr. SESSIONS. What I understand is this, that the majority leader has made this proposal to the Democratic leader which has not been accepted as of yet; that he would ask unanimous consent we stand in recess when we complete our business today until 5 p.m. Tuesday, and that the time between 5 p.m. and 7 p.m. be a period for morning business with the time equally divided, and that at 7 p.m. the Senate proceed to consider the 1-day continuing resolution and a vote occur immediately on the resolution when it is received from the House without amendments, debate, or motions in order. That will be the proposal at this point, as I understand it. But I am sure the majority leader would be open to improvements.

Mr. REID. Well, I say to my friend, I guess the good news is that ultimately there will have to be an end to the 106th Congress because the calendar is going to run out eventually. I hope we will see fit to maybe wrap up the work we have.

As you know, there has been tremendous work on Labor-HHS during the past 24 hours. Early this morning we thought we had an agreement worked out. As you know, my counterpart in the House on the Republican side, I understand, threw what we refer to as a monkey wrench into the proposed workout of the Labor-HHS bill which now, it is my understanding, is in further negotiations.

Time is really working very fast against us. As you know, we have sent a number of bills to the President. He is going to have to make a decision on those bills, whether he is going to veto them or sign them.

I know the majority leader is aware of all the problems that this Congress faces, but I hope that we exert any influence any of us have to try to work out this Labor-HHS bill. I think if that were worked out, we could probably resolve the other issues, or at least I hope so. There are a few other issues such as assisted suicide and immigration that would still be outstanding, but hopefully we could resolve those if we got this big final spending bill done.

Mr. SESSIONS. I am sure the majority leader would work toward that end. I know it has been his goal since this Congress began to move the appropriations bills to not find us at this point. Frankly, I am sympathetic with the fact that he has tried to do that and has been frustrated time and again. I think some people wanted us to end up in this very position, and they got their wish. And as far as I am concerned, we can stay here until January 1 or December 31 to do our business. Wiser people will decide that.

Mr. REID. You don't mind if we take at least a day or two for Thanksgiving and Christmas, do you?

Mr. SESSIONS. I do prefer to take off Christmas. But we have a high duty to do our work and do it right.

I thank the Senator for his comments, and I note that he desires, and I do, that we reach an accord.

I yield the floor and note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, it is my understanding that we are in a period of morning business and that the time used by the Senator from Alabama and the Senator from Nevada will be deducted from the 2 hours that are evenly divided for morning business, that the Democrats have the first half and the Republicans have the second half. Is that accurate?

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

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

SOCIAL SECURITY SCHEME

Mr. REID. Mr. President, what I would like to do for a few minutes is talk about the Governor of Texas and his plan regarding Social Security. I will not go into a lot of detail other than to say that the actuarials that are cited show that his plan is impossible because he is promising the same trillion dollars to two different groups, and in effect, the plan, just in a few short years, would bankrupt the country and we would have staggering deficits again.

So that those within the sound of my voice do not think that these statements that I am making are coming from the Democratic Senatorial Campaign Committee or the Democratic National Committee, let me read a number of quotes.

First of all, from Ron Gebhardtsbauer, who is Senior Pension Fellow at the American Academy of Actuaries, who said:

> ''I don't see any way they pay off the public debt.'' And given Bush's large package of tax cuts, ''in 2015 the budget will go negative. There won't be a surplus anymore.''

Paul Krugman, economist and columnist for the New York Times stated on October 29:

> George W. Bush's proposal, admittedly, does not count on the stupidity of markets. Instead, he trusts the people: voters are not supposed to notice that the same pool of money is promised to two different groups of people.

Secretary of Treasury Lawrence Summers, who, by the way, is not only Secretary of Treasury and a brilliant academician but is also a fiduciary with the Social Security trust fund and has an obligation in that regard also, here is what he says:

> Now, there is of course, a Social Security surplus of approximately $2 trillion over the next 10 years. That surplus is currently earmarked to pay the guaranteed benefits for the baby boom generation when it retires. If that surplus is diverted to new accounts, then the resources will not be there to pay the guaranteed benefits when the baby boom generation retires.

Robert Ball, former Commissioner of the Social Security Administration, said on October 27, just a few days ago:

> I've looked over Governor Bush's plan. He takes one trillion dollars out of Social Security for savings accounts. But Social Security is counting on that money to pay benefits. His plan simply doesn't add up and would undermine Social Security.

Henry J. Aaron and Alan Blinder, Century Foundation Study of Governor Bush's Social Security proposal, Washington Post, August 24:

> In a recent report, we showed that Social Security retirement benefits would have to be cut as much as 54 percent to restore balance under a Bush-style privatization plan.

In an editorial in the New York Times yesterday:

> The governor's scheme would siphon money out of Social Security at the very moment when both seniors and younger taxpayers want to see long-term fixes to ensure its solvency.

Mr. President, the fact is that Governor Bush's plan ruins Social Security and ruins our economy. That is not a very good duo, as far as I am concerned, when you take into consideration that Social Security is the most successful social program in the history of the world.

We need to make sure that we do what we can to strengthen the program. Governor Bush's program weakens the program.

MEANINGFUL LEGISLATIVE ACCOMPLISHMENTS

Mr. REID. Mr. President, I find myself in amazement when I hear the Republican's spin that the Democrats played partisan politics in this Congress.

The truth is, we have repeatedly asked for the Republican leadership to work with us so we could have meaningful legislative accomplishments for the people in Nevada and in other States represented in this body.

These legislative accomplishments should include meaningful prescription drug benefits that help people—not the HMOs; a meaningful Patients' Bill of Rights—benefits to ensure the American people receive the urgent medical care they need rather than an HMO litigation protection bill; meaningful funding for education; that is, funding for school construction, repair, and modernization rather than denying States any Federal assistance to maintain our Nation's schools.

We always hear that this takes away from local control. No one on this side of the aisle wants to take local control away from schools.

We have many programs that we have worked on that have been very helpful in school districts.

I have not heard a single person from the Clark County School District, the sixth largest school district in the country—basically Las Vegas—complain about too much Federal money, or too much Federal control. Quite the opposite. The calls I get are for more help, especially school construction and repair and modernization.

I think we need a meaningful tax cut; that is, a significant tax to ensure we can still pay down the debt rather than a tax cut of such magnitude that we forget our current obligations; targeted tax cuts, for example, that would allow a child to go to school not based upon how much money the parents have but how much ability they have. A tax credit to allow the parents to deduct up to $10,000 a year per child would be most helpful to the American people. That is what we call a targeted tax cut. Of course, we need a minimum wage increase.

Speaking of Governor Bush, the reason Governor Bush has not been an advocate for a minimum wage increase is the State of Texas has one that is almost $2 an hour less than the Federal minimum wage.

In some States, the wages are much higher. You have some jurisdictions that have a minimum wage as much as $11 an hour. But here we don't. We have a $5.15 minimum wage. We want to increase it 50 cents an hour. We are getting all kinds of static for trying to do that. We need to do that.

Campaign finance reform: Certainly with this campaign season, people understand how we have to do something to take money out of campaigns. We need to have campaigns more meaningful. It shouldn't be how much money you are able to raise. It should be what the merits of your claims are.

As we get closer to Halloween, the debt of the American people should scare them more than any ghost. Instead of giving them treats, this Republican Congress, in my opinion, played a dirty trick on the American people. They are scheming to drive a stake through the heart of the positive Democratic agenda—an agenda that could make a real difference in the lives of working people.

We do not have the legislative accomplishments that we need. Instead we have accomplishments that could have been.

I know that there are others here wishing to speak. We have a limited amount of time.

I see my friends from Illinois and Minnesota. I would be happy to yield my time to either of them.

How much time does the Senator from Illinois desire?

Mr. DURBIN. I would like to ask for 20 minutes.

Mr. REID. How much time do we have, Mr. President?

The PRESIDING OFFICER. Forty-five minutes.

Mr. REID. I give 20 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 minutes.

Mr. DURBIN. Thank you, Mr. President. I ask the Chair to advise me when I have consumed 10 minutes.

Thank you, Mr. President.

THE AMERICAN CHOICE

Mr. DURBIN. Mr. President, let me follow up on a statement made by the Senator from Nevada about the choice the American people are facing in just a very few days.

I think if you believe that governing America is easy business, then the choice is easy, too.

I happen to think that the set of circumstances the next President will face is pretty challenging.

I can recall only a few years ago on the floor of the Senate when we spent most of our time debating deficits and

talking about constitutional amendments to end deficits. But now we are debating surpluses. What are we going to do with the extra money?

We believe on the Democratic side that the first obligation has to be to reduce the national debt so that our kids don't carry that burden, and strengthening Social Security and Medicare. We believe that after we have met those obligations, we should target tax cuts to help the middle-income and working families deal with problems that are meaningful, problems such as paying for college education for their kids.

We believe on the Democratic side we should be able to deduct up to $12,000 a year of tuition fees paid for your children in college. I have taken that across the State of Illinois, a pretty diverse State, and it is widely accepted. People believe that is an excellent change in the Tax Code.

We also want to give families—working families, single mothers, too, for that matter, who need to have good quality day care—an additional tax credit so they can afford to leave their kids in safe day care. We say to the mother who wants to make the sacrifice to stay home with the kids, you deserve a tax break too; you are making a sacrifice. Our Tax Code should recognize that. That is targeted tax cuts the Democrats support.

So many people have aging parent and grandparents. We want to increase the deductibility of expenses incurred in caring for their parents. Baby boomers have noted their parents need extra help as they live a longer life. They need extra assistance. We want to be there. The Tax Code should support families who do their best to help relatives, to help their parents.

We believe, bringing this together, we can keep America moving forward because we won't be embarking on a risky tax scheme, one that has been proposed by Governor Bush. The idea of $1.6 trillion in tax cuts, 40 percent of which go to the wealthiest people in America, is a bitter pill to swallow. Who are the top 1 percent wage earners in America? People who make over $25,000 a month, over $300,000 a year. Governor Bush says these poor struggling people making only $300,000 a year need a tax break, $2,000 a month worth of a tax break.

I am sorry, but, frankly, I prefer to target that tax break to the people who really need it. A fellow such as Bill Gates at Microsoft has been very successful, God bless him for his creativity, but this man's net worth is greater as an individual than the combined net worth of 106 million Americans. Does he need Governor Bush's tax break? I don't think so. I know a lot of families across Illinois want to have a tax break to send one of their kids to college so that kid might have a chance to have a successful career and business or whatever they choose.

That is the difference. That is the choice. I think a lot of people in this election want to overlook a little history. Let me share some of that history.

Mr. REID. Will the Senator yield?

I ask unanimous consent that the time I consume asking questions not be charged against the Senator from Illinois.

The PRESIDING OFFICER. It will be charged against the Democratic time.

Mr. REID. I say to my friend from Illinois, does the Senator agree the best tax cut the American people could get would be if they paid down the national debt? That would give Bill Gates a break and everybody in America a break; is that not true?

Mr. DURBIN. The Senator from Nevada is right. If we pay down our debt, we stop borrowing to service the debt. As we stop borrowing, the demand for capital goes down. That is, the cost of capital goes down, which is the interest rate. As interest rates go down, every family in America can feel it on their mortgage payment, on their loan for school payment, or their auto payment. That is as good as, if not better than, a tax cut, if we reduce that burden on our kids and bring down the interest rates in the process.

Mr. REID. One more question I want to ask my friend from Illinois. I have a long-time friend; we went to high school together. We were inseparable friends. He was my chief of staff until he retired 2 years ago. His mother has been very ill. She passed away last night.

The point I want to make is this: My friend's sister, my friend Gloria, with whom I also went to high school, spent many months caring for her mother in her home. She gave up her job. It was a tremendous burden, but it was her mother. She did it; she is a caring person; she gave up her life to take care of her aged mother.

Do you know what tax break she got from that? Nothing.

As I understand what my friend is saying, the Senator thinks we should spend a little bit of this surplus to give my friend Gloria a tax break so that she and other people similarly situated who are willing to take care of their mother or other loved ones—and there is no better care that can be given—should be given some kind of tax incentive for doing this; is that what my friend is saying?

Mr. DURBIN. That is exactly right. If you really believe in family values, is there a stronger family value than a son or daughter willing to sacrifice for an aging and ailing parent? If we are going to support family values with the Tax Code, shouldn't we include in that Tax Code some assistance for your friend and her situation? They would give $2,000 in tax breaks to Bill Gates, and he wouldn't even notice it. I am telling you, your friend will, as will a lot of other baby boomers across American who are caring for their parents. That is the difference. That is the choice. It really is a graphic choice.

If you look at this chart, there has been a suggestion that having surpluses at the Federal level must be easy, so anybody can do it, yet history tells otherwise. It wasn't until halfway through the Clinton-Gore administration that we finally turned the corner, and now we are generating the largest surplus in history. We are paying down America's debt for the first time.

Look at all the red ink that occurred under Ronald Reagan and President George Bush and the early years of the Clinton administration. We finally turned this corner in the belief we could do a $1.6 trillion tax cut for the wealthiest people and take $1 trillion out of the Social Security surplus and use it for some privatization scheme. Frankly, I don't think that is responsible. If I owe anything to the people of Illinois and this country, it is to maintain the economic growth and prosperity we have seen.

Let me mention one other point. Basic economics says Alan Greenspan's greatest fear is inflation. Every time he thinks we are moving toward inflation, what does he do? He raises interest rates a notch and slows things down. I can also say you can create inflation with government spending or tax reductions. Injecting $1.6 trillion into our Nation's economy through tax cuts will energize the economy and create inflationary pressure, forcing the Federal Reserve to raise interest rates in response.

So George W. Bush gives a tax break on one hand and creates an economic circumstance that raises interest rates on the other. You get to take your new tax break and pay for a higher ARM, your adjustable rate mortgage on your home. There is no benefit to your family. There is a real benefit if you reduce the debt, the deficit of this country, and make sure our kids don't bear that burden.

Mr. REID. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. REID. I see the illustrative chart. It appears to me every year that President Clinton has been in power, in office, the deficit has gone down. Does the Senator from Illinois—and I was in Congress in 1993 when we took a very tough vote, the Clinton budget deficit reduction act was a tough veto. Not a single Republican voted for it in the House, not a single Republican over here. AL GORE came over and broke the tie.

Would the Senator agree with me, that is what put the country on the road to economic recovery where we created 22 million jobs—the lowest unemployment in 40 years—we have surpluses instead of deficits; we have a Federal Government today that is 300,000 people fewer than when GORE

and Clinton took office? Does the Senator believe that is the reason this chart is illustrated the way it is?

Mr. DURBIN. I don't think there is any doubt. It was a tough vote, and we both know some of our colleagues lost their reelection campaigns because of it, because people demagogued and said it was the biggest tax increase.

It was on the wealthiest people in the country and also the biggest tax cut in history, and it was right thing to do. It was the right medicine. People on Wall Street and the business community know we finally have a President who will take a difficult but necessary path toward bringing us to a surplus economy. That is exactly what has happened.

To think this could happen under any President, I say, is wishful thinking, because I have served under three Presidents and I can say in the early days we didn't see any indication that the deficits were going to decrease. In fact, just the opposite is true. We can see in the President George Bush era the deficits were increasing each year. It wasn't until the Clinton-Gore administration started that the deficits were reduced, leading to a surplus.

Then take a look at the overall impact to which the Senator from Nevada alludes. We are in the longest economic expansion in the history of the United States of America, 115 months. We have seen the effort made, the longest sustained surplus coming out of our Federal deficit in our history. We have seen more money generated to pay down debt than at any time in our history. What does it mean?

As the Senator has noted, the unemployment rate of this country has been coming down steadily since 1992, the election of Bill Clinton and AL GORE. We can see the unemployment rate is the lowest peacetime level in 42 years. This does not happen automatically. It isn't just something we can expect to see automatically. We have to make the right choices. Some of them are difficult. Some are painful. Some are easily demagogued in 30-second ads. These choices have paid off for America.

Let me show the Senator from Nevada some charts to back up other things he said: 22 million new jobs have been created under the Clinton-Gore administration. Is this something that is easy to do? Obviously, President George Bush couldn't do it. In his 4 years, he managed to create some 2.5 million jobs; President Reagan, 16 million under his 8-year period. But 22 million were created across this country in Clinton-Gore.

There used to be a debate whether we value work. Since I was a little boy growing up in my family, work was important. You proved your mettle as a person by going to work. Now 22 million Americans have a chance to go to work and their chance to realize the America dream.

Look at the inflation rate. This is the lowest level since 1965. Inflation being low means a lot of people can understand that their take-home pay is still worth a lot if it keeps up with inflation.

In the bad old days, we had inflation rates in double digits. Now we are down to an inflation rate that is below 3 percent. People who are always left out in this equation are the poorest in America. We see now the lowest poverty rate in two decades was in 1999. It means basically we have not just helped those the best off in America, we have tried to help everybody. That means more job creation bringing more people off welfare, and our welfare rolls are the lowest they have been in modern memory. All these positive things have occurred. The question people have to face in the election on November 7 is basically the same election question Ronald Reagan posed many years ago: Are you better off today than you were 8 years ago? For the vast majority of Americans the answer is, overwhelmingly, yes. There is a fear, of course, unless we make the right decisions and elect the right leaders, we could jeopardize that situation.

Look at Federal spending. I noticed George W. Bush goes around saying AL GORE wants to spend more and more at the Federal level, but this chart shows spending is moving in the opposite direction. Since the election of Bill Clinton in 1992, we have seen a steady decline of Federal spending as a percentage of our gross domestic product. Our spending is more effective. We are trying to do things that are important for America, and it has been evidenced in our economy and economic growth.

Take a look a little more closely at the tax cut that would be happening here under the proposals we have seen from George W. Bush. We see basically the average tax cut for the lowest 20 percent of Americans ends up this year being worth about $18. If you happen to be in the top 1 percent, it is worth over $4,000. As you look at these, you understand this is a clear choice.

I want to go back to one point made by the Senator from Nevada. I think it is an important one. Last week it wasn't the Democratic Party, it wasn't the Republican Party, it was the American Academy of Actuaries that analyzed the George W. Bush proposal for Social Security. This is a group that is supposed to know their business when it comes to analyzing what policy changes would mean.

Here is what they said in their release of October 27: Bush's plan on Social Security would signal a return to Federal budget deficits around 2015.

How could that be good for America? How could it be good for us to go back to a deficit situation, adding to our national debt and drawing more money out of the economy to pay interest on it, raising interest rates, creating an inflationary spiral?

They went on to say:

> Texas Governor George W. Bush's plan to cut taxes and divert Social Security payroll taxes to establish individual accounts would make it all but impossible to eliminate the publicly held national debt.

The PRESIDING OFFICER. The Senator asked to be advised when he had 10 minutes remaining. There are 10 minutes remaining

Mr. DURBIN. I thank the Chair.

The program is a pay-as-you-go system, meaning most of the payroll taxes collected now are disbursed to recipients. We say, If we draw money out of Social Security, and we know we need to have it, how do you replace it? He was asked repeatedly in the third debate: Governor Bush, how do you replace the $1 trillion you take out of Social Security? He cannot answer the question because the hard answer to that question is the only way to replace it is to take one of three options: Reduce Social Security benefits; raise the payroll tax on Social Security; or somehow extend the retirement age beyond 67.

I do not think any of those is a popular option. I hope we never have to face them, but if Governor Bush is going to propose massive changes in Social Security, then he has to face the music and explain it to the American people before the election.

I would like to address a separate issue, but one equally important in this debate over the next President of the United States.

U.S. OVERSEAS DEPLOYMENTS

Mr. DURBIN. Mr. President, the pace of U.S. deployments and the use of force overseas has been a hot issue in policy debates in Congress and on the campaign trail. Presidential candidate, Governor George W. Bush, says that he will put an end to the Clinton Administration's ''vague, aimless and endless deployments;'' that he would replace ''uncertain missions with well-defined objectives.''

So the question is: Has the President improperly committed our forces overseas in major missions and at an unprecedented rate compared to his predecessors? I don't think so. I want to take some time today to look at the deployments in question and at deployment statistics. I ask unanimous consent to have printed in the RECORD the lists of deployments, so Americans can judge for themselves if they think there were missions that the military should not have undertaken.

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

(See Exhibit 1.)

Mr. DURBIN. I want to look at why a deployment of between 10,000 and 30,000 soldiers to the Balkans, or deployments of several thousand military personnel at a time for disaster relief or humanitarian aid could disrupt a

military that has a combined force of about 2.2 million active and reserve personnel.

The hardships suffered by our men and women in uniform are painfully real and should not be understated. I salute the sacrifices our soldiers, sailors, airmen, and marines are making everyday to defend our national security. Many of these hardships have arisen because the world has changed drastically and so has our military.

Our military has changed from a post-World War II forward-based force to much more of a projection force. When we talk about deployments going up, we are talking about times when we send our forces away from their home bases and their families. After World War II, we had a half million troops stationed in Europe, but with their families, if they had families. Those troops were not considered ''deployed,'' because they were based there. So when people talk about a massive increase in deployments, they are generally not counting those who are stationed in overseas bases.

That is how having 10,500 soldiers in the Balkans today can be considered and counted as a major deployment, but stationing a half million troops in Europe from the end of World War II through the 1980s is not even counted as a deployment by classic definition.

Our military has also changed drastically. It used to be a force of mainly single, young men. Today, our forces are filled with married men and women, many of whom also have children. So deploying them on repeated missions overseas, along with frequent job changes, as well as being overworked at their home bases, creates serious hardships for family life.

I submit today that many of the problems encountered by our men and women in uniform are related to the ways our military is organized and managed, based on the assumptions developed following our experience in World War II. I recommend to my colleagues an excellent, thoughtful paper, entitled ''It's The Personnel System,'' by John C. F. Tillson of the Institute for Defense Analysis. His paper explores the personnel and organizational assumptions that underlie the military, as well as the intersection of deployment tempo, personnel, or job-changing tempo, and operating tempo at home bases.

These are complex problems that require serious thought. I think it is very sad that these issues would be reduced to a conclusion that the United States must pull out of our leadership role in the world instead of addressing those problems head-on.

What are those unending missions that the Clinton Administration has gotten us into? Most of them were inherited from the Bush administration or Ronald Reagan's administration, or even earlier ones.

Of the 100,000 troops currently deployed long-term away from home, only 10,500 or a little over 10 percent are deployed by the Clinton Administration—to the Balkans. The rest of the major long-term deployments were inherited, including deployments in Japan, the Korean peninsula, the Persian Gulf, and Navy deployments in the Western Pacific and the Mediterranean, as well as the mission that went wrong in Somalia. The only other major mission that the Clinton Administration took on that it did not inherit was to Haiti; and contrary to what Governor Bush said during the second Presidential debate, that mission is over.

I have seen many figures bandied about claiming that the Clinton Administration has used force at a much greater pace than Presidents Bush and Reagan before him. Where do these claims come from?

For example, an op-ed in The Wall Street Journal on October 18th by Mackubin Thomas Owens from the Naval War College and the Lexington Institute, says that:

> Deployments have increased three-fold during the Clinton years.

He further stated:

> These deployments have included some combat missions, but have consisted primarily of open-ended peacekeeping and humanitarian operations—48 missions, to be precise, from 1992 to 1999.

Apparently, a 1999 Congressional Research Service report, Instances of Use of United States Armed Forces Abroad, 1798—1999, was used to substantiate these claims. Specifically, the CRS report shows that during the Reagan and Bush administrations there were 17 and 16 uses of force overseas respectively. This compares to 49 uses of force overseas during the first 7 years of the Clinton administration.

Unfortunately, reading the CRS report this way is a gross misrepresentation of the facts and an absurd misuse of the CRS report, which was intended only to be a compendium or rough survey of the range of uses of force. CRS and its fine analysts should not be blamed for the poor analysis of others who used the report as a source.

For instances of use of force in recent years, the CRS report is just a list of times when the President and Defense Secretary reported to Congress consistent with the 1973 War Powers Resolution, and the report notes that the instances of use of force listed vary greatly in size and significance. The degree to which each President reports to and consults with Congress on war powers matters varies greatly. The Clinton Administration has reported to Congress diligently. To simply add up each instance without reading and analyzing them inevitably leads to a gross misinterpretation of the facts and to conclusions that cannot survive serious scrutiny.

Let me provide that scrutiny using CRS' numbers.

Of the 49 instances of use of force cited in the CRS report, 14 were either evacuations of U.S. citizens from Third World countries or minor increases in security at U.S. embassies. This is hardly the troop deployment depicted by the critics of the Clinton administration. Moreover, 24 other uses of force were merely continuing operations or simply status reports about continuing operations, 5 of those separate entries for status reports on peacekeeping operations in the Balkans.

There are 7 separate citations regarding air attacks on Iraqi ground targets after the gulf war.

The analysis suggests the numbers have been misused. Frankly, it raises a question of whether or not the military has been used effectively over the past 8 years. I certainly think it has.

There were 4 entries regarding the deployment of troops in Haiti—3 of which were reporting on the number of troops coming home! But those ''counted'' as uses of force by the Clinton Administration. So did reductions in US forces from Bosnia.

The largest deployment under President Clinton—some 30,000 troops to Bosnia for peacekeeping missions—is dwarfed by the 600,000+ troops sent to the Persian Gulf during Desert Shield/Storm under President Bush, yet the deployment to Bosnia counts for 15 entries in the CRS report, and the entire Gulf War, only one. The invasion of Grenada with 8,800 US troops has but a single entry.

The entries for the Clinton years included many instances of rescuing American citizens or humanitarian aid. Yet there were very few such instances for the Reagan-Bush years. It seems unlikely that hardly any U.S. citizens needed rescuing during those years, so I suspect such entries are simply missing.

How do we make sense of these numbers?

If we sort out all the multiple entries for the same deployment, as well as the minor deployments for embassy security and evacuations, it becomes clear that the number of distinct uses of force by the Clinton Administration is not that different from the Bush or Reagan years.

Deconstructing the CRS instances of use of force to include only distinct uses of force, we find that: over 8 years, there were 16 distinct uses of force by President Reagan, the major one the invasion of Grenada; 13 uses of force over the 4 years of the Bush Administration, the major ones being Panama, the Persian Gulf, and Somalia; and 13 uses of force for 7 years of the Clinton Administration, the major ones being Haiti, Bosnia and Kosovo.

The misuse of the CRS report was an egregious distortion of the Clinton Administration's record. To set the record

straight, I asked the Defense Department what its numbers show.

First, I should note that there is no uniform method for counting deployments at the Defense Department; some count training and exercises as deployments, and some count domestic missions, like fighting the fires in the West or helping with Hurricane Andrew clean-up.

In March 1999, Defense Secretary William S. Cohen sent a report to Congress entitled, ''U.S. Military Involvement in Major Smaller-Scale Contingencies Since the Persian Gulf War.'' In that report, Secretary Cohen notes that:

. . . since the end of the Persian Gulf War in February 1991, U.S. military forces have conducted or participated in approximately 50 named, overseas SSCs [small-scale contingencies] involving the deployment of 500 or more military personnel at any one time. This includes three crisis response/show of force operations, three limited strike operations, ten noncombatant evacuation operations, four no-fly zone enforcement operations, three maritime sanctions enforcement operations, six migrant operations, ten peace operations, ten humanitarian assistance operations, and one operation to provide emergency overseas assistance to other U.S. government agencies.

I asked the Defense Department for more detail, so DoD also sent me supporting data for the Secretary's report, showing 60 contingencies from 1980–1999—26 from 1980–1992, the Reagan-Bush years, and 34 during the Clinton Administration. Instead of 50 since February 1991 mentioned in the Secretary's report, it lists 44 contingencies since then.

The 34 contingencies during the Clinton Administration are those missions that have a ''name,'' like ''Avid Response'' or ''Sustain Hope.'' The sources of this information are the reports to Congress consistent with the War Powers Resolution, just like the CRS report. However, the data doesn't suffer from repetition, since it only uses named missions, so multiple reports were consolidated. These contingencies also include many instances of rescuing Americans or humanitarian aid missions.

However, almost all the data from 1980–1991 uses that same CRS report, Instances of Use of United States Armed Forces Abroad, 1798–1999, as its source, which may suffer from undercounting smaller deployments for that time period. I would like to ask the Defense Department today to look at its own internal data for the period on which it relied on the CRS report.

I also asked the Army to provide me with deployment data, which I would like to submit for the RECORD. The Army lists 38 deployments since 1989, including humanitarian assistance, noncombatant evacuations, and domestic disaster relief in Florida, Hawaii, California, Midwest floods, and Western fire-fighting.

Mr. President, I ask unanimous consent that a document entitled ''Major Overseas Smaller-Scale Contingency Operations'' and another entitled ''Operational Deployments'' be printed in the RECORD.

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

MAJOR OVERSEAS SMALLER-SCALE CONTINGENCY OPERATIONS

[Involving the deployment of 500 or more U.S. Armed Forces personnel—March 1991–February 1999]

Location	Operation	Dates
CRISIS RESPONSE/SHOW OF FORCE		
Kuwait	Vigilant Warrior	Oct–Dec 94.
	Vigilant Sentinel	Aug–Dec 95.
Iraq	Desert Thunder	Oct 97–Nov 98.
LIMITED STRIKE		
Bosnia	Deliberate Force	Aug–Sep 95.
Iraq	Desert Strike	Sep 96.
	Desert Fox	Dec 98.
NONCOMBATANT EVACUATION OPERATIONS		
Liberia	ITF Liberia	Oct 92.
Rwanda	Distant Runner	Apr 94.
Liberia	Assured Response	Apr–Aug 96.
Central African Republic	Quick Response	May 96.
Zaire	Guardian Retrieval	May–Jun 97.
Albania	Silver Wake	Mar–Jul 97.
Sierre Leone	Noble Obelisk	May–Jun 97.
Cambodia/Thailand	Bevel Edge	Jul 97.
Indonesia	Bevel Incline	May 98.
NO-FLY ZONE ENFORCEMENT		
Iraq	Northern Watch	Aug 92–present.
Persian Gulf	Southern Watch	Aug 92–present.
Bosnia	Deny Flight	Apr 93–Dec 95.
	Deliberate Guard	Dec 96–Apr 98.
MARITIME SANCTIONS ENFORCEMENT		
Adriatic Sea	Maritime Monitor	Jun–Dec 92.
	Maritime Guard	Dec 92–Jun 93.
	Sharp Guard	June 93–Sep 96.
	Decisive Enhancement	Dec 95–Dec 96.
MIGRANT OPERATIONS		
Cuba (Guantanamo)	Safe Harbor	Nov 91–Jun 93.
Cuba (Haitian/Cuban)	Sea Signal	May 94–Feb 96.
Carbbean (Haitian)	Able Vigil	Aug–Sep 94.
Panama (Cuban)	Safe Haven	Sep–Feb 95.
Cuba (Cuban)	Safe Passage	Jan–Feb 95.
Guam (Kurds)	Pacific Haven	Sep 96–Apr 97.
PEACE OPERATIONS		
Sinai	Multinational Force & Observers.	Apr 82–present.
Macedonia	Able Security (UNPREDEP)	Jun 93–present.
Somalia	Continue Hope (UNOSOM II).	May 93–Mar 94.
	United Shield	Dec 94–Mar 95.
Haiti	Uphold Democracy (MNF/USSPTGP).	Sep 94–present.
	Restore Democracy (UNMIH).	Mar 95–Apr 96.
Bosnia	Joint Endeavor (IFOR)	Dec 95–Dec 96.
	Joint Guard [2] (SFOR)	Dec 96–Jun 98.
	Joint Forge [3] (SFOR/FOF).	Jun 98–present.
Kosovo	Eagle Eye	Oct 98–Mar 99.
HUMANITARIAN ASSISTANCE OPERATIONS (OVERSEAS)		
Iraq	Provide Comfort	Apr 91–Dec 96.
Bangladesh	Sea Angel	May–Jun 91.
Former Soviet Union	Provide Hope	Feb 92–Apr 92.
Bosnia	Provide Promise	Jul 92–Feb 96.
Somalia	Provide Relief	Aug 92–Dec 92.
	Restore Hope	Dec 92–May 93.
Zaire	Support Hope	Jul–Oct 94.
Rwanda/Zaire	Guardian Assistance	Nov–Dec 96.
Central America	Strong Support	Oct 98–Mar 99.
EMERGENCY OPERATIONS OVERSEAS IN SUPPORT OF OTHER U.S. GOVERNMENT AGENCIES		
Tanzania/Kenya	Resolute Response	Aug 98–present.

OPERATIONAL DEPLOYMENTS SINCE 1989 AND ONGOING

MULTINATIONAL FORCE AND OBSERVER (MFO)

Peacekeeping—Sinai. Established by Protocol 26 Mar 79 to Peace Treaty between Egypt and Israel. MFO assumed duties Apr 82. MFO is a peacekeeping operation under the auspices of the U.N. MFO operates checkpoints, reconnaissance patrols & observation posts to observe, report and periodically verify the implementation of the Peace Treaty. U.S. participation consists of an Infantry Battalion & the 1st Support Battalion. Soldiers on individual permanent change of station order man to Support Battalion, while battalion-sized task forces of approx. 530 personnel, rotate about every six months.

JOINT TASK FORCE (JTF) BRAVO

Regional Cooperative Security—Honduras. Conducts and supports joint, combined and interagency operations to enhance regional security and stability in the U.S. Southern Command Joint Operations Area. Established in Aug 84, at Soto Cano Air Base, Honduras, the task force coordinates the presence of U.S. forces in Belize, Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica.

JUST CAUSE

Limited Conventional Conflict—Panama. In December 1989, the National Assembly of Panama declared that a state of war existed with the U.S. On 20 December 1989, U.S. forces launched attacks. Objectives were to protect U.S. lives and key sites and facilities; capture and deliver Noriega; neutralize Panamanian Defense Forces (PDF) forces and command and control; support establishment of U.S.-recognized government in Panama; and restructure the PDF.

DESERT SHIELD/DESERT STORM

Regional Conventional Conflict—Persian Gulf. Restoration of Kuwait's sovereignty by military force from Saddam Hussein. The ensuing war and economic embargo decimated Iraq's military infrastructure, severed communication and supply lines, smashed weapons arsenals and destroyed morale.

DESERT FALCON

Force Protection—Saudi Arabia/Kuwait. Began 1991. Air and missile defense of Saudi Arabia and Kuwait. JFCOM and EUCOM provide Patriot Air Defense Task Forces (750 soldiers) on a rotational basis for contingency employment in the Central Command area of responsibility. Task forces rotate approximately every four to six months and every third rotation is a U.S. Army Europe responsibility.

SEA ANGEL

Humanitarian Assistance—Bangladesh. Supported international relief and rescue effort and deployment forces to Bangladesh in order to conduct humanitarian assistance and disaster relief.

PROVIDE COMFORT

Humanitarian Assistance—Northern Iraq. Establish a Combined Task Force, at the conclusion of the Gulf War, to enforce the no-fly zone in Northern Iraq and to support coalition humanitarian relief operations for the Kurds and other displaced Iraqi civilians.

JOINT TASK FORCE (JTF) LIBERIA

Noncombatant Evacuation Operations—Liberia. Protection and evacuation of American citizens and designated third country nationals in support of a State Department evacuation directive that reduced the number of at risk American citizens.

RESTORE/CONTINUED HOPE

Humanitarian Assistance—Somalia. Military transports supported the multinational UN relief effort in Somalia. Restore Hope—Dec. 92–May 93: Deployed large U.S. and multinational U.N. force to secure major airports, seaports, key installation and food distribution points, and to provide open and free passage of relief supplies, with security for convoys and relief organizations and those supplying humanitarian relief. Continue Hope—1993–1994: Provided support to

UN Operation In Somalia (UNOSOM II) to establish a secure environment for humanitarian relief operations by provided personnel, logistical, communications, intelligence support, a quick reaction force and other elements with 60 Army aircraft and approx. 1,000 aviation personnel.

SOUTHERN WATCH

Sanctions Enforcement—Saudi Arabia, Qatar and Kuwait. Multinational, joint operation with forces deployed throughout SWA. CENTCOM forward-deployed HQ, JTF–SWA, is located in Riyadh, Saudi Arabia. The mission is to enforce the No-Fly Zone in Southern Iraq. ARCENT maintains a forward presence in Kuwait, Saudi Arabia, and Qatar in support of OSW. ARCENT began its support of OSW in Apr. 91. During the Jan–Feb 98 crisis, CENTCOM activated another forward HQ, C/JTF–KU, to command and control the operational forces deployed to Kuwait and maintain a forward presence HQ in Kuwait.

PROVIDE PROMISE

Humanitarian Assistance—Balkans. Humanitarian relief operations in Bosnia-Herzegovina and Croatia, entailing airlift of food and medical supplies to Sarajevo, airdrop of relief supplies to Muslim-held enclaves in Bosnia and construction of medical facilities in Zagreb.

HURRICANE ANDREW

Domestic Disaster Relief—Florida and Louisiana. U.S. military provided disaster relief to victims of Hurricane Andrew, which ravaged portions of South Florida and Morgan City, LA.

TYPHOON INIKI

Domestic Disaster Relief—Hawaii. U.S. Army provided disaster relief to victims of Hurricane Iniki which battered the island of Kauai, Hawaii, with winds up to 165 miles per hour in September 1992.

JOINT TASK FORCE (JTF) LOS ANGELES (LA RIOTS)

Domestic Civil Support—California.

PROVIDE HOPE

Humanitarian Assistance—Former Soviet Union. Delivery of food and medical supplies to 11 republics of the former Soviet Union, using military airlift, as well as sealift, rail and road transportation. Personnel provided surplus Army medical equipment to hospitals and delivered, installed and instructed medical personnel on the use of the equipment.

DENY FLIGHT

Sanctions Enforcement—Bosnia. NATO enforcement of a No-Fly Zone over Bosnia-Herzegovina from April 1993 to December 1995. U.S. soldiers deployed to Brindisi, Italy to support Operation Deny Flight. During operation CPT Scott O'Grady was shot down and was rescued by the combined efforts of the Army, Navy, Air Force and Marines.

MIDWEST FLOODS

Domestic Disaster Relief—Midwestern States.

ABLE SENTRY

Peacekeeping—Macedonia. Part of the UN Preventive Deployment (UNPREDEP) force and responsible for surveillance and patrol operations for the FYROM border and force protection. The UN mandate for the UNPREDEP force expired without renewal on 28 Feb 99. In late Mar 99, TFAS transferred 3 of 4 outposts to the FYROM Army. Refugees from Kosovo were beginning to come across the border into Macedonia in large numbers. On 31 Mar 99, while engaged in routine activities inside the FYROM, a three man 1–4 CAV patrol came under fire and was abducted.

SHARP GUARD

Sanction Enforcement—Former Republic of Yugoslavia. Enforced compliance with the U.N. sanctions against the former Republic of Yugoslavia to help contain the conflict in the region and to create conditions for a Peace Agreement in Bosnia and Herzegovina. U.S. military operations were amended by law (Nunn-Mitchell Act) to exclude enforcement of the arms embargo against Bosnia. U.S. forces continued to provide air deconfliction and command and control to NATO.

WESTERN U.S. FIRES

Domestic Disaster Relief—Western United States.

VIGILANT WARRIOR

Show of Force—Kuwait. In October 1994, when Iraq began moving ground forces toward Kuwait, the President ordered an immediate response. Within days, the USCENTAF Commander and staff deployed to Riyadh, SA and assumed command of JTF–SWA. Operation involved ''plus up'' of air assets to more than 170 aircraft and 6,500 personnel. Objectives were to prohibit the further enhancement of Iraqi military capabilities in southern Iraq, to compel the redeployment of Iraqi forces north of the 32d parallel and to demonstrate U.S. coalition resolve in enforcing U.N. resolution. Iraq recalled its troops and crisis passed.

SUPPORT HOPE

Humanitarian Assistance—Rwanda/Zaire. Establishment of refugee camps and provision of humanitarian relief to Rwandan refugees in Eastern Zaire following the genocide in Rwanda.

SEA SIGNAL

Migrant Operations—Cuba. Establishment of Joint Task Force—160, a combined service task force that managed migrant caps for Haitians initially, and later Cubans as well, at Guantanamo Bay Naval Base. U.S. military personnel oversaw housing, feeding and medical care for over 20,000 Haitians and 30,000 Cubans. Majority of Haitians migrants were safely repatriated following the restoration of President Aristide (Operation Uphold Democracy). Cuban migrants at Guantanamo prior to the change in migration policy in May 1995 were eventually brought into the U.S.

UPHOLD DEMOCRACY

Peacekeeping Operations—Haiti. Movement of forces to Haiti to support the return of Haitian democracy. Most of the force was airborne when Haitian officials agreed to peaceful transition of government and permissive entry of American forces in Sep 94. U.S. transferred the peacekeeping responsibilities to U.N. functions in Mar 95.

U.S. SUPPORT GROUP HAITI

Humanitarian Assistance—Haiti. Southern Command conducted civil and military operations in Haiti by exercising command and control and providing administrative, medical, force protection and limited logistical support to deployed-for-training units conducting humanitarian and civic assistance projects. Forces were initially deployed under the authority of Operation Uphold Democracy to restore Haitian President Jean Bertrand Aristide to power. In Mar 95, Operation Uphold Democracy continued as USSPTGRP-Haiti. HQDA provided approx 60 soldiers on six month rotation and a 150 man infantry company for security operations. Mission ended Jan 00.

VIGILANT SENTINAL

Show of Force—Kuwait. In August 1995, Hussein tested U.S. resolve by moving a significant military force close to his country's border with Kuwait. Included protecting the physical security of U.S. allies in the Persian Gulf and on the Arabian Peninsula, deterring aggression, countering threats to the peace and stability of the Gulf region and maintaining U.S. access to key oil resources.

JOINT ENDEAVOR/JOINT GUARD/JOINT FORGE

Peacekeeping—Bosnia-Herzegovina. U.S. deployed forces to Bosnia-Herzegovina in Dec 95 to monitor and enforce the Dayton Peace Agreement (now the General Framework Agreement for Peace or GFAP). Operation renamed Joint Guard in FY97. Joint Forge (OJF) is NATO's follow-on operations to Operation Joint Guard. OJF is the operational plan to the Supreme Allied Command Europe for Stabilization of the Peace in Bosnia and Herzegovina. Under the general framework for peace, the Army's mission is to provide continued military presence to deter renewed hostilities, to continue to promote a self-sustaining, safe and secure environments and to stabilize and consolidate the peace in Bosnia. The Stabilization Force (SFOR) supports the Dayton peace Accords through reconnaissance and surveillance patrols, monitoring border crossing points per UN Security Council Resolution 1160, enhancing security for displaced persons and refugees and professionalizing the military. Task Force Eagle (TFE) Multinational Division, North (MND(N)) is the U.S. lead division of the SFOR.

ASSURED RESPONSE

Non-Combatant Evacuation Operations—Liberia. U.S. deployed forces on 7 Apr 96 to conduct evacuation of U.S. and foreign national citizens from Liberia. Joint Special Operations Task Force deployed additional security forces to the U.S. embassy in Monrovia and evacuated over 2,000 personnel including over 400 U.S. citizens.

TAIWAN MANEUVER

Show of Force—Taiwan.

DAKOTA FLOODS

Domestic Disaster Relief—Western United States.

DESERT THUNDER I AND II

Show of Force—SWA. Provided military presence and capability during negotiations between the UN and Iraq over weapons of mass destruction. In late 1997 and early 1998, Iraq demonstrated an unwillingness to cooperate with UN weapons inspectors. In Feb and Mar 98 troops were deployed to SWA in response to Saddam Hussein's defiance of UN inspectors. During this large scale contingency deployment of Allied Forces into the theater in the spring of 1998, the size of U.S. Army Forces Central Command (ARCENT), Third U.S. Army increased while at the same time relocated their HQ from the Eastern Province to its present location in Riyadh, Saudi Arabia.

STRONG SUPPORT/HURRICANE MITCH

Humanitarian Assistance—South America. On 5 Nov 98, Secretary of Defense ordered deployment of forces to support relief operations in Southern Command. Hurricane Mitch caused extensive flooding and mud slides. The countries most seriously affected were Honduras, Nicaragua, Guatemala and El Salvador, with over two million displaced people and significant infrastructure damage. Deployed forces provided aviation, logistics, emergency evacuation, engineer assessment, road repair, communications and medical care. Deployed forces reached a peak of

4,000+ in Dec 98. Operations continued until mid-April 1999. Ongoing work was continued under USAR & NG New Horizon exercises beginning in mid-Feb 99.

DESERT FOX

Sanctions Enforcement—Kuwait. Bombing campaign in Iraq. Operation DESERT FOX was launched in response to Iraq's repeated refusals to comply with UN Security Council resolutions. Two task forces from Exercise Intrinsic Action were operationalized.

ALLIED FORCE (JOINT TASK FORCE-NOBLE ANVIL/ TASK FORCE HAWK

Limited Conventional Conflict—Kosovo. Joint Task Force-Noble Anvil was the U.S. portion of NATO's Operation Allied Force (the air operations directed against the Federal Republic of Yugoslavia). Headquarters were in Naples, Italy, In Jun 99, JTF–NA became the U.S. share of Operation Joint Guardian, NATO's Kosovo peace implementation operation and exercised U.S. command of Task Force Hawk in Albania and Task Force Falcon in Kosovo. JTF–NA was disestablished on 20 Jul 99. In Apr 99, U.S. Army Europe deployed a task force of approximately 2,000 V Corps soldiers to Albania as part of Operation Allied Force. Task Force Hawk provided NATO with a deep strike capability out of Albania into Kosovo. Additional combat, combat support and combat service support units increased the task force to about 5,000. TF HAWK consisted of Apache helicopters, MLRS artillery, force protection assets and necessary support and command and control elements. With end of hostilities on 10 Jun 99, TF Hawk furnished forces to TF Falcon to support the U.S. portion of Operation Joint Guardian. Until end of Jun 99, TF Hawk also provided limited support of, and security for, Operation Shining Hope (the U.S. military effort to establish and sustain Kosovar refugee camps in Albania.

JOINT GUARDIAN (TASK FORCE FALCON)

Peacekeeping Operations—Kosovo. U.S. portion of NATO's Operation Joint Guardian, the Kosovo Peace Implementation Force (KFOR). Task Force Falcon is responsible for Operation Joint Guardian operations in the U.S. designated sector of southeastern Kosovo. On 9 Jun 99, 1st Inf Div (M) assumed responsibility for the U.S. portion of KFOR. TFF's Army elements entered Kosovo from the FYROM on 13 Jun 99 and established control over its assigned areas and established security checkpoints. TFF's major subordinate units include a BDE HQ, one mechanized task force, one armor task force, one light battalion (from the 82d ABD) and numerous combat support and combat service support units.

OPERATION STABILISE/U.S. SUPPORT GROUP EAST TIMOR

Peacekeeping—East Timor. U.N. resolution 1264, 15 Sep 99, authorized establishment of a multinational force under a unified command structure to restore peace and security in East Timor. Soldiers were located in Darwin, Australia and in Dili, East Timor and performed critical tasks in the medical, intelligence, communications and civil affairs arena. INTERFET (International Force East Timor) is the Australian-led multinational peacekeeping force. U.S. Support Group-East Timor (USGET) provides Continuous Presence Operations. U.S. Army Pacific directed to support effort with staff augmentees; a logistics support detachment; periodic engineer and medical civic-action projects.

FOCUS RELIEF

Peacekeeping—Nigeria/Sierra Leone. Part of the National Command Authority's decision to provide bilateral assistance to Nigeria, Ghana and Senegal to augment training and provide equipment for battalions scheduled to deploy for peacekeeping duties with the U.N. Assistance Mission in Sierra Leone.

WESTERN FIRES

Domestic Disaster Relief—Montana and Idaho. Active duty soldiers deployed to Montana and Idaho to assist with and support firefighting efforts.

Mr. DURBIN. As a point of comparison, the Institute for Defense Analysis (IDA), under contract from the Defense Department, completed a study in February 1998 entitled, Frequency and Number of Military Operations. Contained within the study are a number of databases detailing the deployment of U.S. forces overseas. One data set from an earlier IDA study covering U.S. military overseas deployments from 1983–1994 showed that President Reagan averaged 9 deployments per year, President Bush averaged 9.5 deployments per year, while Clinton averaged 5.5 deployments per year.

Another data set from Defense Forecasts, Inc. listed U.S. Air Force deployments from 1983–1996. It showed the following number of average annual Air Force deployments: 19 per year under President Reagan, 37 per year under President Bush, and 27 per year under President Clinton.

For all those critics of the pace of the use of military force under President Clinton, I would like to ask, which missions of those in the lists I have submitted for the RECORD should this country not have done? Governor Bush mentioned only one in the second Presidential debate—the mission to Haiti.

Of the missions listed in the table from the Defense Secretary's report, which should we have skipped? Should we have said no to the 9 missions evacuating noncombatants and Americans in trouble? Should the United States have said ''sorry we can't help'' to those in the 9 humanitarian assistance missions? Should the military have been prevented from helping stem the flow on illegal immigrants or not helped give safe haven to the Kurds, as in the 6 missions listed under ''migrant operations''? How about enforcing the no-fly zone and the sanctions against Iraq, or perhaps the shows of force and limited strikes to keep Iraq in check?

Looking at the Army's list, perhaps critics would like to show where the Army was over-reaching? Was it when it helped the residents of my state of Illinois and of Iowa, Wisconsin and Minnesota during the massive flooding in 1993? Maybe we shouldn't have asked soldiers to help put out the fires all over the West last August? Maybe we shouldn't have helped the victims of Hurricane Mitch in Central America in 1998, or perhaps we should have turned down the humanitarian mission to the survivors of the Rwandan genocide in 1994? Some say we shouldn't have even tried to restore democracy in Haiti.

When I read these lists, it makes me proud of what our soldiers, sailors, airmen, and marines have done for our country and for the world, at great cost to themselves and their family lives.

Clearly there is a national consensus that we have been over-working our troops and we need to look deeply into what assumptions and management systems we need to change to fix these problems—rather than decide that we must pull back from the world and from the vital national security missions those men and women have been so ably undertaking.

But where on these lists are those ''vague, aimless and endless deployments'' that Governor Bush referred to? Which ''uncertain missions'' would he ''replace with well-defined objectives''?

There's only one major long-term peacekeeping mission on those lists, and that's the U.S. mission to the Balkans—the only major deployment still in place that President Clinton did not inherit from Governor Bush's father.

Governor Bush has called for a U.S. withdrawal from the Balkans and for a ''new division of labor'' between the United States and its NATO allies—this at a time when the U.S. strategy is bearing fruit with the fall of the Serbian President, Slobodan Milosevic, and when United States forces make up less than 15 percent of the troops on the ground in the Balkans.

Bush's intent to reduce the United States' role in Europe and NATO has been greeted with alarm and dismay across Europe.

Following two world wars, history has shown us the importance of the U.S. role in keeping peace and promoting stability in Europe; of stopping racist, ultra-nationalist dictators. After the United States and Europe alike spent years wringing its hands about the ultranationalist policies that ripped Yugoslavia to shreds, the United States led to step in and stop the ethnic cleansing. Was that the wrong policy? Should we have just watched while Southeastern Europe went to pieces? It was painful and messy, and it took time, but I think we did the right thing. The new leaders in Croatia, and now, I hope, in Serbia, are ready for a new, democratic path.

Our experience with the Kosovo campaign showed just how important American leadership and American defense capability is to the NATO alliance. Europe has said it's ready to do more to beef up its defense and peacekeeping capabilities, but it's a long way from being able to undertake a Kosovo-like campaign without the United States. That reality became painfully clear to European leaders during the Kosovo campaign, and they have determined to do something about it.

Just a few years ago, I was proud to vote in the United States Senate to enlarge NATO to include Poland, Hungary, and the Czech Republic. This enlargement was to help integrate the states that had thrown off the yoke of the Warsaw Pact into Western European institutions. It helped to cement democracy and give those countries a stake in the defense of Europe. I want to see more East European countries join NATO, particularly the long-suffering Baltic countries of Lithuania, Latvia, and Estonia. I am afraid that will not happen if the United States pulls back from its commitment to NATO.

After the United States led Europe and NATO to stop the Yugoslavian wars, are we to pull back? After the United States led NATO to expand the fold of democratic, market-oriented states committed to Europe's defense, are we to leave?

I believe the answer to those questions is a resounding no.

It is time to address the hardships of those in the military as the management issues that they are and stop claiming that the United States can no longer handle vital national security missions like our involvement in the Balkans because of those hardships.

Let's stop hiding behind the many differing deployment statistics and debate policy. This Administration has kept our commitment to NATO and to Europe, while it has continued to contain Saddam Hussein, and protected our vital interests in protecting Japan, South Korea, and the Taiwan Strait. Those aren't ''vague, aimless, or uncertain'' missions. These missions are at the heart of our national security and our leadership role in the world today.

I close by pointing to one particular thing that has come up in the last 2 weeks in the Presidential campaign. For months, Governor Bush's senior foreign policy advisers have been complaining that the U.S. military is overextended and engaged in too many peacekeeping operations. It is this last deployment in the Balkans that has drawn Governor Bush's ire, even though the 10,000 troops represent, as I said earlier, less than 1 percent of the U.S. military.

Recently, Governor Bush's foreign policy adviser, Condoleeza Rice, called for withdrawal of U.S. forces from the Balkans as a ''new division of labor'' under which the United States would ''handle a showdown in the Gulf, mount the kind of force needed to protect Saudi Arabia and deter a crisis in the Taiwan Strait,'' while Europe would be asked to do peacekeeping on its own.

I have always been in favor of burden sharing, and I believe the Europeans and every other group across the world who need our assistance should not only pay for that and defer the costs to American taxpayers but put the lives of their young men and women on the line.

I believe it is naive of Governor Bush to suggest that America's commitment to NATO is just a statistical commitment. America's commitment to NATO makes it work, and the suggestion that Governor Bush, if he had the chance, would diminish the American role in NATO, has raised concerns all across Europe because for over 60 years now, NATO has been a source of stability and pride and defense for our European allies.

The U.S. involvement is much more than just bringing men and women to the field. It is a symbol of the force and commitment of the United States. I am proud of the fact, as I stand here, that in modern times the United States has never engaged in these military conflicts hoping to gain territory or treasure. We are there for what we consider the right reasons: to protect democratic values, to provide opportunity for the growth of business opportunities, and free trade. That has basically been the bedrock of our policy in NATO for many years and will continue to be. I hope we can continue to make that commitment in years to come.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I ask for 3 additional minutes under the time allotted on the Democratic side.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. DURBIN. Mr. President, I close this segment by saying if we are going to maintain the superiority of the United States in the world, we must maintain a military force second to none, and that is a fact. For those who suggest we have somehow diminished our power, I suggest to them: Which military would you take in place of the United States? It is not just our technological advantage—that is amazing—what is amazing is the commitment of the men and women in this military to this country and to the defense of our values. I am proud of the fact that as a Member of Congress, in the House and the Senate, I have been able to support this buildup of military strength, which has meant we have conquered communism, we have allowed countries to see their freedom for the first time in decades, and we have built alliances, like NATO, into the envy of the world.

For those who suggest the American military is somehow understaffed, overmanned, underutilized, overutilized—whatever the criticism may be—I do not think that is a fact. I also think those who want to rewrite the history of the last 50 or 60 years and try to define a new role for NATO are causing undue concern among our allies in Europe. NATO is important. I know this because of my own experience dealing with the Baltics.

My mother was born in Lithuania. I followed the arrival of democracy in Lithuania, Estonia, and Latvia. I know they are concerned about their future and security. They are counting on NATO. They are praying for the day when they can become part of it.

When Governor Bush suggests we are somehow going to diminish America's role in NATO, it raises serious questions not only in the United States but around the world. It goes back to the point I made earlier: If being the President of the United States and Commander in Chief of our forces was an easy job then many people could fill it. If it is a tough job demanding experience and good solid judgment, then I think the American people should best look to someone involved in that. Vice President GORE has tried to stand not only for the strength of NATO in the past but in the future. I believe as leader, if he is elected on November 7, he will continue in that proud tradition.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Iowa, Mr. HARKIN.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

EDUCATION BUDGET

Mr. HARKIN. Mr. President, I have now served on the Senate Appropriations Committee and the Labor, Health and Human Services, and Education Subcommittee. I have been on that committee 15 years. Each year when we pass the budget for education and health, there are always tough negotiations, but we always manage to get through it and we get it to the President and move ahead.

This year we had some long and tough negotiations on our bill. The first part of the year, the majority leader of the Senate said education was going to be their priority. Yet here we are at the end of the year—actually at the beginning of the new fiscal year; we are a month into the new fiscal year—and we still do not have our education budget through yet. It is going to be the last bill through.

We have been working very hard over the last several weeks to bring this bill to its final conclusion. First of all, the chairman of our appropriations subcommittee, Senator SPECTER, worked very hard this year to get it through our committee and to get it through the Senate. Then we went to conference, and we have been locked in conference now for the better part of 3 months, most of it over the last month working out these differences, as we do on bills.

Last night, Sunday night, we met for what was supposed to be our final negotiating process on the education budget. We started meeting last night after our vote in the Senate, so that must have been around 8 or 9 p.m. We met until almost 2 a.m. There were tough

negotiations. Senator STEVENS, as chairman of the Appropriations Committee, Congressman BILL YOUNG from Florida on the House side, Congressman PORTER, Congressman OBEY, the ranking Democrat on the House Appropriations Committee and on the subcommittee that deals with education, and I and, of course, the Director of OMB, Mr. Lew, was there also.

As I said, we had tough negotiations, but we had it down to about four or five issues, finally, and we hammered them out.

Finally, at about 1:30 a.m. this morning, we reached our agreement. As is usually true of any agreement or compromise, there are things in the compromise that I do not like. I am sure there were things in there Senator STEVENS does not like. There are items in there that Congressman PORTER, a Republican from the House, and Congressman OBEY do not like. Together we decided this was the best package we could do, and we all shook hands on it.

Today, thinking we had finally reached an agreement on this important education bill, I find out that Majority Whip DELAY has turned his thumbs down on it, and so did Majority Leader ARMEY turn his thumbs down on it. Evidently, Speaker HASTERT has said the same thing.

What are we doing here? Why do we even have committees? Why don't we just let Speaker HASTERT and Congressman DELAY and Congressman ARMEY deal with everything?

The reason we have the committees is because people such as Senator STEVENS know these issues. He has been working on these issues for years. And Congressman PORTER and Congressman YOUNG and Congressman OBEY and Senator SPECTER and myself, we know these issues. We know the ins and outs of these issues. We have been working on them a long time.

I am not on the Commerce-State-Justice Committee, so I could not negotiate on that because I do not know all the ins and outs of it, and neither does Congressman DELAY or Congressman ARMEY or Congressman HASTERT know that. Yet they turned thumbs down on this deal we struck last night.

Senator STEVENS worked long and hard to reach this agreement. I am sure he was not happy with everything that was in it, just as I was not. But Senator STEVENS dealt in good faith. We gave our word. We shook hands on it. So did Congressman BILL YOUNG. I have worked with Congressman YOUNG for 15 years—and Congressman PORTER and Congressman OBEY. We reached our agreements. We walked out of the room at 1:30 a.m. And today, Congressman DELAY and Congressman ARMEY say: No.

I do not know. I feel very badly for Senator STEVENS and the others who worked very hard on this, gave their word, shook hands. We had the agreement.

What is at stake here? Is this all just an inside ball game, that it shouldn't bother anybody outside the beltway? Here is what is at stake.

In education: Pell grants, some of the largest increases ever in Pell grants; Individuals with Disabilities Education Act, giving money out to the States to help pay for the education of kids with disabilities; class size reduction, hiring more schoolteachers to reduce class size; school modernization so we can get money out to our schools so they can repair and fix up their schools. The average age of our schools in America is 42 years. They need to be fixed up. We had money for that.

In health care, medical research: All the money for NIH for medical research; all the money for our community health centers that are doing so much to help our uninsured people in this country with health care; an important cancer-screening program for breast and cervical cancer for women.

Child care: One of the biggest increases that we have ever had for child care.

These issues are too important to be playing politics at this late moment. That is what is happening on the House side—pure politics.

Again, I hope this is just a temporary setback. Congressman ARMEY, Congressman DELAY, and Speaker HASTERT are talking about things that they do not understand. I am hopeful they will meet with Congressman YOUNG and Senator STEVENS, who understand that we had an agreement. Not everyone liked it, but it was a good agreement. It was one that we could live with, and one that I felt the President could sign.

So these issues are much too important for our Nation's future, for our kids' future, for the health of women—too important for these kinds of partisan games this late in the year.

I just want to take this time to urge our friends on the House side to not play games with this important education bill. We have to get this money out. We are already a month into our fiscal year. Our colleges, our school boards, our State departments of education need to know, need to have this money out there, so we can continue to hire teachers and reduce class size and modernize our schools.

We need to get the money out there for breast and cervical cancer screening for women all over America. What we do not need is the kind of interference that we have had by Congressman DELAY and Congressman ARMEY and Congressman HASTERT on the House side.

Now is the time to pull together, as we did last night. This was a true bipartisan effort. Republicans in the House, Democrats in the House, Republicans in the Senate, and Democrats in the Senate worked together and we got an agreement. That is the way this place should work. Senator STEVENS led it on the Senate side, Congressman YOUNG on the House side. We got our agreements. It is too bad we see this last minute kind of partisan bickering from the House leadership.

Again, I am hopeful this is a temporary setback. Let's get our education bill done. Let's get it to the President so he can sign it, so we can move ahead with the necessary task of educating our kids in this country. It is, indeed, a sad day today when we see what happened in education.

Mr. REID. Mr. President, before I yield to the Senator from Louisiana the remainder of the time, I just want to say to the Senator from Iowa, who is the subcommittee ranking Democrat, who has done such a remarkable job, I could sense from your voice in your presentation you were up most of the night working on this. It is not just last night that you worked on it; you have worked on this bill for months——

Mr. HARKIN. Months.

Mr. REID. And months and months. It is a great bill. It does so much for the American people. And there are no accolades here for you today, as there should be, because you have done such a remarkably good job of not only working that bill but making sure that the people in this Senate and the people around the country understand those people who have no voice.

This subcommittee, of which you are the ranking member, is a subcommittee that does not have a lot of lobbyists working for the underprivileged. There are a lot of people working against them. We depend on you. We, on this side of the aisle, depend on you. And you are very dependable. I personally appreciate, as we all do over here, the great work you have done.

Mr. HARKIN. I thank the Senator from Nevada for his very kind remarks. I would just say to him, also, that, quite frankly, we had great cooperation from Senator STEVENS on the Republican side in getting this bill through. He worked very hard on it, too. I just want to make that point because it is just a darn shame that in these last hours we have gotten thrown into this partisan thing on the House side by the House leadership.

I thank the Senator.

Mr. REID. Senator STEVENS works very hard on everything he does.

Mr. HARKIN. Yes.

Mr. REID. I yield the remainder of our time to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Six minutes.

Ms. LANDRIEU. I thank the Chair.

TAX CUTS

Ms. LANDRIEU. Mr. President, I associate myself with the remarks of the

good Senator from Iowa and acknowledge his great work in the area of education. As he has pointed out—and the Senator from Illinois earlier this evening, and our leader from Nevada—we believe in bipartisanship. We believe in working together. But we do believe there are certain principles worth fighting for: The principle of fairness, the principle of equality, the principle that if we are going to help people, then let's try to help everyone, not just those in the upper-income levels.

In my State—I represent Louisiana—it is very important that we try to spread some of these tax benefits, health benefits, and education benefits to households that earn under $75,000. That is not to say that people above those income levels do not also need help. I am not saying that household incomes of $75,000 and greater or ''wealthy'' or ''rich'' or ''well off'' or those who ''don't have difficulties'' don't also need help.

But it is important, when we do tax cuts, to try to do it as much as we can for people at all income levels. That is why I am here today to note one provision in the underlying bill in relation to savings and pensions and 401(k)s and IRAs—a wonderful tool for people to save, if it could be designed properly and the rules drafted correctly.

I rise today, however, to note a hard-to-miss opportunity for this Congress to make real tax cuts for America's working families. It is hard to miss, but it looks as if we missed it because the tax bill before us does not target help to middle-class families or give them additional savings tools.

Let me take a few minutes to explain.

Throughout this year, many of us have advocated meaningful, responsible, and targeted tax cuts. I had hoped we would come up with a tax reduction bill which distributed benefits equally among all income groups, recognizing that some families have had more help through our Tax Code than others. But all families, whether they are at $10,000, $20,000, $40,000, $60,000, $75,000, or $100,000, should be helped fairly. This bill fails to do that. We have before us a bill that fails to even meet this simple test of common sense.

I had hoped this Congress would produce tax cuts designed to encourage family savings, not just additional consumption because while incomes have risen dramatically over the past several years, savings rates have actually declined. Savings should be made more attractive for all Americans, not just those who are already saving but those who need help or incentives to save. It not only helps them and their families but strengthens our whole economy.

While the net worth of a typical American family has increased recently, the net worth of families under $25,000 has declined. According to the most recent numbers from the Commerce Department, the national savings rate in August of 2000 dropped to a negative 4 percent, meaning people are spending more than they save. This is a dramatic drop from the mid-1970s, when Americans saved about 10 percent of their income, or even the 1980s, when it fluctuated between 5 and 7 percent. I think we should do something about that.

The bill before us, which expands IRAs and 401(k)s, doesn't hit the bull's-eye. It doesn't hit the target. It is helping families that are already saving to potentially save more—I argue it doesn't really accomplish that—and it doesn't help those families trying to get into the savings habit.

I introduced a bill earlier that is called SAVE, Savings Accounts are Valuable for Everyone, which is to help middle- and moderate-income families build assets for themselves through IDAs, while also expanding IRA contributions.

The Senator from Louisiana, Russell Long, former chairman of the Senate Finance Committee, once said: The problem with capitalism is there aren't enough capitalists. I agree with him.

If we created and expanded IDAs, individual development accounts, and IRAs, and 401(k)s in the right way, we could, in fact, create more capitalists, create more pools of capital, help people to build assets and strengthen the economy for everyone. We need to expand economic opportunities for more families, not just help those already on the right track.

According to another study, nearly one-third of all U.S. households hold traditional IRAs. The average income of these families is $62,500. Average assets are about $200,000. Just 10 percent hold Roth IRAs. That means 43 percent of households have chosen to use individual retirement accounts. But this is the point: Only 4 percent of those households save at the maximum rate. So by doubling an IRA from $2,000 to $5,000 or from $2,500 to $5,000, one has to question are we trying to help the top 4 percent who are saving at the maximum rate? Couldn't we spread that money out in a better way to encourage more people to save?

I know I only have a minute or two remaining. Let me address one other point.

I support a 401(k) savings plan. I think it is very effective. Many employers are moving to that in addition to or in lieu of their traditional pension plans. But why increase the limit of 401(k)s when the idea would be to try to use our money to entice more employers and more workers to use the 401(k) model?

This tax bill does nothing to help low- and moderate-income families save for the future.

The PRESIDING OFFICER (Mr. FITZGERALD). The time of the Senator has expired.

Ms. LANDRIEU. I ask unanimous consent for 30 more seconds to wrap up.

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

Ms. LANDRIEU. This tax bill does nothing to help low- and moderate-income families save for their future. That is where IDAs would come in. If we took the opportunity to institute a new savings vehicle called IDAs, expanded IRAs in the right way, and gave additional benefits for 401(k)s, we could use our money more wisely, spread it out among many more families in America.

My message is, there is a better way to do it. I hope when this bill is vetoed by the President, there will be ample consideration to make these modifications. It would not cost more—as this chart shows, $58 billion to $44 billion. It would only require common sense, compassion, and the will to do so.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time from 6:05 until 7 p.m. shall be under the control of the Senator from New Mexico, Mr. DOMENICI, or his designee.

Mr. DOMENICI. Mr. President, normally, I don't have the luxury of using as much time as I would like on subjects. I am very pleased tonight to have a considerable amount of time, which I am going to share with my good friend from Texas.

I will start with a statement about one of my staff people and then proceed to a point where I think what Senator GRAMM has to say will fit rather nicely with what I am talking about.

FAREWELL TO BRIAN BENCZKOWSKI

Mr. DOMENICI. Mr. President, at the end of this session of the 106th Congress Brian Benczkowski will be leaving my staff. Brian has worked on the Hill since his third year in law school. He started as an intern while still in law school, served as the senior analyst for judiciary issues for the Senate Budget Committee, and worked closely with my general counsel to develop, and enact, over the President's veto, the Securities Litigation Reform Act of 1995.

Brian was my counsel for the second round of Whitewater hearings and was part of the team for the historic impeachment trial of President Clinton. Brian worked on Juvenile Justice legislation and helped me take on the Mexican drug lords.

He learned the highway, airport and other infrastructure needs of New Mexico as well as any Highway and Transportation Secretary in any Governor's cabinet. He was knowledgeable on immigration issues and helped my caseworkers with the really tough, but worthy immigration problems that are a daily fact of life in a border state. Just to prove that Brian had a soft side, he

was my staff person for Character Counts during the 106th Congress.

Brian was instrumental in drafting the claims process legislation for the victims of the Cerro Grande fire. From the date that the fire first started to the day that the President signed the bill, complete with the $640 million to pay the claims, was fifty days. It is a good legislative product, and it proved that the delegation and the Congress could be bipartisan and act expeditiously in an emergency.

Brian is a talented lawyer, a caring and hard working member of my staff.

For a young man raised in Virginia, taught the law in Missouri with parents now living in Connecticut, he has made many New Mexico friends, developed a taste for green chile and amassed an understanding of the border. At one point I remarked that his Spanish was as good as any other staff member in my office.

So what is it that such a talented young man would choose to do when leaving Capitol Hill?

Banking legislative assistants and counsels with backgrounds in securities often end up at the Securities and Exchange Commission, the Commodities Futures Trading Commission or at one of the Wall Street firms. However, the typical career path wouldn't do for this untypically talented young lawyer. He is going to New York to work for the first, real sports stock market!

This new sports stock market will list the baseball and other trading cards of today's marquee athletes and major league sports rising stars. Just like any major stock exchange, the exchange is a market maker. Just like E-trade or Ameritrade people will have sports brokerage accounts.

Brian is a baseball fan, former baseball player and a font of knowledge when it comes to sports. As a former minor league baseball player myself, I know baseball and am a fan of most other sports. ESPN was a great invention that adds to most men's enjoyment of life, sports and the pursuit of happiness. Hopefully, this new sports stock exchange will add another dimension to the way we all follow sports.

Many of us share a passion for sports, but very few of us get to take that passion, and merge it with the law, get a impressive title like Assistant General Counsel, receive a pay check and stock options. However, Brian is going to do just that at thePit.com. I wish him and his new company every success.

ECONOMIC ISSUES

Mr. DOMENICI. Mr. President, I open by saying if I have heard it once in the last 2 months, I have heard it 40 times as the other side of the aisle tries to convince us and the American people that what really has made the American economy so strong, with its 22 million new jobs, is the fact that they voted on a tax increase bill in the year 1993 that amounted to $247 billion over 5 years, and it is called the Clinton-Gore plan, in quotation marks; sometimes referred to on the floor as ''the plan.''

Before we are through this evening, we hope we can convince our colleagues that that plan had very little to do with the state of economic well-being, jobs, and confidence of the American people today.

However, there are several subjects I want to touch on quickly, because the other side cannot come to the floor for 15, 20, or 30 minutes without talking about them. The first one is what the plan of the Governor of Texas on Social Security is going to do to our senior citizens. They proceed as if they know, and they don't know.

The distinguished Governor from Texas has given us an idea. The idea is to let every senior who is on Social Security keep their check and the program remain totally intact while we let younger Americans invest a little piece of their Social Security money in a preferred or protected account in the stock market.

They come down here and do some arithmetic gymnastics, which is hard for any one to understand. They support their statements by citing the Secretary of the Treasury, a genius I believe they called him. We all know Secretary Summers. We all know he is rather bright. We all know he was a very young Harvard Ph.D. faculty member. But for him to take to the streets telling Americans he knows what that Bush plan is going to do to senior citizens is absolutely deplorable. I have seen Secretaries of the Treasury come and go. We had a great one before this one. Never have I seen anybody attempt to do this.

I want to tell the American people the truth about the Vice President's plan on Social Security. I would almost say there is no plan because, in fact, the plan he is talking about is accepted by so few in the Congress, despite the fact that it has been around since 1999, in case anybody is interested.

You know, we voted on it a couple times in the Budget Committee. I think perhaps that there was one time when a Democrat voted for it—one member. I think we might have forced a vote on the floor that included that and nobody voted for it.

So what is the Vice President's plan? I will tell you plain and simple. He wants to put some new IOUs in the trust account for senior citizens, and the IOU says we, the American people, promise to pay to the trust fund the face value of these IOUs. He says let's put about $10 billion worth in there. Guess what happens. He puts them in there a few years from now and indicates that that helps make Social Security solvent.

So that the American people might understand an IOU in the parlance of your checkbook, it is a postdated check. Have you ever postdated a check? It used to be illegal. It may still be if you do it with the intent to cheat. But some people postdate a check and say, I won't have the money for 2 months, so will you take my check and it will be good then. That is what an IOU is—except the Congressional Budget Office says 50 years from now, when the IOUs all come due, the total amount that the taxpayers of America will owe to that fund will be $40 trillion—not billion but trillion, $40 trillion.

Who will owe it? Well, of course, the Vice President is not worried about that today; right? It is our children who are going to pay it, I say to the occupant of the chair. Some day down the line, we are going to have to raise taxes generally or raise the Social Security withholding tax so high that it probably will make the program inoperative and ineffective.

It is amazing that the Secretary of the Treasury and the people on that side of the aisle—my friends, the Democrats of the Senate—would talk about the plan of the Governor of Texas when their candidate has a plan before us that would eventually require that we raise taxes—and I left out an option—or dramatically cut programs. They would have to cut American programs to the tune of $40 trillion over this period, or raise new taxes.

Now you would think if you had a plan that was that embarrassing, you would not have the courage to get up and critique other programs that actually do try to reform Social Security. Democratic Senator PAT MOYNIHAN and Senator BOB KERREY of Nebraska have both stressed the need to reform Social Security, which is just what Governor Bush is trying to do.

Now my Democratic colleagues also have another line of argument. They say that what we really should do is pay down the debt. They then say, why are Republicans against that? Well, they know we aren't. We have already paid down $360 billion of debt over the last three years. The greatest threat to debt reduction is the Vice President of the United States' spending proposals. He has asked for 200 new programs and has a complicated tax code proposal. Let me address this latter point briefly. My Democratic colleagues have attacked Governor Bush's tax plan tonight, however, it is based on the very sound principle that everybody who pays income tax should get a break. That's not the case under the Gore plan, where 50 million American taxpayers get no break at all. Why? Because taxpaying Americans don't get a tax break. It is Americans who are selected by the Vice President's plan. If you meet their criterion—if you're the ''right'' kind of person—you get a tax

break. But that doesn't mean everybody paying income taxes gets a tax break.

Now let's get back to the size of the Government that Vice President GORE would fund. Let me give you an example of the charades he plays in order to say he is not spending very much money. See, I have estimated the plan, and it spends a lot of money. I ask Senator GRAMM if he knows that the Vice President's Retirement Savings Plus (RSP) plan, the one that is going to help low income Americans save money, which he talks about so much—i.e. if someone saves $500, the government will match this contribution 3:1, thus giving this person an additional $1500 of taxpayer money for deposit to their savings account—do you know when that plan would be fully implemented under his proposal? Nine years from today, assuming he wins. So the centerpiece of his ''tax'' plan would not fully phase-in until after two full Presidential terms and 1 year. If you assume such an unrealistic phase-in, of course, it won't cost very much. But neither should anybody kid themselves that his budget isn't full of those timing gimmicks, in order to give the appearance that he does not spend the Social Security surplus.

There are all kinds of strange dates such as the RSP one. In fact, this major one he speaks about being such a good plan for low-income Americans to save money, I repeat, won't go fully phase-in until 9 years after he is elected, if he is elected. The Vice President has not provided enough information to tell when all of his 200 programs phase-in. But I can tell you that if you just look at the overall programs and add them up cumulatively in your mind, there has not been a bigger increase in American programs since Lyndon Baines Johnson invented the Great Society.

Now what actually happens under the plan of the Governor of Texas is very simple. Of the surplus, he says 50 percent will be saved for Social Security and debt reduction. If you want to go add that up, it looks as though he would pay off the debt entirely by the middle of the next decade. Frankly, if that could happen, what a marvelous thing it would be. If Democrats keep pushing for more spending, we might not do it that fast, although I can tell you the money is there barring that. 50 percent of the projected surpluses is for Social Security and debt reduction under the plan of the Governor of Texas, 25 percent is to be given back to the American people since it is their money to begin with, with every taxpayer getting a tax cut of some type, and 25 percent goes toward new priorities, new things such as increased defense or money we may need to add to the Medicare program to pay for prescription drugs. The ratio is 50, 25, 25.

The other side of the aisle likes to get up and brag about how they are paying down the debt. I submit to you that if you took the litany of Gore programs and what he wants to do in every area to increase things such as prescription drugs for everyone, as he suggests, in the manner he suggests, debt reduction will suffer. His new programs are very costly and we expect the cost estimates to rise the more that people look at them. Let's look at prescription drugs. When that program was first submitted to the Congress by President Clinton, we thought it would cost $120 billion. The last reference we have from the Congressional Budget Office says that plan would cost $430 billion.

So you see, there is no question that there is not going to be very much money left over if you put all those programs the Vice President has in mind into effect and give them to the American people in a reasonable period of time. If you want to delay them incessantly, obviously they won't cost much; but will the American people think they have been fooled if that is the case and he is to get elected? I believe they will wonder, what in the world were they talking about when they told us they were going to give us that?

I want to also say that when it comes to reducing the size of Government—I want to repeat one more time, our friends on the other side always cite the total number of reductions in employees that have occurred since Bill Clinton took office. What they don't tell you is that 96 percent—and I just put it in the RECORD 2 days ago, and it comes from the Office of Management and Budget, not Domenici's staff—OMB says 96 percent of all employee reductions, described as stripping down Government, came from civilians in the Department of Defense. In other words, we started drawing down that Department of Defense so quickly and rapidly, and continued it, so 96 percent of the employee reduction comes from the Department of Defense, and 4 percent comes from all the other civilian programs, which they would lead you to believe have been seriously restrained and many employees have been taken from their ranks. Not true.

I will shortly yield to my friend from Texas for about 20 minutes. However, before I do, I want to point something out. When my Democratic colleagues speak of the Clinton plan for the recovery of the United States, which caused America to have all these 22 million new jobs, new high technology, and breakthroughs in communications—and I say that facetiously—, they ignore the fact that the first plan the President sent to us was a $26 billion stimulus package for American economy, even though the economy had already begun posting strong growth before he took office. Does my friend from Texas recall that?

Standing right back over there was the Senator from the State of Colorado, who is now retired. He came to the floor and told us what was in that $26 billion that we were supposed to spend. He found all kinds of things that were promised to mayors during the election and to all kinds of groups in America by the Governor of Arkansas as he campaigned. I can't remember. Some of them were igloos, and all kinds of strange things—skating rinks for some communities.

The first thing we did was to say we aren't going to do that. The first phase of the recovery plan was a $26 billion stimulus which never occurred. That would have caused more money to be spent, not less.

To lead into what is being said on the other side of the aisle, and by our President and by our Vice President about this plan—the 1993 tax increase of $243 billion—, I would like to hearken back to Alan Greenspan, who coined a phrase. Perhaps my friend from Texas remembers it. He used two words, ''irrational exuberance.'' Do you recall that, Senator GRAMM? Irrational exuberance?

I am going to borrow that phrase today—not to describe the speculative activities in the stock market, as Dr. Greenspan did, but rather to describe my colleagues who have been attributing the 1993 Clinton/Gore tax increase budget plan as the genesis of this long boom we have been experiencing.

I want to talk shortly about what really caused the boom. But I understand my friend from Texas would like to speak for 20 minutes. I yield that off my time, reserving the remainder for myself.

I want to say just before I yield that I have looked at some polls that somebody presented—maybe even some polls that were published.

I am thrilled with the American people because you know they don't believe the irrational exuberance of the other side. They do not believe it.

They come down here and keep on saying it, but the American people just do not believe it.

The primary reason for this boom has been the evenhandedness of the Federal Reserve Board in making sure we do not let inflation go rampant, and controlling interest rates where they could so that the American economy would always grow, and if it was coming down, to have a safe landing.

They put that No. 1.

In terms of who did it, Dr. Alan Greenspan and the Federal Reserve deserve much of the credit.

The American people, no matter how many times the plan is discussed about the 22 million jobs and all the other things, they do not believe it. And they shouldn't.

Who do they put in second position as responsible for this? I didn't think it was going to be the case because we don't do a very good job of talking

about it. But they said the Republican Congress which puts some real controls on spending.

When we are finished tonight, we will show you that actually happened when we took over the U.S. Congress.

In third place, in terms of who did it, who brought it, they put the President's plan.

I yield to my friend from Texas.

Mr. GRAMM. Mr. President, first of all, I want to thank Senator DOMENICI. I want to try to add a few things to what he said, and then go on and say what I was going to say.

I want to begin with the Secretary of Treasury, Larry Summers. Let me say that we are both good friends as well as economists. We both used to teach economics.

Yet, I think a lot of people are unhappy in that the Secretary of Treasury injected himself into politics—something that the Secretary of Treasury, the Secretary of State, and the Secretary of Defense have not done in the past. I think that made people unhappy.

But let me say this with regard to AL GORE's plan, a plan which simply adds IOUs to the Social Security trust fund. I believe Larry Summers would have given an ''F'' to any freshman economics student in his class who thought that you could strengthen Social Security by simply printing paper—IOUs; I have a copy of one here—and putting them into a filing cabinet in West Virginia.

Let me give a high authority on this issue, the President of the United States.

Our Vice President said if we would simply print more of these IOUs—you notice, Senator DOMENICI, that they say ''nontransferable''—if we printed more of these IOUs and put them in a metal filing cabinet in West Virginia, which is all the Social Security trust fund is, we could pay benefits with these IOUs.

But let me quote from the economic report of the President. This is President Clinton speaking. This is the Fiscal Year 2000 Budget of the President, and on page 337, here is what he says about these paper IOUs. He says:

> These [Social Security trust fund] balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense. These funds are not set up to be pension funds, like the fund of private pension plans. They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the government's ability to pay benefits.

That is Bill Clinton.

So AL GORE's proposal to simply print more IOUs and put them in a file cabinet is deemed as phony—not by PETE DOMENICI, not by PHIL GRAMM, not by the Republican Congress, but by the President of the United States, Bill Clinton. The President's own budget says it very clearly. This is a bookkeeping entry. No benefits can be paid from these IOUs.

The Gore plan means, in essence, raising taxes.

Just one other point to amplify what Senator DOMENICI said. A picture is worth 1,000 words.

This is page D11 of the Washington Post of this past Tuesday. This is a want-ad page. You have used want-ads yourself. So have I when looking for a job.

These are jobs that range from pet groomers, to painters, to data entry, to day labor, to dispatchers, to retail sales jobs, and everything in between.

You might look at this want-ad page in Tuesday's Washington Post and ask yourself, how many people who took these jobs would get an AL GORE tax cut where they could keep part of what they earned and spend it on what they chose to spend it on?

Here are all the jobs from pet groomer, to custodian, and the list goes on and on.

You see all the jobs. They are the people who, if they took those jobs and were married, could get marriage penalty tax relief from Republicans.

I am tempted to go through and read the jobs. But I am not going to denigrate good jobs in America.

But the point is that all of the jobs listed on page D11 in Tuesday's Washington Post want-ad page for jobs, for every one of those jobs, if you took it, you would be to rich to get AL GORE's marriage penalty tax relief.

This is what would be left.

Mr. DOMENICI. The Senator is assuming that each one of those took the job, and they are getting paid and earning income pursuant to the job.

Mr. GRAMM. The question is, if married couples took these jobs, are they too rich for AL GORE's tax cut? All of them are, except that handful—about 89 percent of the jobs on that page are too rich.

Let me get to what I wanted to say.

Some people at home probably wonder why we are talking about the Presidential campaign on the floor of the Senate. I think it is a good question. We weren't doing it. Our colleagues have come out here every day and talked about the Presidential campaign, I guess, because they are losing it in America. They think they might win it on the floor of the Senate.

One of the wonderful stories that has been told is that Bill Clinton was elected President, and he courageously proposed the largest tax increase in American history.

They did everything from proposing to tax your utility bill, to taxing gasoline, to taxing 75 percent of Social Security benefits if you made over $25,000.

Courageously, the Vice President, sitting in that very chair, and Senator DOMENICI was here along with me, when it came down to a tie vote, the Vice President courageously broke the tie in voting to tax gasoline and tax Social Security benefits. And then as if the sky opened and God spoke, interest rates came down, the stock market went up, the economy prospered, and, therefore, our Vice President and the Democrats deserve credit.

Senator DOMENICI, myself, and every other Republican were too ignorant to understand that by taxing gasoline and taxing Social Security and having the largest tax increase in American history, we could produce prosperity.

Mr. DOMENICI. If the Senator will yield, I suggest to the Senator, and I wonder if the Senator concurs, six Democrats voted with Republicans. That is why it was 49–49.

Mr. GRAMM. That is right. They had a majority in both Houses of Congress when Bill Clinton became President, and when they voted they had a substantial majority here, I think 54 or 55 Democrats. Six of them voted with us against this largest tax increase in American history, but there was a tie and AL GORE broke the tie. It was then that the sky opened, interest rates came down, the stock market spiraled, and prosperity ensued.

There are only a couple of problems with that. One, it is totally unbelievable. It makes absolutely no sense. Finally, it is verifiably false.

This is the rest of the story. This is the budget that included this largest tax increase in American history. In this budget, ''A Vision of Change for America,'' Bill Clinton tells us on page 22 that if we raise taxes with the largest tax increase in American history, and 6 years later, if we implement the largest tax increase in American history, 6 years later he states the deficit will be $241 billion. Nowhere in this budget is Bill Clinton promising to balance the Federal budget. His promise is, if you have the largest tax increse in American history—and then they forget or our Democrat colleagues want us to forget the rest of the story—if you spend $26 billion on a new stimulus package, they were going to stimulate the economy. Remember they had ice skating huts in Connecticut, they had Alpine slides, these water slides in Puerto Rico. This was their economic plan. We killed that.

The final part of their proposal that Senator DOMENICI will not have forgotten but our Democrat colleagues want to forget was having the Government take over and run the health care system. That was part of this vision, too. But we killed it deader than Elvis. It never came into reality.

Here is my point: we didn't adopt the Clinton plan. They raised taxes, they taxed Social Security benefits, they taxed gasoline. But we killed their $26

billion spending program, and we killed the Government takeover of health care.

Now, their first budget, with the largest tax increase in American history, promised $241 billion of deficits 6 years later. Then, in their midsession review in September of 1993, they discovered we hadn't done the stimulus package. So with their tax increase, we were headed for a $181 billion deficit in 6 years.

Then, in 1995, the President proposed another budget. But in 1995, President Clinton, who now has courageously raised taxes on Social Security and gasoline and most other things, is asked, well, Mr. President, when are you going to balance the budget? Remember that, Senator DOMENICI? This is what he said: In 9 years, 10 years, 8 years, 9 years, 7 years, 7 to 9 years, 7 years, 9 years, 10 years. In other words, 2 years after his tax increase went into effect, our colleagues were asking Bill Clinton when he wants to balance the budget. Two years after his tax hike, he was still saying we are 9, 10, 7 years away from ever balancing the Federal budget.

Now, what happened in 1994? Our colleagues joshed around yesterday saying when they proposed to have the Government take over the health care system, when they proposed this $26 billion of stimulus package, and when they adopted the largest tax increase in American history, I said this is going to cost people their jobs. So they josh around saying: Well, where did it cost jobs?

Let me state what happened: In 1994, 52 Democrats in the House of Representatives lost their jobs. The Speaker of the House lost his job; the first time in 132 years that it ever happened. Three powerful committee chairmen—Rostenkowski, Brooks, and Glickman—lost their jobs. Not one Republican incumbent in Congress was defeated.

Now, supposedly the sky had opened. Everything was wonderful with this tax increase. But guess what. When the new Republican Congress came to Washington, this is the first thing that landed on our desk, and this is Bill Clinton's budget. He is still President. He sends us a new budget. He says that by the end of 1999, if we will adopt his budget, the deficit will be $181 billion.

Now, his tax increase has been the law of the land now for 2 years. Yet he is still saying virtually $200 billion deficits as far as the eye can see.

Let me make a final point that I think takes the cake. In his midsession review, this is in September of 1995, we have a Republican Congress. Bill Clinton says: If you will forget what these Republicans are saying and adopt my budget, if you are willing to cut $927 billion of programs over the next 10 years, then we might have a surplus in 10 years.

We didn't adopt Bill Clinton's budget. His budget said we were going to have a $200 billion deficit from 1994 to the year 2000. Instead, we adopted our own budget. We reformed welfare. Bill Clinton now says the greatest achievement of his administration is welfare reform. He not only had nothing to do with it, he fought it every step of the way. He vetoed it once, then twice, and he has tried to repeal it every day since it has passed.

Republicans reformed welfare and it set into motion—and I have to say as Democrats accused us of not knowing what was going on that I never dreamed it would be as successful as it has been—a 40-percent decline in welfare rolls as people have begun to work and America has prospered.

What happened under the Republican Congress? We started it at a $200 billion deficit, but under the Republican Congress the deficit started to decline. By 1997, we balanced the budget and we have a surplus.

When Bill Clinton signed this heroic tax increase, and this is from his official documents, he gave a statement in signing the bill.

How many times do you think he mentioned balancing the budget when he signed that tax increase? None. How many times do you think he talked about saving and reforming Social Security and Medicare? None. Those things were the furthest thing from his mind.

If you listen to the mythology that we have been forced to listen to here, the mythology runs as follows. They raised taxes, and then interest rates declined and the stock market boomed—right?

The problem is that is wrong. If you look at their numbers, when Bill Clinton became President, 10-year Treasury interest rates were 5.87 percent. He raised taxes, and what do you think happened to interest rates? They went up to 7.9 percent. And if you look at the chart on interest, the big turning point in interest occurred in November of 1994. Why? Because help was on the way. Help was on the way. We elected a Republican Congress, interest rates went down, and that interest rate, which had risen to 7.9 percent on 10-year Treasury bonds is, today, 5.71 percent.

What about this booming stock market? By raising taxes on gasoline and Social Security and the largest tax increase in American history, their mythology is that Bill Clinton set off this boom in the stock market. There is only one problem: It ain't so. When you look at the Dow Jones Industrial Average between 1993 and 1994, over that 2-year period when Bill Clinton's tax increase went into effect, the Dow went up by 13 points, about 6.5 or 7 percent a year—around there. I don't have the exact day of the tax and the day Clinton became President—just looking at the numbers.

What do you think happened when we elected a Republican Congress? What happened was the Dow Jones Industrial Average rose from 4,493 to 10,836, today.

So the problem with their story which they are trying to tell the American people is that it is not believable, it does not make sense, and it is verifiably false. When they raised taxes, none of their budgets showed these tax increases ever balancing the Federal budget. When they raised taxes, there was no decline in interest rates. Interest rates went up, not down. When they raised taxes, the stock market was relatively flat. All of that changed when we elected a Republican Congress in 1994. All of that changed.

So basically the point I want to make—how much time have I left in the 20 minutes?

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds.

Mr. GRAMM. The point I want to make is: Look, there is plenty of credit to go around for the good things that have happened in America. I am not trying to deny the President some of the credit. I do believe a lot of credit goes to the Federal Reserve Bank. But the idea that by imposing the largest tax increase in American history, by taxing gasoline, by taxing Social Security benefits, and that somehow this produced a balanced budget and set off this economic boom is laughable from a logical point of view. It is not borne out by the facts. The truth is, these good things that started happening largely started happening in November of 1994.

It was a good story. Maybe somebody believes it, but they should not. If they look at the facts, they will see that basically that story is not true.

The final point I want to make: We are now coming to the end of this session. In the waning hours of this Congress, the President is saying: If you don't spend more money, I am not going to let the Congress go home. If you do not further inflate an already inflated budget, I am going to veto these bills and not allow us to go home. He is saying to us: If you do not grant amnesty to people who violated the laws of America by coming to the country illegally, I am going to veto the Commerce-Justice-State bill and potentially shut down the FBI, the DEA, the criminal justice system, and the courts.

We are at the end of the Clinton administration, not at the beginning. President Clinton had his opportunity. He raised taxes. He tried to implement a $26 billion stimulus package. He tried to have the Government take over and run the health care business. He had his chance.

We ought to have this election and let people decide. Do they want to spend this surplus? If they do, they will know how to vote. If they do not——

The PRESIDING OFFICER. The time yielded the Senator from Texas has expired.

Mr. GRAMM. We ought to let them vote before we do.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. If the Senator will hold up the health care plan again, I say to Senator GRAMM, I want to make a statement about it. I made a mistake. If you look at the President's FY 1995 budget and health plan, it would have increased outlays by $1.4 trillion—I said billion. Billions are gone; they are not in our vocabulary. The $1.4 trillion is the additional outlays that the President's budget and health plan would have generated if we'd adopted his plan versus the outlays that the government actually recorded over the five years covered by his budget.

You heard Senator GRAMM describe one of the most significant indicators of prosperity—the 30-year Treasury bond yield. Here is the chart that describes precisely what he spoke of. Here is 1993. You see shortly after that, yields drop a little bit. But then look at what happens in the middle of 1993. It goes to its highest rate on this chart. Yields only begin to fall again after 1995 and the election of a Republican Congress. After that, yields come back down on a sustained basis.

I want to just insert a comment, since there is so much talk about us doing nothing here. This is sort of extraneous, but I think it is terribly relevant to our discussion. This is a late-this-evening quote from the President of the United States:

> Again, we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions.

He goes on and asks for more. But for all those who have been listening, again, to the ''mythology,'' to borrow one of Senator GRAMM's words, that we have not had a very productive Congress, let me say the President of the United States spoke today and that is what he said.

Let me say to the American people, to all the investors who took risks, to all of the people who invested in new technology since 1993—we will just use that date—to all the millions of Americans who get up every day and work hard and raise their standard of living: You know that it was not ''the plan'' that caused America to achieve again and grow again. Let me suggest we have had one of the most remarkable productivity increases during the last five years of this recovery that we have had ever in American history. We had a period right after the Second World War that rivaled this in productivity.

Did the productivity of the investors, risk takers, American workers, the banks with new technology, the new computers—did all that happen because we had a plan to raise taxes $243 billion? Of course not. Of course not. Did that $243 billion tax increase reduce inflation and cause it to stay down? Of course not. Productivity did, and international trade did, and the Federal Reserve Board did. That is the kind of thing that made America's prosperity so significant in the past decade.

Did that tax increase reduce regulatory burden, which all American companies will tell you started falling under Ronald Reagan, and has continued up to the recent telecommunications deregulation? That was not a result of the ''plan,'' that $243 billion tax increase. Deregulation was part of giving American business more freedom to achieve, expand, and to do things in the most efficient way rather than the most burdensome way.

Did it help business become more efficient in managing its inventories? Of course not. The 1993 budget plan had nothing to do with it. Just-in-time inventory management had a lot to do with it, making firms' profits go up and their efficiency increase.

We could go on. Did global trade, which essentially kept inflation under control and opened new horizons to American business—was that impacted by the $243 billion ''plan'' which we hear regularly? No. It is only ''irrational exuberance'' that would cause my Democratic colleagues to claim that the 1993 tax hike generated today's marvelous economy.

I am not sure that ''irrational exuberance'' is even an adequate word with which to describe the day-after-day trek to the floor of the Senate Democrats to remind us that all good things came from that day, that day when a difficult vote was taken to increase taxes dramatically. I think the American people understand that the 1993 budget plan had little to do with where we are and where we are going to end up. It is because we have a free economy and we have made it freer.

Frankly, let the people judge whether we are more apt to keep this economy going if we have a tax reform measure that gives everybody some of their money back to spend as they see fit. I believe they will say that that gives this economy a much better chance than 200 new programs that the Government is going to run which we do not have today, and we estimate—and I think this is a modest estimate—that we could not administer with less than 20,000 new employees.

Americans understand their prosperity does not come from the size of our National Government. Maybe it is inverse to the size of our National Government. I believe that might be a fairer estimate of America and the world. Maybe the smaller our National Government gets, the better we will compete and that is very important in the global economy.

I do say the President of the United States deserves credit on trade. Had some Democrats said that votes to further free trade were an important reason behind our strong growth, I would have agreed with them on that point. Trade has been an important positive in the chain of things that have happened to make economic life better in these United States.

I have time remaining. If there are any Senators on our side who want to speak——

Mr. SESSIONS. Will the distinguished Senator yield for a question?

Mr. DOMENICI. I will be pleased to yield.

Mr. SESSIONS. Looking at the chart, I joined this body in 1997, and at that time we had a very tough battle on this side to produce a modest tax reduction, the $500-per-child tax credit and reduce capital gains from 28 to 20 percent and even lower for lower income people. They told us that was going to run up the debt; we were going to have more debt. Looking at that chart, interest rates appear to have gone down and, in fact, our surpluses have occurred since then; is that correct?

Mr. DOMENICI. I say to my good friend from Alabama, that is absolutely true, and he probably heard me on the floor today. I mentioned enough subjects, but capital gains was also on my list because we've gotten some very unexpected returns to the Treasury from this source. Clearly, the 1997 capital gains reduction—which we accomplished and the President signed although it wasn't high on his list—has been one important factor behind this surplus that is now carrying us into this better period with a lot more flexibility on what we can do in the future.

Mr. SESSIONS. Actually reducing tax rates on capital gains increased income to the Government; is that fair to say?

Mr. DOMENICI. All indications are that it did. There are several things which have combined to get these tremendous new revenue increases. One of them clearly is capital gains. Another is that real incomes have increased for all Americans in all income quintiles. They are paying a lot more taxes, and when you have more Americans paying income taxes because they are working, obviously you collect more revenue and you make Social Security more solid. All of those are positive things that occur when the American economy is flourishing, when it is booming, when more and more people are working.

Capital gains is very instrumental in that regard. I think there are many in this body who think in the near future we ought to think seriously about reducing capital gains further. In my opinion, it is very helpful for the stock market, government fiscal position and the economy. Higher stock values—particularly in the Nasdaq have greatly contributed to investment in new technology, everything from computers to telecommunications, and everything in

between. This is good for the economy, since it boosts productivity and keeps inflation down. The higher the productivity, even when you get less and less unemployment, you do not get inflation. Americans do not appreciate low inflation yet. Most all other things can be cured in the American economy if you keep inflation low.

Does the Senator have a further observation?

Mr. SESSIONS. I have remarks which I will give if the Senator is finished. I enjoyed so much hearing his analysis.

Mr. DOMENICI. I yield those 5 minutes to Senator SESSIONS. I yield the floor.

Mr. SESSIONS. Mr. President, to follow up on the marvelous remarks that have gone before, I remember the first hearings I attended of the Joint Economic Committee. I tell this story about who gets the credit for the economy. Alan Greenspan was the witness that day. I am not a trained economist. I have been interested in these issues, but I am not a trained economist.

We started the discussion, and the chairman made a joke about who deserved credit for the economy: Was it Mr. Greenspan or was it President Clinton? Members on both sides joked about that and laughed a little bit, and we went on with the hearing.

I had an article from USA Today, not a great economic journal, but it was an interesting article, and it interviewed businessmen from Germany, Japan and England, asking them why the U.S. economy was doing so much better than theirs. They had double-digit unemployment of 12 and 13 percent, higher inflation, and less growth than we were having. They asked them why. They all agreed. They said it was because the United States, even though our taxes are high, had less taxes, less regulation, and a greater commitment to the free market.

I asked Mr. Greenspan if he agreed with that. He looked up at me and said: ''I absolutely agree with that.'' Less taxes, less regulation, and a greater commitment to the free market. ''Absolutely,'' he said, that is the basis for the sound American economy.

I think our taxes are still too high, but they are less than Europe. Our regulations are less, and we are more committed to letting free market forces allocate our resources than having the Government do it as they do in the European countries. I believe that is the basis for being successful.

I thought later what I really should have said at that time was that Ronald Reagan deserves credit for this economy because that is what he fought for and that is the direction we moved.

We have had substantial increases in taxes that have burdened Americans substantially.

There is one thing that troubles me about this economy, and that is the rising cost of fuel in America. If there is one thing that threatens our economic growth, it is the increase in energy prices. I have been talking with businessmen in my State. They tell me their concerns. Their profits are down.

I traveled with a truck driver from Birmingham to Clinton to Montgomery. He told me he is paying $800 more a month for fuel. I talked to businesspeople about their fuel costs. Families that were paying $100 a month this time last year for gasoline for their clunkers and all that they have their families driving around in, are now paying $160 a month for that fuel. That is $60 a month taken out of their family's budget that they could be spending for things in the marketplace. They will not be spending it in the marketplace because it is going to pay for energy costs. That is a threat to us. We need to break that cycle.

It occurred not so much because of economic forces but because of political actions by the OPEC nations when they got together and withheld supplies and drove up energy prices and sat there and collected billions of dollars from America. The OPEC politicians beat our politicians. They outsmarted us. They took advantage of our lack of production of American industry. We got even more and more indebted to them for our energy, and they drove up the price. We had no choice but to pay it.

We are paying 20 cents more, 60 cents more per gallon of gasoline and most of that is going straight to those countries. If we tax gasoline in America 50 cents a gallon, which is not too far from what we do, at least that money goes to the State of Alabama or to the Federal Government and is spent in the United States. In effect, OPEC has taxed us. Every time you go to the gas pump and pay for that gasoline, much of it is going straight out of our country. It is a huge transfer of American wealth. It has the potential to not only damage the family budget but to damage our economy. I think we have to do something about it.

The long-term solution is to get serious and start increasing production. We have the capacity to increase production in the United States.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have 1 additional minute.

Mr. LOTT addressed the Chair.

Mr. SESSIONS. I yield to the majority leader.

Mr. LOTT. Go ahead.

Mr. President, I will withhold.

Mr. SESSIONS. I will simply say this. In this election—since we are talking about elections here on the other side—the American people have a choice: Will they elect a President who, with his deepest core beliefs, would be a no-growth, no-production kind of President or will we elect a President who understands America's critical need for energy and who will help create policies that are environmentally sound, that will allow us to remove ourselves from under this yoke of the OPEC cartel?

Mr. President, I yield the floor.

THE EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT

Mr. GRAMM. Mr. President, as the Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, I wanted to take a moment to discuss H.R. 5239, the Export Administration Modification and Clarification Act. The Senate approved H.R. 5239 with a substitute amendment on October 11, and the House took up and passed the bill, as amended, earlier this afternoon.

Since 1994 our export control system has been maintained under a regulatory framework pursuant to the International Emergency Economic Powers Act based on the provisions of the Export Administration Act of 1979. The Bureau of Export Administration (BXA), which administers our export controls, recently has faced court challenges regarding the integrity of that framework. Specifically, the courts have questioned BXA's authority—known as 12(c) authority—to maintain the confidentiality of sensitive information submitted by industry pursuant to our export control rules.

While comprehensive review and updating of the Export Administration Act will be early on the agenda of the Senate Banking Committee next year, we are undertaking a simple extension of the 1979 Act at this time to set the stage for that review. It is important to note, however, that replacing the 1994 expiration date with a 2001 expiration date will make clear that BXA's authority to apply the 12(c) confidentiality provision of the 1979 act is to be considered as covering any information regarding license applications obtained during that time period, as if there had been no interruption of authority.

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 30, 1999:
Hichem Belhouchet, 31, Houston, TX;
Joel Cobrales, 21, Chicago, IL;
Gustavo Delgado, 81, Miami-Dade County, FL;
Ollie T. Fisher, 34, Chicago, IL;
Jermaine Jones, 21, St. Louis, MO;
Woodrow Kelly, 51, Washington, DC;
Deshawn Powell, 28, Detroit, MI;
Paula Proper, 33, Rockford, IL;
Lewis Queen, Washington, DC;
Fidel Quiros, 41, Miami-Dade County, FL;
Derrick Redd, 19, Chicago, IL;
Quinten Reed, 18, Nashville, TN;
Antonio Sanchez, 24, Charlotte, NC;
Tanisha Simmons, 17, Detroit, MI;
David Walterson, 36, Miami-Dade County, FL; and
Unidentified Male, 26, Newark, NJ.

Following are the names of some of the people who were killed by gunfire one year ago Saturday and Sunday.

October 28, 1999:
Duane Brown, 17, Chicago, IL;
John Cardoza, 24, Denver, CO;
David Clemons, 35, Bridgeport, CT;
Melvin K. Owens, 28, Chicago, IL;
Victor Rijos, 25, Bridgeport, CT;
Tom Shields, 54, Detroit, MI;
Nelson J. Sullivan, 17, Chicago, IL;
Alicia Valladares, 30, Houston, TX;
Nyere Waller, 25, Oklahoma City, OK;
Cameron Wojaciechaski, 22, Detroit, MI;
Michael Yslas, 54, Oakland, CA; and
Unidentified Male, 15, Chicago, IL.

October 29, 1999:
Tobey Antone, 18, Louisville, KY;
Richard Brumfield, 42, Louisville, KY;
Kenyatta Evans, 28, Detroit, MI;
Troy Johnson, 38, Oakland, CA;
James Middleton, 40, Baltimore, MD;
Rasheed Mohammed, 22, Binghamton, NY;
Jesus Rodriquez, 24, Dallas, TX;
Rene Wright, 38, Fort Worth, TX.

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.

HONORING OUR VETERANS ON VETERANS' DAY

Ms. COLLINS. Mr. President, on November 11th, people across the United States will celebrate Veterans' Day—a day in which we pause to remember and to honor the brave men and women who served their country in our armed forces.

November 11th also marks the anniversary of the armistice that ended World War I, a conflict that promised to be the ''war to end all wars.'' Unfortunately, the peace that followed World War I was short-lived. The world soon was plunged into the cauldron of World War II, followed by the terror of the Cold War—played out on so many fronts, most tragically in Korea and Vietnam. Today we face continued threats to our liberty, with outlaw leaders of rogue states waging extremist campaigns against freedom and democracy, as well as the persistent danger of terrorist attacks—which we have seen all too recently with the USS Cole tragedy.

Indeed, the world is still a dangerous place, and World War I's promise of a lasting, worldwide peace has yet to be realized. The conflicts of the last century remind us that freedom constantly requires great sacrifices and often the lives of those who defend it. It is these patriots, the men and women of our armed forces, who answered the call of service and protected the freedoms we cherish. Although we can never fully repay the debt we owe these courageous Americans, we can and must continue to recognize the price they paid.

This year, Veterans' Day falls just four days after Election Day. I find this particularly fitting, as there is no greater symbol of American liberty than our ability to participate in free and fair elections. Above all else, we owe this freedom to our veterans. Time and again, our democracy has been preserved by these brave men and women.

This Veterans' Day marks another special occasion; the groundbreaking ceremony for the World War II Memorial, to be located on the National Mall in our nation's capital. This monument will stand in recognition of a generation of Americans who served their country so ably in resisting the forces of Nazism and oppression. This was a defining moment in our nation's history, and one to which almost every American feels some connection. My own father is a World War II veteran, and Purple Heart recipient.

Unlike my father, however, many Americans did not return home from this noble campaign. They were the duty-bound sons and daughters of our nation, who made the ultimate sacrifice for their country and for freedom. In the words of President LINCOLN, they ''gave the last full measure of devotion,'' and we must uphold the memory of their heroism with respect, with reverence, and with our heartfelt admiration.

This is the purpose of Veterans' Day. Although mere words do not pay adequate tribute to the sacrifices our veterans have laid upon the altar of freedom, the knowledge of their noble deeds lives in the hearts and minds of those who are free—and shall not be forgotten.

HOUSE PASSAGE OF S. 3164

• Mr. LEAHY. Mr. President, I would like to commend Senator BAYH for his efforts on S. 3164, the Protecting Seniors from Fraud Act, which the House passed today. This bill, which I cosponsored along with Senators GRAMS and CLELAND, will greatly assist federal, state, and local efforts to crack down on crime committed against older Americans. Although I wish the Congress had also acted on additional proposals to protect elderly Americans, including S. 751, the Seniors Safety Act, I am glad that we were at least able to pass this legislation.

I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago. The Judiciary Committee refused to hold hearings on this bill, which provides a comprehensive approach to a variety of problems affecting seniors today.

Thankfully, the Republican majority was less hostile to S. 3164, which includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps.

The Protecting Seniors from Fraud Act includes important proposals for addressing the problem of crimes against the elderly, especially fraud crimes. In addition to the provisions described above, this bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that when Congress reconvenes in January, we will consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would ''be of assistance in a number of ways.'' I have urged the Senate Judiciary Committee to hold hearings on the Seniors Safety Act as long ago as October 1999, and again this past February, but my requests have not been granted. Now, as the session is coming to a close, we are out of time for hearings on this important and comprehensive proposal and significant parts of the Seniors Safety Act remain

pending in the Senate Judiciary Committee as part of the unfinished business of this Congress.

Let me briefly summarize the parts of the Seniors Safety Act that the majority in the Congress has declined to consider. First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's ''proposed minimum standard'' for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarket fraud, which costs billions of dollars every year. This legislation would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, this proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convicted of fraud.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes ''deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement.'' This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

I commend Senators BAYH, GRAMS, and CLELAND for working to take steps to improve the safety and security of America's seniors. We have done the right thing in passing this bipartisan legislation and beginning the fight to lower the crime rate against seniors. I urge consideration of the Seniors Safety Act. It would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime.●

DEPARTMENT OF DEFENSE VACCINE ACQUISITION STRATEGY

Mr. HUTCHINSON. Mr. President, I rise today to notify my colleagues of my efforts to change the Department of Defense's vaccine acquisition strategy. You see, it is my belief that the BioPort/anthrax debacle provides lawmakers with an excellent case study, one which illustrates that the Department's present policy of relying on the private sector to provide vaccines critical to the protection of our men and women in uniform is fatally flawed and must be changed. There exists a growing consensus that the Department of Defense must shoulder the responsibility and begin to produce biological warfare vaccines for itself.

In the early 1990's, in the aftermath of the gulf war, recommendations were presented to senior Defense Department acquisition officials to fulfill the urgent demands of war-fighters to develop vaccines against biological agents. One of the principal recommendations was for the construction of a Government-owned, contractor-operated (GOCO) vaccine production facility. Detailed and thoughtful studies presented many merits to the GOCO approach. Without listing all of its merits, I will point out that the GOCO option would guarantee the country access to a vaccine supply immune from the foibles of a profit-driven pharmaceuticals industry.

For reasons that remain a mystery to this day, the Defense Department did not elect to pursue the safer, GOCO option. Rather, the Department chose to contract with a private-sector entity we now know as BioPort, for the vaccine against the biological agent anthrax.

Since embarking on this acquisition strategy, events have proceeded as many had feared they would; disastrously. Last summer, the Defense Department awarded the BioPort corporation extraordinary contract relief to a previous contract for the production and vulnerable storage of the anthrax vaccine. The terms of the contract relief reduced the number of doses of vaccine to be produced by one-half, charged the U.S. taxpayer almost three times as much as was originally negotiated, and provided BioPort with an interest-free loan of almost $20 million. BioPort officials have stated that even this may not constitute enough support. I question the fitness of whoever negotiated such a horrendous arrangement on behalf of the American taxpayer.

In July, because of BioPort's continuing troubles, the Department was forced to dramatically scale back the scope of Phase One of the immunization program because the rapid rate of vaccinations threatened to consume the last of the Department's stockpile of FDA approved vaccine. Now, only those personnel who are deployed to high-threat regions, such as the Persian Gulf and the Korean Peninsula, will receive vaccinations. As it appears increasingly apparent that neither additional lots of vaccine, nor the new production line in East Lansing, will receive FDA approval anytime soon even this dramatically reduced effort may completely exhaust the Department's supply of vaccine, leaving our troops vulnerable.

As the Department is preparing to transition into production of the first of more than a dozen new bio-war vaccines developed under the Joint Vaccine Acquisition Program, it was apparent to me that unless we wish to repeat the mistakes of the past, a new acquisition strategy is urgently needed.

My colleagues and I on the Senate Armed Service Committee are making efforts to prevent the Defense Department from continuing to pursue a flawed acquisition strategy. Through oversight hearings and legislative provisions within the national defense authorization bill, we are actively providing the Department with some much needed guidance.

On April 14, I chaired the second of three committee hearings on the topic of vaccine production. During that hearing, DOD personnel who had advocated the GOCO route in the early Nineties, and were overruled, were given the opportunity to testify. Their testimony is perhaps the most important the committee has received all year on this topic.

At a third committee hearing, conducted in July, the Department announced that it had published a solicitation for a second-source of the Anthrax vaccine. As the Department received only cursory inquiries from the pharmaceutical industry during the required thirty day period, this effort appears to have failed.

In response to the testimony received by the committee, I drafted section 221

of the Senate's fiscal year 2001 national defense authorization bill. Section 221 requires the Secretary of Defense to conduct a reevaluation of the present vaccine acquisition. The report will include an evaluation of the commercial sector to meet DOD's vaccine requirements and a design for a Government-owned, contractor-operated vaccine production facility.

Section 221 also notes that a significant body of work regarding this topic was assembled in the early 1990's including Project Badger, which recommended that a GOCO vaccine production facility be constructed at the Pine Bluff Arsenal in my home state of Arkansas.

I am pleased to report that the provision was retained in the conference report which the Congress voted to send to the President for his signature.

In addition to hearings and legislative provisions, I have begun a dialog with numerous personnel within the Office of the Secretary of Defense. I would be remiss if I did not mention the many productive conversations I have had with the Under Secretary of Defense, Rudy deLeon. Because Secretary deLeon is relatively new to his position and has little ownership over the flawed decisions of the past, he has been very willing to explore alternative acquisition strategies including the solution I favor: construction of a Government-owned, contractor-operated vaccine production facility. As evidence of his commitment to find a solution, vaccine production was the first topic discussed by the Defense Resources Board, which Secretary deLeon chairs, when it met to begin its preparation of the Defense budget submission for fiscal year 2001.

I have encouraged Secretary deLeon to include $25 million in the fiscal year 2002 Defense budget submission for R&D, in addition to $400 million in the next version of the Department's Fiscal Years Development Plan, to cover construction costs. To ensure that funding for this project does not come at the expense of other critically needed bio-defense programs, I will soon meet with the Director of OMB. I am hopeful that I can explore with Mr. Lew ways to increase the top-line of the Defense budget to cover the expense of this project.

For too long DOD has pursued a flawed acquisition strategy that is a disservice to both the American taxpayer and our men and women in uniform. The Department must be weaned from its dependence on the private sector for the provision of critical biological warfare vaccines.

FIREARM HOMICIDES

Mr. LEVIN. Mr. President, last week I submitted a list of some of the high profile shootings that took place over the past two years and the casualties that occurred as a result. That list was long, far too long. The number of shootings, in schools and public places, have claimed the lives of too many Americans, especially our young people.

I believe all of us want to know why children in the United States seem more vulnerable to gun violence than children in other industrialized nations? Some would argue that it is because American children are watching movies and television programs that are disturbingly violent. Some say that our children are lacking in religious influences. Certainly, these may be factors, and we should do everything we can to steer our kids in the right direction, but if we are going to protect children's lives, we must first and foremost limit our children's access to guns.

I have repeatedly made the point that Canadian children, who play the same video games and watch the same movies are much safer than their American counterparts. The reason—Canadian laws successfully limit minors' access to firearms while American laws do not.

How else can one explain that during the year 1999 in Detroit, Michigan there were 337 homicides committed with firearms (Source: Michigan State Police). For the same year, in Windsor, Ontario, a city less than half a mile away from Detroit, there was just a single firearm homicide (Source: Windsor Police Services). In one year, 337 firearm homicides in Detroit versus one in Windsor, even though the children in these cities often listen to the same radio stations and watch the exact same television programs. That is a shocking statistic, one that should jolt this Congress to action. Unfortunately, to my great disappointment, this Congress will adjourn without doing a single thing to protect our children from gun violence in Detroit or anywhere else in America.

EXPLANATION OF ABSENCE

Mr. ROCKEFELLER. Mr. President, I was absent from the Senate on the morning of Friday, October 27, 2000, during the vote on the motion to proceed to consideration of the conference report accompanying H.R. 2415, which contains the pending bankruptcy reform legislation. I was unable to return to the Senate in time for this unscheduled vote due to a commitment Friday morning in Charleston, West Virginia. Had I been in attendance in the Senate during that vote, I would have voted to proceed to the bankruptcy legislation.

My vote would not have changed the outcome of the vote on the motion to proceed.

ADDITIONAL STATEMENTS

THELMA RIVERS CELEBRATES 115TH BIRTHDAY

• Mr. HOLLINGS. Mr. President, it is with great pleasure that I recognize South Carolina's Thelma Frazier Rivers who will celebrate her 115th birthday on Nov. 3. Mrs. Rivers was born in Darlington County in 1885 and now lives in nearby Timmonsville in Florence County. She and her late husband, Horace, had 22 children and many of them, as well as plenty of grandchildren and great-grandchildren, will help her celebrate this remarkable occasion. Throughout her life, Mrs. Rivers has enjoyed working in her yard and serving at her church, Bethlehem Baptist, in Timmonsville. She was blessed with a beautiful singing voice which she has passed down to her children and grandchildren. She also has a flair for any kind of handiwork, including quilting, and she still enjoys sewing. ''Everyone in Timmonsville knows Thelma,'' one of her daughters explained, and rightly so; Mrs. Thelma Rivers is truly a treasure. My wife, Peatsy, and I wish her continued health and happiness and the most joyful of birthdays.•

TRIBUTE TO KENNERLY ELEMENTARY SCHOOL

• Mr. ASHCROFT. Mr. President, I rise today to congratulate Kennerly Elementary School, in St. Louis, MO. Kennerly is one of nine schools to be named recently to the 2000 National Schools of Character in recognition of its exemplary work to encourage the social, ethical and academic development of its students through character education.

Sponsored by the Character Education Partnership, National Schools of Character is an annual awards program recognizing K–12 schools and districts demonstrating outstanding character education initiatives and yielding positive results in student behavior, school environment, and academic performance. Kennerly exemplifies its school motto ''Friends Learning Together'' by involving students, teachers, parents, and the community. Included in Kennerly's character education programs are a Character Plus Team, a Character Club, and a Character Cabinet.

As a strong supporter of character education, I am pleased to see that Kennerly's Character Education program has produced great results, both in academics, and in the social climate of the school. Academic performance has increased, and discipline problems have decreased. I have fought to increase the amount of funding available for character education because schools like Kennerly have demonstrated that character education

programs increase the value of education for all our children and enhance our communities. It is truly a privilege for students to attend schools like Kennerly.

So, I extend my congratulations to Kennerly Elementary School in St. Louis, Missouri, for its outstanding character education programs.●

IN RECOGNITION OF PROJECT ACORN

● Mr. TORRICELLI. Mr. President, I rise today to salute the charitable efforts of Project Acorn, a non-profit organization that works to place and fund children in two-year preschool scholarship programs. What started out as Stuart and Jill Lasser's individual act of kindness has become an expanded effort throughout Morris County and now across New Jersey to help families who cannot afford quality preschool education. The couple's lofty objectives and hard work enabled the organization to flourish over the past five years through partnerships with benefactors, volunteers, and area preschools.

Education has been, and continues to be, the cornerstone of opportunity and advancement in American society. Preschool education provides the foundation and many of the basic tools that children need to succeed. Study after study has shown a direct correlation between high-quality early childhood education and success in life. All of these studies on the effects of preschool education have shown higher short-term and long-term gains such as higher I.Q. scores and a greater likelihood of graduating from high school and college.

Project Acorn has provided hundreds of families with the critical resources necessary to place their children in a variety of preschool programs. These scholarships defray the costs of preschool education and thereby ''plant the seeds for a better community, one child at a time.''

Project Acorn has helped many young individuals in Morris County. It serves as an excellent example of what can be accomplished by concerned citizens who have identified an urgent need within their community, and it is an honor to recognize their vision and compassion.●

U.S. CAPITOL POLICE OFFICER OLIVER ANDERS RETIRES

● Mr. COCHRAN. Mr. President, the Senate will be diminished considerably when one of my favorite U.S. Capitol Police Officers, Andy Anders, retires at the end of this month.

When I first met Andy, the day I was sworn in as a Senator, he was one of the so-called Fearless Five. Those were the officers who were stationed just outside the entrance to the Senate chamber near the elevators. That was his post for 19 years.

Even though he is called Andy, his real name is Oliver Anders. His hometown is Greer, South Carolina, and the first vote he ever cast was for Senator STROM THURMOND. As you can see, Andy is a man of very good judgment.

For the last five years Andy has been assigned to the fourth floor of the Capitol outside the Senate Security spaces. He is one of the most trusted and dependable members of the U.S. Capitol Police force.

He is also a well informed student of American history. When I learned he planned to visit my State during his vacation several years ago, I suggested some special sites for him to see in Vicksburg, Natchez and Jackson. My Administrative Assistant, at that time, Wiley Carter, who was also a great friend and admirer of Andy, went with him to the State Capitol and introduced him to the Speaker of the State House of Representatives and other officials and also arranged a tour of the Governor's Mansion. Of course, Andy enjoyed all of this special attention. But, he deserved it.

We don't do enough in my opinion for those who work hard and faithfully every day to make the Senate a safe and secure place to work. Since he began his career with the U.S. Capitol Police on November 4, 1974, Oliver Anders has been one of those you could always count on to be at his post, carrying out his important responsibilities, with a smile and kind greeting for all Senators, and their constituents.

We will miss him greatly, but we won't forget him or the excellent way he performed his duties. I wish him much happiness and satisfaction in the years ahead.●

35TH ANNIVERSARY OF VISTA

● Mr. ROCKEFELLER. Mr. President, I am very proud that VISTA is celebrating its thirty-fifth anniversary this year. VISTA is special for me because it was my work in VISTA that brought me to West Virginia and changed the course of my career.

Because of my work in Emmons, WV, as a VISTA worker, I decided to make West Virginia my home and public service in government my life. In Emmons, I worked for a community center, preventative health care, and fought to get a school bus so those teens would get a high school education. From the grassroots, I learned how government can improve the quality of life in a community. I pursued a career in government, beginning with a seat in the West Virginia House of Delegates. My work in Emmons was very meaningful, and it changed me. I have stayed in touch with the people of Emmons and joined them this summer to celebrate the community finally getting clean water.

I have also stayed in touch with VISTA and was delighted to participate in the VISTA anniversary events, as many former VISTA workers did.

Mr. President, I ask to print in the RECORD, the remarks of John E. Gherty, president and CEO of Land O' Lakes, Inc., and more importantly a former VISTA worker. His remarks outline the history of VISTA and capture its vision for the future.

The remarks follows:

OCTOBER 13, 2000

Good afternoon, and thank you for the opportunity to be with you to celebrate the 35th anniversary of VISTA—now a proud part of AmeriCorps.

I wanted to participate in this celebration for a couple of very important and very personal reasons.

First, because I truly believe in the principles behind VISTA and AmeriCorps. I take considerable pride in the program's 35 years of accomplishment—and in my own participation some 32 years ago. I'll tell you more about that in just a few minutes.

My second reason for being here is even more personal. It's because the youngest of my three daughters, ten-year-old Katherine, told me it was important for me to be here. Let me explain.

Originally, I thought I might be addressing this group on the weekend, and that I might bring Katherine with me. One evening about six weeks ago, I got home somewhat late and went up to her room to say goodnight. It seemed like the right time to ask her if she would like to take a trip to Washington, DC.

Like most ten-year-olds, she responded with a question of her own. ''What for?''

I told her I was considering speaking to a group called AmeriCorps, which was the successor to VISTA.

Her response—and you parents will understand this, was another question of her own—''What's AmeriCorps or VISTA do?'' I told her it was an organization formed to help people in need in the United States—and that it dealt with issues like poverty, hunger, health care and housing.

Her eyes lit up with understanding, and without hesitation, she said ''Dad, you should go.''

I tell you this story because I believe Katherine's almost instant understanding serves to reinforce the fundamental importance and value of what each of you has accomplished or is committed to accomplishing as VISTA alumni and AmeriCorps participants.

This afternoon's program brings together a unique mix of new AmeriCorps/VISTA participants and VISTA alumni.

As one of those alumni, I have a message for all of the new participants. What you accomplish during today's working sessions, and the work you put in during the coming year, will make a difference.

It will make a difference not just in the lives of those who benefit from the services you develop and provide—but in your lives as well.

That, in fact, is what this three-day celebration is all about . . . recognizing the ongoing difference VISTA has made in the lives of the millions of people who have been served by its programs, as well as in the lives of the 130,000 VISTA alumni who delivered those programs.

Let me take just a few minutes to reflect on my own VISTA experience.

I remember when President Kennedy announced the formation of the Peace Corps

back in 1962. I was a student at the University of Wisconsin . . . an institution rightfully known for the quality of its education and the strength of its activism.

I recall being impressed with the concept of the Peace Corps, and being convinced it was something I wanted to do once I finished school. After graduating from business school and entering law school, I was even more convinced that public service was not only a personal opportunity, but—quite simply—just the right thing to do.

It was at about that time that VISTA—then referred to as ''The Domestic Peace Corps''—was formed.

When I completed law school, I sought out public service opportunities and was offered the chance to serve with the Peace Corps in Ethiopia or Botswana. I felt very strongly, on a personal level, about the importance of giving a priority to addressing our needs here at home. So, I focused my energies on becoming part of VISTA.

I soon found myself—fresh out of law school at the University of Wisconsin and not really that far removed from my family's Western Wisconsin farm—on my way to Chicago to work out of the Henry Booth House, which was part of Hull House, in the Ickes public housing development on Chicago's South Side.

How much of a culture shock was that? For those of you who aren't familiar with the South Side of Chicago, Folk singer Jim Croce—in his song ''Bad Bad LeRoy Brown''—referred to the area as ''the baddest part of town.''

On the surface, that was a pretty apt description. It was a tough, poverty-stricken, inner-city neighborhood, where Black Power was an influential and powerful force—and for good reason.

It was a pretty challenging environment for a fresh-out-of-school, Caucasian, farm-kid from Wisconsin. I can tell you truthfully that there was considerable community skepticism regarding my intentions and my motives.

As you can imagine, my VISTA involvement proved to be a truly eye-opening experience.

It was also tremendously rewarding, knowing that I was contributing to the future of what I came to think of as my South Side community—that I was helping to establish programs and services that would continue to benefit the neighborhood after I was gone.

It was also a significant learning experience. In fact, I am absolutely convinced that my personal VISTA ''take-aways'' matched, and probably even exceeded, what I gave to the program.

When I think about what I learned during my VISTA involvement, five things come to mind almost immediately:

The absolute importance of taking responsibility and creating opportunity;

The essential role of teamwork and team building;

The importance of building effective alliances;

The strength that can be found in diversity; and

The need to identify leaders and build leadership skills.

These were critical elements in my ability to fulfill my role with VISTA ... and over the years I have found them to be the critical building blocks for success, no matter what the endeavor or organization.

Let's look at these five concepts—starting with the importance of taking responsibility and creating opportunity.

My VISTA involvement taught me that, to truly succeed, you must take personal responsibility for getting the job done. I saw the importance of sizing up the issues and—in an environment where there were not a lot of rules or precedents to follow—taking the initiative in ways that made a difference.

My participation in VISTA also taught me that long-term success depends on the ability to create opportunity. The success of VISTA programming is not based on ''handsouts,'' it's based on creating opportunities for people to better themselves.

I can guarantee—from personal experience on Chicago's South Side—that given the opportunity to succeed, and even the slightest bit of sincere encouragement, people will take advantage of it.

For example, when I arrived at the Ickes public housing development back in 1968, food prices and food quality were significant issues. Poverty and mobility limited residents' choices.

Working with community residents, we formed a volunteer-led food buying club focused on bringing higher-quality, fairly priced groceries into the neighborhood.

Very quickly we had a crew of volunteers in each building taking weekly grocery orders from fellow residents and additional volunteers turning their apartments into food distribution centers.

We were able to leverage our volunteer force and our increased buying power to make higher-quality groceries available at better prices. Just as important, perhaps, the residents had a new sense of self-esteem—of knowing they could take control—that they could have a say in community quality of life.

The program gave them the opportunity to succeed and they took advantage of it.

VISTA also gave me new insight into the importance of teamwork and team building. I learned that one of the first elements in being successful at anything is to recognize that you simply cannot do it all alone.

In VISTA, I quickly recognized the importance of going out into the community and identifying the team players—those with the skills, the commitment and the spirit to get the job done—and getting them on your team.

I also learned a great deal about the importance of building effective alliances—and that sometimes you find strong allies where you least expect them.

Going back to the issue of food quality and prices. There was a particular grocery chain which was taking advantage of its location and the limited resources of neighborhood residents. High prices and very poor quality meat and produce were the rule—not the exception.

In our wisdom—or perhaps our ignorance—our VISTA team decided to organize a picket line at the store to bring attention to its shortcomings. It was a tense situation, and we actually feared for our safety and that of the residents who were supporting us.

At that same time, a gang called The Blackstone Rangers—known for years as an intimidating ''take no prisoners'' organization—was making a real effort to change their image. The most outward signs of that effort were their donning of distinctive red berets and the changing of their name to the Peacestone Rangers.

Well, they decided to make our cause their cause—and with these allies on the picket line, the balance of power shifted in the community's favor.

My VISTA involvement also taught me the strength that can be found in diversity. I learned that by bringing together people of different cultures, different viewpoints and different skills in pursuit of common goals, you can being even greater force to bear on those goals.

I also learned that when you are getting your hands dirty in pursuant of a common goal, people very quickly forget whether you are white, black, young or old, from the farm or the city.

Once you roll up your sleeves and get down to the task at hand—diversity is not a problem, it is a powerful problem-solving tool.

Finally, VISTA taught me a lot about leadership. I'm not talking just about how to best exercise my own leadership role—but also about identifying existing and potential leaders and building leadership skills in the community.

I learned that to succeed, you must drive leadership skills throughout the organization—and you must give those new leaders responsibility and authority.

Believe me, I met lots of strong, effective leaders on Chicago's South Side. Some were single mothers with babies balanced on their hips, others were experienced organizers from the Reverend Jesse Jackson's Operation Breadbasket, and still others were elderly couples who had lived their entire lives in a neighborhood they refused to give up on. Yes, and some were even wearing the red berets of the Peacestone Rangers.

They were all different, but they all shared a vision, and an ability to motivate others in pursuit of that vision. They were true leaders—and our team of VISTA volunteers would have accomplished very little without them.

Were these important lessons?

I think all the VISTA participants from the past 35 years would agree that the lessons they learned in VISTA—the insight they gained and the skills they honed while serving the community—helped prepare them for success, no matter what course their lives took.

To this day—more than 30 years later—my own service with VISTA continues to have an impact on my life and my career.

I continue to believe with a passion that corporate social responsibility is absolutely non-negotiable. No matter what business you are in—the recognition of corporate social responsibility must be part of your core values and an essential element in your organizational vision.

And, I'm not just talking about corporate and foundation giving—or the encouragement of community service and volunteerism. I'm also talking about the way you treat employees, customers and owners; the ethics and values you bring to your business practices; the respect you show for the environment.

That's why, at the company I work for today—Land O'Lakes—we have included being our customers' first choice; our employees' first choice; responsible to our owners; and a leader in our communities as critical elements in our vision of being one of the best food and agricultural companies in the world.

Our extended vision statement states clearly that—We recognize our responsibilities to the communities in which we operate. And that we will be proactive in dedicating resources to build a better quality of life, operate in an ethical and environmentally sensitive manner and live by our values.

What about our internal community—our employees? Again, in our vision, we state clearly that ''We believe in respecting diversity and in encouraging teamwork, involvement, development and empowerment of all employees.

What does all this sound like? It sounds very much like my personal takeaways from VISTA—taking responsibility; creating opportunity; building teams, teamwork and effective alliances; and developing leaders and leadership.

In just a few minutes, you are going to break into work groups and tackle the task of developing Pilot AmeriCorps VISTA projects for 2001 and beyond.

I urge you to be aggressive and ambitious in those deliberations. To recognize that, in a time of what many call unprecedented prosperity—there is still significant poverty in America. In fact, approximately 32 million Americans—one in nine—live on incomes below the poverty level.

I believe today's combination of prosperity and poverty makes each and every American's social responsibility even more demanding.

We must ask ourselves, in a nation as prosperous as ours:

Why do children still go to school hungry?

Why are so many still homeless?

Why are so many citizens isolated from health care by economics or geography?

Why is quality education or training still out of the reach of so many individuals desperately trying to better themselves?

In short, we must ask ourselves the tough questions—and then come up with the right answers—the programs it will take to address these issues—the programs that will close the gap between prosperity and poverty.

No one is going to do it for us. We must each take this responsibility, first as individuals and then as part of larger communities and organizations. But then again, that's why you are all here—because you are willing to take that responsibility, to act in ways that can truly make a difference.

I applaud that willingness and, seeing the spirit in this room, I am confident what you are doing will make a significant difference in communities across America.

Since we are meeting in our nation's Capitol, I'd like to close my remarks with a comment from a speech by former President Woodrow Wilson.

''You are not here merely to make a living. You are here in order to enable the world to live more amply, with greater vision, with a finer spirit of hope and achievement.

You are here to enrich the world, and you impoverish yourself if you forget this errand.''

As VISTA celebrates 35 years of service, and embarks on year 36 as AmeriCorps VISTA, it is clear to me that the program and its people remain clearly focused on that task—on enabling the world to live more amply, developing a greater vision for all and generating a finer spirit of hope in communities across our nation.

Ultimately, the lives of each of you—and of the people you touch—will all be richer for it. I can guarantee it—and my daughter Katherine would agree.●

IN MEMORY OF DR. MICHAEL ASSEY

● Mr. HOLLINGS. Mr President, I rise today to remember one of South Carolina's finest doctors, Michael E. Assey, who passed away on October 28. A graduate of Georgetown University's School of Medicine, Michael joined the staff of the Medical University of South Carolina (MUSC) in 1979 and rose to the position of Professor of Medicine, Chief of Cardiology. In 1998, he was named to the ''Best Doctors in America'' list. He served as governor of the American College of Cardiology and as president of the S.C. affiliate of the American Heart Association. Michael also authored numerous medical articles and medical textbook chapters. While at MUSC, he received the prestigious Golden Apple Award for excellence in teaching. The President of MUSC, Raymond Greenberg, said, ''his professional legacy lies in the generation of young doctors who, as Michael Assey's students, not only learned clinical skills, but compassion and commitment.'' With Michael's passing, the Medical University has lost a great doctor and great teacher and South Carolina has lost a great man. My wife, Peatsy and I send our thoughts and prayers to Michael's devoted wife, Valerie, and their two children.●

MESSAGE FROM THE HOUSE

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 30, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2000, he had presented to the President of the United States the following enrolled bills:

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado.

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–11369. A communication from the Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report on audit and investigative activities for fiscal year 2000; to the Committee on Governmental Affairs.

EC–11370. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on October 26, 2000; to the Committee on Governmental Affairs.

EC–11371. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, a report concerning the inventory of commercial activities; to the Committee on Governmental Affairs.

EC–11372. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Closed Captioning Requirements for Digital Television Receivers'' (ET Docket No. 99-254, FCC 00-259) received on October 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11373. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2 and 87 of the Commission's Rules Regarding the Radionavigation Service at 31.8-32.3 GHz (ET Docket No. 98-197)'' (ET Docket No. 98-197, FCC 00-353) received on October 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11374. 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 ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days'' (I.D. 100300B) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11375. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting,

pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Removal of Commercial Haddock Daily Trip Limit'' received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11376. 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 ''Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures. Emergency Rule'' (RIN0648-AO67; I.D.091100A) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11377. A communication from the Acting Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Coastal Ocean Program: General Grant Administration Terms and Conditions of the Coastal Ocean Program'' (Docket No. 000817236-01) received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11378. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to pilot records; to the Committee on Commerce, Science, and Transportation.

EC–11379. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Final Indirect Cost Rates'' received on October 26, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11380. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department to Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Exemption From Premarket Notification; Class II Devices; Triiodothyronine Test System'' (Docket No. 00P-1280) received on October 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11381. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department to Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Labeling for Menstrual Tampon for the ''Ultra'' Absorbency'' (Docket No. 98N-0970) received on October 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11382. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program (Cohort Default Rate)'' (RIN1845-AA17) received on October 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11383. A communication from the Acting Assistant General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Special Leveraging Educational Assistance Partnership Program'' (RIN1845-AA18) received on October 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–631. A petition from a citizen of the State of Texas relative to the ''Latino and Immigrant Fairness Act of 2000''; to the Committee on the Judiciary.

POM–632. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to ''The Mighty Eighth Air Force Week''; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 119

Whereas, formed and dispatched to England in 1942, the Eighth Air Force became the largest military unit in World War Ii, with more than 350,000 personnel; and

Whereas, the Eighth Air Force, which has become known as ''The Mighty Eighth,'' continues to this day as an operational combat unit, having been served by more than 1 million men and women in war and peace; and

Whereas, not a single Mighty Eighth Air Force mission was ever turned back due to enemy resistance; and

Whereas, more than 26,000 men and women who served with the Mighty Eighth Air Force were killed in action, and more than 28,000 prisoners of war and countless veterans are still missing; and

Whereas, during the week of October 8 through 14, 1943, the Mighty Eighth Air Force lost 148 heavy bombers to enemy resistance over the skies of Europe; and

Whereas, despite significant losses, this period is credited as a turning point for the continuation of daytime strategic bombing over Europe; and

Whereas, the Eighth Air Force Historical Society holds its annual reunion each October; and

Whereas, more than 20,000 Eighth Air Force Historical Society members seek to inform younger generations of the contributions and sacrifices of all veterans; and

Whereas, each year during the week of October 8 through 14, Mighty Eighth Air Force veterans and friends display items in memory of fellow veterans and those men and women who made the supreme sacrifice; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to proclaim and designate the week of October 8 through 14 this year and each year hereafter as ''The Mighty Eighth Air Force Week''; and be it further

Resolved, That copies of this resolution be transmitted to the President of the Untied States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–633. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to the Balanced Budget Act of 2000; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 204

Whereas, Medicare was enacted in 1965 as a social insurance program providing health care benefits to older Americans and individuals with disabilities; and

Whereas, the program serves 39 million beneficiaries nationwide; and

Whereas, there are currently 2,129,756 Medicare eligible citizens in the Commonwealth of Pennsylvania and 589,070 Medicare HMO enrollees; and

Whereas, the Balanced Budget Act of 1997 ensures the financial health of the Medicare program until 2008; and

Whereas, the Balanced Budget Act of 1997 created the Medicare Plus Choice program to expand managed care options for beneficiaries and protect health care access, affordability and quality; and

Whereas, the implementation of the Medicare Plus Choice program has been carried out as intended by Congress; and

Whereas, six of the 13 Medicare insurers in Pennsylvania have announced that they will terminate their Medicare contracts completely or reduce their counties served in 2001 because of inadequate Medicare payment rates and methodology as well as program overregulation; and

Whereas, approximately 58,000 beneficiaries in 29 counties will be impacted, resulting in a 10% decrease in the number of Medicare eligible HMO enrollees; and

Whereas, several Medicare insurers have announced plans to reduce benefit levels and increase premiums in 2001 in response to inadequate payment rates and methodology as well as program overregulation; and

Whereas, hospitals and health systems in Pennsylvania are facing a $3.6 billion cut in Medicare reimbursements, and more than four out of five hospitals are unable to cover operating expenses with patient revenues; and

Whereas, inadequate Medicare payments as a result of the Balanced Budget Act of 1997 are directly impacting beneficiaries' ability to retain health care coverage and choose their healthcare plan; and

Whereas, in light of an anticipated Federal budget surplus, Congress has an opportunity to ensure that the original goals of the Medicare Plus Choice program are achieved and that Medicare beneficiaries have access to affordable, quality health care in their communities; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge Congress to enact additional Balanced Budget Act relief in 2000 through adequate payments to Medicare insurers and Medicare providers.

POM–634. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the strengthening of the Medicare+Choice program; to the Committee on Finance.

HOUSE RESOLUTION NO. 609

Whereas, the Congress of the United States created the Medicare+Choice program under the Balanced Budget Act of 1997; and

Whereas, the intent of Congress in creating Medicare+Choice was to allow beneficiaries to have access to a wide array of private health plan choices in addition to traditional fee-for-service Medicare; and

Whereas, at the end of 1999, more than 560,000 Pennsylvanians were enrolled in a Medicare HMO; and

Whereas, in late July 2000, the Health Care Financing Administration (HCFA) released information on Medicare HMO contract renewals, service area reductions and terminations; and

Whereas, in Pennsylvania, these changes will affect approximately 90,000 beneficiaries Statewide; and

Whereas, almost 15,000 of these individuals must return to the Medicare fee-for-service program since there is no other Medicare HMO available in their county of residence; and

Whereas, given the losses Medicare HMOs have experienced over the past several years, the number of HMOs serving Medicare beneficiaries continues to decline; and

Whereas, the Medicare Payment Advisory Commission (MEDPAC) does not support

raising the Medicare+Choice floor payment rate to slow the rate of health plan departures from the program; and

Whereas, Medicare+Choice plans are not receiving adequate resources to provide beneficiaries the benefits they need and deserve; and

Whereas, Medicare beneficiaries value the high quality, affordable health care coverage they receive through Medicare+Choice plans; therefore be it

Resolved, That the House of Representatives memorialize Congress to enact legislation which strengthens the Medicare+Choice program by reducing administrative requirements in the program, increasing payment rates to HMOs to a level which accurately reflects the costs of providing benefits to recipients in the program and providing for prescription drug coverage; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–635. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the Health Care Financing Administration; to the Committee on Finance.

HOUSE RESOLUTION NO. 617

Whereas, over a half million senior citizens across the Commonwealth of Pennsylvania have been severely affected by the problems of Medicare HMO withdrawals, increases in premiums and decreases in benefit packages effective January 1, 2001; and

Whereas, this year 65 managed care companies chose not to renew their Medicare+Choice contracts for 2001; and

Whereas, seniors on fixed incomes who rely on their Federal and State Governments to provide them with some measure of health care protection are now facing extreme uncertainty; and

Whereas, approximately 577,000 Pennsylvania seniors who are members of a Medicare HMO are facing substantial plan coverage changes effective January 1, 2001; and

Whereas, ninety thousand of these seniors in 38 counties across this Commonwealth are being dropped from their HMOs; and

Whereas, thousands of seniors living in a county from which their Medicare HMO is not withdrawing may be dropped from their plan because their county code for Social Security purposes or their zip code, or both the county code and zip code, is identified as being in the neighboring county from which the Medicare HMO is withdrawing; and

Whereas, many of these seniors may not have received information that they need to ensure that these county code or zip code or both code problems are corrected, and other seniors are consistently receiving misinformation from their Medicare HMO regarding the status of their coverage as of January 1, 2001; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Health Care Financing Administration and health insurers withdrawing their Medicare HMO coverage in any county within Pennsylvania to take immediate steps to ensure that subscribers who live in a county that is not impacted by the insurer's withdrawal are not mistakenly dropped from their plan; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Health and Human Services, the members of Congress from Pennsylvania, the Secretary of Aging of the Commonwealth, the Insurance Commissioner of the Commonwealth and each health insurer offering Medicare HMO coverage in Pennsylvania.

POM–636. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Food and Drug Administration; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 215

Whereas, several committees of the Senate of the Commonwealth of Pennsylvania have conducted hearings throughout this Commonwealth attempting to ascertain the casual factors behind the rising costs of prescription drugs as well as the enormous impact on both private and government purchasers; and

Whereas, in recent years the cost of prescription medication has climbed at an astonishing rate, due in part to increased utilization spurred by advertising and promotional activities comparable to Hollywood's finest productions; and

Whereas, the FDA, under the purview and guidance of the Clinton Administration, eliminated necessary restrictions on drug advertising, thereby ending decades of consumer protection; and

Whereas, the FDA, with the consent of the Clinton Administration, allowed these dangerous and wasteful practices to commence, making the United States the only country in the world that allows direct-to-consumer advertising of prescription drugs; and

Whereas, Citizens for consumer Justice, a Statewide consumer group, indicates that these promotions and advertisements, not research and development, are the pharmaceutical industry's fastest growing expenditure; and

Whereas, such increased advertising has been shown to be effective in increasing market share since ten of the most heavily advertised drugs account for almost 25% of total drug expenditures; and

Whereas, the top 25 direct-to-consumer advertised drugs posted sales growth totaling 43.2% in 1999 alone, and such growth clearly exceeds the 13% growth posted by other nonmarketed drugs; and

Whereas, increased advertising can create a demand for the product rather than an actual medical need; and

Whereas, grave problems can arise when increased use is merely the result of increased marketing with no corresponding improvement in health; and

Whereas, it appears that increased marketing may prove to be a more profitable investment for manufacturers than further research and development; and

Whereas, in 1999 pharmaceutical companies spent 33 times as much in the direct-to-consumer advertising as they did in 1993, causing expenditures to rise from $55 million to more than $2 billion; and

Whereas, prescription drugs are now the fastest growing segment of health care spending, rising 18% from $79 billion in 1997 to $93.4 billion in 1998; and

Whereas, in 1999 spending rose 19% from the previous year, and comparable increases are expected to occur in future years; and

Whereas, an industry representative testified that the introduction of a generic product immediately lowers a drug's price by 30% to 80%; and

Whereas, the Federal Trade Commission has alleged that some pharmaceutical companies have paid generic drug manufacturers to forego or delay manufacturing of certain medications; and

Whereas, consumers in the United States pay more for the same medication than consumers in other countries as a result of these practices; and

Whereas, the runaway cost of prescription medications affects all Americans, not just Pennsylvanians or the elderly; and

Whereas, constant bombardment of drug advertisements has the potential to have a serious negative effect on children by giving them the distorted message that the consumption of drugs is a desirable behavior which resolves all of life's difficulties, which message is counterproductive at best and counteracts government and community-based efforts to prevent tobacco, alcohol and drug abuse by children; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania implore the Congress of the United States to review the actions of the FDA, whose marketing guidelines appear to promote and advance the best interests of the drug companies and their advertising outlets rather than the American consumer; and be it further

Resolved, That the Congress and the FDA move to prohibit direct consumer marketing or in the alternative to impose tighter restrictions; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the presiding officers of each house of Congress, each member of Congress from Pennsylvania and the Commissioner of the Food and Drug Administration.

POM–637. a joint resolution adopted by the General Assembly of the State of Rhode Island relative to the Reauthorization of the Individuals With Disabilities Education Act; to the Committee on Appropriations.

JOINT RESOLUTION

Whereas, The Congress of the United States twenty-five years ago enacted the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) with a commitment of forty percent (40%) federal funding of the costs of local school districts and states in carrying out the mandates of the Individuals with Disabilities Education Act (''IDEA''); and

Whereas, The Congress of the United States recognized in 1994 the Congressional ''commitment of forty percent (40%) federal funding'' and further recognized that it was only federally funded at the rate of eight percent (8%) (20 U.S.C. 6062); and

Whereas, The federal appropriation of $5 billion for the federal fiscal year ending September 30, 2000 is projected to fund only 12.7% of the cost of carrying out the mandate of IDEA and due to increasing costs, will probably provide even less than 12.7% federal funding; and

Whereas, Local school districts in Rhode Island and throughout the United States are mandated to meet the spiraling costs of carrying out the provisions of IDEA; and

Whereas, The failure of the Congress of the United States to fully fund its original commitment of forty percent (40%) federal funding has placed a severe burden upon local school districts to meet the costs of the federal mandate, resulting in an insufferable burden upon local taxpayers and diversion of funds from other education programs, thus lessening the quality of education; and

Whereas, It is time now, twenty-five years after the enactment of IDEA, that the Congress of the United States appropriate the funds necessary to fully fund its original commitment to provide forty percent (40%) federal funding of the costs of carrying out the provisions of IDEA; now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence

Plantations hereby memorializes the Congress of the United States during the reauthorization of the Individuals with Disabilities Education Act to fulfill the original commitment of the Congress of the United States to provide for forty percent (40%) federal funding to local school districts to carry out the mandates of the Individuals with Disabilities Education Act; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to: (1) each member of the Rhode Island delegation in the Congress of the United States; (2) the President of the United States; (3) the President of the Senate in the Congress of the United States; (4) the Speaker of the House of Representatives in the Congress of the United States; (5) the Chairman of the Health, Education, Labor and Pensions Committees in the Senate in the Congress of the United States; and (6) the Chairmen of the Education and the Workforce Committees in the House of Representatives in the Congress of the United States.

POM—638. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to independence from imported petroleum within five years; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 531

Whereas, Earlier administrations resolved to free the United States from dependence upon foreign oil by increasing Corporate Average Fuel Economy (CAFE) standards, promoting energy conservation and efficiency and developing renewable energy sources; and

Whereas, As headlines of oil crises fade into obscurity, so too have government actions to decrease United States reliance on petroleum products; and

Whereas, Tightening in oil markets and the spikes in gasoline and home heating oil prices offer new opportunities to focus on United States dependence upon petroleum imports and the need to find substitute energy sources and technologies; and

Whereas, Our day-to-day, pervasive dependence on foreign oil is ignored at great peril to our economic security; and

Whereas, The national security implications of the United States dependence upon foreign oil influences and foreign policy decisions affecting Israel, other Mideastern countries, Russia and China and many of the world hot spots are constrained by the United States tie to oil; and

Whereas, The United States Government and the United States military must blaze new territory and search new frontiers of knowledge and technology for energy independence that will provide security into the distant future; and

Whereas, Parochial interests must be set aside to invest in true energy security and to consider renewable energy sources that are unconstrained by resource depletion, availability and waste disposal problems in the United States; and

Whereas, The commitment needed to lead to energy independence is the same as that of government to sponsor investment in highways and space exploration, setting the direction for private enterprise to follow; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to recognize that energy security is a national security issue and that oil is a powerful weapon and to develop an energy strategy that promotes alternatives to imported petroleum to meet the goal of independence from foreign petroleum within five years; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–639. A resolution adopted by the House of the General Assembly of the State of Rhode Island relative to slave labor/forced labor discussions in Bonn and Washington; to the Committee on Foreign Relations.

HOUSE RESOLUTION

Whereas, Poland was attacked by the German Army on September 1, 1939; and

Whereas, Poland was attacked by the Soviet Army on September 19, 1939 and which joined forces with the German Army in celebration at Brest-Litovsk on the River Bug; and

Whereas, Poland was the object of the secret protocols of the Molotov-Ribbentrop Pact as slated for the unprecedented state sponsored program of ethnic cleansing by the Nazi's and the Soviets; and

Whereas, The Soviets deported nearly two million Poles to the Gulags and Siberia; and

Whereas, The Germans forced nearly 2.4 million Polish citizens from their homes to the German Third Reich Complex of nearly 7000 camps; and

Whereas, Chancellor Shroeder has acknowledged the failings of past settlements to provide equal compensation for all Polish citizens unlike the Russians who refuse to acknowledge any responsibility; and

Whereas, There are citizens of the United States that survived the German and Soviet Programs of Ethnic Cleansing against the Polish Nation; and

Whereas, President Clinton has named Deputy Secretary of the Treasury Stuart Eizenstat as Chairman of the State Department Negotiating Team for resolving the issue of the German Accountability to the victims of the Nazi work programs; and

Whereas, No Polish Americans representation was allowed at the current negotiations as a spokesman on behalf of Polish American survivors; and

Whereas, By reason of not permitting Polish American representation, the State Department has full responsibility for the current state of negotiations; and

Resolved, That Polish Americans' desire that the German Government bring closure to the living survivors of the Nazi atrocities; and be it further

Resolved, That the German Government and the German Industrial Complex which profited immensely from the slave/forced labor program make certain that this final settlement shall establish both an industrial and a Bundestag approved Government fund; and be it further

Resolved, That the German Government and German industry shall ensure that the industrial fund and the approved Bundestag fund combined or separately shall be comprehensive and sufficient in value to equally compensate all surviving victims of the Agrarian, Industrial, Municipal and Service slave/forced labor programs; and be it further

Resolved, That the State Department and Deputy Secretary of the Treasury has a mandate from Polish American survivors to make this final agreement fair, equitable and all inclusive; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit a duly certified copy of this resolution to the President of the United States, the Presiding Officers of both branches of government, and to Stuart Eizenstat Undersecretary of the Treasury and Chairman of the State Department negotiating committee for Holocaust Victims.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED:

S. 3261. A bill to provide for the establishment of an HMO Guaranty Fund to provide payments to States to pay the outstanding health care provider claims of insolvent health maintenance organizations; to the Committee on Finance.

By Mr. JEFFORDS:

S. 3262. A bill to amend the Communications Act of 1934 to make inapplicable certain political broadcasting provisions to noncommercial educational broadcasting stations; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for Mr. ASHCROFT):

S. 3263. A bill to designate a portion of the federal budget surplus to create and fund the Children's Classroom Trust Fund to increase direct education funding and expand local control of education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for Mr. ASHCROFT):

S. 3264. A bill to ensure that individuals with histories of mental illness and other persons prohibited from owning or possessing firearms are stopped from buying firearms by requiring instant background checks prior to making a firearms purchase, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. REED:

S. 3261. A bill to provide for the establishment of an HMO Guaranty Fund to provide payments to States to pay the outstanding health care provider claims of insolvent health maintenance organizations; to the Committee on Finance.

HMO GUARANTY ACT OF 2000

Mr. REED. Mr. President, I rise today to introduce legislation that I hope will help states which have been stricken by managed care plan failures to overcome the devastating effects of such an event on the health insurance sector.

Over the past several years, we have seen an alarming upswing in the number of HMO failures across the nation. According to Weiss Rating, Inc., the nation's only provider of financial safety ratings for HMO's, the number of HMO failures grew 78 percent between 1998 and 1999. Furthermore, Weiss found another 10 HMO's were at high risk of failure due to mounting losses and capital deficits. The growing financial instability we are seeing in the managed care market has serious ramifications for state insurance regulators, not to mention hundreds of

thousands of Americans who rely on these plans for their health care.

In light of this volatility in the health insurance market, I believe that the Federal Government can be a constructive and stabilizing force for states dealing with the aftermath of an HMO liquidation. The legislation I am introducing today would create a mechanism that would provide an added layer of protection for providers and subscribers when a participant in the health insurance market fails. Specifically, the bill establishes an HMO Guaranty Fund, which would be used to pay outstanding health care providers' claims for uncovered expenditures and to fulfill contractual obligations made prior to an HMO's bankruptcy. For those families left without health insurance, the fund would also subsidize temporary coverage for subscribers as they seek alternative sources of health insurance.

Many states have responded to a health plan insolvency and the unpaid bills they leave behind by creating a temporary fund designed to at least partially reimburse hospitals and providers for the expenses incurred during the course of providing care to patients. These guaranty funds are typically financed by levying a fairly sizable fee on the remaining health insurers in the state. While this may work in some cases, it is not necessarily appropriate in every circumstance. In other words, not every health care provider and subscriber has the opportunity to access this kind of guaranty fund.

For instance, when Harvard Pilgrim Health Plan of New England failed in my home state of Rhode Island, there was discussion of setting up just such a fund. However, the extremely small size of our insurance market and the few plans that remained in operation simply could not support a bailout of this magnitude. Fortunately, the Rhode Island Insurance regulator was able to reach an agreement with the Massachusetts parent organization of Harvard Pilgrim to pay outstanding provider and hospital claims. Unfortunately, other States might not be as lucky.

It is my view that the Federal Government may be better positioned than an individual State to spread the risk and the premiums required to subsidize the fund across health insurance plans operating around the country. Furthermore, it would also enable both ERISA and non-ERISA plans to be covered under a nationally-based standing fund.

I hope the legislation I am introducing today will mark the beginning of an ongoing discussion that will explore some of the issues surrounding the financial health of HMO's in this Nation. In closing, Mr. President, while it is unlikely that action will be taken on this legislation late in the session. I look forward to working with interested organizations as well as my colleagues to strengthen and enhance the legislation I submit today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3261

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 ''HMO Guaranty Act of 2000''.

SEC. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Board of Directors appointed under section 3(d).

(2) CONTRACTUAL OBLIGATION.—The term ''contractual obligation'' means an obligation by a health maintenance organization, under an agreement, policy, certificate, or evidence of coverage involving a covered individual and the organization, to pay or reimburse the covered individual (or a health care provider who provided items or services to the individual) for services provided prior to the declaration of the insolvency of the health maintenance organization, that remains unpaid at the time of such insolvency. Such term does not include claims by former employees, including medical professional employees, for deferred compensation, severance, vacation, or other employment benefits.

(3) COVERED INDIVIDUAL.—The term ''covered individual'' means an enrollee or member of a health maintenance organization.

(4) GUARANTY FUND.—The term ''Guaranty Fund'' means the Federal HMO Guaranty Fund established under section 3.

(5) HEALTH CARE PROVIDER.—The term ''health care provider'' means a physician, hospital, or other person that is licensed or otherwise authorized by the State to provide health care services, and that provided health care services to an enrollee of a health maintenance organization.

(6) HEALTH MAINTENANCE ORGANIZATION.—The term ''health maintenance organization'' has the meaning given such term by section 2791(b)(3) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(3)).

(7) HEALTH MAINTENANCE ORGANIZATION CONTRACT.—The term ''covered health maintenance organization contract'' means a policy, certificate, or other evidence of health care coverage that is issued by a health maintenance organization.

(8) INSOLVENT ORGANIZATION.—The term ''insolvent organization'' means a health maintenance organization that is declared insolvent by court of competent jurisdiction and placed under the control of a State Commissioner of Insurance for the purpose of liquidation.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Secretary of the Treasury.

(10) STATE.—The term ''State'' includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, or any agency or instrumentality thereof.

(11) UNCOVERED EXPENDITURES.—The term ''uncovered expenditures'' means the expenditures for the provision of health care services that are the obligation of a health maintenance organization that have not been paid by such organization and for which no alternative payment arrangements have been made.

SEC. 3. ESTABLISHMENT OF HMO GUARANTY FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the HMO Guaranty Fund to be used as provided for in this Act.

(b) AMOUNTS IN FUND.—

(1) IN GENERAL.—There shall be deposited into the Guaranty Fund—

(A) amounts collected under section 5(a);

(B) penalties collected under section 5(b); and

(C) earnings on investments of monies in the Guaranty Fund.

(2) INVESTMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Guaranty Fund that are not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

(B) AVAILABILITY OF INCOME.—Any interest derived from obligations held by the Guaranty Fund and the proceeds from any sale or redemption of such obligations, are hereby appropriated to the Fund.

(c) USE OF GUARANTY FUND.—Subject to section 4, amounts in the Guaranty Fund shall be used to make payments to a State—

(1) to pay the outstanding health care provider claims for uncovered expenditures, and to fulfill contractual obligations to covered individuals, with respect to an insolvent health maintenance organization; and

(2) to provide for a temporary continuation of health care coverage for covered individuals.

(d) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Guaranty Fund shall be administered by a Board of Directors to be composed of 9 individuals of which—

(A) three directors shall be appointed by the National Association of Insurance Commissioners from among individuals who serve as insurance regulators of a State;

(B) three directors shall be appointed by a national association which represents the health maintenance organization industry of all States (as determined by the Secretary) from among representatives of health maintenance organizations; and

(C) three directors shall be—

(i) the Secretary of the Treasury, or the designee of the Secretary;

(ii) the Secretary of Health and Human Services, or the designee of the Secretary; and

(iii) the Secretary of Labor, or the designee of the Secretary.

(2) TERMS, VACANCIES.—The members of the Board shall establish the terms of service of the members of the Board appointed under subparagraphs (A) and (B) of paragraph (1). Any vacancy in the Board shall not affect its powers, and shall be filled in the same manner as the original appointment.

(3) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Board who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The 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 services for the Board. Such expenses shall be paid from the Guaranty Fund.

(4) VOTING.—Each member of the Board shall have 1 vote. The Board shall set policy and decide all matters by a simple majority of the votes cast.

(5) CHAIRPERSON.—The Board shall elect a chairperson from among its members.

(6) MEETINGS.—The Board shall first meet not later than 30 days after the date on which all members are appointed under paragraph (1). Subsequent meetings shall be at the call of the chairperson. The Board may hold public hearings after giving proper notice.

(7) FIDUCIARY DUTY.—With respect to the members of the Board that are not appointed under paragraph (1)(A), in carrying out the duties of the Board such members shall have a fiduciary duty to the Guaranty Fund that shall supersede any duty to an employer or other special interest that the member may otherwise represent.

(8) LIMITATIONS ON LIABILITY.—A member of the Board shall not be liable, or in any way responsible, for the obligations of the Guaranty Fund.

(e) DUTIES.—The Board shall—

(1) administer the Guaranty Fund;

(2) adopt bylaws that permit the Board to enter into contracts to receive contributions and make distributions in accordance with this Act;

(3) establish the application criteria and materials necessary to enable a State to submit an application to the Guaranty Fund;

(4) review and make determination on applications received under section 4(b); and

(5) carry out other activities in accordance with this Act.

SEC. 4. EXPENDITURES FROM THE GUARANTY FUND.

(a) IN GENERAL.—The Guaranty Fund shall be used to make payments to a State to enable such State to pay the claims of health care providers for health care services provided to covered individuals prior to the declaration of insolvency of a health maintenance organization and to provide for a temporary continuation of health care coverage for such individuals.

(b) PROCEDURE.—

(1) IN GENERAL.—Upon the declaration by a court of competent jurisdiction that a health maintenance organization is insolvent, the official responsible for regulating health insurance in the State in which the declaration is made may submit an application to the Guaranty Fund for payment under this Act.

(2) CONTENTS OF APPLICATION.—An application submitted by a State under paragraph (1) shall include the following:

(A) LIQUIDATION OF ASSETS AND RETURN OF UNUSED FUNDS.—The application shall contain an accounting of amounts received (or expected to be received) as a result of the liquidation of the assets of the insolvent organization.

(B) FUND AMOUNT.—The application shall contain a request for a specific amount of funds that will be used for the uncovered expenditures and contractual obligations of an insolvent organization.

(C) UNCOVERED EXPENDITURES.—The application shall contain an estimate of the aggregate number of uncovered individuals and aggregate amount of uncovered expenditures with respect to the insolvent organization involved.

(D) CONTINUATION COVERAGE.—The application shall contain an estimate of the aggregate amount of funds needed to provide continuation coverage to uncovered individuals.

(c) CONSIDERATION BY BOARD.—Not later than 30 days after the date on which the Guaranty Fund receives a completed application from a State under subsection (b), the Board shall make a determination with respect to payments to the States.

(d) LIMITATION.—The aggregate amount that may be paid to a State under this section with respect to a single uncovered individual shall not exceed $300,000.

(e) USE FOR CONTINUATION COVERAGE.—

(1) IN GENERAL.—A State may use amounts provided under this section to provide for the continuation of health care coverage for an uncovered individual through a health maintenance organization or other health care coverage that has been determined appropriate by the official responsible for regulating health insurance in the State in collaboration with the Board.

(2) LIMITATION.—The period of continuation coverage with respect to an uncovered individual under paragraph (1) shall terminate on the earlier of—

(A) the date that is 1 year after the date on which the health maintenance organization was declared insolvent; or

(B) or the date on which the contractual obligation of the health maintenance organization to the individual was to terminate.

(f) REPAYMENT OF FUNDS.—The State shall repay to the Guaranty Fund an amount equal to—

(1) any amounts not utilized by the State on the date on which the liquidation of the insolvent organization is completed; and

(2) any amounts recovered through liquidation that have not been accounted for in the application of the State under subsection (b)(2)(A).

SEC. 5. CONTRIBUTIONS TO THE GUARANTY FUND.

(a) ASSESSMENT ON HEALTH MAINTENANCE ORGANIZATIONS.—

(1) IN GENERAL.—Not later than January 1, 2001, and every 6 months thereafter, each health maintenance organization that is licensed by a State to provide health care coverage shall pay to the Guaranty Fund an amount to be determined in accordance with an assessment schedule to be established by the Secretary not later than 180 days after the date of enactment of this Act.

(2) DEFERMENT.—The Board, after consultation with the official responsible for regulating health insurance in the State involved may exempt, abate, or defer, in whole or in part, the assessment of a health maintenance organization under paragraph (1) if the organization demonstrates that the payment of the assessment would endanger the ability of the organization to fulfill its contractual obligations or place the organization in an unsound financial condition.

(3) PROHIBITION.—A health maintenance organization shall not adjust the amount of premiums paid by enrollees to account for the assessment paid under paragraph (1).

(b) FAILURE TO PAY.—A health maintenance organization that fails to pay an assessment under subsection (a)(1) within 30 days after the date on which such assessment was to be paid shall be subject to a civil penalty in an amount not to exceed $1,000 per day.

SEC. 6. STATE PREEMPTION.

(a) IN GENERAL.—Nothing in this Act shall be construed to preempt or supersede any provision of State law that establishes, implements, or continues in effect any standard or requirement relating to health maintenance organizations.

(b) DEFINITION.—In this section, the term ''State law'' means all laws, decisions, rules, regulations or other State actions that have the effect of law.

By Mr. JEFFORDS:

S. 3262. A bill to amend the Communications Act of 1934 to make inapplicable certain political broadcasting provisions to noncommercial educational broadcasting stations; to the Committee on Commerce, Science, and Transportation.

THE PUBLIC BROADCASTING INTEGRITY ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Public Broadcasting Integrity Act of 2000, legislation that would make the Federal Communications Act's political broadcasting provisions inapplicable to noncommercial educational broadcasting stations.

I believe the current law is well-intentioned to serve the public interest by allowing federal candidates to communicate their views to the general public. However, these provisions are having some unfortunate side effects as federal candidates are exploiting loopholes in the Act to the detriment of public broadcasting. Many Vermonters and my colleagues have seen in recent news reports that public radio and television stations are being forced to give free, uncensored air time to any Federal candidate under provisions of the Federal Communications Act. As a strong supporter of public radio and television, I find this phenomenon disturbing.

I an concerned that this valuable public resource is being commandeered and exploited as a way to get free advertising. Unlike commercial stations, public radio and television are heavily dependent on listener contributions. Many of these listeners are reconsidering their future financial support of these stations if this loophole is not closed and programming is replaced by a flood of political advertising. It seems inevitable that the number of candidates using this avenue will increase dramatically in the next federal election unless we make this minor but important legislative correction.

Mr. President, we can not allow this to happen which is why I am introducing this bill today. I believe this narrowly tailored legislation will close this loophole and preserve the integrity of public broadcasting. I call on my colleagues to join me and support this legislation.

By Mr. LOTT (for Mr. ASHCROFT):

S. 3264. A bill to ensure that individuals with histories of mental illness and other persons prohibited from owning or possessing firearms are stopped

from buying firearms by requiring instant background checks prior to making a firearms purchase, and for other purposes; to the Committee on the Judiciary.

THE RECORDS ACCESS IMPROVEMENTS ACT OF 2000

Mr. ASHCROFT. Mr. President, issues surrounding possession and ownership of firearms have been some of the most divisive in this legislative session and political season. Americans hold a wide range of differing opinions regarding gun rights and responsibilities, and the proper balance of those rights against the need for public safety. But, despite the larger differences, most Americans agree that there are common sense actions that can be implemented to protect the rights of law-abiding citizens while preventing those with criminal records or histories of violent behavior from access to firearms.

I support the provision in federal law that prohibits certain people from owning or possessing firearms. Under current law, certain categories of persons are unable to purchase guns. These include felons, fugitives from justice, illegal aliens, the mentally incompetent, and persons convicted of crimes of domestic violence. These proscriptions protect law-abiding citizens from those who have demonstrated they cannot use firearms responsibly. This law protects law-abiding gun owners because the fewer people who criminally misuse guns, the less sentiment that there will be to impose more restrictions on lawful gun owners.

In 1994, the Congress passed the Brady Handgun Violence Prevention Act that instituted a system to check whether a prospective gun purchaser, prior to the transfer of a firearms, is ineligible to possess a gun because he or she falls into one of the nine prohibited categories. The permanent phase (phase II) of the Brady Act—that went into effect November 30, 1998—requires an instant background check be done on the buyer when a firearm is purchased from a licensed dealer. Either the State or the Federal Government conducts this check. This is to ensure that those prohibited by federal law from owning guns do not purchase them. It makes sense, and although the legislation was passed before I arrived in the Senate, I support the instant background check.

Since the implementation of the Brady Act in 1994, through the end of calendar year 1999, 22 million background checks have been conducted on potential firearms purchasers. Of that 22 million, more than 536,000 individuals were determined ineligible. And since phase II of the Brady Act went into effect in 1998—mandating Instant Background Checks in place of checks with a mandatory waiting period—more than 8.6 million requests for instant checks were received, with 2.4 percent of applicants being denied.

I would note that unfortunately, this Administration has chosen not to prosecute those felons for attempting to buy a gun, which is a federal crime. Federal prosecutions have fallen at the same time background checks have given law enforcement a reliable tool for tracking down and locking up criminals trying to buy guns. In 1993, the Clinton-Gore Administration prosecuted 633 people for trying to illegally purchase a gun. That fell to 279 in 1997 and rose to 405 in 1999. From 1994 to 1999, the Administration prosecuted an average of 404 defendants for violations of the gun purchasing law annually—a 36-percent drop from 1993. Obviously, we need to prosecute felons who are attempting to illegally buy guns.

But there is another hole in the current law. While the federal database of state criminal records is fairly comprehensive, the same cannot be said of mental incompetency records. Forty-one states, including the State of Missouri, do not permit records of the criminally insane to be searched prior to a firearm sale. This is a travesty. The result of this loophole is that individuals prohibited from purchasing firearms because of mental impairment are allowed to slip through the cracks—often with tragic results.

In April of this year, the New York Times did a series of four articles on what they termed as ''rampage'' killings—multiple-victim killings that were not primarily domestic or connected to a robbery or gang. The New York Times examined 102 killers in 100 rampage attacks in a computer-assisted study including the shooting in 1999 at Columbine High School in Littleton, Colorado, a day-trading firm in Atlanta, and a church in Fort Worth, Texas. The New York Times study found that at least half of the killers showed signs of serious mental health problems, and at least eight had been involuntarily committed. These articles highlight the difficulty of enforcing the provision of our gun control laws that prohibits people who have been involuntarily committed to mental institutions from buying a handgun.

For example, Gracie Verduzco, was a 35-year-old paranoid schizophrenic who believed she had a transmitter in her left ear that received messages from a satellite and had been involuntarily hospitalized in Arizona twice. In addition, she had been committed to a mental hospital by a judge in the District of Columbia after she had threatened President Clinton. Despite three involuntary commitments, she was able to buy a .38-caliber revolver at a pawnshop in Tucson, Arizona by lying on her gun application. She used it to kill one person and wound four others there on May 21, 1998.

According to the Justice Department, about 150,000 people a year are committed to mental institutions by court order in the United States. In total, there are now perhaps 2.7 million people who have been involuntarily committed at some point in their lives and are therefore barred by the federal law from buying a handgun. In response to some of the highly publicized cases, authorities in nine states have allowed law enforcement agencies some form of access to mental health records. And the number of ineligible individuals who attempt to purchase guns has been alarming. According to the Illinois State police, 3,699 people were turned down in Illinois from 1996 to 1998, when records showed they had been either voluntarily or involuntarily committed within the last 5 years, the legal test under Illinois law. An additional 5,585 people who were hospitalized from 1996 to 1998 were found to already possess gun permits, which as a result, were revoked.

The New York Times reported, ''But at the national level, as in most states, there has been no comparable effort to create access to court commitment records for gun checks. That lack of action is in stark contrast to the long effort by gun control groups and the Clinton administration in winning enactment of the Brady law to create databases screening out convicted felons, who like the involuntarily committed, were barred by the 1968 law from handgun purchases.''

If we are serious about reducing the criminal misuse of firearms, this has to change. Federal law already makes the purchase or possession of firearms illegal for people the courts deem mentally incompetent, but the law is difficult, if not impossible to enforce because mental-health information is not currently part of computerized, instant background checks. That's why today I introduce the Records Access Improvement Act, to encourage states to make certain mental health information available to the National Instant Criminal Background Check System (NICS).

At present, the instant check system is administered jointly by the states and by the Federal Bureau of Investigation. In 15 states, state agencies serve as points of contact (POCs), and conduct full background checks for both long guns and handguns. In 11 states, state agencies conduct partial background checks for handguns only. In POC states, Federal firearm licensees contact the state agency, rather than the FBI. In non-POC States, Federal firearm licensees contact the FBI directly through the NICS system. Over half of the applications for firearm transfers were checked directly by the FBI, while the remainder of applications were checked by State or local agencies.

In February 2000, the Bureau of Justice Statistics (BJS) reported that the identification of non-felons ineligible

to purchase firearms is likely to remain problematic under NICS. The Bureau of Justice Statistics stated that new enabling statutes may be required to identify and access such information.

The legislation I am introducing today is such a statute. Specifically, this bill will encourage states to make the information available to the NICS system by tying the receipt of grants made under the Violent Crime Reduction Trust Fund to the provision of relevant data to the Federal Bureau of Investigation. This bill will ensure that the NICS system is as complete as possible, so that the Instant Background Check will be as reliable as possible. The Federal gun law—the Brady Act—makes it clear that certain persons are ineligible to purchase firearms. It is time that we take the steps necessary for enforcement of the law. This bill is a giant step toward reaching that goal.

ADDITIONAL COSPONSORS

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2217, a bill 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.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2764

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2800

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

S. 3071

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3222

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3222, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 3260

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nebraska (Mr. KERREY), the Senator from Vermont (Mr. LEAHY), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 3260, a bill to amend the Food Security Act of 1985 to establish the conservation security program.

S. RES. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 132, a resolution designating the week beginning January 21, 2001, as ''Zinfandel Grape Appreciation Week.''

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The majority leader is recognnized.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

Mr. LOTT. Mr. President, I now withdraw my motion to proceed to S. 2557, regarding America's dependency on foreign oil.

The PRESIDING OFFICER. The Senator has that right.

Mr. LOTT. The motion is withdrawn?

The PRESIDING OFFICER. Yes, it is.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

Conference report to accompany 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.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bankruptcy conference report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany 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:

Trent Lott, Chuck Grassley, Jeff Sessions, Richard Shelby, Fred Thompson, Mike Crapo, Phil Gramm, Jon Kyl, Jim Bunning, Wayne Allard, Thad Cochran, Craig Thomas, Connie Mack, Bill Frist, Bob Smith of New Hampshire, and Frank Murkowski.

Mr. LOTT. Mr. President, this cloture vote will occur on Wednesday. I will consult with the minority leader as to the exact time. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

Mr. LOTT. Mr. President, I now move to proceed to S. 2557, regarding America's dependency on foreign oil.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. LOTT. Mr. President, are we ready to proceed?

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a vote on the continuing resolution relative to the Government funding, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 120) making further continuing appropriations for the fiscal year 2001, and for other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution having been considered read the third time, the question is, Shall the joint resolution pass?

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from

Wyoming (Mr. ENZI), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) and the Senator from North Carolina (Mr. HELMS) would each vote ''yea.''

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN) would vote ''aye.''

The result was announced—yeas 70, nays 1, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—70

Abraham	Feingold	Miller
Akaka	Fitzgerald	Moynihan
Allard	Frist	Murkowski
Baucus	Graham	Murray
Bayh	Gramm	Nickles
Bennett	Grassley	Reed
Bingaman	Gregg	Reid
Breaux	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Hollings	Rockefeller
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Johnson	Shelby
Cochran	Kerrey	Smith (NH)
Collins	Kerry	Smith (OR)
Conrad	Kyl	Snowe
Coverdell	Landrieu	Thompson
Daschle	Lautenberg	Thurmond
DeWine	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Wellstone
Durbin	Lugar	Wyden
Edwards	Mikulski	

NAYS—1

Stevens

NOT VOTING—29

Ashcroft	Feinstein	Lieberman
Biden	Gorton	Mack
Bond	Grams	McCain
Boxer	Hagel	McConnell
Brownback	Helms	Roth
Burns	Inhofe	Santorum
Craig	Jeffords	Specter
Crapo	Kennedy	Thomas
Dorgan	Kohl	Warner
Enzi	Leahy	

The joint resolution (H.J. Res. 120) was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR TUESDAY, OCTOBER 31, 2000

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. Tuesday, and that the time between 2 p.m. and 6 p.m. be for a period of morning business with the time between 2 p.m. and 4 p.m. under the control of Senators REID and WELLSTONE and from 4 p.m. to 6 p.m. under the control of the majority leader.

I ask unanimous consent that following the recess of the Senate on Tuesday, October 31, 2000, the Senate be authorized to receive a continuing resolution funding the Government for one day, and that upon receipt the continuing resolution be considered passed.

I further ask unanimous consent that if the Senate receives a continuing resolution containing anything other than a one day provision, the Senate be authorized to receive that continuing resolution, and that at 8:30 p.m. on Tuesday, October 31, 2000, the Senate reconvene and immediately proceed to the consideration of that continuing resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, let me announce to the Members exactly what this consent would provide.

The Senate will reconvene at 2 p.m. on Tuesday and basically spend the day conducting morning business.

Assuming the House passes a clean 1-day continuing resolution, that would be done without a vote and, therefore, there would be no votes during Tuesday's session of the Senate.

All Senators are reminded that a cloture vote on the bankruptcy bill will occur during the day on Wednesday. All Senators will be notified as to the exact time of that vote on Wednesday.

ORDER FOR RECESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 2 p.m. on Tuesday, October 31.

I further ask unanimous consent that on Tuesday, 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 a period of morning business until 6 p.m., with Senators speaking for up to 10 minutes each as under the previous order.

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

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the Senate will convene tomorrow at 2 p.m. with up to 4 hours for morning business, with Senators REID and WELLSTONE and LOTT in control of the time.

Under the previous order, the continuing resolution will be passed by unanimous consent.

As a reminder, cloture was filed on the bankruptcy bill today. That cloture vote will occur during the day on Wednesday, as well as a vote on a continuing resolution. Senators will be notified as those votes are scheduled.

On behalf of the leader, 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 following the remarks for up to 5 minutes each for Senators WELLSTONE, SCHUMER, and SESSIONS.

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

BANKRUPTCY

Mr. WELLSTONE. Mr. President, I don't think I will even need to take 5 minutes tonight. There will be time tomorrow to discuss this conference report. Then, if there should be cloture, we will see. There is also up to 30 minutes for postcloture debate. There are a number of Senators who will have a lot to say about this bill.

I make one point tonight for colleagues because there will be plenty of opportunity to talk about it substantively later. This piece of legislation that comes before the Senate is what I call the invasion of the body snatchers. This was a State Department authorization bill that has been completely gutted. There is not one word about the State Department in this bill. The only thing that is left is the bill number. Instead of the bankruptcy bill, it was put into this conference report. This is hardly the way to legislate.

Mr. SCHUMER. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. SCHUMER. As I understand it, the conferees who were originally appointed to the foreign aid bill were not

even informed of the conference. Not every conferee was informed of the new conference; am I correct in assuming that?

Mr. WELLSTONE. I say to the Senator from New York that is my understanding.

Mr. SCHUMER. I thought that was an important point that our own conferees were not told there was a conference to move this along.

Mr. WELLSTONE. This conference report is worse than the bill that passed the Senate. The Schumer provision was taken out. The Kohl provision was taken out. It is absolutely amazing to me that we would try to jam through a bill, which I believe is very harsh toward the most vulnerable citizens, which purports to deal with the abuse—the American Bankruptcy Institute states, at best, a 3-percent abuse—but, at the same time, enables people who have millions of dollars to buy luxurious homes in some States in the United States of America and shield all their assets from bankruptcy.

We do great for people who have millions of dollars to buy luxury homes and shield themselves from any liability, but we are going to pass a piece of legislation—and I will have the documentation tomorrow from bankruptcy professors, law professors, and judges across the country that have roundly condemned a piece of legislation that is one-sided—that doesn't call for the credit card companies to be accountable at all, is harsh in its impact on the most vulnerable citizens, is opposed by the civil rights community broadly defined, women's organizations, consumer organizations, labor organizations, and a good part of the religious community because of its one-sidedness. It is so harsh in its impacts on the most vulnerable citizens. I will lay this case out because it claims to deal with the problem of widespread abuse. The American Bankruptcy Institute tells us at best we are talking 3 percent. I have seen no high figures presented by anybody.

The bill now is worse than what Senators voted on on the floor of the Senate. Again, the process is absolutely outrageous. A State Department bill, on which hardly anybody was consulted, was completely gutted, and a bankruptcy report put in instead.

I hope my colleagues will defeat this piece of legislation. I come to the floor tonight to let Senators know there are a number of Senators ready to debate. We will have much to say tomorrow. If there should be cloture—we will see—we will have much to say after that cloture vote as well. The more people in this country know the substance of this piece of legislation and the outrageous way this is being done, I think the angrier people will become. It is important people in this country know what this piece of legislation is about and the harsh impact it will have on so many citizens—women, low-income people, moderate-income people, working income people.

On this conference report, Senators who decided to do this, dared not do anything about a family being able to take millions of dollars and shielding themselves from liability.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I augment what my friend from Minnesota said about the bill. Aside from the procedural problems, I have never seen anything like this in the 20 years I have been in this Congress. Aside from the other provisions, I want to talk about the amendment I have added to this bill. Let's not forget, Senators, 80 Members voted for that provision. I think 17 voted against the provision.

The bill that comes back is a different bill. The provision that I wrote into the bill which is so important deals with the use of bankruptcy as a way to violate the laws of this country.

Very simply, we passed a law a while ago called a face law. It gave women who sought to have abortions the ability to actually have what their lawful rights are. Blockaders started blockading the place. Then they actually used violence to stop the right to choose, a constitutionally given right.

The face law simply said the clinic could sue those who used violence or threat of violence against them—not people peacefully protesting; that is their American right. I defend that no matter how much I disagree with their position. All of a sudden, the right to choose was restored. It had not been available in 80 percent of the counties in this country because of the blockaders who believed, since they were getting their message from God, they superseded the rest of us. That, of course, is dangerous thinking. Any one could believe if we have a message from God we ought to impose it on someone else, and we all have different views of what God is telling us.

In any case, now they have found a new way to violate the law. That is to declare bankruptcy. Let me inform my colleagues of one case, the so-called Nuremberg files. The group put together on the Internet names and addresses of doctors, of their wives, of their children. When a doctor was killed, as Dr. Slepian, in my home State of New York, near Buffalo, NY, they put an ''X'' next to his name. If a doctor was injured, his named was shaded.

Those people were sued under the face law. Of course, the Oregon court in which they had the trial ruled they had violated the law. To not pay judgment, each of them went back to their own States and declared bankruptcy. Whether the bankruptcy issue is held or not, this little clinic does not have the ability to go back to 12 or 13 different States and pursue the same litigation all over again.

All our provision says is that you can't use bankruptcy for this. It was never intended for this, just as you couldn't use it as a shield if you were sued because of drunk driving. It is not pro-life or pro-choice.

My lead cosponsor is HARRY REID, my friend and colleague, who believes as strongly in the pro-life movement as I believe in the pro-choice movement. It is not partisan. Immediately, Senators SNOWE, JEFFORDS, and COLLINS joined us in cosponsoring the amendment. It passed in this body, supported by both pro-choice and pro-life Senators, 80–17.

This new little provision—it was taken out. To me, it is the most important provision in this bankruptcy bill. Yes, we need to change our bankruptcy laws for the better. I do not disagree with that. But to do it and do it in this way and not give the Senate its voice says to me: Let's go back to the drawing board and scrap it.

This is an issue that relates to the Constitution of the United States itself, the rule of law. This is an issue that says if the Constitution grants you a right, we are not going to let cowards use the bankruptcy law to hide behind, avoiding their just civil punishment. As the Senator from Minnesota said, you will hear from us on this. If the people who were managing this bill cared so much about passing it, they should have kept the so-called Schumer amendment in there. It would have been a lot easier to get things done. But that did not happen, they could not and would not.

Because the amendment I have added addresses head-on this fundamental use of the bankruptcy system, I will not rest until we do everything procedurally possible to make sure that a bankruptcy reform package without it fails.

I yield the floor and yield back my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am disheartened to hear the Senator from New York would take such a strong position on this bill since he had been an original promoter of it. It passed this body by 90 votes, at least twice, I think three different times—88 or 90 votes. It is good to see Senator GRASSLEY here, who was the prime sponsor of the legislation. To have it die over this one issue is really unbelievable, particularly since Senator GRASSLEY and others have offered several different ways we could meet the objections on the abortion clinic language, which I consider to be awfully insignificant in the line of the legislation except for the important philosophical and legal points. I think it will be a tragedy if we do not.

This bill passed this body by around 90 votes, over 90 votes one time—three

different times. It has been debated in committee. If I am not mistaken, the vote was 18–2 in committee, the Judiciary Committee, on which Senator GRASSLEY and I served and brought that bill out. It is a bipartisan bill.

I, along with Senator REID, got involved with working with the White House not long ago on reaffirmations, the one issue they said was left to settle, and we settled that issue to the satisfaction of the White House.

Now what do we have? A move to kill, once again, good bipartisan legislation that has been overwhelmingly supported in this Senate. It is a shame and a disgrace. It is outrageous that somehow, some way, we passed this with veto-proof majorities and we are not able to get it up for a last vote or get it passed.

I feel strongly about that. Maybe now we can get it out of here and the President will see fit to sign it. The homestead language Senator WELLSTONE mentioned, I agree with him. I think we ought to make bigger changes in the provisions that say people can put all the money they want to in a homestead and not have it taken from them in bankruptcy. You could put $10 million in 160 acres and a mansion and you would not have to give it up to pay your just debts to your doctor, to the gas station down the street, to the friends from whom you borrowed money. That is not right.

We made, though, for the first time, over the vigorous objections of several key States that have those kinds of provisions in their State Constitutions—Texas, Florida, Kansas—they fought tenaciously for that, but we made historic progress in limiting the ability of a debtor to hide his assets in a multimillion-dollar mansion. That was a great step forward. To say we ought to keep current law, which has no controls whatsoever, and not pass this bill, that has the first historic steps to control debt abuse, is really cutting off your nose to spite your face. That is the kind of thing we are hearing.

Let me tell you what this bill fundamentally does. It says if you are of median income—that is, $44,000 for a family of four—if you are a family of four and you are making below that $44,000, you can be bankrupt and not pay any of your debts, just as the current law says. But if you are making above that and the judge concludes you can pay a part of your debts—10 percent or more—then he can order you to go into chapter 13 and pay back some of the debts that you can pay back.

What is wrong with that? We have had a doubling of filings in bankruptcy over the last 10 years. We have over a million bankruptcies filed per year. It is being done primarily because lawyers are advertising. Turn on your TV anytime at night and you will see they are there: ''Solve your debt problems, call Old John, 1–800. We will take care of your debts.''

Do you know, if you owe $60,000 and you really don't want to pay that $60,000 debt, and today you are making $80,000, you can go down to a bankruptcy lawyer, file chapter 7, and wipe out that debt and not pay one dime of it? You can do that. There is no control. It is being done all over America today and it is not right. What does that say to a good, hard-working family who sits down around the kitchen table, pray tell, and tries to figure out how they can pay their debts? This family does not buy a new car, does not go on a vacation, does everything right, they pay their debts, and clever John goes down to the bankruptcy lawyer and doesn't pay his debt. Something is wrong in America when we allow that kind of abuse to occur time and time again.

It is true—I do not believe it is 3 percent—the majority of people who file bankruptcy will not be affected by this bill. But those who are abusing it will be. If you are a doctor and you are making $150,000 a year and you owe $300,000 in student loans and other debts, and you can pay $50,000 of that, shouldn't you be required to pay it? We have examples of physicians declaring bankruptcy against all their debts when they could have easily paid a substantial number of them. Why shouldn't they pay what they can pay?

In America, we believe if you are hopelessly in debt and you cannot pay out, we give people—and we always have—the right to file bankruptcy. It is just that it has become so common, the process of advertising and filings. The numbers are going up. While the economy is hitting records we have never had before, filings in bankruptcy keep going up. What is going to happen when we have a serious problem in this country?

We have worked hard. I put in a provision that says before you file bankruptcy, you ought to talk to a credit counseling agency. Credit counseling agencies actually help people who are in debt. They help them set up budgets, they advise them whether or not they can pay off their debts. If not, they will go to a lawyer and file bankruptcy. But if they could pay it off, pay down the high interest notes first, negotiate with creditors, set up a payment plan, get the whole family in—if there is a drug problem, gain treatment; if there is a mental health problem, get treatment. Gamblers Anonymous can be used for people who have these problems. A lot of these things are driving bankruptcy.

None of that is occurring in bankruptcy court. Lawyers come in, they claim a $1,000 fee, or $2,000, or whatever, and their secretaries fill out the forms. They don't even meet the client until they get to court. The judge declares all their debts wiped out, and they walk out of court. That is not helping treat the root cause. But credit counseling does. It says: We respect you, American men and women. We want to help you get your financial house in order, and if you can avoid bankruptcy, we will show you how and help you do that. That is a good step in the right direction.

There are a lot of other things in this bankruptcy bill that improve the law. It has not been changed in over 25 years. We have new experience with the law. We have seen a host of abuses of the law, loopholes through which people are driving trucks. We closed those loopholes.

For the most part, it has been overwhelmingly received by everybody in this body. Over 90 Senators in this Senate have voted for it, Democrats and Republicans. The White House has approved all of these.

We have a problem with bankruptcy. We can do better. This bill is fair. It raises protections for women and children far above anything before.

Before, lawyers and other debts were paid before child support. In this bill, alimony and child support are raised to the highest level. The first money paid goes to pay child support. That is a big, positive change. By killing this bill, that will not happen. The old rules will be in effect and children and women will not get that preferential treatment.

We can do better. This is a good bill. I think the President will reconsider. He has been involved in this process for well over 3 years, as we have been wrestling with it, having hearings and debates on this floor and in the House. To say this is sneaking the bill in is really unbelievable. It has been a source of regular debate and bipartisan agreement, and now we get to the very last of this session and see an effort to derail it over this odd idea that out of all the activities in America, if you get sued by an abortion clinic, you cannot file for bankruptcy.

One of the suggestions I made and others have made is, what about a union group that tears down a business? What about a group of environmental activists that tears up and protests and illegally does business? Do they get to claim bankruptcy against their debts, but not those who go to an abortion clinic because they are religious, I suppose?

Why should we have such a double standard, a political law in bankruptcy? That is a political act, not something that ought to be in the bankruptcy court of America.

I said if you either take it out or draw it broadly and it covers similar acts by other groups, then I will support it, but I am not going to vote for a law that simply targets one group that one Senator does not like. What is right about that? How is that good law? Some Senators and the President

do not like abortion protesters. I guess he thinks they are too religious, so they do not get to claim bankruptcy, but everybody else does. People who put metal spikes in trees that injure people in the forest business, I guess they do not count.

That is where we are on this. That is such an infinitesimal problem which we can overcome, unless the real agenda is to see bankruptcy does not pass. I hope that is not so. We have gone too far. We have worked too hard. We have a bill that has bipartisan support. I am hopeful yet that the President will sign it, and it will be good for America.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL 2 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. tomorrow.

Thereupon, the Senate, at 8:04 p.m., recessed until 2 p.m., Tuesday, October 31, 2000, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Monday, October 30, 2000*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 1 minute.

PROVIDE FULL FUNDING FOR CONGRESSIONAL BLACK CAUCUS HIV/AIDS MINORITY AIDS INITIATIVE

Mrs. CHRISTENSEN. Mr. Speaker, I come to the floor this morning as the final funding for health care is being negotiated, to make a final plea for full funding for the Congressional Black Caucus HIV/AIDS Minority Aids Initiative, and the increase we are seeking for Medicaid for the territories.

Mr. Speaker, as HIV infections and cases of AIDS come under control in other communities, in African Americans and Hispanics or Latinos it remains a major killer. Eighty-one percent of all new HIV infections are among African American and Latino women. Even in minority communities that have not seen the same numbers, their fragile health care infrastructure places them at an extreme risk.

We must fund the CBC request at the full $539 million, provide Medicaid for early treatment, and make a significant investment for Medicaid for citizens in my district and the other territories by funding the request of the gentleman from Guam (Mr. UNDERWOOD) and me.

Mr. Speaker, health care, quality health care, is a right that we in this body and the White House must extend to all.

TRIBUTE TO ANDREA AULBERT

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized during morning hour debates for 5 minutes.

Mr. COBURN. Madam Speaker, I rise this morning to remember Andrea Aulbert, a woman whose life, though brief, was one of impressive accomplishment. Andrea served as the Director of Legislative and Legal Affairs for Concerned Women of America until her death on July 2 at the age of just 33.

Andrea spent her life in service to others, from her student days as a camp counselor in her native State of Michigan, to her advocacy on behalf of persecuted Christians in China and other countries, to her tireless efforts in her professional career in support of moral renewal and the sanctity of human life.

After completing her studies at the University of Michigan and Valparaiso Law School, Andrea spent some time in my home state, Oklahoma, on the faculty of Bartlesville Wesleyan College. But shortly after taking a position in Washington with the Concerned Women of America, Andrea learned that she was suffering from a rare form of lung cancer.

In 1998 she under went a difficult and risky lung transplant at the University of Alabama in Birmingham, and within a few months she was back at work. This spring, however, her cancer returned, and, again, the wait began for another transplant operation.

Her last night in Washington was, ironically, spent at an event given in my honor. She was excited and hopeful that evening. She had received word that she had qualified for an additional lung transplant.

That surgery was performed a week later, but, sadly, she did not survive the surgery. However, her memory lives on with her family, her friends and her colleagues, and those of us in Washington that knew her. The good that she did in her short life will be felt for years to come by thousands of people who never knew her at all.

That is the definition of a true American hero, Andrea Aulbert.

A MORE DANGEROUS WORLD TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. GOSS) is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Madam Speaker, as we begin this week, we obviously have many important domestic issues before this body, and that is entirely very appropriate. The question is being asked, are we better off in terms of where we are today than we were 8 years ago, and I want to focus on a very important part of that question that has been ignored in the debate that is going across our land, and it is the question, are we better off in terms of national security than we were when the wall came down about 12 years ago?

I think it is very arguable that the world is a much more dangerous place than it was at that time, and I think it is arguable that we are much more vulnerable, and, tragically, Americans have been lost at home and abroad recently, as we know with the *Cole*, to underscore that situation.

I know that some of the candidates have talked about their foreign policy experience, and I know that Vice President GORE, who has been on watch for the past 8 years with President Clinton, claims that our foreign policy has accomplished some good things.

I would take strong issue with that. I do not think our foreign policy has been much of a success at all. It has been characterized by unevenness, but, most importantly, by missed opportunity.

Most of our friends think that the United States of America as the world's most important power, most free country, most successful economy, is adrift. They are puzzled by what we are doing and what we are not doing. Our enemies are certainly taking opportunity to score points where we are missing our opportunities.

I think that when you take a look at the problems with our national security policy, you can fit them very neatly into some categories.

First of all, just starting with our concern about security at home. The Clinton-Gore policy record on protecting our national secrets and dealing with national security has been nothing short of abysmal, whether it is the State Department missing laptops, whether it is the former Director of the Central Intelligence Agency knowing he should not take home, but taking home classified information, and making it vulnerable for being picked up by hackers. Things like that are just inexcusable.

But we have not vetted all of the people who need security clearances, by any means, and we have put them into sensitive jobs. We have a long waiting list, and we are falling down on that type of thing, whether it the White House or the Defense Department or the State Department. Certainly we have underscored the problem dramatically with the loss of the weapons secrets from the Los Alamos labs.

We have in the Clinton-Gore administration seen a cultural disdain for security, an arrogance, that we know better somehow, so we do not have to play by the rules.

Combat readiness is another area where we want to take a look at our national security. Vice President GORE has made a great deal about reinventing government and saving 330,000 jobs. If 300,000 of those jobs have come out of our defense forces, what does that say about our readiness? We understand we have ships going to sea undermanned. We are cannibalizing equipment in order to get spare parts. We are bypassing rotations so our troops are not getting the necessary R&R, an opportunity to see their loved ones. We are cutting corners. We are cutting corners on training, and sooner or later, it catches up with us, and, tragically, it has.

Right now I do not believe that there is much vision about readiness, and I think that has been underlined in the types of readiness that we need to have. It is no longer navies against navies, dreadnoughts against dreadnoughts at Midway, or carriers and carriers fleets against carrier. It is now dealing with things like terrorists and narcotics cartels, things that affect our American citizens in deadly and dreadful ways.

We have also had some extraordinarily bad judgment in our policies, whether you start with the tragedy of Somalia, whether you go on to Haiti, where we have now seen a grotesque tragic and expensive failed foreign policy result. The Balkans are still very much at unrest. We have much work to do there, and many troops committed there, and we have not resolved the underlying problems.

Saddam, if you wonder why the price of heating oil and price of gasoline at the pumps is being debated in this chamber and elsewhere, it is largely because we have messed up in the Mideast so badly and been asleep at the switch so long under the Clinton-Gore administration that our policies on energy have gone adrift and we have been victimized by others as a result.

Africa, a whole continent that we have pulled back our capabilities on by direct order of the Clinton-Gore administration, is a continent that is torn by all kinds of carnage and brutality, unsettled conditions, a breakdown of law and order, misery and suffering across the board, and tragically, again, loss of American life because we were unprepared with the blowing up of those embassies.

These are the kinds of things that I think we need to think about when we talk about what we need for the vision of the future; the right kind of readiness, the right kind of preparedness. I think that is an important part of this debate, and I know we are going to be talking more about it in this week as we are here.

REGARDING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise today to express my deep disappointment regarding the withdrawal of H. Res. 596, the Armenian genocide resolution from the House floor.

As it has been said on many occasions, H. Res. 596 is not about the Republic of Turkey. In fact, an amendment was adopted in the Committee on International Relations which made it perfectly clear that this resolution was not about modern day Turkey.

Unfortunately, the Republic of Turkey decided to make a sense of the House resolution about the extensive U.S. record on the Armenian genocide a litmus test of its relationship with the United States. I deeply regret that Turkish officials have opted to use coercion and threats too make their case.

A recent report by the Anatolia news agency that a Turkish human rights activist, Akin Birdal, faces charges for acknowledging what happened to the Armenian people as genocide, demonstrates the lengths Turkey will take to deny the truth. Birdal reportedly made the comment during a recent conference in Germany, and now faces the possibility of a 3 year sentence in Turkey.

In addition to prosecuting this human rights activist, Turkey also coerced a statement from the head of the Armenian Church in Turkey, distancing his church and the remnant 35,000 Armenians who still live in Turkey from H. Res. 596 and its meaning.

Setting aside for the moment how a population of some 2 million Armenians has been reduced so catastrophically, is there any doubt in the minds of any Member that virtually every living Armenian in Turkey is anxiously waiting for the world to acknowledge the truth about their near total destruction or the near total destruction of their community?

Madam Speaker, is there any doubt that the statements made by the Armenian Patriarch were made under duress? There is only one place in the world where an Armenian Church leader cannot tell the truth. There is only one place in the world where nobody answers Hitler's chilling question, ''Who, after all, speaks today of the annihilation of the Armenians?'' And that place is modern, secular and democratic Turkey.

Madam Speaker, I ask what kind of message we are sending to the Patriarch of the Armenian Church in Turkey and all others in that country who are prevented from speaking their conscience.

I call upon our Ambassador to Turkey, who has so forcefully advocated against H.R. 596, to immediately visit the Armenian Patriarch as a show of solidarity with His Eminence and with his dwindling Armenian flock.

Madam Speaker, we must remain vigilant in the face of threats and those who continue to deny the Armenian genocide. As Van Krikorian, the Chairman of the Board of Directors of the Armenian Assembly noted in remarks given over 10 years ago to the Capitol Legal Council of B'nai B'rith, ''Make no mistake, those who are denying the Armenian genocide today are paving the way for those who deny other genocides and for those who will undoubtedly plan future episodes of race extermination.'' I will introduce the remarks of Mr. Krikorian for the record.

Madam Speaker, I just want to say that these remarks are as valid today as they were 10 years ago. I urge all of my colleagues to reject the ongoing campaign of denial regarding the Armenian genocide.

[Remarks to the Capitol Legal Council of B'nai B'rith—Dec. 21, 1989]

FIGHTING DENIAL OF THE ARMENIAN GENOCIDE

(By Van Z. Krikorian, Director, Government and Legal Affairs, the Armenian Assembly of America)

In the spring, you heard a speech from a Turkish Embassy official contending that the Armenians did not suffer a genocide between 1915 and 1923. That contention is patently false. But, Turkey's and its agents' insistence on vigorously pursuing it poses a frightening threat to all people who believe in democracy and human rights. Make no mistake, those who are denying the Armenian genocide today are paving the way for those who deny other genocides and for those who will undoubtedly plan future episodes of race extermination. I am sure you are aware that Hitler publicly laid the foundation for the Holocaust by referring to ''the extermination of the Armenians'' starting, at least, in 1931 and most forcefully in 1939 when he commanded his military to show no mercy by asking: ''Who, after all, speaks today of the annihilation of the Armenians?''

Those who deny the Armenian genocide are removing the underpinnings of all human progress by pretending that nothing exists which, for whatever reason, they do not want to exist. This approach is often viewed as politically expedient. But, in the end, it only aborts the cause of civilization.

This is why I am especially glad to address you this afternoon and to publicly challenge the arguments of the deniers. I am also glad to know that the Holocaust Memorial Council has publicly and unequivocally committed to include the Armenian genocide in the United States Holocaust Memorial Museum, a decision which rebukes the deniers and promotes historical integrity.

Today, I plan to discuss some of the reasons why the Armenian genocide is properly classified as a genocide and then refute some of the more popular arguments offered by the Turkish government and other deniers.

First of all, what does the term genocide mean? Literally, it means the killing of a race. An attorney and Holocaust survivor, Rafael Lemkin, coined the term in 1944 and then dedicated himself to creating and promoting the United Nations Genocide Convention. Before, during, and after coining the

term, Lemkin used the Armenian case as a definitive example of genocide. In Lemkin's view, it would be impossible to question whether the Armenians suffered a genocide, because the term was created to be a synonym with the Armenian experience.

Similarly, the United Nations legislative history of the Genocide Convention is clear that the Armenian case is an example of genocide, a position from which the United Nations has not moved. In the United States, the legislative history of ratifying the Genocide Convention and the implementing legislation is equally clear that the Armenian case is synonymous with the term genocide. These legislative histories, of course, merely reflect the overwhelming evidence of the Armenian genocide. Yet, the deniers argue that the Armenian case somehow does not fit the definition of genocide.

The Genocide Convention provides:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

No one realistically questions whether Ottoman Turkey engaged in the specific acts enumerated in this definition. That would be absurd because the Armenian population of over two million was unquestionably reduced to under 100,000, and those people did not simply disappear—they were killed, forcibly converted to Islam, and, in small numbers, escaped.

What the deniers question is whether the government committed the acts with the intent to destroy the Armenian presence in their homeland of three thousand years. This contention is shamefully absurd.

I cannot go over all the admissions and evidence establishing beyond any doubt that the government planned and implemented a campaign of race extermination, but the archives of the United States and almost every European country (including the Central Powers, Turkey's allies) are overflowing with this evidence. Today, I would like to call your attention to the following pieces of evidence: (1) a December 1914 authenticated blueprint for genocide issued by the ruling Committee of Union and Progress Party which can be found in the British archives; (2) the post World War I, Turkish trials and convictions (based on substantial, irrefutable testimonial and documentary evidence) of the government officials responsible for ordering and implementing the extermination of the Armenians; (3) a November 8, 1920 order for the military to exterminate the Armenians living in Russia; (4) and the acknowledgment of the Armenian genocide by the founder of modern Turkey, Kemal Ataturk.

The December 1914 order reads as follows:

(1) Profiting by Articles 3 and 4 of Committee Union and Progress, close all Armenian Societies, and arrest all who worked against Government at any time among them and send them into the provinces such as Bagdad or Mosul, and wipe them out either on the road or there.

(2) Collect arms.

(3) Excite Moslem opinion by suitable and special means, in places as Van, Erzeroum, Adana, where as a point of fact the Armenians have already won the hatred of the Moslems, provoke organized massacres as the Russians did at Baku.

(4) Leave all executive to the people in provinces such as Erzeroum, Van, Mamuret ul Aziz, and Bitlis, and use Military disciplinary forces (i.e. Gendarmeris) ostensibly to stop massacres, while on the contrary in places as Adana, Sivas, Broussa, Ismidt and Smyrna actively help the Moslems with military force.

(5) Apply measures to exterminate all males under 50, priests and teachers, leave girls and children to be Islamized.

(6) Carry away the families of all who succeed in escaping and apply measures to cut them off from all connection with their native place.

(7) On the ground that Armenian officials may be spies, expel and drive them out absolutely from every Government department or post.

(8) Kill off in an appropriate manner all Armenians in the Army—this to be left to the military to do.

(9) All action to begin everywhere simultaneously and thus leave no time for preparation of defensive measures.

(10) Pay attention to the strictly confidential nature of these instructions, which may not go beyond two or three persons.

In fact, these orders basically describe the actual pattern of the genocide. Of course, during implementation, the ruling party issued additional orders on massacring Armenians (I will share another with you shortly) as well as orders to punish those Turks who showed mercy to the Armenians.

The post-war trials are also dispositive not only for their indictments and verdicts, but also for the overwhelming evidence used to secure the verdicts. Specifically, both central and provincial government officials were tried and convicted for the ''massacre and destruction of the Armenians.'' Besides a major trial in Istanbul, moreover, local trials for the same crimes, which have yet not been widely publicized, also took place. (Parenthetically, I would add here that these trials were cited as precedent for the Nuremberg trials following World War II.)

Next, I would like to share a November 8, 1920 central government order, quoted from a Turkish source. This order commanded General Kazim Karabekir to essentially continue the job of exterminating the Armenians after World War I by wiping out the Russian-Armenian population:

By virtue of the provisions of the Sevres Treaty Armenia will be enabled to cut off Turkey from the East. Together with Greece she will impede Turkey's general growth. Further, being situated in the midst of a great Islamic periphery, she will never voluntarily relinquish her assigned role of a despotic gendarme, and will never try to integrate her destiny with the general conditions of Turkey and Islam.

Consequently, it is indispensable that Armenia be eliminated politically and physically [siyaseten ve maddenten ortadan kaldirmak].

Since the attainment of this objective is subject to [the limitations of] our power and the general political situation, it is necessary to be adaptive in the implementation of the decision mentioned above [tevfiki icraat]. Our withdrawal from Armenia as part of a peace settlement is out of the question. Rather, you will resort to a modus operandi intended to deceive the Armenians [Ermenileri igfal] and fool the Europeans by an appearance of peacelovingness. In reality, however, [fakat hakikatde] the purpose of all this is to achieve by stages the objective [stated above]. . . . [I]t is required that vague and gentle-sounding words [mubhem ve mulayim] be employed both in the framing and in the application of the peace settlement, while constantly maintaining an appearance of peacelovingness towards the Armenians.

[t]hese instructions reflect the real intent [makasidi hakikiyesi] of the Cabinet. They are to be treated as secret, and are meant only for your eyes.

Again, documents like these as well as direct admissions of guilt by the government officials are literally everywhere.

Recognizing that indisputable fact, Kemal Ataturk, the founder of modern Turkey, did not hesitate to condemn the responsible Ottoman government for its actions. In an interview published August 1, 1926 in the Los Angeles Examiner, he said that all those responsible ''should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred.'' Today, the Turkish government has called the authenticity of this quote into question. Yet this 1926 statement was not an isolated event. In 1918, Ataturk called for the execution of the genocide's perpetrators. In 1919, as recorded by a presumably unimpeachable source, future Turkish prime minister Rauf Orbay, Ataturk acknowledged the government's massacres ''of 800,000 Armenians'' and ''decried the extermination of the Armenians.'' In a 1920 speech, Ataturk explicitly condemned the massacres as ''scandalous.'' Again, this type of documentation is indisputable and overwhelming, but we still face those who act as if it does not exist. When such denials are funded from a country as important as Turkey, we face the prospects of the Nazi operating principle: ''a lie told 1,000 times becomes the truth.''

Accordingly, I would next like to refute the predominant arguments used by the deniers today. Let me start with one that the embassy official who spoke here in the spring touted as dispositive—''It was not a systematic effort to kill all Armenians [because] no harm was done to the Armenian communities living outside the war zone—in Istanbul, the Ottoman capital, for example.'' Initially, I would note that this argument is as fallacious as saying that Jews did not suffer a genocide because they were relatively safe in Rome and Bulgaria. But, more importantly, the factual assertion is not true.

Armenians certainly were exterminated in Istanbul and every other part of Turkey, and it was clearly systematic. For example, on December 7, 1915 German Ambassador Metternich informed Berlin that the Government wiped 30,000 Armenians out of Istanbul and that ''gradually a clean sweep will be made of the remaining 80,000 Armenian inhabitants of the Ottoman capital.'' Indeed, the government massacred or tried to massacre all Armenians from European Turkey by first shipping them over the Bosporus and then killing them. One example is the eradication of the Armenians from the European town of Rodosto. In fact, Armenians and their friends commemorate the genocide on the anniversary of April 24, 1915 because on that date the government gave the clearest signal of systematic race extermination. It arrested and killed hundreds of unquestionably innocent Armenian community leaders (including legislators, clergy, educators, and attorneys) in Istanbul.

Another argument which the deniers forward is that Armenians died of natural

causes (famine, cholera, diseases), not government ordered massacres. Putting aside all the direct evidence of the genocide, this argument is ridiculous. It would be the first time, that I know of, in which famine and diseases moved form town to town across an entire country removing all but less than 100,000 Armenians from over 2,000,000, and leaving the Turkish Moslem population as the sole survivors. Frankly, such a ''selective disease'' argument has no historical or scientific credibility, and those who make the argument must not expect their audience to reflect on its merits very deeply.

But, then the deniers argue that there was also a great civil war in which Armenians took up arms against Turks. In that supposed war, great, mutual killings occurred. Never mind that the government had disarmed all the Armenians, the government drafted all the able-bodied Armenian men into labor battalions of the army where they were massacred, and contemporaneous reports do not reference any civil war. In fact, in a newly published book, ''The Slaughterhouse Province,'' we can read American consul Davis's official, eyewitness report from the interior of Turkey of the disarming of the Armenians and the lack of any real resistance. He reports that after the massacres of Armenians in the Province of Harput (ultimately over 100,000), the government could ''find only four or five instances where any Turks had been killed or even injured by Armenians and less than a dozen instances of any resistance by Armenians.'' In other isolated areas, of course, Armenians fought back against Turks. But, these were either minor incidents; self-defense; or because Armenians were Russian citizens, drafted into the Russian army, and were a part of the Allied war effort fighting Ottoman Turkey. As Ambassador Morgenthau reported as early as July 1915, moreover, allegations of rebellion were only ''a pretext'' for ''a campaign of race extermination.''

Nevertheless, some people still claim that the massive Armenian deaths resulted from the legitimate quashing of a rebellion. This ''pretext'' or ''legitimate basis'' denial argument is probably the most dangerous. If it is accepted (regardless of its inaccuracy), it sanctions the murder of an entire nation based on the prodemocracy cries of only a few groups. Civilization will not progress if a justification claim can be made in defense of genocide. Otherwise, the Nazis and every subsequent perpetrator would build the defense in as the crime was committed. During the Armenian genocide, the government attempted exactly such a defense, and it was rejected as both inaccurate and immoral by the international community as well as the succeeding Turkish government. There is no reason why it should be accepted now.

A more slippery denial argument on the ''mutual killings'' theme involves the amount of Turks and Moslems who also died in the war. I call this argument slippery because its proponents slide between ''Turkish'' and ''Moslem'' deaths. For example, some point to ''two million Turkish deaths during the war'' as a reason not to sympathize with Armenians. Yet this two million figure includes the 1.5 million Turkish-Armenians killed, the over 300,000 Turkish army casualties, and the tens of thousands of Turkish-Greeks and Arabs put to death at the same time.

Another strand of this argument points to ''hundreds of thousands of Moslem deaths''—again implying that the genocide was really an Armenian-Turkish war. Yet in calculating the ''Moslem'' figures, these people not only include the Turkish war casualties and the massacres of tens of thousands of Arabs in Turkey, but also the Moslems who died fighting with the Allies against the Turks in the Middle East—that is Moslems which the Turks themselves killed.

A third strand of this ''numbers game'' argument applies artificial formulas to the nineteenth century populations, plugs in some theoretical conditions, and concludes with ridiculous population and mortality figures which bear no relation to reality. This argument falls on its face because it completely ignores the direct, factual evidence of the genocide. Its proponents are as off base as those who recently claimed in the newspaper ''Sieg'' that only 150,000–200,000 Jews died under Nazi rule and those deaths came during the ''German-Jewish war.''

Another denial theme is that commemorating or recognizing the Armenian genocide promotes terrorism. Initially, let me say that we unequivocally condemn all terrorism, including Armenian terrorist attacks on innocent Turks. But, the threat of terrorism does not justify rewriting history to deny Ottoman Turkey's crimes against humanity. More importantly, and again the deniers conveniently fail to mention this fact, Armenian terrorism is a moot point. In a March 1989 report, even the State Department had to acknowledge that there has not been an Armenian terrorist attack in three or four years and Armenian terrorist groups have withered away. This cessation of terrorism is attributed to lack of mainstream Armenian community support and to the growing international rejection of Turkey's denial campaign. For example, in 1985 the United Nations Subcommittee on Human Rights, after years of study, overwhelmingly recognized the Armenian genocide as an indisputable historical fact, and in 1987 the European Parliament conditioned Turkey's acceptance to the European Community on recognizing the Armenian genocide.

The following denial argument is particular to deniers in the United States. They point out that in 1985 sixty-nine scholars signed an advertisement questioning the accuracy of a Congressional resolution commemorating the Armenian genocide and therefore ''there was no Armenian genocide'' or ''the issue should be left to historians''—an argument from authorities so to speak. Following the advertisement, we contacted these sixty-nine people. We found that some did not authorize use of their names on the advertisement and some said they were misled about the text and apologized. Many explicitly recognize the Armenian genocide as a fact. But, most importantly, we found that only four of the sixty-nine actually focus their work on the time span of 1915–1923. All of these individuals are subsidized by the Republic of Turkey, and none has credibility on the Armenian genocide issue. Thus, when deniers make claims like a majority of United States experts question the Armenian genocide, they are simply not telling the truth. Among those sociologists, attorneys, historians, psychologists, anthropologists, attorneys, historians, psychologists, anthropologists, political scientists, and others who seriously study genocide, there is no question that the Armenians suffered a genocide, by any definition. There is also no question among the credible genocide scholars that failure to memorialize and condemn past genocides facilitates future genocides.

Before leaving this ''scholars'' issue, however, I would like to make clear that some of those people who signed the 1985 advertisement and continue to question the Armenian genocide really have little choice. These people are Turkish or Ottoman historians. If they do not assume the current government's line, they will be cut off from resources necessary for their life's work. Even Turkish sources confirm that cooperation with the government pays dividends while criticism exacts a high price.

The next denial argument is one of the more interesting. This argument contends that a judgment on the Armenian genocide must be reserved until the Republic of Turkey opens its archives of the period. The argument is interesting because Armenians sought free access to the Ottoman archives for years. Then the irrelevance of these archives became obvious. For instance, Turkey does not even own all the relevant archives from the period. After the War, the government sold hundreds of thousands of its records to the Bulgarians as scrap paper. Other parts of the archives exist in Jerusalem, the Soviet Union, the Middle East, and Europe. In addition, after World War I, Turkish officials readily acknowledged that the files on Armenian massacres were removed and destroyed. In fact, the documentation in archives around the world contains more direct evidence of the genocide than we can possibly digest. (The United States archives contain approximately 25,000 pages for the period 1915–1918 alone, including captured German records, which fully document the genocide.) So, while the Turkish held archives may be interesting, they are only a very minor contribution to the history of the genocide.

Moreover, Turks themselves acknowledge that military and foreign service officials have been reviewing the records for years to remove whatever incriminating evidence may still exist and that the government is using the archives strictly for public relations purposes. This year, the government, in various ways, has announced that the archives on Armenian issues are open. Yet, they fail to publicize that the wrong archives are open or the restrictions which prevent any incriminating documents from coming to light. For example, in January, they announced that the archives are open, but they did not open the relevant World War I years. Recently, they announced that the Council of Ministers files were open for the war years, but they did not open the records of the party apparatus or other agencies which actually controlled the genocidal operations. (Scholars have found that the genocide was implemented through a two track system of orders—one set ordering ''deportations'' and another set ordering the translation of ''deport the Armenians'' to ''massacre the Armenians.'') Read these continual announcements on the opening of the archives carefully; you will find that there is always a caveat such as ''all previously catalogued archives are open'' or that a researcher may see only fifteen pages at a time and a government official has the right to screen the documents first. The Turkish government continues to use the archives as a delaying tactic. As Cumhuriyet a Turkish newspaper reported in January 1989: ''Endless and empty statements have been made over the years concerning the opening of the Ottoman archives, and it is creating a disturbance among those who follow this topic closely. For the last 8 years, every 6 months a statement is made regarding the opening of the Ottoman archives. That these don't come true indicates that Turkey is pursuing a policy of distraction.''

At this point, the Ottoman archives held by Turkey are worthless. This explains why

only Turcophiles and the uninitiated place any weight on them. It also explains why the archives' administrators publicly complain that serious scholars have not come to review what has been released.

The last denial argument I would like to touch on is a ''character'' argument—that is, ''Turks are hospitable, good people'' and good people would not do what the Armenians allege happened under Ottoman reign. Let me say that the character of the Turkish people is not at issue here. Turkish hospitality is well known, and many Turks proved their sense of humanity during the genocide by protecting individual Armenians. That does not change what the government did to the Armenians from 1915 to 1923, the fact that the racist ideology of Pan-Turkism (Turkey only for Turks) was and still is prevalent, or that the government continues to have a poor human rights record and severely discriminates against Armenians in Turkey today.

You should also know that the 1915–1923 Armenian genocide was not an isolated event. From 1894 to 1896, Sultan Abdul Hamid openly and proudly ordered the massacre of hundreds of thousands of Armenians, ostensibly to send the Armenians a message about their place in Turkish society. Lord Kinross gave the following example of the atrocities in this period:

''[The Massacre's] objective, based on the convenient consideration that Armenians were now tentatively starting to question their inferior status, was the ruthless reduction, with a view to elimination of the Armenian Christians, and the expropriation of their land for the Moslem Turks. Each operation, between the bugle calls, followed a similar pattern. First the Turkish troops came into a town for the purpose of massacre; then came the Kurdish irregulars and tribesmen for the purpose of plunder. Finally came the holocaust, by fire and destruction, which spread, with the pursuit of the fugitives and mopping-up operations, throughout the lands and villages of the surrounding province. This murderous winter of 1895 thus saw the decimation of much of the Armenian population and the devastation of their property in some twenty districts of eastern Turkey. Often the massacres were timed for a Friday, when the Moslems were in their mosques . . . Cruelest and most ruinous of all were the massacres at Urfa, where the Armenian Christians numbered a third of the population . . . When the bugle blast ended the day's operations, some three thousand refugees poured into the cathedral, hoping for sanctuary. But the next morning—a Sunday—a fanatic mob swarmed into the church in an orgy of slaughter, rifling its shrines with cries of 'Call upon Christ to prove Himself a greater prophet than Mohammed.' Then they amassed a large pile of straw matting, which they spread over the litter of corpses and set alight with thirty cans of petroleum. The woodwork of the gallery where a crowd of women and children crouched, wailing with terror, caught fire, and all perished in the flames. Punctiliously at three-thirty in the afternoon the bugle blew once more, and the Moslem officials proceeded around the Armenian quarter to proclaim that the massacres were over . . . the total casualties in the town, including those slaughtered in the cathedral, amounted to eight thousand dead.''

Similar accounts of massive Armenian massacres during this 1894–1896 period abound. In 1909, for similar reasons, the government set another prelude to the 1915–1923 genocide. Then, it ordered and carried out massacres in Adana which killed 30,000 Armenians.

Today, as I have noted, the Turkish government is engaged in an all out effort to deny the Armenian genocide. In addition to its efforts in the United States, it is eradicating the physical evidence of any Armenian existence in Turkey. At the beginning of this century Armenians had two thousand churches in Turkey. Now, under two hundred are standing. As for the rest, the government has: destroyed them; converted them to mosques, warehouses, cinemas, and other uses; or allowed them to be plundered and destroyed. In Armenian schools, Armenians are forbidden to teach history and geography, those subjects can only be taught by Turkish officials. As a final example, Turkey strictly forbids open discussion of Armenian history or any other matters which do not comply with government policy. In March of this year, the Independent Magazine reported that:

''In early December 1986 Hilda Hulya Potuoglu was arrested by the Turkish Security Police and charged with 'making propaganda with intent to destroy or weaken national feelings.' The prosecutor of the Istanbul State Security deemed her offense as meriting severe punishment and asked for between a seven-and-a-half and a 15-year jail sentence.

Potuoglu's crime was to edit the Turkish edition of the Encyclopedia Britannica. In this was included a footnote which read as follows: 'During the Crusades the mountainous regions of Cilicia were under the hegemony of the Armenian Cilician kingdom' . . .

The Encyclopedia Britannica was not the first publication to offend. In 1981 the authorities seized Ankara 50, a guidebook to Ankara produced by the British Institute of Archaeology. The book, when published in 1973, had been passed by the military censor. By 1981, however, times had changed. It was noticed that the book featured a map naming the Roman provinces of Asia Minor including—with perfect historical accuracy—the province of Armenia. The guidebook quickly joined the index of forbidden books along with other such politically dubious publications The Times Atlas of World History and the National Geographic Atlas of the World.''

This is the type of action that the Turkish government and those in the United States who deny the Armenian genocide are promoting—the sacrifice of truth and integrity on the altar of perceived political expedience. This is why I am especially glad to have had this time with you today, to publicly expose exactly what we are all up against in fighting denial of the Armenian genocide. Thank you.

REPUBLICAN PLAN PROVIDES SENIORS WITH ACCESS TO AFFORDABLE PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today to talk about prescription drugs. I think everybody in this House is committed to affordable prescription drugs for our seniors who are on the Medicare program. But this morning I would like to talk about the difference between the Democrat plan and the Republican plan.

I would also point out, Madam Speaker, that here in the House we passed by a bipartisan margin a prescription drug package for seniors. This was not an issue that just came into place from 1995 on, so I guess a question would be asked, why have the Democrats made this such a major issue, when they had, prior to 1995, an opportunity to solve this issue themselves when they were in the majority in the House and they had the presidency?

I think it is easy to criticize someone else's plan, but we offered a plan and it passed the House. So let us talk about the difference between the two plans.

The Democrat plan provides less choice, because it would provide seniors with a one-size-fits-all government plan. The Republican bill, H.R. 4680, would give beneficiaries a choice between at least two private sector drug plans. It would allow beneficiaries to choose plans that best suit their needs. Our plan is market-based, rather than relying on the government to run the plan.

Now, why is this so important? Because we know that one of the overwhelming components of any plan that we offer is that it should provide individual choice for our seniors. Choice must be the centerpiece, I believe, of whatever plan we adopt here in the House.

Now, how affordable are these plans? Let us look at these two plans and see what they actually provide seniors. H.R. 4680, which was passed by the House on June 28, the Republican plan, uses private insurance companies as the vehicle to begin prescription drug coverage for seniors over 65.

This plan provides taxpayer subsidies to encourage insurers to offer policies with premiums estimated as low as $35 a month. Participation is voluntary. That is something else important. Seniors taking part can choose between at least two plans. All plans start with a $250 deductible. It would establish the Medicare Benefits Administration, a new agency, to run this program. Volume buying that would be generated is expected to even lower the cost. The legislation covers 100 percent of drug and premium costs for couples with incomes up to $15,200 and singles with income up to $11,300. For all participants it covers at least half of drug costs up to $2,100 annually, and 100 percent, Madam Speaker, of out-of-pocket costs over $6,000.

The bill is projected to cost just under $40 billion over 5 years, and the money has already been set aside in our budget just for this purpose. In other words, my colleagues, it is already paid for. That is the Republican plan.

Now let us look at the Democrat plan that the House defeated here. Currently seniors pay a premium and receive reimbursement for a portion of their doctor and hospital costs through Medicare. Under the Democrat's plan, they would use the new government benefit to reduce the cost of pharmaceutical drugs.

Now, what does this mean? The Democrat plan puts government in charge of seniors' prescription drug through the Health Care Financing Administration, HCFA. They run Medicare now. The government would choose and control a drug purchasing contractor for every region of the country; in other words, a new government one-size-fits-all program.

This is key, because a recent survey of seniors with drug coverage found that, by a margin of 2 to 1, they preferred private insurance coverage to government price controls. That being said, the Democrats' measure offers premiums that would range from $25 to $35 month, but with no deductible. Medicare would reimburse half of drug costs, up to $2,000 annually, and all costs above $4,000 per year.

However, the real question, my colleagues, our seniors are faced with, is who do they trust to run their prescription drug program, the government or the private sector? Do they want to make their own choices and control how their money is spent, or do they want a government-run plan that leaves them without any say about what works best for them?

I believe the choice is clear, Madam Speaker. We offer a plan here, the Republicans, that is voluntary, universal, affordable, with choice and security. For those seniors who are happy with what they have, they do not have to participate, but those that do can.

I believe we can and must work together in a bipartisan manner to help Medicare beneficiaries gain access to affordable prescription drugs. This bill offers coverage that is affordable, accessible, and voluntary for our seniors.

USING THE TAX CODE TO BUILD SCHOOLS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. SHERMAN) is recognized during morning hour debates for 5 minutes.

Mr. SHERMAN. Madam Speaker, here we are, a week before the election. The President is keeping Congress here in Washington, and I think with good reason. One of those reasons is the tax bill which we passed last week, a tax bill which should not be signed by the President until it is made better, particularly on the issue of school construction.

Now, I know it sounds odd to think in terms of a tax bill helping school construction, but in fact we have a tradition in this country of the Federal Government helping school districts build schools through the Tax Code. What we do is we provide that the interest paid on school bonds is tax exempt, and for this reason investors are willing to buy school bonds that pay only 4 or 5 percent interest at a time when they could be earning 7 or 8 percent in taxable bonds. We subsidize the interest cost to encourage school districts to issue bonds and build schools.

Building on that tradition, we Democrats have suggested that a new kind of municipal bond or school bond be issued by school districts in which we, the Federal Government, would in effect pay the entire interest cost. We would provide a tax credit to those who hold the bonds in lieu of them collecting any interest from the school districts. We would go from merely subsidizing the interest cost to actually paying the interest costs on $25 billion worth of bonds over the next 2 years.

The effect of this would be dramatic for school districts. A school district that would otherwise have to pay $100,000 a year in order to make payments on school bonds would instead pay $66,000 a year on those same bonds, reducing its cost by roughly one-third, allowing it to build a new school for only two-thirds of what would otherwise be the cost.

We Democrats have insisted, and the President has insisted, that $25 billion of these bonds be authorized over the next 2 years. Instead, this tax bill provides only half of these very valuable incentives and facilitators for school construction. What the bill provides is $15 billion over 3 years, less than half the $12.5 billion per year that we would like to see.

Moreover, the tax bill that left this House weasels on the Davis-Bacon language, so that school districts can pay substandard wages to build substandard schools in inadequate quantities.

But our Republican colleagues have done something else that we would not do to supposedly help school districts. What they have done is something that will cost the Federal Government over $2 billion, but is actually worse than nothing for our school districts. They have announced to school districts that they should not use school bond proceeds to build schools for about 4 years; that, rather, they will be allowed to play the market with that money and keep the proceeds.

This will be tempting to school districts who are told, look, you can borrow money at only 5 percent interest, lower than anybody else who is playing the market, and then you can play Wall Street with that advantage. Is that the way we should help school districts build schools? I think not. We should be trying to build a school on Elm Street, not a skyscraper on Wall Street.

We should remember how Orange County, California, went bankrupt, when it decided to play the market with funds in the county treasury, and we should not tell school districts that our way of helping them is to encourage them to use school bond proceeds to play the stock market. We should provide more to school districts than a free ticket to Las Vegas, and a chance to take the school bond proceeds and bet them on the pass line or the do not pass line.

Where does the impetus for this phenomenally bad idea come from? It comes from my friends, the Tax Bond Council.

Now, I practiced tax law for a dozen or more years, and it was a kind of boring job. But when I emerged from reading the regulations in the smallest type I had but one solace; at least my job was not as boring as the subspecialist tax lawyers who worked with tax exempt school bonds. They need some excitement, but not a free trip to Wall Street with the tax exempt bond proceeds.

MEETING HALFWAY ON THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized during morning hour debates for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, last week my wife went out to lunch with some of her friends and she told them that Gil was still in Washington and that they were still negotiating the final details of the budget, and they were surprised to learn that. In fact, we now know that most Americans are somewhat surprised that Congress is still in session.

The rumor started back in September that perhaps the President would hold the Congress hostage here in Washington, perhaps to gain some political advantage, perhaps to force some kind of a showdown and perhaps even a government shutdown. But, to the credit of the leadership here in the Congress, we have been pleasantly persistent, we have been negotiating in good faith, and, as a result, we have many of the details worked out. Frankly, I think the ones that are remaining are more about partisan politics than anything else, and simply trying to embarrass the Congress.

As you can see by this chart, these numbers are kind of small, but, frankly, in terms of what we have appropriated versus what the President requested, the differences really at this point do not seem to be very large. We have appropriated more for national defense than the President originally requested and a little bit less in a few

other categories, and, as a budgeteer, I have to say I am a little surprised we are actually spending more than we originally said in our original budget document. One of the things I thought was important was we ought to make it clear that the Federal budget should grow at a rate slower than the average family budget. For the most part, that has been what has happened.

But this year, of course, Washington has a big budget surplus, and, guess what happens when Washington has a big budget surplus? People want to spend it. This is not a partisan issue either. There are Republicans who want to spend the surplus, there are Democrats who want to spend the surplus, and certainly the people down at the other end of Pennsylvania Avenue want to spend that surplus.

So what has happened is the Congressional leaders have said that at least 90 percent of that surplus ought to go to pay down debt, because all of us believe there is something fundamentally immoral for this generation to leave a debt to the next generation. As a result, we will have paid off $350 billion in publicly held debt, in fact, we have right now, and by the end of next year that number could well exceed $500 billion worth of debt held by the general public that this Congress will have paid off.

That is good news. But the President seems to be a moving target, because as soon as we agree to one thing, the President says, oh, no, what I really want is more money here. We really need to spend more money on this.

Now the issue of school construction comes up. As you can see, in terms of education we are spending about exactly as much money as the President requested. The problem is not how much are we going to spend on children, the question is who gets to do the spending?

Many of us feel very, very strongly that if you are going to authorize more money to be available for school construction, that those decisions ought to be made by the people who know the children's names. We do not think it ought to be done by the Department of Education, because the record of the Department of Education is not good.

For the third consecutive year, the Federal Department of Education has failed its audit. In fact, last year we are told by our own accounting office, the General Accounting Office, there is about $100 million that the Department of Education cannot account for. Now, we do not think it is a good idea to turn even more authority over spending school bond money to the Federal Department of Education. We feel pretty strongly about that.

We also feel pretty strongly that it would be a huge mistake to grant blanket amnesty to millions of illegal aliens. Now, we are willing to allow families to be reunited, we are willing to make accommodations. We are willing on spending and policy issues to meet the President more than halfway. But sometimes he will not even accept ''yes'' for an answer.

Clearly, some people in this town are putting partisan politics above the needs of the American people. The real question comes down to this, and we have never gotten a clear answer from the administration or from our friends on the left here in Congress: How much is enough? We are willing to spend, and we believe that $1.9 trillion is more than enough to meet the legitimate needs of the American people, the Federal Government and those who depend upon it. We believe that $1.9 trillion is fiscally responsible. We are still spending more than I would like to see spent.

But the President continues to say, well, that is not quite enough. But he will not give us a number. We are more than willing to meet the President more than halfway, but we are not willing to compromise America's future. We want to take at lease 90 percent of that surplus to pay down the publicly held debt. Most importantly, that is what the American people want us to do.

We are more than willing to compromise and meet with the President and work out some agreement that is in the best interests of the American people. The real question is, is he?

GETTING THE WORK DONE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Madam Speaker, today on the floor and last night I have heard a lot of creative rhetoric and whining from the Republican side of the aisle. They are whining that highly paid Members of Congress, themselves, are here in Washington actually having to work, to be a bit inconvenienced, to even work on a weekend.

Well, why do they have to work? They say the president is guilty. Well, in fact, the President is a little bit guilty in this matter. He is guilty, as is any lenient parent in dealing with spoiled children.

The budget is due October 1. It is set by law. We all know that. The budget was due on October 1. Were the appropriation bills done on October 1? Heck no. And what did Congress do right around October 1? It went home for a 5 day weekend, and then it went home the next week for a 5 day weekend, and then the next week.

How did they get away with that? Well, the president, as I said, being, unfortunately, a little too lenient with the other side of the aisle, allowed them to go home with their work undone by giving them longer term continuing resolutions.

I voted against every one of them. I felt they should have been held to a one day standard at the beginning, I think they should be held to a one hour standard now. If Congress has to stay in session 24 hours a day to get the work done, get it done.

Now, they say, well, it is the President's fault. Well, gee, how can it be his fault, when you have not even sent two of the largest spending bills downtown yet? He has not seen them. The Senate has not passed them. He has not even had an opportunity to veto them, if he is going to.

No, that is awfully strange creative rhetoric. It reminds me a lot of teaching a class, and the kids come in, and they knew all along there was a term paper due, June 1. Well, excuse me teacher, we just did not get it done.

Well, gee, I am sorry, someone sick in the family, you sick, death in the family or something?

No, we just did not get it done. We would like another week.

If the teacher gives them another week, what are they going to say the next week?

Hey, Teach, it was really nice; it was early June, the weather was great, we did not get it done. Give us another week.

You cannot do that, and that is finally what the President is doing here. He is telling the Republicans, get your work done, one day at a time. You are going to stay here until the work gets done.

It is inexcusable to be almost on the first of November. I mean, if they want to score their political points, they can send down defective bills that the president will veto, but they will not even do that. They will not even allow him to veto the bills with the concerns he has. They are just holding them here.

So if anybody is holding them hostage, the Republican majority in Congress is holding itself hostage and whining about it. That is kind of pathetic.

I heard some awfully interesting things about prescription drugs. Let us get one thing clear: The Republican plan that passed this House gives a subsidy to insurance companies in the hope that they might, might, offer a prescription drug only benefit plan to seniors. However, the head of the Health Insurance Industry Association has already said they are not interested in that. They cannot make enough money on something like that, and, if they did, besides that, the drugs would be really expensive.

So the Republican plan not only provides subsidies to the insurance industry, it provides subsidies to the pharmaceutical companies. This is a great plan. But, guess what? If does not put any cap or set any conditions on the

premiums that might be offered to seniors if plans were offered under their grand plan.

It is a way to shovel more billions into the insurance industry and more billions into the obscenely profitable pharmaceutical industry at the expense of America's seniors, while pretending to address a real concern of America's seniors.

That is outrageous. We take a program that is successful, which the Republicans opposed, Medicare, and add an optional, optional, prescription drug benefit. And then, God forbid, they do not like this part at all, we use the market power of Medicare, with 33 million seniors in it, to bargain down the price of drugs. We use the market. The Democrats use the market.

That is not price controls. The VA is doing that take today. Blue Cross-Blue Shield is using that today. They use their market clout. They drive down the cost of prescription drugs by saying, hey, we have millions of people in our plan. We want a discount.

But they are saying we should not do that. In fact, they are saying we should give subsidies to the pharmaceutical companies. God forbid we should bring down the prices in this country.

The prices on pharmaceuticals are more expensive in the United States than any other country on Earth. That is why Americans go across the border to Canada to buy American manufactured drugs for half the price, why they go across the border to Mexico to buy American manufacturered drugs for half the price.

What do they want to do? They want to give a subsidy to the pharmaceutical industry and a subsidy to the insurance industry. That solution is outrageous.

NATIONAL SECURITY AT A LOW EBB

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. HUNTER) is recognized during morning hour debates for 5 minutes.

Mr. HUNTER. Madam Speaker. In answering my colleague with respect to getting out of town, I think a lot of us, Democrat and Republican, have come to the conclusion that the president will not take ''yes'' for an answer until it is politically expedient to do so. You can make an agreement in 5 minutes or 5 days or 5 months, and we obviously have great resistance at the White House right now.

Madam Speaker, let me talk about an aspect of this administration which needs addressing in a very short period of time after the new President takes office. Today, national security is at a low ebb. I reflect back on Vice President GORE's new invention that he came up with in the last debate, in which, along with inventing the Internet and various other American inventions, he invented four Army divisions. He stated that when he came in as vice president, the Army had gone down, but that he increased the number of divisions.

Well, in fact in January of 1993, when Vice President GORE took office, there were 14 divisions in the United States Army. A division is a big group. It is a large number of people, a lot of equipment, in some cases upward of 20,000 personnel.

Today, after the Clinton-Gore administration has run down national security, I might say, for 6 years, there are only 10 divisions in the United States Army. So when Vice President GORE came into office, there were 14 divisions. He claims he increased the number of divisions, but today it is down to 10 divisions. So somewhere along the line the vice president has invented four Army divisions, which is not an insignificant thing.

Now, if you look across the array of military equipment shortages and ammunition shortages, a number of things jump out at you. One thing we need to know is that since the vice president and President Clinton took over in 1992, we have cut the military almost in half. We have gone down, as I said, from 14 Army divisions January 1, 1993, to only 10 today, so we have cut the Army by a good 30–35 percent. We have cut the Navy from 546 warships to only 316 warships, so we have cut the Navy in numbers by about 40 percent. We have cut our fighter air wings from 24 fighter air wings to only 13 fighter air wings. So we have cut air power almost in half under this administration.

Now, the interesting aspect of that, and I think the real tragedy of this slashing of national defense, is this: Usually when you cut an organization, whether it is a sports organization or a business organization, when you decrease it, when you cut it back in size, Americans presume that the core that is left after you have made these cuts is going to be well-trained, well-equipped and ready to go. The sad facts are that the small military that is left after Vice President GORE and President Clinton have taken the action to it, the small military that is left, this half a military that is left, is not as ready as the big military that we had that won Desert Storm in the early 1990s.

Let me give you some examples. They are tragic examples. A few weeks ago we had the Chief of Staff of the Army, General Shinseki, testifying to us. He had to report to us that the Army is $3 billion short of critical ammo supplies. Ammunition. Now, you may not agree with the B–2 bomber, you may not agree with the F–22 fighter. Every American feels that it is good for our troops to have ammunition, because they may need it.

This $3 billion shortage was not measured against any requirement that Congress laid on the administration, it was not measured against what the Senate or the House felt we needed in ammunition, it was measured against what the administration itself analyzed that we needed to be able to fight the so-called two regional contingency conflict. That is the kind of conflict where we might get involved in a Desert Storm operation against Saddam Hussein, or we might have a Kosovo operation, and, at the same time, the North Koreans, for example, might take advantage of that and try to come south on the peninsula, so American forces might have to deploy to two different areas of the world. We feel that to be safe and to give our service people the best chance of returning alive, we need to have the equipment, the ammunition and the capability of handling those two conflicts at about the same time, because it could happen. Well, that $3 billion ammunition shortage that General Shinseki spoke about is with respect to the two MRC contingency.

So let us rebuild national defense. Madam Speaker, I think help is on the way.

PROVIDING HEALTH CARE ASSISTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. GREEN) is recognized during morning hour debates for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, let me follow my colleague. It is interesting though if our armed services are in such bad shape, they have received more funding every year, and it has passed overwhelmingly. In fact, we have a lot of appropriations bills that have not been sent to the President yet, but the Department of Defense was the first one and has had the big plus-up every year compared to other Federal agencies.

Madam Speaker, after sitting here and listening to my colleagues this morning talk about it, I heard that the Department of Education could not be audited. Well, when is the last time the Department of Defense was audited successfully?

Madam Speaker, I think that is a good topic for debate, but this House and this Senate and the President signed the Department of Defense appropriations bill, the first one, and it is there, and it passed overwhelmingly on both sides. So I do not think the United States is going to hell in a handbasket on the Department of Defense, because we make sure we try to provide that funding.

Here we are October 30, and Congress is still in session, and we have heard my colleagues blame the President or blame different folks, Republicans. But it is interesting, because next Tuesday the voters all over the country will go to the polls and make some decisions.

Now, they will look at lots of issues, but one of the ones I wanted to talk about this morning, one of the most major issues, is providing prescription drugs for our senior citizens under Medicare.

Prescription drugs have always been a problem, not just for seniors, but for everyone. When those of us go buy pharmaceuticals for ourselves or our children, we realize how high the cost is. But it seems like in the last 3 years, it has gone up dramatically.

I know senior citizens do not always have the choices we have. Sometimes, if we are working, we can earn more overtime, we can cut some other areas, we can actually increase our income. But seniors do not have that option. Seniors do not have that option, if they are required to take so many prescriptions and they just cannot go out and work more overtime.

I was worried earlier this year, and I am glad the House passed it, that between 65 and 70, I was cosponsor of the bill, let seniors work for those years. I was worried that was only going to be our effort this session, let seniors be able to go out and work and pay for their prescription drugs that are not covered under Medicare.

I know this is my fourth term and in 1993, 1994 and 1995 at our town hall meetings and community meetings, we have dozens every year, we would have one or two people come up and talk about prescription drugs. But in the last 2 or 3 years, it seems like I cannot have a town hall meeting or community meeting without either a senior citizen or someone my age saying, my parents cannot afford it, or even someone my children's age saying, my grandparents cannot afford their prescription drugs.

So, you know, in the early nineties you would only hear one or two, but in the last 2 or 3 years, because it seems like the cost of escalation has been so much, and it hits seniors so much more than it does anyone else.

We asked 2 years ago, and our Committee on Government Reform staff, the minority staff, actually conducted studies around the country for a lot of members of Congress. One of them they did in my own district in Houston, and we did three of them starting about 2 years ago.

One, we compared prices for large purchasers, for example, whether it is Blue Cross-Blue Shield or the Veterans, what can they do if the average citizen goes down compared to what the larger purchaser can do. We found out the large purchasers actually save about half of what my seniors going to their local drugstore would pay as compared if they could get it through some large purchaser.

We also, because I am in Houston, Texas, and it is a 6½ hour drive to Mexico, what it would be for seniors who can drive to Mexico, who can both lower their prices by bulk purchasing, but they have also price controls. So we found out that people can drive from Houston to Mexico and save half, at least, on their prescription drugs. These are studies conducted not by my office, but by the minority office of the Committee on Government Reform. So, again, seniors could save half.

The last thing we did this last spring is we picked out certain pharmaceuticals that are also used for animals. I remember very well in East End Houston at the magnolia Multipurpose Center, we had a good crowd of seniors there, and we had a young lady, I guess in her early 20's, and she had a beautiful German shepherd.

She had that dog, and we started listing pharmaceuticals that my seniors in Houston take, like seniors all over the country, and animals take. Well, it just so happened this dog, this German shepherd, also had asthma, and so did one of my seniors. She talked about how it was tough.

I looked at that dog and I thought it was a purebred German shepherd, Madam Speaker, but it turned out she got it real cheap at the SPCA, and it was a beautiful animal.

But this senior citizen came up and said, I know this dog has asthma, and this is what I pay for my asthma medicine, and it was outrageous. Again, it was more than double for seniors as compared to what we do for our own animals.

That is why it was frustrating that this House has not addressed it, except for one bill that passed earlier. We compare the House plan and the Democratic plan and Governor Bush's plan and the House plan, and it just looks like it is giving more money to insurance companies who, under our current HMO system are not even covering seniors.

Madam Speaker, I know next Tuesday a lot of people, no matter what their age, will go to the polls. I know prescription drugs are important, and I hope they look at the Democratic plan.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 45 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 10 a.m.

PRAYER

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

At the beginning of a new work week, Lord God, be with us. Fill us with a freshness and a renewed energy as we face the tasks here set before us today.

May our minds be bathed in the light of Your spirit and our hearts be set free to discern clearly the ways of justice and integrity.

Bring to this Nation a true sense of purpose as it interprets the signs of the times and seeks to be an instrument of peace in the world.

God of all grace, guide us 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.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker pro tempore's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. MCNULTY. 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 298, nays 47, not voting 87, as follows:

[Roll No. 577]

YEAS—298

Andrews	Buyer	Doolittle
Archer	Callahan	Doyle
Armey	Calvert	Dreier
Baca	Camp	Duncan
Bachus	Canady	Dunn
Baker	Cannon	Ehlers
Baldacci	Capps	Ehrlich
Baldwin	Carson	Emerson
Ballenger	Castle	Engel
Barcia	Chabot	Eshoo
Barrett (NE)	Chambliss	Etheridge
Barrett (WI)	Chenoweth-Hage	Evans
Bartlett	Clayton	Ewing
Bass	Clement	Farr
Bentsen	Coble	Fletcher
Bereuter	Coburn	Foley
Berkley	Collins	Fossella
Berman	Combest	Frelinghuysen
Berry	Cook	Frost
Biggert	Coyne	Gallegly
Bilirakis	Cramer	Ganske
Bishop	Cubin	Gekas
Blagojevich	Cummings	Gibbons
Bliley	Cunningham	Gilchrest
Blumenauer	Davis (FL)	Gillmor
Blunt	Davis (VA)	Gilman
Boehlert	Deal	Gonzalez
Boehner	DeGette	Goode
Bonilla	DeLauro	Goodlatte
Bonior	DeLay	Goodling
Bono	DeMint	Gordon
Boswell	Deutsch	Goss
Boyd	Diaz-Balart	Graham
Brady (TX)	Dicks	Granger
Brown (OH)	Dixon	Green (TX)
Bryant	Doggett	Green (WI)
Burr	Dooley	Greenwood

Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Jones (NC)
Kelly
Kennedy
Kildee
Kind (WI)
Kingston
Kleczka
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McKeon
McKinney
McNulty
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Owens
Packard
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—47

Aderholt
Baird
Bilbray
Borski
Capuano
Clyburn
Condit
Costello
DeFazio
English
Filner
Ford
Gejdenson
Holt
Hooley
Kucinich
Latham
LoBiondo
Markey
McDermott
McGovern
Miller, George
Moran (KS)
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Phelps
Ramstad
Rogan
Rothman
Sabo
Sanchez
Schaffer
Slaughter
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Udall (CO)
Udall (NM)
Velázquez
Weller
Wu

NOT VOTING—87

Abercrombie
Ackerman
Allen
Barr
Barton
Becerra
Boucher
Brady (PA)
Brown (FL)
Burton
Campbell
Cardin
Clay
Conyers
Cooksey
Cox
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Dingell
Edwards
Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gephardt
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hinchey
Hulshof
Jefferson
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kilpatrick
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
McCollum
McInnis
McIntosh
McIntyre
Meehan
Meek (FL)
Menendez
Metcalf
Morella
Neal
Oxley
Pascrell
Pickering
Pickett
Porter
Riley
Scarborough
Shaw
Shays
Shuster
Snyder
Spratt
Stabenow
Stark
Talent
Thompson (MS)
Visclosky
Waters
Watkins
Watts (OK)
Weygand
Wise
Young (AK)

□ 1021

Mrs. CUBIN changed her vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. GILMAN. Mr. Speaker, I was unavoidably delayed due to the late arrival of the airplane I was traveling on from New York because of poor weather conditions. Accordingly, I was unable to vote on rollcall No. 574, a Journal vote. Had I been present, I would have voted ''yea.''

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. PEASE). Will the gentleman from North Carolina (Mr. WATT) come forward and lead the House in the Pledge of Allegiance.

Mr. WATT of North Carolina 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.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. BENTSEN. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 4577, be instructed, in resolving the differences between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement that State plans for medical assistance under such title XIX provide for adequate reimbursement of physicians, providers of services, and suppliers furnishing items and services under the plan in the State.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 120.

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

There was no objection.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 120) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of House Joint Resolution 120 is as follows:

H.J. RES. 120

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting ''October 31, 2000''.

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another of the 1-day CR's. I do not think it requires a lot of debate. So I would like to use a couple of minutes just to compliment my friend and colleague, the gentleman from Wisconsin (Mr. OBEY). He looks wide awake this morning despite the fact that we had a long night last night. But at about 1 o'clock this morning, I think the gentleman from Wisconsin (Mr. OBEY) and I both felt that we had made some accomplishments in reaching the end on the issue of the last appropriations bill that is out there.

Other than that, Mr. Speaker, there is nothing much more to say on this issue. We all know what the issue is. But the good news is that we are really at the end on the final appropriations bill.

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

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

Mr. Speaker, I would like to say good morning to my friend, the gentleman

from Florida (Mr. YOUNG). We have been seeing a lot more of each other than we would both like. But I think last night it is safe to say that there was a significant amount of progress.

Frankly, there are a couple of items in what was agreed to that I regard as a breach of faith on the part of the House. But I am not going to get into that right now.

Basically, the gentleman is right, we made significant progress in dealing with the core Labor H bill. There are still a lot of ways that things could go wrong, but I hope that they do not.

I simply urge passage of the resolution.

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

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

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. OBEY. 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 339, nays 9, not voting 84, as follows:

[Roll No. 578]

YEAS—339

Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy
Kildee
Kind (WI)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Baird
Barton
Costello
DeFazio
Dingell
Ford
Miller, George
Phelps
Stupak

NOT VOTING—84

Abercrombie
Ackerman
Allen
Barr
Becerra
Berman
Boucher
Brady (PA)
Brown (FL)
Burton
Campbell
Cardin
Chambliss
Clay
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Duncan
Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Greenwood
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kilpatrick
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
McCollum
McInnis
McIntosh
McIntyre
McKinney
Meehan
Meek (FL)
Metcalf
Morella
Neal
Oxley
Pascrell
Payne
Pickering
Pickett
Porter
Riley
Roybal-Allard
Rush
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stearns
Talent
Thompson (MS)
Visclosky
Watkins
Watts (OK)
Waxman
Weygand
Wise

□ 1045

Mr. DOOLEY of California changed his vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 578, I was not able to vote. Had I been present, I would have voted "yea."

HOUR OF MEETING ON TUESDAY, OCTOBER 31, 2000

Mr. LINDER. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 6 p.m. tomorrow.

The SPEAKER pro tempore (Mr. PEASE). The motion of the gentleman from Georgia (Mr. LINDER) is privileged and is not debatable.

PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Indiana will state his parliamentary inquiry.

Mr. ROEMER. Mr. Speaker, would the effect of moving the time for us to do business tomorrow from 10:00 in the morning until 6:00 at night in effect have Members then not be able to be at home in their districts either working or with their families tomorrow night for Halloween? Is that the effect of this vote?

The SPEAKER pro tempore. The question that the gentleman has posed is not a proper parliamentary inquiry.

Mr. ROEMER. That is the effect of this vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LINDER).

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

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 159, not voting 75, as follows:

[Roll No. 579]

AYES—199

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Mascara
McCarthy (MO)
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—159

Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (OH)
Capps
Capuano
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Hall (OH)
Hall (TX)
Hill (IN)
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Kennedy
Kildee
Kind (WI)
Kleczka
Kucinich
Lampson
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Smith (WA)
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wu
Wynn

NOT VOTING—75

Abercrombie
Ackerman
Allen
Barr
Boucher
Brady (PA)
Brown (FL)
Burton
Campbell
Cardin
Clay
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Diaz-Balart
Dickey
Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kilpatrick
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
McCollum
McInnis
McIntosh
McIntyre
Meehan
Meek (FL)
Metcalf
Morella
Neal
Oxley
Pascrell
Pickering
Pickett
Riley
Shaw
Shays
Shuster
Slaughter
Snyder
Spratt
Stark
Stearns
Talent
Thompson (MS)
Visclosky
Watkins
Watts (OK)
Weygand
Wise

□ 1105

Mr. BROWN of Ohio changed his vote from ''aye'' to ''no.''

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.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 579, I was not able to vote. Had I been present, I would have voted ''aye.''

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTIONS 121, 122, 123, AND 124, EACH MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 662 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 662

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 121) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 4. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 124) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that the use of personal electronic communications devices is prohibited in the Chamber of the House, and they are to disable wireless telephones before entering the Chamber of the House.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the 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 the purpose of debate only.

Mr. Speaker, House Resolution 662 is a closed rule providing for consideration of House Joint Resolutions 121, 122, 123 and 124. Each of these joint resolutions make further continuing appropriations for fiscal year 2001 for a period of 1 day. Mr. Speaker, H. Res. 662 provides for 1 hour of debate on each joint resolution, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against the consideration of these joint resolutions. Finally, the rule provides one motion to recommit on each joint resolution, as is the right of the minority. This rule was favorably reported by the Committee on Rules yesterday, and I urge my colleagues to support it.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for being more brief than he was the last time. He caught me off guard. I thank the gentleman for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, this rule provides for the consideration of the eleventh, twelfth, thirteenth, and fourteenth continuing resolutions we have done in the last month. Each one of these continuing resolutions will keep the Federal Government open just 1 more day, because my Republican colleagues just have not finished their 13 appropriation bills.

The 1974 Budget Act requires that these bills, those 13 bills, be signed into law by October 1. But, my Republican colleagues have spent much too much time passing tax breaks for big business and not enough time on school construction.

So, here we are on October 30 with only five appropriation bills signed into law. Those bills are Defense, Military Construction, Interior, Transportation, and Agriculture, and VA–HUD and Energy and Water. Meanwhile, waiting at the White House are Legislative Branch, Treasury-Postal, and others. Still outstanding are Labor, Health and Human Services; Commerce, State, Justice; Foreign Operations; and District of Columbia. But, because so many bills are outstanding, Mr. Speaker, my Republican colleagues have been forcing Congress to spend time passing emergency measures and protections for special interests, while Democrats have still been fighting for new school construction.

Mr. Speaker, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. RANGEL) have a school construction bill that is supported by 230 Members of Congress, Democrats and Republicans alike. This bill would provide $25 billion over 10 years of interest-free financing for school construction and modernization with prevailing wage protections. But my Republican colleagues refuse to put this bill into the Labor, Health and Human Service appropriation bill so that the President can sign it and local communities can begin building new schools.

So, rather than wasting time this month on abbreviated work weeks, renaming post offices, and tax breaks for the special interests, my Republican colleagues should have been passing Medicare reform, prescription drug programs within Medicare, and funding school construction.

Mr. Speaker, I urge my colleagues to oppose this rule.

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

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

Mr. MOAKLEY. Mr. Speaker, I am very pleased to yield 8 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise to oppose this rule. I think we ought to do 1-day rules and 1-day CRs, but more importantly, I think it is time for us to reach the compromises necessary and finish up the work of the 106 Congress.

We are all asking why we are here today, and we have different views on it. According to ''The Baltimore Sun,'' it is because of Republican gridlock in Congress again. Once again, leaders of this House are finding they cannot get their way. Whatever happened to the fine art of compromise? I know my friends on the other side of the aisle would differ with that and have a different opinion of that. Both sides are right, perhaps.

But perhaps a little practical constitutional reminder is in order for us today. You, we, cannot beat a President, unless we have two-thirds of the votes. The Constitution guarantees that under our separate, but coequal branches of government, that the only way the House of Representatives can win is to have two-thirds of the vote, no matter how we like or dislike a President, now or in the future. And we cannot get two-thirds of the vote, unless we are willing to work with at least some on the other side of the aisle which, unfortunately, our leadership has chosen not to do.

Remember the budget resolution where all of this began? The President's budget called for $637 billion in spending, and you said you were going to hold discretionary spending to $625 billion and you complained about big spending Democrats, including we Blue Dogs, those of us in the Blue Dog Coalition proposed a budget suggesting a compromise of $633 billion. This budget was supported by 138 Democrats and 37 Republicans.

□ 1115

If 45 more Republicans had joined with 137 of us, perhaps the debate would be a little different. Perhaps we would not even be here. If the leadership in Congress had been willing to work with us, we could have had a credible bipartisan budget that would have held spending down to $633 billion. Instead, we are on a path to spend $645 billion or more next year, $12 billion more than the Blue Dogs suggested and $8 billion more than the President requested. Some compromise.

Some compromise, spending $8 billion more than the President. And yet my colleagues, some continue to come to the floor and say how much more are we going to spend. Well, they have won on this issue. When we passed the rule last week on the foreign operations bill, they voted to raise, at least some, not all, a majority of us, not me, voted to raise the caps to $645 billion. The issue of how much we are going to spend is a moot issue.

I would much rather have held it to $633 billion. My Republican colleagues wanted to go to $645 billion. The President wanted to keep it at $637 billion.

So let us not have any more of this because any of these issues that spend more money, my colleagues should know by now that the rules of the House suggest that if we spend more than $645 billion, we will sequester all spending next year to bring the level back to $645 billion if we mean it, and I hope we mean it. So let us quit talking about that money is the issue.

I do not know how the leadership in the House honestly can complain that Democrats are big spenders when they have already voted appropriation bills and sent to the President spending $11 billion more than the President requested. I do not understand how voting to increase spending by $21 billion on programs that a prominent Republican has identified as low priority, unnecessary, or wasteful spending is acceptable, but asking for $5 billion more for education makes someone a big spender.

Under the plan being pushed by leaders in the Congress, we will squander the surpluses that should be used to deal with a variety of my priorities including eliminating our national debt. Leadership is taking credit for debt reduction that was achieved only because their proposals to use the entire budget surplus for tax cuts was defeated.

The recent conversion to debt reduction rhetoric after 2 years of rhetoric to the contrary comes after their tax cut proposals fell flat. The cover of the September 16 issue of Congressional Quarterly described the leadership strategy with this headline: ''Desperate to find a way out, GOP settles for debt reduction.''

Mr. Speaker, we easily could have bipartisan agreement on death tax relief, on marriage tax penalty relief, on a Medicare prescription drug benefit, a Patients' Bill of Rights, campaign finance reform legislation; yet this Congress will adjourn without enacting any legislation on any of these issues.

The leadership has chosen to take these issues off the table. They have won on these issues. They are off the table. But we will not go home, we will not go home without making sure we have given our hospitals, nursing homes, and home health care providers the relief that they need. That is the dividing issue, the one that must be worked out.

There is strong support among Democrats for meaningful estate tax relief that would repeal the death tax for all estates less than $4 million and reduce rates for all other estates by 20 percent immediately. This proposal could be signed into law. But according to the Wall Street Journal, some in the Republican leadership rejected that proposal because they are afraid that ''the GOP would lose a powerful election-year issue for its candidates.'' And they might be right.

We heard a lot of rhetoric Saturday about the need for a national energy policy; yet we are about to conclude another Congress without any effort on the part of the House to develop a national consensus on energy policy. We could have taken a small step by adopting the tax incentives for domestic oil and gas producers that were included in the Senate version of the tax bill, but for some reason the leadership of the House opposed this bipartisan effort as well.

Surely we can reach a bipartisan agreement now if leaders of the Congress are willing to work with the President to find compromises on the remaining issues. But I have to ask, why did the congressional leadership not accept the President's offer to meet yesterday to discuss an agreement on responsible tax relief and a Medicare package that provides assistance to health care providers as well as beneficiaries, instead of providing over 40 percent of the funding for HMOs?

Let me repeat so that all of us can understand and hear clearly, particularly the leaders of the Congress: we will not have a final budget agreement that allows us to leave here without making sure we have given our health care providers the relief that they must have, nor without satisfactory compromises regarding school construction, class size reduction, immigration, and the other issues remaining.

We would not need to be here on October 30 if 2 or 3 months ago, when this work should have been happening, the Republican leadership had been willing to work with us in a bipartisan spirit on a fiscally-responsible budget that funded priority programs including Medicare, provided reasonable tax relief, and paid down the debt. Unfortunately, for some reason the leadership has chosen a course that has produced gridlock and inaction.

Mr. Speaker, it is your move. The ball is in your court. Do your job and you will find a lot of bipartisan support, especially if you were to ask.

This is the message that I hope that all of us will take. It is time to quit the fingerpointing. We are down to the last few issues. Some of them are very, very important; but all of them must be compromised. It is unrealistic to believe that anyone, the President or the House, can get their way absolutely. But a reasonable compromise on all of these issues could be reached this afternoon if only we would find the willingness to sit down and to talk to each other, a willingness that we have not been willing to do for the last 2 years, 4 years or 6 years. That is why we are here today.

Again, we cannot, we cannot defeat this President, the next President, or any President unless we have two-thirds of the vote. We cannot get two-thirds of the vote unless we work for it.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM), who in the well of the House outlined many of the same arguments that he outlined last night when we gathered here in informal session to have an honest discussion on some differences.

One thing that I think is interesting is this: when the gentleman from Minnesota (Mr. GUTKNECHT) put the question to the gentleman from Texas, if we reverted to the President's original budget numbers, if that were the key to accommodate the President as my friend points out, that certainly the President has a role in this process, if we were to revert to the President's original estimates, could there be a guarantee that the President would sign the appropriations bills? The gentleman from Texas was very candid last night. He said he could not guarantee that, and he respectfully submitted that that was not the question.

But, Mr. Speaker, that is exactly the question, because that is the argument my friend from Texas has made. We do not seek to ignore the President or deal with some sort of blatant hostility. We understand consensus and compromise and we have done that. And even as the gentleman outlined the challenge confronting us with Medicare, I would remind all of my colleagues that just last week on this floor we passed a piece of legislation vital for health care with the bulk of the help going to hospitals, especially rural hospitals, to local health care, to nursing homes.

The fact is some chose not to vote for it. Now, good people can disagree. We are here in this situation, as we try to find consensus and compromise, and the question again, Mr. Speaker, is this: How much is enough?

I understand the calendar. I do not presume to be naive. I know this is the political season. But I would join with the gentleman from Texas who says let us not engage in fingerpointing. Indeed, Mr. Speaker, the challenge before us is to put people before politics, and that is what I suggest we do.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, for those Americans who may be following these proceedings, they might be asking themselves what exactly are we doing here 30 days after the appropriation and funding bills are supposed to have been enacted into law? What have we accomplished? Or a better question: What have we not accomplished this Congress?

I would like to give a brief overview. Over the last 2 years, the Republican leadership of this Congress has had a unique opportunity. It was an opportunity to work with House Democrats and to work with the President to craft a sensible, bipartisan solution to some of America's most difficult and toughest problems: the unchecked powers of the HMOs to veto family health care decisions; the fact that literally millions of senior citizens cannot afford to buy prescription medicine that they need; the need to increase the minimum wage for those people who work and make this country run by taking care of our seniors in nursing homes and feeding us and cleaning our offices and taking care of our children in child day care centers; the fact that kids from one end of this country to the other are forced to go to school in cramped, overcrowded classrooms.

The Republican leadership had 2 whole years, some would say 6 years since they became the majority, to work with President Clinton and Democrats to respond to these problems. Had they decided to work with us by now, we could have had a prescription drug benefit in effect. People who use HMOs could have had the right to legally challenge them. Millions of people would not have been thrown off the benefits of HMO plans or denied benefits under those plans. We could have started working on repairing and modernizing our schools all over this country.

Minimum wage workers who are struggling, often adults with a couple of children, to provide for their family could have had thousands of dollars into their pockets. But I am sad to say that instead of rolling up their sleeve and working with us, the Republican majority chose to obfuscate, to shrug their shoulders, to walk away.

Mr. Speaker, just do not take my word for it. Listen to what America's leading newspapers are saying. Roll-call: ''What a mess . . . If (voters) paid attention, they'd surely be appalled, as practically everybody here in this town is. House leaders failed to work out a

joint strategy with Senate leaders, and they have been utterly uninterested in working with House Democrats.''

The Washington Post: ''The Un-Congress continues neither to work nor adjourn. For 2 years, it has mainly pretended to deal with issues that it has systematically avoided.''

The Baltimore Sun: ''Whatever happened to the fine art of compromise? It seems to have vanished from the lexicon of Republicans on Capitol Hill. The result is more gridlock in Washington, as Republicans try to force their political agenda down President Clinton's throat.''

And, of course in the USA Today today they described this Congress as a ''costly do-little Congress.'' I might also add, Mr. Speaker, that this is a do-little and a delay Congress. They have done little; they have delayed much.

Mr. Speaker, the Republicans have demonstrated that the only place they are capable of leading Congress is gridlock and dead end. It is time for a change. This has been an utter failure. We have failed to address the main issues that the American people have sent us here to address, and the American people understand that. They know that, and they will respond to that if we do not, in the next couple of days, answer some of these questions that the gentleman from Texas (Mr. STENHOLM) and others have addressed.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I felt compelled to react to some of the speakers that have preceded. Republicans have come in with some additional spending. Deployments by the Clinton-Gore administration, Haiti, $4 billion; $3 billion of that is in Aristide's pocket. Extension of Somalia where we had 18 Rangers killed; the United States paid for 86 percent of Kosovo.

I think that is wrong. And my colleagues on the other side would say that there should be more burden-sharing from NATO countries. That has come at a great expense of our defense, of our military, of our men and our women.

□ 1130

We have got 22 ships that are tied up to the pier because of deferred maintenance. The Secretary of the Navy just announced the descoping and cancellation affecting repair and maintenance of 26 naval ships, which means that is 26 more ships this year will not be worked on; and that the lack of funds, because we have used it, they have had to shift the ship repair money over to the CV, the carriers, and the submarine refueling because of the deployments that we have had.

My colleagues talk about working bipartisan. Many of us long for that, and we have on many cases. But I want to give my colleagues an idea that, with the HMOs, when Governor Bush, and I believe that the polls are showing it, is President, we will pass a patients' bill of rights. But it will not allow lawyers to sue unlimited amounts and put a hospital, a doctor, or a health care provider out of business with one lawsuit. Then one will not be able to go down and sue the small business that hires them in good faith. I mean, that is a pretty strict difference between the two parties. When one talks about compromise, we are not going to allow one to put health care providers out of work.

If one looks at the bill that is before us right now with Davis-Bacon, many States have overridden Davis-Bacon requirements. Now, their side of the aisle wants even those States that do not have Davis-Bacon to have to fall under construction. We think that is wrong. A, it adds between 15 to 35 percent to the school construction. We are saying let the schools keep the extra money instead of paying the union wage.

Those are pretty big differences. The reason that we have not come forward is, on both sides, that the different positions sometimes are here or they are out here to the left. I think where we have come to the center and work together, that is the best thing that this Congress can do. That is what we are trying to do. That is why we are here today.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time. The gentleman from California (Mr. CUNNINGHAM), the last speaker, just answered a big part of the previous question of the gentleman from Arizona (Mr. HAYWORTH).

The reason we cannot go back and undo the budgets now is that there is only one really left. We have spent the money. We have different opinions as to whether we have spent it wisely, but it is done. My point that I am trying to make is it is done.

We have set the caps of spending of $645 billion. If we wanted to spend less, we should have done it with the budget resolution that would have had the kind of support to carry us through. We did not do that. But that is done.

I wanted to emphasize where I am coming from and where I think a lot of Members on both sides of the aisle are coming from regarding the health care, the Medicare relief bill.

For the rurals, the urbans, the teaching hospitals, what I would like to have seen us done is add a 2nd year of full market basket update for inpatient hospital services. That needs to be done to get consistency. Restore cuts for skilled nursing facilities for 2 years, not just one. Restore cuts for home health providers for 2 years, not just one. Improve the formula for Medicare disproportionate share hospitals to equalize payments to rural hospitals.

Now, many were already saying, then you are wanting to spend more money. No. I believe that we could have given less to the HMOs and more to our hospitals, and we would have had a better package. That is my opinion. I suspect that there are more that share that opinion, because I really believe, and more of the folks believe, that that is what we should have. We have the argument of consistency.

Our rural hospitals and others that are struggling to keep their doors open, we give them 1 year. The atmosphere that we are in today, what kind of planning can you give. Why could we not give a 2-year certainty on this and then start working soon after the next election as to where we truly go with health care policy? We need to do this.

That is why I say I think people are having some real wrong ideas and thoughts that we are not going to be able to work this and several other areas out on the Medicare relief bill.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, in case the American people are having difficulty understanding the argument of the gentleman from Texas (Mr. STENHOLM), as most of us over here are having difficulty, because it does come down to us, we believe, the President asking for more money; and we are trying to keep control of the budget.

But if we cannot understand that, they should be able to understand one of the other issues, the major issue of contention between the Republicans and the other side of the aisle and the Clinton-Gore administration; and that is the Clinton-Gore administration is demanding that we stay here, and they are holding us hostage with the demand that we give a blanket amnesty to millions of illegal immigrants.

Now, the American people should be able to understand that. All of this budget talk, if one cannot understand what is going on there, one should be able to understand that this administration, the Clinton-Gore administration, the other side of the aisle, want us, and we are refusing, to grant a blanket amnesty so that millions of more illegal immigrants will, number one, be granted amnesty and eventually be eligible for government programs, which means millions of illegal immigrants who are now not eligible will be eligible for health care benefits, for education benefits.

Here we are trying to give a modest, just a modest bit of tax relief to the American people, and that is outrageous; but it is not outrageous to bring millions of more illegal immigrants into this country and make them eligible for government benefits. Give me a break. Give the American people a break.

No, I am proud to stand here with the Republicans saying, no, we are going to watch out for the American people. We care about others. We care about our immigrant population. In fact, legal immigrants are some of our proudest citizens. We are happy to have them here as legal immigrants. But to have millions of illegal immigrants be granted amnesty is thumbing their noses at legal immigration and at the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM). I understand what he is saying. He made a very important point. He is asking for reason and balance; and that is, to respond to the needs of rural and urban hospitals and not give to HMOs the $34 billion that our Republican colleagues want to give to insurance companies, and not allow some of those dollars to be utilized to pay health care providers and hospitals.

Secondarily, the gentleman from California (Mr. ROHRABACHER), my good friend who just spoke, has also a misunderstanding what those of us are trying to do with respect to legal immigration or access to legalization.

Mr. Speaker, I serve as the ranking member on the Subcommittee on Immigration and Claims on the Committee on Judiciary; and I am sorry to say it is not a million people coming into this country, it is thousands of homeowners and taxpayers who have lived in this country for almost 20 years. In fact, the National Restaurant Association is begging us to be responsible to hard-working members of their community who have worked in their restaurants.

This is a question with the INS. We all know the status of the INS, it made a great error and did not allow these individuals to proceed to apply for citizenship. It is not giving them blanket amnesty; it is allowing them to apply for citizenship.

Interestingly enough, when many of us voted in 1996 for what we thought was a fair immigration policy in the dark of night, Republicans took away the court proceedings that were proceeding in a very orderly manner, sponsored by the Catholic Dioses, that would allow individuals to go into the courtrooms and proceed in the process of securing their citizenship. That was stopped in the dark of night in 1996.

So what we are standing here for is to ensure that those who are trying to seek legalization, access to legalization fairly and honestly, citizens in Nevada, citizens in Rhode Island, in New York, in Michigan, in California, in Texas, who are already here, whose children are going to school, they want to be able to access legalization.

In fact, in my good city of Houston, a poor man by the name of Mr. Gonzalez, working 13 years, is about to be deported and his family left abandoned because he cannot have access to legalization.

Mr. Speaker, I am happy to yield to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for raising this, because this is one of the great shames and scandals of our country.

These people which the gentlewoman speaks of are the people who do the work of this country. We could not be building the roads; we could not be feeding the people of this country. They have been here for 15 and 20 years, and they live in fear every day because of their status. They make this country work.

It just is an absolute outrage that we have to deal with this issue in a way that is not responsible to them and to the future of this country. The gentlewoman from Texas is absolutely right. We ought to do something about this. These are the people that take care of our children, our grandparents, our roads, our buildings. They collect our garbage. They do a lot of things.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR), the minority whip, for his eloquence on his issue, because I hate the undercurrent that I am hearing in this body. That is that the reason why we are here and the reason why we are stuck in the mud besides the issues on health care and this tax cut is because we do not want this millions of illegals to come into this country.

Mr. Speaker, they are here, and they are not millions, they are thousands of hard-working individuals who love this country, who love their families, and who came here out of persecution, and we opened the doors.

Mr. Speaker, I would simply say that we need to work on this issue.

Mr. ROHRABACHER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is the gentleman from California (Mr. ROHRABACHER), my good friend, who I would be delighted to yield to when I finish my point, and maybe he can get some time from his side, because I know his heart is good.

Mr. Speaker, I simply say we need to get down to dealing with hard-working individuals and stop this undercurrent of bias that I am hearing. It hurts my heart.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, every time we talk about illegal immigration, we talk about racial bias. I have about had it. There are immigration laws. If they are in the country illegally, we should throw them out.

We are putting up a neon sign blinking all over the world, come on and run in, run in illegally, and we will make one a citizen, and then we will let one bring one's family. Beam me up here.

I disagree with this illegal immigration. If they want to come into America, damn it, get in line. There are laws. Follow the law. When Congress starts letting people jump the fence and get away with it and then use it for political gain, Congress has failed the American people, and Congress has shredded the Constitution.

I want to say one last thing. Several days ago, 10 Mexican narco-terrorists crossed the border and started shooting at our border patrol. They needed a helicopter to come in and provide air coverage.

We are guarding the borders all over the world. We are flooded with heroin and cocaine. And my colleagues are here wanting to make more illegal immigrants citizens.

I am not for making one more illegal immigrant a citizen. There is no bias in my heart. I am tired of the charge that is being placed against us.

If they want to come into America, get in line like many Americans did legally. If they are not in this country legally, JIM TRAFICANT says they should be thrown out, and the Congress of the United States should not have a flashing sign saying jump the fence.

Mr. Speaker, this is an important issue, more than my colleagues think. There is a lot of political ramifications that are not very good for the country. With that, I would hope the Democrat party would take a look at the issue a little more carefully.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair reminds Members that they are to refrain from the use of profanity in debate on the House floor.

The Chair reminds all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the Rules of the House.

Mr. MOAKLEY. Mr. Speaker, would the Chair be kind enough to advise the gentleman from Georgia (Mr. LINDER) and myself of the remaining time.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining. The gentleman from Georgia (Mr. LINDER) has 19½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

□ 1145

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me this time, and I will not take the 2 minutes, but I wanted to correct something.

The impression has been left here that these people are illegal; that they have come here and not followed the

rules. The fact of the matter is that many of them have come here as a result of persecution in their countries. They have been in line. They are waiting for documentation. It is not the case of them sneaking across the border and cutting in front of other people. These are people who have been here, have been accepted here, are waiting in line and not getting their documentation processed.

I might also add for my colleagues that it is very ironic that we could come here and do on a voice vote 193,000 people, allow them into this country, high-tech people, when no one was around here, and then these folks who have been here for as much as 14 years cannot get the satisfaction of knowing that the taxes they have been paying for 14 years and the work they have been providing to this country is being ignored.

It is an outright scandal and it is a shame. But they happen to be nonhigh-tech people. They are people who do the work of the country. They do our garbage, they do our roads, our schools, they take care of our kids, they do our wash, they do the stuff in the restaurants, cook our food. They deserve to be here.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding. The only thing I wanted to offer to this debate is the fact that all of us in this Nation, all of us, no matter how we look and what language we might have started out with, have come from somewhere and have sought opportunity.

I do not know how I came legally. I was not able to come here legally, as I understand it. My colleagues may question my history, but I know my history. I came in another manner.

So I would simply say that anyone who wants to challenge these individuals needs to look at their own personal history. This is a terrible shame what we are doing in this Congress.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I would just reiterate what the gentleman from Texas has already said, and certainly part of this disagreement is about the immigrants; but the major disagreement we have is that the Republicans have chosen to raise their own budget caps and spend that money by giving it as a wonderful trick or treat present to the HMOs. They have chosen to deny the relief that our hospitals and nursing homes need. They have chosen to deny prescription drug benefits for our seniors. They have chosen to deny estate tax and marriage tax relief to our citizens.

These people cannot wait. This money should not go to the insurance companies, it should not be wasted by giving it to the HMOs. It should be used to provide a prescription drug benefit for our seniors, to keep our hospitals and nursing homes in business, to provide the services we need, to provide estate tax and marriage tax relief to our citizens.

We should not have to wait another 1 year or 2 years or 4 years to see this benefit granted to the American people. It is time for this Congress to do its work that we should have done a long time ago.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. THOMAS) to instruct the gentleman from Arkansas what was actually in that bill he voted on.

Mr. THOMAS. Mr. Speaker, some of us are sitting here somewhat confused. We have been listening carefully to the debate and hearing, for example, that these folks are legal but they are in fear of their status; that in fact we have chosen to give $34 billion to the HMOs.

If anyone bothered to check the entire cost of this bill, which is money for the hospitals, Medicare+Choice, home health, preventive care, on and on and on, the entire package, according to CBO, scores at $31.5 billion over 5 years. Now, I know there has been a discussion on the Presidential trail about fuzzy math; but to be able to stand up last night and today and to continue to repeat that there is $34 billion for managed care in this bill is to simply ignore the fact that the entire package is $31.5 billion.

By the way, the single largest percentage in this package goes to hospitals. That is appropriate because hospitals are the single largest cost factor in Medicare. As a matter of fact, the American Hospital Association, the largest hospital grouping in the country, has written a letter saying, we urge the Members to vote for the legislation; we urge the President not to veto the legislation. Now, when are we going to let the hospitals speak for themselves?

We just heard repeated this apparent political mantra that is necessary that we are shorting the providers, the other providers, the hospitals. The hospitals said we should have voted for the bill. Frankly, some of the Democrats have been coming up to me and saying, gee, I would like to have another opportunity. My leadership led me astray. I did not realize exactly what was in the bill. Well, sorry, it came up, we voted on it, and it was passed.

The providers themselves have written letters, more than four dozen home health associations, various specific acute hospitals, psychiatric hospitals, the providers; and they have said, sign the bill. Yet we continue to hear this argument, which is totally devoid of reality, that somehow we are spending $34 billion on the HMOs out of a $31.5 billion bill and that we are shorting the other providers, when the American Hospital Association said, we like it, deliver it, and please, Mr. President, sign it.

Now, we are also not talking about the very, very nice package of preventive care provisions that are in there extending the preventive care, which was first put in by this majority in 1997, having not been done before. We have extended it in terms of digital mammography; we have increased the number of Pap smears available for those in risk groups; we have provided screening for glaucoma; we provided screening for colonoscopies. In fact, the second largest grouping in this bill is for preventive care and beneficiary assistance.

One of the largest dollar amounts in the package is to put real dollars toward correcting the overpayment by beneficiaries on hospital bills because they have not been treated fairly and honestly by this administration in terms of what an actual percentage of the bill is. The beneficiaries are paying 20 percent of the listed price when HCFA is negotiating the price down, and that 20 percent becomes 30, 40 and 50 percent of the bill. That is shameful. We moved directly to start stopping that. That is the single largest chunk.

We also, finally, allow immunosuppressive drugs to be available to those who have had organ transplants for the rest of their lives. Current administration has held it at 3 years.

This bill is full of really good stuff supported by all of these groups, and what we continue to hear is a total misrepresentation. I know my colleagues will not stop it, but what they are saying is simply not true.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I too am dismayed at the tone this debate has taken with respect to immigration, and I am saddened and ashamed about it.

All of us think we should enforce the immigration laws; but the immigration laws have worked to damage a segment of our society, hard-working Americans with families who work hard and pay taxes every day, people who have been here since before 1986, paying taxes and raising families, and the law needs to be made equitable for those people.

Last year, in Denver, we had a lady who, because she was afraid she would be ejected from this country permanently under the immigration laws, left this country. She left this country and she left her newborn child, who is an American citizen, in the arms of her husband, who is also an American citizen, because she was afraid that she would never be able to come back if she did not leave and reapply.

That is not only an inequity, it is a terrible human tragedy, and that is

what we are trying to do. We are not trying to open the borders to everybody. We are not trying to let criminals in here. We are trying to protect the rights of hard-working Americans who are decent citizens and who pay taxes. That is what we are trying to do.

I think we should stop all of this terrible slurring on the race and everything else, and we ought to get down to what this is all about.

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

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

Mr. Speaker, none of us is happy being here today on this resolution. I believe it is fair to say that both sides would rather be home talking to our constituents about the future. And as long as I can remember, there have been continuing resolutions passed for several days at a time so that only the negotiators were kept here finishing the job. As I recall, one year during the Reagan administration, agreement was never reached, and the entire next fiscal year was conducted under a continuing resolution that President Reagan signed.

Yet we are here today forced to pass a series of continuing resolutions because we have a President who has been reluctant to leave the stage with grace and dignity. In order to have his way, he is willing to threaten to shut down the government unless we agree to this nonsense. He is willing to shut down the government unless we agree with him on his priorities in the budget. And he is willing to put everyone else at risk, both parties included, unless he gets his way.

Does the world not see what is going on here? My guess is that they do not because they view the world through the eyes of an uncritical press. In 1995, the President vetoed a continuing resolution because it contained a ''legislative rider,'' his words, in an appropriations bill. Today, he is holding an entire Congress, Democrats and Republicans alike, hostage because we are unwilling to approve his ''legislative rider'' in an appropriation bill. Is he likely to succeed? Perhaps. Because we have an uncritical press that will not tell that story.

The American people might be interested in one rider he insists upon. We have heard it talked about today. The President is insisting on a rider that will grant total amnesty to as many as a million immigrants who came to the Nation illegally. Now, to be sure, we are a Nation of immigrants. We welcome those who come to our shores and use the legal process to become Americans. But the President wants to put those who ignore our laws ahead of those who are law abiding. But we will never hear this from the press.

We have been here daily since the President issued his edict that he would not sign any continuing resolution that was longer than 24 hours. I want to commend the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY). I have never seen two more dedicated workers for the cause of getting the people's work accomplished. They have been here day and night to complete the task.

I confess they differ in their views as to the right solution for the final sticking points; but unlike the President, they are here working. They were prepared to meet even on that evening last week when the President and his Chief of Staff were attending the World Series, and the next day, when the President found it more important to get in a round of golf. And over the past weekend, when the President was campaigning for his side, oh, yes, we have been ready to meet and solve this. But the President has not been here, and an uncritical press will not point that out.

In fact, the President plans a trip to California this week to campaign. We will pass one of these 1-day continuing resolutions, and a military jet will be dispatched to take it to the President for his signature. But that cost of thousands of dollars will not be billed to his party or the people he was campaigning for. The taxpayer will foot the bill. But an uncritical press will not burden the public with that fact.

We are here and will be here until the President returns to town to sit down and negotiate. We do not expect every decision to go our way, but neither should the President.

□ 1200

But absent the critical press, we will never know.

So we are left to stand here on this 30th day of October. We will pass this series of 24-hour continuing resolutions. We will wonder when the President plans to return from the campaign. We will get the job done for the American people. And we will look back to the old days when Presidents Truman, Eisenhower, Johnson, Ford, Carter, Reagan and Bush understood that their day had passed and they left the stage with grace and dignity and we will long for that time.

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

The SPEAKER pro tempore (Mr. PEASE). 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.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 286, nays 73, not voting 73, as follows:

[Roll No. 580]

YEAS—286

Aderholt
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Brady (PA)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Ewing
Fattah
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Pallone
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sessions

Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Udall (CO)
Udall (NM)
Upton
Vitter
Walsh
Wamp
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—73

Andrews
Baird
Becerra
Berman
Berry
Bonior
Boswell
Clay
Clayton
Clyburn
Condit
Costello
DeGette
Dicks
Dingell
Doggett
Edwards
Etheridge
Farr
Filner
Ford
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Holt
Inslee
Jackson (IL)
Jackson-Lee (TX)
Kildee
Lampson
Lee
Lewis (GA)
McDermott
McKinney
Meeks (NY)
Menendez
Miller, George
Moran (VA)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne
Pelosi
Phelps
Price (NC)
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sandlin
Scott
Serrano
Sisisky
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Towns
Velázquez
Waters
Watt (NC)
Waxman
Woolsey

NOT VOTING—73

Abercrombie
Ackerman
Allen
Barr
Blumenauer
Boucher
Boyd
Brady (TX)
Brown (FL)
Campbell
Cardin
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
DeFazio
Delahunt
Dickey
Everett
Forbes
Fowler
Frank (MA)
Franks (NJ)
Goodlatte
Hastings (FL)
Hefley
Hilliard
Hooley
Hoyer
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
Mascara
McCollum
McInnis
McIntosh
McIntyre
Metcalf
Neal
Oxley
Pascrell
Pickett
Radanovich
Riley
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stearns
Talent
Thompson (MS)
Turner
Visclosky
Walden
Watkins
Weygand
Wise

□ 1221

Mr. WAXMAN changed his vote from ''yea'' to ''nay.''

Ms. LOFGREN, Mr. GORDON and Mr. KUCINICH changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 580, I was unable to vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 64, not voting 72, as follows:

[Roll No. 581]

AYES—296

Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (PA)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Packard
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Rivers
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
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—64

Baird
Becerra
Bentsen
Berry
Bonior
Capuano
Carson
Clay
Clayton
Clyburn
Condit
Costello
Davis (FL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Filner
Ford
Frost
Gephardt
Gonzalez
Green (TX)
Holt
Inslee
Jackson (IL)
Jackson-Lee (TX)
Kildee
Kucinich
Lampson
Lee
Lewis (GA)
Lofgren
Markey
McDermott
Meek (FL)
Miller, George
Mink
Moakley
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Phelps
Rangel
Rodriguez
Sisisky
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Velázquez
Visclosky
Waters
Watt (NC)
Woolsey
Wu

NOT VOTING—72

Abercrombie
Ackerman
Allen
Barr
Boucher
Boyd
Brady (TX)
Brown (FL)
Campbell
Cardin
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
DeFazio
Delahunt
Dickey
Everett
Forbes
Fowler
Frank (MA)
Franks (NJ)
Goodlatte
Hastings (FL)
Hefley
Hilliard
Hooley
Horn
Hoyer
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
Mascara
McCollum
McInnis
McIntosh
McIntyre
Metcalf
Neal
Oxley
Pascrell
Pickett
Radanovich
Riley
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stearns
Talent
Taylor (NC)
Thompson (MS)
Turner
Watkins
Weygand
Wise

□ 1231

Mr. OLVER changed his vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 581, I was unable to vote. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 577, on approving the Journal of October 30, 2000. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 578, on passage of a bill making further continuing Appropriations for Fiscal Year 2001.

Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 579, on setting the Hour of meeting for October 31, 2000. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 580, on ordering a vote on the previous question. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 581, on passage of a bill providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001. Had I been present, I would have voted "yea."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

Mr. HOEKSTRA. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mrs. HOEKSTRA 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. 4577 be instructed to choose a level of funding for the Inspector General of the Department of Education that reflects a requirement on the Inspector General of the Department of Education, as authorized by section 211 of the Department of Education Organization Act, to use all funds appropriated to the Office of Inspector General of such Department to comply with the Inspector General Act of 1978, with priority given to section 4 of such Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby serve notice to the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

The form of the motion is as follows:

Mr. SCHAFFER 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. 4577 be instructed to insist on those provisions that—

(1) maintain the utmost flexibility possible for the grant program under title VI of the Elementary and Secondary Education Act of 1965; and

(2) provide local educational agencies the maximum discretion within the scope of conference to spend Federal education funds to improve the education of their students.

PROVIDING FOR CONSIDERATION OF S. 2485, SAINT CROIX ISLAND HERITAGE ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 663 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 663

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

SEC. 2. A concurrent resolution consisting of the text printed in section 3 is hereby adopted.

SEC. 3. The text specified in section 2 is as follows:

''*Resolved by the House of Representatives (the Senate concurring)*, That, in the enrollment of 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, the Clerk of the House of Representatives shall make the following corrections:

''(1) In section 1, insert before 'are hereby enacted into law' the following: ', as modified in accordance with section 3,'.

''(2) In section 2, insert before the period at the end the following: ', modified in accordance with section 3'.

''(3) Add at the end the following new section:

''SEC. 3. MODIFICATION TO TEXT OF BILL ENACTED BY REFERENCE.

'' 'The modification referred to in sections 1 and 2 is to the text of the bill H.R. 5538, as referred to in section 1(1), and is as follows: the quoted matter in the amendment proposed to be made by section 2 of such bill is modified by striking ''June 30, 2000'' and inserting ''December 31, 2000''.' ''.

The SPEAKER pro tempore (Mr. LAHOOD). 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 the purpose of debate only.

Mr. Speaker, House Resolution 663 is a closed rule providing for the consideration of S. 2485 to direct the Secretary of the Interior to provide assistance in planning and constructing a Regional Heritage Center in Calais, Maine. The rule also provides for the adoption of a concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of the bill, H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company, House Report 106–1016.

I want to make it clear that we are considering S. 2485. The text of the report that the Committee on Rules filed to accompany this resolution incorrectly states in the summary of the resolution that the resolution provides for the consideration of H. 2485 when in fact it was meant to state that the rule provides for the consideration of S. 2485.

The rule provides 1 hour of debate in the House divided equally between the chairman and ranking minority member of the Committee on Resources. Further, the rule waives all points of order against consideration of the bill and provides for one motion to recommit with or without instructions.

Finally, the rule provides that a concurrent resolution directing the Clerk to make certain corrections to the enrollment of H.R. 2614 is adopted.

Mr. Speaker, in essence what this two-part rule will accomplish is the following: the first part provides for the consideration of S. 2485, which directs the Secretary of the Interior to work with Federal, State, and local agencies, historical societies and not-for-profit organizations to facilitate the development of a Regional Heritage Center in downtown Calais, Maine, before the 400th anniversary of the settlement of the Saint Croix Islands.

Saint Croix Island is located in the Saint Croix River, which forms the boundary between Canada and the United States and the State of Maine. Now, in 1604 and 1605, Pierre Dugua Sieur de Mons, with his company, established a French settlement on the island predating the English settlement at Jamestown, Virginia, in 1607. Saint Croix Island International Historic Site is administered by the National Park Service, preserving the site as a monument to the beginning of the United States and of Canada.

S. 2485 directs the Secretary of the Interior to work with Federal, State and local agencies, historical societies and nonprofits to provide assistance in planning, constructing and operating a Regional Heritage Center in downtown Calais. The bill authorizes the Secretary to enter into cooperative agreements, the appropriation of $2 million for design and construction of the facility, and such sums as are necessary to maintain and operate interpretive exhibits.

The Congressional Budget Office estimates that implementing S. 2485 would cost $2 million over the next 3 fiscal years. Additional annual expenses to help operate and maintain the center

once it is completed in 2004 would not be significant.

The bill was introduced by Senators COLLINS and SNOWE of Maine on April 27, 2000, and passed the Senate by unanimous consent on October 5.

The second part of the rule dealing with the tax bill's enrollment and the minimum wage, is necessary because the Democratic leadership would not grant unanimous consent for the House to make this correction, which in essence helps to preserve the minimum wage. When drafting H.R. 5538, the portion of the tax relief bill providing for increases in the minimum wage, there was an error which could have the unintended result of eliminating the minimum wage for a 6-month period. As a supporter of the minimum wage, I find it very difficult to believe but nevertheless recognize that the leadership on the other side of the aisle is playing politics with this issue. By opposing a unanimous consent request to make this technical yet critically important correction, the minority leadership is creating another roadblock to increasing the minimum wage and is actually serving in this situation to eliminate the minimum wage.

The rule, Mr. Speaker, self-executes the adoption of a concurrent resolution which otherwise would not be privileged to make this technical correction so that the minimum wage will continue to exist while orderly increases in that wage take place from $5.15 an hour to $5.65 and then to $6.15 beginning January of 2002. So let no one be confused. The vote on the previous question and the vote on the rule is a vote on the minimum wage.

I would like to repeat that, Mr. Speaker, if I may. The vote on the previous question and the vote on the rule is a vote on the minimum wage. I strongly support this rule and urge my colleagues to support it as well.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, the concurrent resolution for which this rule provides consideration will correct one of the mistakes in the tax bill that we passed last week. The way the bill was written, rather than raising the minimum wage, it really would have eliminated it from July 1, 2000, to December 31, 2000. So this concurrent resolution attempts to fix that. The problem, Mr. Speaker, is that is all this attempts to fix.

Mr. Speaker, if my Republican colleagues are able to make changes to this bill to fix a 6-month minimum wage hiatus, I would recommend that they not stop there. This partisan tax package includes a tax break for special interests to the tune of $28 billion at the expense of the average American people. It does not include $25 million in interest-free financing for school construction supported by a bipartisan group of 230 Members of Congress. That bill the President said he would sign, and it would enable 6,000 American schools to be modernized.

Furthermore, the tax bill does not include funding for 100,000 new teachers, emergency school repairs, teacher training or after-school programs. Instead, Mr. Speaker, it contains tax relief for big businesses, HMOs, and insurance companies. It also does not do enough for hospitals that were hurt and hurt very badly by the balanced budget cuts in Medicare. Instead, Mr. Speaker, it directs a disproportionate amount of funds to the HMOs, who only serve 15 percent of the Medicare enrollees but get 40 percent of the funding.

Despite a few good points, Mr. Speaker, the overall tax package is really a disaster, and I urge my colleagues to insist that it be changed by opposing the previous question. If the previous question is defeated, I will offer an amendment to fix the minimum wage and the Balanced Budget Act so they can be signed into law.

My amendment, Mr. Speaker, would also raise the national minimum wage from $5.15 an hour to $6.15 an hour over the next year. It will also repair some of the damage done to the hospitals by Medicare and Medicaid cuts in the Republican Balanced Budget Act by providing a full hospital and hospice inflation update for 2 years. In contrast, Mr. Speaker, the Republican bill has only a 1-year update, then it makes cuts in the second year.

Mr. Speaker, the President has made it abundantly clear that a vote for the previous question is a vote against the minimum wage. A vote for the previous question is also a vote against fixing the Medicare and Medicaid cuts made by the Republican Balanced budget amendment. So I urge my colleagues to raise the minimum wage. I urge my colleagues to strengthen Medicare and Medicaid by defeating the previous question.

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

□ 1245

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I am not so sure we are talking about the same bill, with all due respect to the gentleman from Massachusetts (Mr. MOAKLEY). The original minimum wage bill that was included in the tax package was $1 spread out over 3 years. The President of the United States wanted $1 over 2 years. I worked hard with Republican leaders to look at that aspect; and included in the tax package is a minimum wage increase of $1 over 2 years, that the President had asked for, and it is noninflationary due to the following reason, and I support the tax provisions in the bill, and I urge the President to sign this bill.

Mr. Speaker, if that boss does not get a helping hand, he will grant that minimum wage by law, but he will lay off some of those very people we are trying to help at the bottom end of the ladder due to the constraints that may be placed upon him. I think there is fairness in this bill.

I have been listening to all of this talk about HMOs and hospitals. I want someone to tell me what hospital association or group opposes this bill? They all support the bill. But let us look now at managed care, which is really managed costs. This did not just happen in the last 6 years. We have seen these dynamics in the last 20 years; and they were not fixed by either party so the private sector gave us the cold turkey. The private sector started making decisions based on dollars. I have to give credit to the bill that has been passed that is going to be sent to the President. It does make some good changes in the right direction.

Let us talk about the minimum wage. If we vote against this rule, we are voting against the minimum wage, because all it was was a technical error in the drafting that says the following: not less than $5.15 an hour during the period ending June 30, and that was a technical error. The language should have been, during the period ending December 31 of the year 2000. We have pension reform in this bill.

Let us now talk about the school concerns my colleagues have. I support my colleagues on those school concerns, and there is a Labor-HHS bill to deal with that. It is not and should not be in a tax bill. The tax bill is specific. This particular rule makes that clerical change, the technical correction that is needed. I want to thank the leadership for doing it. I think the Democrat party should have done this on unanimous consent, and should have done it wholeheartedly. The President's $1 over 2 years is in this tax bill, and the President should take a very good look at the tax provisions. They are good for America, they are good for workers, they are good for retirees, they are good for investment, they are good for the boss, and they are good for the workers.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time. I am constantly amazed at the rhetoric on this floor. The vote on the rule and the previous question has nothing to do with minimum wage, but it has everything to do with correcting another mistake. It has been acknowledged that a mistake was made. Quite frankly, there are a lot of mistakes being made the way we are legislating

around here, but this is an honest mistake that was made that is being corrected, and there is no disagreement from anyone on correcting that mistake.

By defeating the previous question, it will allow us to correct another mistake. The vote on this rule is a vote about allowing the House to work in a bipartisan way to provide our rural and urban hospitals, teaching hospitals, home health providers, nursing homes and beneficiaries that they get the assistance and the relief that they need. By voting against the previous question, we can vote on a responsible package that corrects the shortcomings of the Medicare package that the Republican leadership put together last week, a mistake.

Let me remind everyone, the same people that have been eloquently defending their package of what they are doing are the same people that wrote the Balanced Budget Agreement of 1997. That ought to bother some of my friends on this side. The same people.

Now, we should have a full hospital prospective payment system update for 2 years, not just 1. Our rural hospitals need certainty. They do not need the continued uncertainty. They have had themselves dug into a hole by the cuts of the Balanced Budget Agreement that the same people that wrote believe now is a new solution.

It provides improving the formula for rural disproportionate share of hospitals. In addition, the provisions in the Republican-passed bill, the proposal that we can vote on in a moment, what we are trying to offer, would provide for a higher level of reimbursement for hospitals serving low-income individuals. All of us that represent those constituents know that is needed.

It provides a 10 percent bonus for rural home health agencies to compensate for the high cost of travel, lower volume of patients seen per hour, and we know that is needed. It provides a 2-year delay in the 15 percent cut in payments for home health agencies instead of the Republicans' 1-year delay. Surely we can reach a bipartisan compromise on this.

A mistake was made. A mistake was made. We can correct this mistake by voting down the previous question.

Again, we keep talking about how do we resolve this? Why did the leadership not accept the President's offer to meet yesterday to discuss an agreement of responsible tax relief in a Medicare package that provides assistance to health care providers as well as beneficiaries instead of providing over 40 percent of the funding for HMOs? Why did we not? We keep blaming, talking about world series games and all of this. That is history. Yesterday, the President was there.

Let me repeat what I said during the previous debate so our leaders can hear clearly, because they have failed to hear previously equally blunt statements. We will not have a final agreement that allows us to leave here without making sure we have given our health care providers the relief that they must have. We can do this in a bipartisan way. We can get over this anger, we can get over all of whatever it is that we are talking about. That is what this vote is on the previous question. Vote down the previous question and allow us to correct a mistake in Medicare and Medicaid for our hospitals and providers and nursing homes.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I think this resolution speaks to the reasons that we are here today. We could come together on a lot of things, and we have over this Congress and previous Congresses, but there is a lot at stake, and that is the election of 2000. I think there has been partisanship on both sides of the aisle, and I would say that the majority of both Republicans and Democrats detest what we have to go through here on this House floor.

I want to tell my colleagues that there are things like Medicare and the health care package that the gentleman from Texas just spoke about. Is it perfect? No. California has probably more health care providers than any other State. It was put there to cut and reduce the expanding cost of health care, but yet still give quality health care. Medicare was going to go bankrupt. I heard about Medicare cuts. Even when the President signed the Medicare bill, Republicans tried to expand, and did expand Medicare from going bankrupt over 27 years.

There is rhetoric from that side of the aisle time and time and time again. The unions put over $100 million against our proposal to save Medicare. Even as the President signed it and now AL GORE takes credit for it, the expansion of Medicare, the leadership on that side fought against it. The Balanced Budget Agreement that I just heard about, Alan Greenspan said it is one of the key issues in why the economy is good today.

Welfare reform. We have billions of dollars coming into the government from working Americans instead of billions of dollars going out.

Capital gains reductions. My colleagues said, oh, that is just a tax break for the rich. But again, Alan Greenspan said it is one of the key factors that not only created jobs and expanded the economy, but it paid for itself.

Listen to the debate over here. Everything that expanded the economy, the Democrat leadership fought against. As a matter of fact, not a single Clinton-Gore budget ever passed the House or the Senate from 1994 through now, but yet they claim the responsibility for the economy. And in 1993, we call it a tax increase, they call it an economic package. They increased the tax on Social Security, and we did away with that. They took every dime out of the Social Security Medicare trust fund; we put it into a lockbox, but yet they fought that.

For a year the ranking minority member said, we want a tax cut for the middle class. First of all, I would ask my colleagues not to use the term ''middle class.'' There are no middle class citizens in this country. There is middle income, but not middle class. But yet, even in that package, they increase the tax on the middle income, and we are talking about the extremism of the leadership on that side. I think after November 7, they may have a new ranking minority member on the Democrat side, because the extreme measures that the Democrats have gone through have not served them well.

Mr. Speaker, if my colleagues on the other side want this to come together with a package that is supported by the people that we are trying to help, because the hospitals support it; the National Hospital Association supports this package. It gives them the money they needed. I have hospitals in my district, many, and because of illegals, Irish illegal immigrants, if you want, are going to emergency services, driving up the cost of health care, and the overhead and the legal liability is killing our hospitals, and they need the additional funds. The nursing homes and the rest that my colleagues quoted, those organizations support the bill. But yet, my colleagues would fight us on that side.

Mr. Speaker, I would ask that yes, we will have campaign finance reform, but it will also deal with the unions, which JOHN MCCAIN supports, by the way, but he knows that the President would veto it. Yes, I think in the new President, I think if it is Governor Bush, that we will have meaningful and workable, and you will enjoy it, nonpartisanship.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, the gentleman from California gave a lot of answers to questions that never were asked, but if we are going to get out of this Congress, and he represents the moderate view on the other side, we have far more difficulties that I expected.

All we are asking is that we vote down the previous question to give us an opportunity to create a rule that can deal with some of the problems that keep us here locked into the Congress. I would like to believe on the question of minimum wage that there

are just as many Republicans that would like to get a vote on this as there are Democrats. This would give us an opportunity not only to correct the mistake that obviously has been made by the Republicans, but to give us once again an opportunity to go to the table and work out something that we can conclude is good for the American people and go home.

□ 1300

Clearly, we have a bill before us, the St. Croix Island Heritage Act; and Republicans now are trying to put the minimum wage repeal correction on it, which means they want to correct the mistake that they have made.

We want to correct both of these mistakes by having a better rule that gives us an opportunity to have a balanced budget giveback bill that really helps the hospitals in the rural areas and the inner-cities. And, certainly, this would give us an opportunity to get out of Washington and get back home and get into our districts.

It makes no difference how much we lock into what we honestly believe. The only way we can succeed is by coming together in some type of an agreement. We all may not get all of the things that we want, but certainly there is some basic things that we think that should be included in a bill for us to get home. The rural disproportionate share hospitals, in addition to provisions in the Republican-passed bill, provides for higher level of reimbursement for rural hospitals that are serving low-income individuals.

My colleagues are not going to tell me that any national, State, or regional hospital association would not believe that hospitals are really having fiscal problems, whether in the rural areas or whether in the inner-cities, because low-income people or working people with no insurance have an inability to pay. This is something that we should want to fix, not as Democrats, not as Republicans, but as Members of Congress.

Mr. Speaker, so as Republicans have made mistakes with the minimum wage in not wanting to repeal it in its entirety, why not come back, revisit it, and give a minimum wage for all the American people to have, and also include with that a decent tax cut for small business employers. Let us try to work together and get out of here and go home and try to earn reelection, at least for the Democrats.

Mr. DIAZ-BALART. Mr. Speaker, I ask for the remaining time on each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) has 15½ minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 20½ minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. BALDACCI), the House sponsor of the St. Croix Island Heritage Act with the center being established in Calais, Maine.

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, for yielding me this time and for his leadership on the Committee on Rules.

Mr. Speaker, as the sponsor of the legislation on the House side, H.R. 4815, that was a companion bill to the Senate bill that was introduced by Senator COLLINS and Senator SNOWE, I would like to just speak to that portion that deals with the St. Croix Island Heritage Act, which is located in Calais, Maine, on the border between Maine and New Brunswick. It has been referred to as St. Croix Island River, which is the international boundary between the United States and Canada, the only international historic site in the National Parks system located 8 miles down river from Calais, Maine.

St. Croix Island is the site of one of the first French attempts in 1604 to colonize the territory they called Acadia. It is one of the first locations of the earliest European settlements in North America. The island lies west of the international border and can be seen from a National Park Service sighting on the main shore of the St. Croix River. The island can also be seen from a Parks Canada facility on the New Brunswick shore of the St. Croix River.

The Down East Heritage Center, which this legislation seeks to authorize, seeks to preserve, interpret, and develop the historical, cultural, and natural resources of Maine's most eastern region, Washington County. Through the interpretation and preservation of the rich resources in this vast and rural area, the Down East Heritage Center will promote economic development, support educational programs, and become a leading destination for heritage tourism.

The Down East Heritage Center is a project of the St. Croix Economic Alliance and the Sunrise Economic Council. Historically, it has been a hub of shipping commerce on the St. Croix River. The Calais waterfront is being revitalized as part of a comprehensive waterfront development plan. In eastern Maine, a remnant of quiet wilderness flourishes. The watershed of Passamaquoddy Bay reaches from forested uplands fed by pristine brooks and rivers and dotted with ancient bog lands to tidal shores at the Bay of Fundy's mouth in the Gulf of Maine.

It is a region of enormous tides, rocky island cliffs, and seabirds colonies, rafts of seals, pods of whales, salmon runs and fishing eagles. The St. Croix River connects a wide variety of habitat that, in turn, supports a diversity of plan and animal species. It is also a place of diverse cultures from the Passamaquoddy, the ''People of the Dawn,'' to the first European settlers on the Island of St. Croix in 1604.

I support this legislation. It is supported by the Parks Service. It is supported by the administration.

Mr. Speaker, I also would like to have entered into the RECORD the statement by the gentleman from North Dakota (Mr. POMEROY), who is a frequent visitor of Calais, Maine, and has numerous friends and would like to have that entered into the RECORD.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume. We have, at this point, no other speakers. We may have another.

Mr. Speaker, I was shown a copy of the previous question amendment that the minority is proposing. They propose to strike H.R. 5543, which is the Medicare giveback bill, which by the way is supported by all providers. Now, the handout that the other side has given their Members talks about HMOs and HMOs and HMOs.

No, no, no. All providers support the increase in Medicare which we have achieved, and this legislation provides for $31.5 billion over 5 years. Now they want to substitute it with a bill that we are still waiting for. We have not even seen a copy.

So I have learned a lot in my 8 years here, but I have to admit this is one of the most amazing things I have seen, coming to the floor and opposing legislation in the context of a technical correction with which we are seeking to keep the minimum wage on the books, and in the context of opposing that technical correction, seeking to strike legislation that provides for over $30 billion for providers for Medicare, and not even having shown us, the other side of the aisle, a copy of the legislation.

Well, I never cease to learn in this process. But that is what the other side, our friends on the other side of the aisle, are proposing to do at this time. So it is amazing.

Mr. Speaker, what we are doing, and I want to reiterate, what we are doing is a technical correction to make sure that the minimum wage stays on the books. And so opposing the rule at this point, and opposing the previous question, I reiterate, is opposing what we are seeking to do today, which is to make sure that the minimum wage stays on the books.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume just to tell the gentleman from Florida (Mr. DIAZ-BALART) that ours does the same thing to the minimum wage as theirs does, but we just go a little further in other matters.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I ask that we defeat the previous question and allow the Democrats to bring up an initiative which the gentleman from Florida is very much aware of. It basically seeks, among other things, to correct a lot of the health care inequities that the Republicans have refused to address in this Congress.

Now, we know that what the Republican tax bill did was to basically give all the money to the HMOs, or most of the money to the HMOs because they are their special-interest friends. The Republicans refuse to bring up the Patients' Bill of Rights. They refuse to bring up a prescription drug program.

The Democrats are saying simply that we want to correct this situation and make sure if the HMOs are going to get more money that they have to provide a 3-year guarantee that they are going to continue with the program with the seniors who sign up and that they get the same level of benefits, including prescription drugs. That makes sense for the average person.

Mr. Speaker, we are worried about the average person and how they are going to benefit from these health care initiatives.

At the same time what we are saying too is that we are going to try to address the Patients' Bill of Rights in a small way by improving the appeals provisions for Medicare beneficiaries in this bill. The other thing we have been saying is that too much money is going to the HMOs and not enough to the hospitals and the home health care agencies and the nursing homes that need more money, because a lot of them are closing or not able to provide a sufficient quality health care. So we correct that as well.

Finally, what we have been saying is that the Republicans refuse to do anything to improve the problem for the uninsured. There are 42 million Americans that have no health insurance. We passed a bill a few years ago that expanded health care insurance for children, the CHIPS program, and we have had a number of other ideas. But the Republicans instead, they come up with this above-line tax deduction in their tax bill that does not help anybody but people who already have health insurance.

Mr. Speaker, what we are doing in this motion, if we are allowed to bring it up, is we are saying we want to expand the kids health care initiative, the CHIPS program. We want to enroll more children. We are trying in a small way with our initiative here today to make sure that the HMOs have to provide the same level of benefits for 3 years. They have to make sure that there is some way to deal with the Patients' Bill of Rights and try to enroll more children. It is a small measure, but at least something for the average guy.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), vice chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, the gentleman from Florida, my dear friend, says he is amazed at what he sees on the floor. So am I.

The title of this legislation is the St. Croix Island Heritage Act. But Republicans have to use this legislation in order to fix their sloppy, inefficient, incompetent form of legislating that has been brought to the floor.

It is Republicans ramming through legislation, and I am so glad to hear Governor Bush talk about bipartisanship. He needs to make a phone call to the majority of his party here to talk to them about creating bipartisanship, because it is ramming through the legislation without even talking to Democrats that caused, in part, a major mistake, leaving minimum wage workers without protection for 6 months.

Mr. Speaker, thank God for Democrats who pointed out to the Republican majority the error which today they seek to fix. It is Democrats who fought for the minimum wage increase, bringing Republicans kicking and screaming to this issue. And who, in fact, are here today fighting once again not only for the working men and women to fix that mistake, but also to fix the mistake they have made on our hospitals, urban, rural, and teaching hospitals, to ensure that all in the community will have the access to the services they provide.

Mr. Speaker, we deserve to fix the mistakes not only on the minimum wage, but we also deserve to fix the mistakes that Republicans have made in reference to our hospitals. They allowed, through their errors, through their process, and through ramming it through, to leave the lowest wage earners subject to the corporate excesses of the marketplace. Now they would leave our hospitals to be ravaged by the corporate excesses of the HMO.

That is something we cannot tolerate. It is not something working men and women can accept. And that is why we must defeat the previous question.

Give us an opportunity to save our hospitals, and, yes, to save the working men and women of this country who were left exposed.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are doing in this legislation, and it was brought up previously by speakers on the other side of the aisle, technical mistakes are common. Unfortunately, they occur. They are scriveners errors, and they are resolved with unanimous consent requests. But what is amazing is that the unanimous consent request to fix the minimum wage, so it stays on the books for the 6 months that it would have been taken off the books if we would not have fixed it today, that fixing it would not have been agreed to by the Democrats by unanimous consent.

Mr. Speaker, that is really amazing. So we are fixing that scriveners mistake with this rule so the minimum wage will stay on the books. Again, I repeat, a vote on the previous question and a vote on the rule is a vote on the minimum wage.

In addition to that, we have legislation that the gentleman from California (Mr. THOMAS) and others have worked on for months to provide over $30 million to the providers, to the medical providers in this country. It is supported by the medical providers across the board. $31.5 billion over 5 years in increases in Medicare and providers throughout the United States are supporting that measure.

□ 1315

Yet, the other side now comes with a stealth bill, a secret bill that still we are waiting to see, saying that they want to fix other issues. No, no. We have a public bill, $31.5 billion for providers, supported by all medical providers, and we are hit, then, with a stealth bill.

So we would like to see the stealth bill.

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

Mr. MOAKLEY. Mr. Speaker, may I request the amount of time remaining for both sides.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MOAKLEY) has 13 minutes remaining. The gentleman from Florida (Mr. DIAZ-BALART) has 11½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I think it is somewhat disingenuous for our friends on the Republican side to advocate their Medicare give-back bill just claiming providers support it. The truth is, if one asks any of the Medicare providers and any of the hospitals if they prefer the version that they put on the floor or the version that we are trying to offer, I can assure my colleagues they will support that which we are trying to offer.

I want to read to my colleagues a letter I have from my hospital administrator from Jasper, Texas. I am trying to help many of my rural hospitals. Here is what he has to say: ''We are extremely concerned because as the present language reads in the Bill, one-third to one-half of BBA relief over 10 years would go to the HMOs, leaving less for providers and beneficiaries in East Texas.''

The truth of the matter is only 16 percent of the Medicare beneficiaries in this country are enrolled in HMO Medicare+Choice plans. Under the Republican version of this bill, 40 percent

of the money goes to those HMOs. That is just not right. It is not going to save our rural hospitals. We can do better.

Mr. Speaker, I include the letter from the Christus Jasper Memorial Hospital Administrator for the RECORD, as follows:

CHRISTUS JASPER
MEMORIAL HOSPITAL,
Jasper, TX, October 18, 2000.

Congressman JIM TURNER
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN TURNER: I am writing to you as CEO/Administrator of CHRISTUS Jasper Memorial Hospital in Jasper, Texas, a small and rural Catholic hospital serving the citizens of Southeast Texas. We are still reeling from the devastating cuts of the Balanced Budget Act of 1997 and are seeking relief at your hands. We are asking for a full market basket update from Medicare inpatient services in 2001 and 2002 and also expand health care coverage from legal immigrants.

We are extremely concerned because as the present language reads in the Bill, one-third to one-half of BBA relief over 10 years would go to HMOs, leaving less for provider and beneficiaries in East Texas, such as CHRISTUS Jasper Memorial Hospital. Further, the Bill does not prohibit HMOs from dropping benefits or leaving the community as they have done here in Texas and left many of our patients without HMO coverage. We need your help.

Also rural hospitals need additional help by passing re-basing of sole community provider status and also Medicare dependent hospital status, as we are both.

I will be glad to discuss this with you at any time concerning this very vital issue. If you have any questions, please do not hesitate to contact me.

Sincerely,

GEORGE N. MILLER, JR.,
CEO/Administrator.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from California (Mr. THOMAS). Perhaps he has a copy of the stealth bill.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I do not have a copy of the bill that was introduced today. But if anyone wants to know what it contains, it would be a little bit like going to an editing room of a movie producer and picking up all the pieces that have been cut out of the movie on the floor and then stitching it together and calling it a movie, for example.

It is my understanding that, for hospitals, instead of the negotiated agreement, which was more generous for hospitals than was contained, for example, in the Committee on Ways and Means Subcommittee on Health bill in which all of the Democrats on the subcommittee voted unanimously, it says that hospitals should get a 2-year market basket update. Does that sound fair? Let them have a 2-year market basket update.

However, if one reviews the history of financing of hospitals, one will discover this, and I apologize for doing this, because, apparently, facts in history are supposed to be checked at the cloakroom door as we come to the floor of the House and simply make up whatever moves someone about dollar amounts or percentage payments. But for what it is worth, the last time hospitals got a 1-year market basket update was in 1985. The average over the last decade for market basket updates have been market basket minus 1.7.

So what is being provided in the bill that passed the floor is market basket the 1st year, so for the first time since 1985, and then an adjustment from current law, which is market basket 1.1. That is six-tenths of a point better than what they have averaged over the last decade. We cut that in half. So it is twice as good as current law in terms of the percentage adjustment. We continue that for 2 more years. The hospitals have said that is fine. They are comfortable.

Now, what I hear is one of the most amazing arguments one will ever hear anywhere. Well, but the providers would like our bill better. Well, if they thought it had a chance of becoming reality, they would. Who would turn down more money? The question that one really has to put to the providers: Do you want the bird in hand, or do you want try to get the bird in the bush? The answer is the providers are more than happy with what we have done.

However, what one really needs to do is take a look at the bill, when and if we get a copy in legislative language. I know it was introduced about 20 minutes ago. What one will find is, for example, our friends on the other side using arguments like a 2-year freeze on the graduate medical education. The phrase they use is from their notes: Provides help to the Nation's premier teaching and research hospitals.

Read that in New York City. New York City has ripped off the graduate medical education program for more than a decade, funding their basic welfare costs out of the Federal taxpayers. Last year, with the agreements of the gentleman from New York (Mr. RANGEL) and the Senator from New York, Mr. MOYNIHAN, that we would in the 1999 refinement bill make these modest adjustments to begin to create a more level playing field between all of our fine teaching hospitals; and this attempts to undo that agreement.

But when one reads on, one finds that, in fact, just last night, we defeated a motion to instruct to require Medicare+Choice programs to stay in an area for 3 years. Of course all the arguments made were the correct ones. But here we go. They lost last night, and guess what? Off of the cutting room floor is another little snippet picked up and folded back in, exactly the same thing.

But when one begins to read the fine print in terms of their reaching out to assist various groups, especially in the area of disabled children, who does not want to help disabled children? But while AL GORE points to Governor Bush and says he has a tax cut for the wealthiest 1 percent, what we have in this bill is a benefit for disabled children whose families, whose families have a 600 percent of poverty level. How ironic. The same 1 percent that AL GORE says are being benefited by George Bush's tax provision, they want to provide disabled children assistance, 600 percent of poverty. That is the kind of fine tuning they want for these government programs.

When one takes a look at this package, it is all of the snippets from the cutting room floor. There really is not anything about patient protections. There is not anything about prescription drugs. It is a clear attempt to run through programs that were brought up, voted down in committee, but desired nonetheless to produce a package that is conservatively in the $50 billion to $60 billion range. But of course we do not know for sure. We have not seen the language of the bill itself. Of course, the Congressional Budget Office has not scored it.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, there is no mystery. There is nothing stealth about what we are doing. We are taking a bill that my colleagues put together, putting accountability into it for HMOs, and adding the provisions that many of us have been working for and the President laid out clearly in his veto message or the message which indicated he might veto it. There is nothing secretive about it.

The reason hospitals are in difficult shape the gentleman from California (Mr. THOMAS) talks about since the mid-1980s, is because, in 1997, behind closed doors, talking about a stealth procedure, there were cuts made in reimbursement provisions way beyond what anyone imagined. The impact of those cuts is way beyond, way beyond what anyone expected.

Let me just mention the provisions that we are working for. The gentleman from California (Mr. ROHRABACHER), an hour ago, came to this floor in vain against illegal immigrants. I think he misshaped that argument saying we were trying to totally open the doors. No, we wanted equity for people who are here under the same circumstances as we granted amnesty to the gentleman from Florida (Mr. DIAZ-BALART) for those people that he represents.

Now we are arguing that legal immigrants, legal immigrants should be able, under State option, to receive Medicaid benefits. There is a letter here from three Governors urging that my colleagues grant it, including the Governor of the gentleman from Florida (Mr. DIAZ-BALART). He just gives it

the back of his hand, no the gentleman from Florida (Mr. DIAZ-BALART) personally. Because we stood out on the grass here a month ago, or whenever it was, urging that the gentleman's party grant the States the right to cover children and pregnant women legal immigrants. His party says no to it.

Now, in terms of hospitals, look, all we are suggesting is, in the 2nd year, my colleagues not cut, because of the impact of the 1997 balanced budget agreement. There is nothing revolutionary. I know where my hospitals, the ones that I represent and in the metropolitan area are. They want something other than my colleagues have provided in this bill.

People with Lou Gehrig's Disease, they will not act. People who have other needs, other preventative conditions, they act on some, but they will not act on others. So we have been pleading with them to do so.

We have also asked, in terms of the Children's Health Initiative Program, for some assistance to the States so they will do better than Texas in terms of covering uninsured kids.

There is nothing stealth about this. It is very much in the open. We want a better bill than my colleagues have provided, a considerably better bill. Give us the chance. Their fear is, if we can bring it up, so many Members on their side will vote with us, we will pass it.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no doubt that the gentleman from Michigan (Mr. LEVIN) has knowledge, has personal knowledge of a number of the items that he is pushing and that he is proposing, and some of which I very much agree with. I have no doubt.

What I am saying when I say stealth legislation is that we do not have a copy, and it was filed 20 minutes ago. That is what I am saying. That cannot be denied.

So the reality of the matter is that we are debating here with regard to large figures and significant pieces of legislation which are included in a bill that has just been filed.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

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

Mr. Speaker, I want just to briefly indicate, and I know the gentleman from Michigan (Mr. LEVIN) feels strongly about the issue, he referenced the current law of the land as having been written behind closed doors. Perhaps he was not in the room when I indicated that the gentleman from New York (Mr. RANGEL) and the Senator from New York, Mr. MOYNIHAN, were in the room when we dealt with the issues in the Refinement Act of 1999.

I believe the closed door session he was referring to was the one that produced the Balanced Budget Act of 1997 on which was voted on in the Committee on Ways and Means, passed 34 to 1, came to the floor, was passed overwhelmingly, and which the administration negotiated and requested reductions, further reductions in payments to hospitals and other health care providers.

In fact, the President's budget at that time said that the Medicare providers should be reduced by more than $125 billion over the 10 years. We fought the President. We thought it should not have been cut that much.

Yet, here we are being criticized for making sure that they were not cut as much as their President wanted to cut them, and it was not behind closed doors. In fact, it was participated in by the administration. The gentleman from Michigan (Mr. LEVIN) should be pleased that Republicans fought back against the President's $125 billion additional cuts so that the adjustments that we are making now are modest ones referred to both in the 1999 bill and in this one as refinements instead of massive needs to infuse if, in fact, the President's program had been agreed to.

We did not think it was right then. We do not think it is right now. The idea of a balanced modest refinement of about $30 billion is appropriate. This particular bill we believe is about $50 billion to $60 billion, consisting of all the items that were left on the cutting room floor when a reasonable and appropriate package were put together.

Mr. MOAKLEY. Mr. Speaker, may I again inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 8½ minutes remaining. The gentleman from Florida (Mr. DIAZ-BALART) has 3½ minutes remaining.

□ 1330

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I come to the House floor today to urge a ''no'' vote on the previous question in order that we may bring up a clean minimum wage increase bill and a clean Medicare giveback bill. The resolution that we have before us today does not give us the opportunity to focus on what is one of the most important pieces of legislation before this Congress.

For 2 years, we have been hearing from constituents in the health care community about the dire need to restore funding cuts made in the Medicare program in 1997. The Medicare funding is vital to rural and teaching hospitals, home health agencies and others who were put in financial distress by those Medicare cuts of 1997 and literally could mean the difference between staying open and having to shut their doors.

In my southern Wisconsin district, the additional payments are badly needed for providers like St. Clare Hospital in Baraboo and the Monroe Hospital and Clinics. It is time to stop playing politics with these vital issues that so strongly impact the lives and health of the people that we represent.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Speaker, I am here to highlight certain language that is in the Democratic alternative. The language I refer to was language that was introduced earlier this year by the gentlewoman from New Mexico (Mrs. WILSON) and myself. We introduced the legislation back in July of this year, and it was also included in the Medicare giveback bill that was reported out of the House Committee on Commerce. The language recognizes the great disparity that exists today between the costs and benefits of what seniors in States like Minnesota and New Mexico receive compared to what seniors in other States receive.

Our language will establish new minimum floor payments and provide relief to Minnesota seniors who are unfairly treated under the Medicare+Choice program. Unfortunately, health plans have been rapidly withdrawing from Medicare+Choice in Minnesota. Those that have remained in the program offer Minnesota seniors only minimal health care coverage, along with high premiums and copayments. However, in other States with high reimbursement rates, seniors enjoy Medicare benefits such as prescription drug coverage at no additional cost. This is unfair. Our legislation takes an important first step in rectifying that problem and in creating the right kind of incentives for an efficient health care delivery system in this country.

Mr. Speaker, I want to thank the sponsors of the Democratic alternative for including this language in the alternative.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to urge my colleagues to vote ''no'' on the previous question, because only if the previous question is defeated will the House be permitted to correct the minimum wage and the Medicare giveback measures in a way that they can be enacted into law.

Mr. Speaker, if the previous question is defeated, I will offer a germane amendment to the rule to fix the small business bill so that the President will sign it.

Mr. Speaker, the text of my amendment is as follows:

PREVIOUS QUESTION AMENDMENT CONFERENCE REPORT ON THE SAINT CROIX ISLAND HERITAGE ACT

In the resolution, strike section 3 and insert the following:

''SEC. 3. The text specified in section 2 is as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of 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, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 1, insert before ''are hereby enacted into law'' the following: ''as modified in accordance with section 3,''.

(2) In section 2, insert before the period at the end the following: '', modified in accordance with section 3''.

(3) Add at the end the following new section:

SEC. 3. MODIFICATION TO TEXT OF BILL ENACTED BY REFERENCE AND MODIFICATION OF A REFERENCE.

The modification referred to in sections 1 and 2 is to the text of the bill H.R. 5538, as referred to in section 1(1), and is as follows: The text of such bill is modified by striking all after the enacting clause and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Minimum Wage Act of 2000'.

''SEC. 2. MINIMUM WAGE INCREASE.

''Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended to read as follows:

'' ''(1) except as otherwise provided in this section. Not less than $5.15 an hour during the period ending December 31, 2000, not less than $5.65 an hour during the year beginning January 1, 2001, and not less than $6.15 an hour beginning January 1, 2002;'.''.

SEC. 2. CHANGE OF BILL NUMBER REFERRED TO IN CONFERENCE REPORT.

In the enrollment of the bill referred to in the first section of this resolution, the Clerk shall make the following correction: in section 1(3), strike ''H.R. 5543, as introduced on October 25, 2000'' and insert ''H.R. 5601, as introduced on October 30, 2000''.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS) for a point he wants to make.

Mr. THOMAS. Mr. Speaker, I appreciate the gentleman yielding me this time.

I just want to remind all my colleagues on the other side of the aisle that if they do want to support this legislation, they must understand that with the $20-plus billion they are putting in both for graduate medical education, for hospitals, and for the other payment increases, that it in fact increases the Medicare+Choice amount as well.

For all of my colleagues on the other side of the aisle who have been indicating they do not want money to go to the Medicare+Choice programs, I just do believe as a matter of honesty that they need to know that if they support the language in their bill, the Medicare+Choice payments will go up significantly, perhaps as much as $10 billion to $15 billion.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume to urge adoption of the rule and remind my colleagues that this is a vote on the minimum wage. It is a vote on the previous question and then the vote on the rule, but they are votes on the minimum wage.

Mr. RANGEL. Mr. Speaker, today, Representative DINGELL and I introduced a bill, H.R. 5601, to improve greatly the Medicare and Medicaid bill currently pending before the House and Senate.

The following outline describes how we would have significantly improved the nation's health care programs.

We saw an opportunity this morning to offer this bill as an amendment to other legislation today, so it was assembled quickly, and I apologize for any technical errors or oversights. Basically, the bill takes the Republican-passed Medicare and Medicaid give-backs bill, cleans up some problems in their coverage and appeals area, and adds in the various items included in the Administration's letter explaining how the bill should be changed to avoid a veto (the Shalala-Lew letter).

Mr. Speaker, Democrats will keep trying to improve the Republican Medicare and Medicaid bill. We ask that the majority stop the stonewalling and negotiate with us so that we can mutually deliver a comprehensive improvement in these key social programs.

DEFEAT THE PREVIOUS QUESTION: ALLOW DEMOCRATS TO OFFER THE FOLLOWING AMENDMENT

DEMOCRATS TAKE REPUBLICAN-PASSED MEDICARE/MEDICAID GIVE-BACKS BILL AND MAKE MAJOR IMPROVEMENTS

The alternative includes all the provisions which passed the House Thursday in HR 2614, and makes the following changes and additions:

Full hospital Prospective Payment System update for two years; The Republican bill had only a one year update, and cuts in the next two years. Hospitals reeling from BBA cuts need two years of full inflation adjustment.

Graduate Medical Education Payments, 2 year freeze at the 6.5 percent, compared to Republican-passed one year freeze, and a cut in the second year. Provides help to nation's premier teaching and research hospitals.

Rural Disproportionate Share Hospitals: in addition to the provisions in the Republican-passed bill, provides for a higher level of reimbursement for rural hospitals serving low income individuals.

Nursing Home staffing and quality: includes bipartisan proposals to provide an additional $1 billion/5 years to assist nursing homes on improving staffing. Recent studies show that many homes need to make major improvements in staffing levels.

Home health agencies: provides a 2 year delay in the 15 percent cut in payments instead of the Republicans 1-year delay.

Rural home health agencies, provide a 10 percent bonus for service in rural areas to compensate for the high cost of travel, lower volume of patients seen per hour.

Hospice, full two year update, in lieu of the Republicans one-year update. Hospices need increased payments to deal with soaring cost of pharmaceuticals.

Puerto Rico Hospitals, improved payments. The Democratic bill includes the Ways and Means Health Subcommittee and Senate Finance Committee proposal to increase Puerto Rican hospital payments, which was dropped in the Republican-only negotiations.

Medicare+Choice program: Retains the payment improvements in the Republican-passed bill, but provides increases only if the plan commits to stay in a community with a defined package of benefits for a three year period.

Medicare Coverage for Individuals with ALS (Lou Gherig's disease): Waives 24-month waiting period for individuals diagnosed with ALS so that they can become eligible for coverage under Medicare immediately. Because of the speed with which ALS progresses, these individuals would likely otherwise be dead before ever getting Medicare coverage. Capps bill cosponsored by 282 House Members.

Medicare Appeals provision: makes the provision in the Republican-passed bill workable and similar to the Patient Bill of Rights protections for Medicare beneficiaries.

Needlestick safety for workers in public hospitals.

Hospital-based SNF and Home Health Agency geographic reclassification (provision from Commerce Committee-reported bill.

MEDICAID AND CHIP PROVISIONS—FROM COMMERCE-PASSED BIPARTISAN PACKAGE

Medicaid Disproportionate Share Hospital (DSH) Increased Payments: Freeze Medicaid DSH cuts at 2000 levels. Annual update of DSH allotment for inflation beginning in 2001 and thereafter, and eliminates the ''cliff'' in FY 2003 allotments that was in the Republican bill.

Optional Coverage of Legal Immigrant Children and Pregnant Women in Medicaid and CHIP: States may extend coverage to legal immigrant children and pregnant women who have lawfully resided in the U.S. for 2 years. Sponsors of immigrants would not incur a debt for cost of Medicaid benefits provided and not asked to repay the value of medical care after the 2-year period had been met.

Improved/Expanded Outreach Sites for enrollment in Medicaid and CHIP: State option to allow additional entities to determine children ''presumptively eligible'' for health insurance in Medicaid or CHIP.

Improving Welfare to Work Transition: Extends Transitional Medicaid Assistance (TMA) program for one additional year. (This program provides Medicaid health insurance for up to one year for families [up to 185 percent of poverty] who are transitioning from welfare to work.) Gives states the option to simplify requirements for reporting eligibility. Gives states that already cover individuals up to 185 percent the option to be exempt from TMA requirement.

Improved Outreach/Enrollment in Cost-Sharing Assistance Programs for Low-Income Medicare Beneficiaries: Secretary of HHS to consult with states, beneficiary groups to develop a simplified application form for applying for Qualified Medicare Beneficiary (QMB) and Specified Low-Income Medicare Beneficiary (SLMB) programs. Secretary would make form available in all Social Security offices, as well as other sites frequented by seniors within one year of enactment.

Health Insurance for Disabled Children: Democrats include the Family Opportunity Act which allows working families with incomes above the Social Security limit to buy-in to Medicaid coverage.

Medicaid recognition of physician assistant (PA) services.

Mr. POMEROY. Mr. Speaker, I rise in support of S. 2485, an act to develop a regional heritage center for the St. Croix Island International Historic Site in Calais, Maine.

As we prepare to celebrate the bicentennial of the historic Lewis and Clark expedition

opening up the West, it is also important to note that the 400th anniversary of the first European settlements established in North America—including the St. Croix Island settlement established 396 years ago.

This site—the St. Croix Island—is a strikingly beautiful site in the St. Croix River, the river which forms the border between the United States and Canada. As such, it is a jointly operated site by the United States and Canada—the only internationally operated historic site in the entire park system.

I have been to the areas in each of the last 5 years and have found it to be a fascinating area to explore and learn about its rich history.

With the approaching anniversary, it is important to move now to get the infrastructure in place to facilitate those who will come to the area in the years ahead.

I am pleased to see the bill providing for the construction of a heritage center at Calais, Maine as part of this infrastructure. Calais is a delightful town in wonderful Washington County and is close to the island while being a crossroads for international traffic and tourism. It will enhance and increase tourist interest in this important historic site. I have become well acquainted with the people of Calais over the last several summers and have found them to be friendly and helpful to those visiting the area. They will be a great host for the center.

I commend Representative JOHN BALDACCI for his leadership in getting this matter brought to the floor for our action today. He is a great ambassador for his district and, as our legislative action on this matter represents, a very effective representative of the region in Congress.

Mr. DINGELL. Mr. Speaker, I rise in support of the Democratic amendment to be offered by Mr. MOAKLEY if the vote on the previous question is defeated. This amendment would make vast improvements over the legislation offered by the Republican leadership.

In my home state of Michigan and in every other state across the country, Medicare and Medicaid beneficiaries and providers are looking to Congress to address the program cuts enacted in 1997. The Republican leadership offered a bill last week that was woefully inadequate—it omitted key beneficiary protections, shortchanged providers, and dumped billions of dollars to HMOs without requiring any accountability.

The Democratic alternative includes the good provisions of the Republican bill, but makes up the difference where the Republican bill fell short. The Democratic amendment includes program improvements for seniors, the disabled, working families, pregnant women, and children. The bill improves outreach and enrollment for low-income seniors in cost-sharing assistance programs; allows families to keep health insurance coverage as the transition from welfare to work; allows states the option to provide health insurance coverage to legal immigrant children and pregnant women; and provides working families the opportunity to buy-in to Medicaid coverage for their disabled child.

The Democratic amendment also includes additional assistance to providers who are still reeling from the cuts they took in the 1997 Balanced Budget Act—providers like home health agencies, nursing homes, and hospitals that serve a disproportionate share of the low-income and uninsured.

I urge my colleagues on both sides of the aisle to support this amendment. Our providers and beneficiaries back home are counting on it.

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. LAHOOD). 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.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 189, nays 169, not voting 74, as follows:

[Roll No. 582]

YEAS—189

Aderholt
Armey
Bachus
Baker
Baldacci
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stump
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (PA)
Weller
Wicker
Wilson
Young (AK)
Young (FL)

NAYS—169

Andrews
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
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
Pastor
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Stabenow
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
Woolsey
Wu
Wynn

NOT VOTING—74

Abercrombie
Ackerman
Allen
Archer
Barr
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Campbell
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Hastings (FL)
Hefley
Hilliard
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
Mascara
McCarthy (MO)
McCollum
McInnis
McIntosh
Metcalf
Mica
Neal
Ose
Oxley
Pascrell
Payne
Pickett
Radanovich
Riley
Sawyer
Scarborough
Shaw

Shays
Shuster
Snyder
Spratt
Stark
Stearns
Talent
Taylor (NC)
Watkins
Weldon (FL)
Weygand
Whitfield
Wise
Wolf

□ 1356

Mr. OWENS, Mr. FARR of California, and Ms. BERKLEY changed their vote from ''yea'' to ''nay.''

Mr. SALMON changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 582, I was unable to vote. Had I been present, I would have voted "yea."

Stated against:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 582, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 348, noes 0, answered ''present'' 1, not voting 83, as follows:

[Roll No. 583]

AYES—348

Aderholt
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Cubin
Cummings
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
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
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—83

Abercrombie
Ackerman
Allen
Archer
Barcia
Barr
Barton
Bishop
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Campbell
Conyers
Cooksey
Crane
Crowley
Cunningham
Danner
Davis (IL)
Delahunt
Dickey
Everett
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gilman
Green (TX)
Hastings (FL)
Hefley
Hilliard
Hulshof
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
Mascara
McCarthy (MO)
McCollum
McInnis
McIntosh
Metcalf
Mica
Neal
Ose
Oxley
Pascrell
Payne
Pickett
Price (NC)
Radanovich
Rangel
Riley
Sawyer
Scarborough
Shaw
Shays
Shuster
Snyder
Spratt
Stark
Stearns
Stenholm
Talent
Taylor (NC)
Waters
Watkins
Weldon (FL)
Weygand
Whitfield
Wise

□ 1404

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 583, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. STEARNS. Mr. Speaker, on rollcall No. 583, I was not unable to vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 663, House Concurrent Resolution 439 is hereby adopted.

The text of House Concurrent Resolution 439 is as follows:

''*Resolved by the House of Representatives (the Senate concurring)*, That, in the enrollment of 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, the Clerk of the House of Representatives shall make the following corrections:

''(1) In section 1, insert before 'are hereby enacted into law' the following: ', as modified in accordance with section 3,'.

''(2) In section 2, insert before the period at the end the following: ', modified in accordance with section 3'.

''(3) Add at the end the following new section:

"'SEC. 3. MODIFICATION TO TEXT OF BILL ENACTED BY REFERENCE.

''''The modification referred to in sections 1 and 2 is to the text of the bill H.R. 5538, as referred to in section 1(1), and is as follows: the quoted matter in the amendment proposed to be made by section 2 of such bill is modified by striking ''June 30, 2000'' and inserting ''December 31, 2000''.'''.

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, on October 30, due to the need to be with my wife during her surgery, I was unable to cast my vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 577, on approving the Journal—"yea"; rollcall No. 578, on passage of H.J. Res. 120: making further continuing appropriations for the fiscal year 2001, and for other purposes—"yea"; rollcall No. 579, on setting the Hour of Meeting—"yea"; rollcall No. 580, on ordering the previous question. H. Res. 662: providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes—"yea"; rollcall No. 581, on agreeing to H. Res. 662—"yea"; rollcall No. 582, on ordering the previous question, H. Res. 663:

providing for consideration of S. 2485, the St. Croix Island Heritage Act, and providing for the adoption of a concurrent resolution to make certain corrections in the enrollment of the bill H.R. 2614, the Certified Development Company Program Improvements Act of 2000—"yea"; rollcall No. 583, on agreeing to H. Res. 663—"aye".

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, I was unavoidably absent today when the House debated and voted "On Approving the Journal", H.J. Res. 120 "Further Continuing Appropriations for FY 2001", "On a Motion on the Hour of Meeting", on "Ordering the Previous Question on H. Res. 662 Providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001", on H. Res. 662 "Providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001", on "Ordering the Previous Question on H. Res. 663 Providing for consideration of S. 2485; and Corrections in the enrollment of H.R. 2614", and on H. Res. 662, "Providing for consideration of S. 2485; and Corrections in the enrollment of H.R. 2614."

Had I been present, I would have voted "aye" on "Approving the Journal" (rollcall vote 577), "aye" on H.J. Res. 120 (rollcall vote 578), "aye" on a "Motion on the Hour of Meeting" (rollcall vote 579), "aye" on "Ordering the Previous Question on H. Res. 662" (rollcall vote 580), "aye" on H. Res. 662 (rollcall vote 581), "aye" on "Ordering the Previous Question on H. Res. 663" (rollcall vote 582), and "aye" on H. Res. 663 (rollcall vote 583).

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unavoidably detained and could not vote on rollcalls No. 582 and 583. Had I been present, I would have voted "yea" for each of these measures.

SAINT CROIX ISLAND HERITAGE ACT

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to House Resolution 663, I call up the Senate bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 2485 is as follows:

S. 2485

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 "Saint Croix Island Heritage Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 3. DEFINITIONS.

In this Act:

(1) ISLAND.—The term "Island" means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) IN GENERAL.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) COOPERATIVE AGREEMENTS.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) DESIGN AND CONSTRUCTION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act (including the design and construction of the regional heritage center) $2,000,000.

(2) EXPENDITURE.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 663, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 2485, the St. Croix Island Heritage Act. This bill directs the Secretary of the Interior to provide assistance in planning and constructing a Regional Heritage Center in Calais, Maine.

St. Croix Island is located in the St. Croix River between Maine and Canada. It is the only international historic site in the national park system. In 1604, the French landed on the island and began construction of a settlement, which became the first permanent settlement in the New World. In October 1998, the National Park Service completed a general management plan to manage and interpret the St. Croix Island international historic site. In the year 2004, the U.S. and Canada will celebrate the 400th anniversary of the settlement of the St. Croix Island. This bill will facilitate the development of a Regional Heritage Center in downtown Calais, Maine, to be a central focus point for this celebration.

The bill authorizes $2 million for the planning and construction of the heritage center and requires a dollar-for-dollar match by non-Federal sources. I believe that this bill has merit, and I support its passage.

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

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

S. 2485 is a noncontroversial bill that authorizes the Secretary of the Interior to assist in the construction of a Regional Heritage Center on St. Croix Island. St. Croix Island is located in the middle of the St. Croix River, which forms the boundary between the United States and Canada. The proposed heritage center will be built as part of the upcoming 400th anniversary of the settlement of St. Croix Island.

The National Park Service administers the St. Croix Island international historic site on the island. The proposed heritage center is consistent with Park Service plans for interpretation of the historic site and the island.

The Secretary is authorized to contribute $2 million toward the construction of the heritage center, provided that each Federal dollar is matched by funds from non-Federal sources.

A House companion measure was introduced by the gentleman from Maine (Mr. BALDACCI).

Mr. CLAY. Mr. Speaker, last week, the Republican leadership hastily sandwiched a minimum wage increase into its tax bill, that was so poorly written it repealed the minimum wage for six months. Today, they are using the bill before us to correct this major error. Perhaps, if they had only chosen to work in a bipartisan way to craft their tax bill, a sloppy mistake like this could have been avoided. The Republican leadership chose, instead, to push through a bill that was all their own, that is destined for a veto because it is full of bad policy and tax benefits for their special interest friends. The tax bill is being used by the Republican leadership to claim they are for increasing the minimum wage, when they are really not. They knew that by tying it to a doomed tax bill, it could not become law. The Democrats in this Congress, on the other hand, strongly support a $1 increase in the minimum wage and would take effective action to make it happen. We rejected the Republican's scheme, which now requires a quick fix in order to maintain the illusion they sought to create. Let's do the right thing for American Workers and pass a real minimum wage increase now!

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

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

The SPEAKER pro tempore. All time for debate has expired.

The Senate bill is considered as having been read for amendment.

Pursuant to House Resolution 663, the previous question is ordered.

The question is on the third reading of the Senate 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

PRIBILOF ISLANDS TRANSITION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1653) to approve a governing international fishery agreement between the United States and the Russian Federation, as amended.

The Clerk read as follows:

H.R. 1653

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

TITLE I—PRIBILOF ISLANDS

SEC. 101. SHORT TITLE.

This title may be referred to as the ''Pribilof Islands Transition Act''.

SEC. 102. PURPOSE.

The purpose of this title is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 103. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Public Law 89–702 (16 U.S.C. 1151 et seq.), popularly known and referred to in this title as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

''SEC. 206. FINANCIAL ASSISTANCE.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

''(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

''(3) RESTRICTION ON USE.—The Secretary may not use financial assistance authorized by this Act—

''(A) to settle any debt owed to the United States;

''(B) for administrative or overhead expenses; or

''(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

''(4) FUNDING INSTRUMENTS AND PROCEDURES.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(5) PRO RATA DISTRIBUTION OF ASSISTANCE.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

''(b) SOLID WASTE ASSISTANCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

''(2) TRANSFER.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104–182, except that subsection (b) of that section shall not apply to those funds.

''(3) LIMITATION.—In order to be eligible to receive financial assistance under this subsection, not later than 180 days after the date of enactment of this paragraph, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

''(1) for assistance under subsection (a) a total not to exceed—

''(A) $9,000,000, for grants to the City of St. Paul;

''(B) $6,300,000, for grants to the Tanadgusix Corporation;

''(C) $1,500,000, for grants to the St. Paul Tribal Council;

''(D) $6,000,000, for grants to the City of St. George;

''(E) $4,200,000, for grants to the St. George Tanaq Corporation; and

''(F) $1,000,000, for grants to the St. George Tribal Council; and

''(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—

''(A) $6,500,000 for the City of St. Paul; and

''(B) $3,500,000 for the City of St. George.

''(d) LIMITATION ON USE OF ASSISTANCE FOR LOBBYING ACTIVITIES.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

''(e) IMMUNITY FROM LIABILITY.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of—

''(1) having provided assistance to the State of Alaska under subsection (b); or

''(2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

''(f) REPORT ON EXPENDITURES.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations

and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

''(g) CONGRESSIONAL INTENT.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.''.

SEC. 104. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

''(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

''(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

''(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

''(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law.''; and

(2) by striking subsection (g).

SEC. 105. TERMINATION OF RESPONSIBILITIES.

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this title; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(3) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104–91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary of Commerce certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104–91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165 note) is repealed pursuant to subsection (c), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104–91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) REPEALS.—Effective on the date on which the Secretary of Commerce makes the certification described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note).

(d) SAVINGS.—

(1) IN GENERAL.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term ''Natives of the Pribilof Islands'' includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 106. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) are amended by—

(1) striking ''(d)'' and all that follows through the heading for subsection (d) of section 3 of Public Law 104–91 and inserting ''**SEC. 212.**''; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking ''on such Islands'' and insert ''on such property''.

(c) The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) is amended by inserting before title I the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Fur Seal Act of 1966'.''.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) is amended—

(1) by striking subsection (f) and inserting the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005 for the purposes of carrying out this section.

''(2) LIMITATION.—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska.''; and

(2) by adding at the end the following:

''(g) LOW-INTEREST LOAN PROGRAM.—

''(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

''(2) LOW-INTEREST LOANS.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

''(3) NATIVES OF THE PRIBILOF ISLANDS DEFINED.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term 'Natives of the Pribilof Islands' includes the Tanadgusix and Tanaq Corporations.

''(4) REVERSION OF FUNDS.—Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.''.

TITLE II—CORAL REEF CONSERVATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Coral Reef Conservation Act of 2000''.

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation;

(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;

(4) to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

(5) to provide financial resources for those programs and projects; and

(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

SEC. 203. NATIONAL CORAL REEF ACTION STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Resources of the House of Representatives and publish in the Federal Register a national coral reef action strategy, consistent with the purposes of this title. The Administrator shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).

(b) GOALS AND OBJECTIVES.—The action strategy shall include a statement of goals and objectives as well as an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of—

(1) coastal uses and management;

(2) water and air quality;

(3) mapping and information management;

(4) research, monitoring, and assessment;

(5) international and regional issues;

(6) outreach and education;

(7) local strategies developed by the States or Federal agencies, including regional fishery management councils; and

(8) conservation, including how the use of marine protected areas to serve as replenishment zones will be developed consistent with local practices and traditions.

SEC. 204. CORAL REEF CONSERVATION PROGRAM.

(a) GRANTS.—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs (hereafter in this title referred to as ''coral conservation projects''), for proposals approved by the Administrator in accordance with this section.

(b) MATCHING REQUIREMENTS.—

(1) 50 PERCENT.—Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) WAIVER.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which applicant can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal under subsection (e).

(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) during a fiscal year are distributed in the following manner:

(1) No less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.

(2) No less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States.

(3) Remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.

(e) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A description of the qualifications of the individuals who will conduct the project.

(3) A succinct statement of the purposes of the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) A description of how the project meets one or more of the criteria in subsection (g).

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 6 months after receiving a project proposal under this section, the Administrator shall—

(A) request and consider written comments on the proposal from each Federal agency, State government, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States and other government jurisdictions that provided comments under subparagraph (A).

(g) CRITERIA FOR APPROVAL.—The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, including factors that cause coral disease;

(5) promoting and assisting to implement cooperative coral reef conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation;

(7) mapping the location and distribution of coral reefs;

(8) developing and implementing techniques to monitor and assess the status and condition of coral reefs;

(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; or

(10) promoting ecologically sound navigation and anchorages near coral reefs.

(h) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success of the project.

(i) CORAL REEF TASK FORCE.—The Administrator may consult with the Coral Reef Task Force to obtain guidance in establishing coral conservation project priorities under this section.

(j) IMPLEMENTATION GUIDELINES.—Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with State, regional, and local entities involved in setting priorities for conservation of coral reefs and provide for appropriate public notice and opportunity for comment.

SEC. 205. CORAL REEF CONSERVATION FUND.

(a) FUND.—The Administrator may enter into an agreement with a nonprofit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received pursuant to this section. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef action strategy under section 203.

(b) AUTHORIZATION TO SOLICIT DONATIONS.—Pursuant to an agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this title. Any moneys received as a gift shall be deposited and maintained in the Fund established by the organization under subsection (a).

(c) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section and the national coral reef action strategy under section 203.

(d) ADMINISTRATION.—Under an agreement entered into pursuant to subsection (a), the Administrator may transfer funds appropriated to carry out this title to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the organization by private persons and State and local government agencies.

SEC. 206. EMERGENCY ASSISTANCE.

The Administrator may make grants to any State, local, or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster-related circumstance pertaining to coral reefs or coral reef ecosystems.

SEC. 207. NATIONAL PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may conduct activities to conserve coral reefs and coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

(b) AUTHORIZED ACTIVITIES.—Activities authorized under subsection (a) include—

(1) mapping, monitoring, assessment, restoration, and scientific research that benefit the understanding, sustainable use, and long-term conservation of coral reefs and coral reef ecosystems;

(2) enhancing public awareness, education, understanding, and appreciation of coral reefs and coral reef ecosystems;

(3) providing assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources; and

(4) cooperative conservation and management of coral reefs and coral reef ecosystems with local, regional, or international programs and partners.

SEC. 208. EFFECTIVENESS REPORTS.

(a) GRANT PROGRAM.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that documents the effectiveness of the grant program under section 204 in meeting the purposes of this title. The report shall include a State-by-State summary of Federal and non-Federal contributions toward the costs of each project.

(b) NATIONAL PROGRAM.—Not later than 2 years after the date on which the Administrator publishes the national coral reef strategy under section 203 and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement that strategy, under section 203, including a description of the funds obligated each fiscal year to advance coral reef conservation.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title $16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, which may remain available until expended.

(b) ADMINISTRATION.—Of the amounts appropriated under subsection (a), not more than the lesser of $1,000,000 or 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

(c) CORAL REEF CONSERVATION PROGRAM.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for coral reef conservation activities under section 204.

(d) NATIONAL CORAL REEF ACTIVITIES.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary $8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for activities under section 207.

SEC. 210. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CONSERVATION.—The term ''conservation'' means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

(3) CORAL.—The term ''coral'' means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyanacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

(4) CORAL REEF.—The term ''coral reef'' means any reefs or shoals composed primarily of corals.

(5) CORAL REEF ECOSYSTEM.—The term ''coral reef ecosystem'' means coral and other species of reef organisms (including reef plants) associated with coral reefs, and the nonliving environmental factors that directly affect coral reefs, that together function as an ecological unit in nature.

(6) CORAL PRODUCTS.—The term ''coral products'' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(8) STATE.—The term ''State'' means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

TITLE III—MISCELLANEOUS

SEC. 301. GREAT LAKES FISHERY ACT OF 1956.

Section 3(a) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a)) is amended by adding at the end the following:

''(3) Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 302. TUNA CONVENTIONS ACT OF 1950.

Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended by inserting before ''Of such Commissioners—'' the following: ''Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 303. ATLANTIC TUNAS CONVENTION ACT OF 1975.

Section 3(a)(1) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)(1)) is amended by inserting before ''The Commissioners'' the following: ''Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 304. NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.

(a) CLERICAL AMENDMENT.—Public Law 102–587 is amended by striking title VIII (106 Stat. 5098 et seq.).

(b) TREATMENT COMMISSIONERS.—Section 804(a) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(a)) is amended by inserting before ''Of the Commissioners—'' the following: ''Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 305. HIGH SEAS FISHING COMPLIANCE ACT OF 1995.

Section 103(4) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5502(4)) is amended by inserting ''or subject to the jurisdiction of the United States'' after ''United States''.

SEC. 306. REIMBURSEMENT OF EXPENSES.

Notwithstanding section 3302 (b) and (c) of title 31, United States Code, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHARY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER, and from the disposal of marine assets, and all amounts received by the United States from the disposal of marine assets of the National Oceanic and Atmospheric Administration—

(1) shall be retained as an offsetting collection in the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited into that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration hydrographic and fisheries vessel operations.

SEC. 307. TECHNICAL CORRECTIONS TO NATIONAL MARINE SANCTUARIES ACT.

(a) CROSS REFERENCE CORRECTION.—Section 304(f)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1434(f)(2)) is amended by striking ''paragraph (2)'' and inserting ''subparagraphs (A) and (B) of paragraph (1)''.

(b) SHORT TITLE CORRECTION.—Section 317 of such Act (16 U.S.C. 1445 note) is amended by striking '' 'The'' and inserting ''the ' ''.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect January 1, 2001.

TITLE IV—STUDY OF EASTERN GRAY WHALE POPULATION

SEC. 401. STUDY OF THE EASTERN GRAY WHALE POPULATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population, and the other potential impacts these factors may be having on the eastern gray whale population.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

(1) $290,000 for fiscal year 2001; and

(2) $500,000 for each of fiscal years 2002 through 2004.

TITLE V—MISCELLANEOUS

SEC. 501. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of sections 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–624)), the catcher vessel HAZEL LORRAINE (United States Official Number 592211) and the catcher vessel PROVIDIAN (United States Official Number 1062183) shall be considered to be vessels that are eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to, catcher vessels that are eligible to harvest that directed fishing allowance under section 208(a) of that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1653, as amended, the Pribilof Islands Transition Act, was passed by the House in June 2000 with 400 aye votes. Unfortunately, the other body has not yet acted on it.

The Pribilof Islands, St. Paul and St. George, are located in the Bering Sea and serve as the breeding ground of the North Pacific fur seal. The islands were settled when Russian fur seal traders forcibly kidnapped, relocated and enslaved Native Alaskan Aleuts to conduct fur seal harvests.

This bill compensates local communities for expenses they incurred when the Federal Government, formerly the sole landowner and employer on the islands, withdrew its jobs and municipal services. It also authorizes funds to complete the environmental cleanup of the mess the Federal Government left on the islands during its 120-year reign. Finally, the bill establishes what NOAA must do before its responsibilities on the islands are terminated.

This bill makes good on our promises to a group of Native Americans who served as virtual slaves to this country's government for 120 years. I urge support of this legislation. It is long overdue.

This measure also includes coral reef conservation provisions previously passed by the Senate. Coral reefs are threatened by a variety of natural impacts and human activities including coral disease, hurricanes, destructive fishing practices, pollution, and changing ocean conditions. Despite these threats, coral reefs support the economies of many local communities and are essential habitat for many of this nation's recreational and commercial fisheries.

This legislation establishes new Federal-State-local partnerships to work on conservation and restoration programs. It authorizes Federal matching grants to protect and restore these valuable natural resources. It also authorizes NOAA to conduct mapping, monitoring, assessment, education, conservation, and management activities relating to coral reefs.

Title IV would authorize a study, subject to appropriations, to determine the environmental and biological factors causing the recent die-offs and strandings of gray whales from the eastern Pacific stock. In addition, the study should include information from studies of the western Pacific stock of gray whales to the extent practicable. This study will give marine mammal scientists information on a number of issues regarding gray whales including, among other things, whether the eastern Pacific stock has reached the carrying capacity of the eastern Pacific Ocean. The language authorizes $290,000 for Fiscal Year 2001 and $500,000 for each of Fiscal years 2002, 2003, and 2004.

Title V would make two additional catcher vessels eligible to participate in the Bering Sea pollock fishery cooperatives authorized under the American Fisheries Act.

I urge my colleagues to vote ''aye'' on this measure.

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

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

Mr. Speaker, I rise in support of this legislation, although I must tell the gentleman that I am going to ask for a vote on this legislation because I am concerned about how these bills are being presented at this time.

Mr. Speaker, I rise in support of this package of ocean and fishery related bills.

This package includes the coral reef conservation legislation passed by the other body. The environmental health and condition of our Nation's coral reef resources are in a state of serious decline due to a combination of factors including polluted run-off and marine debris.

Consequently, it is critical for the Congress to establish a comprehensive program at the Federal level to support scientific research, mapping, monitoring and restoration activities on the State and local level.

I note that this package also includes a provision to direct the National Marine Fisheries Service to initiate a new scientific study concerning the eastern population of Pacific gray whales.

For reasons that are poorly understood, hundreds of Pacific gray whales have washed up on the California coast over the past two years—either in an emaciated condition, or dead. The increased frequency and number of strandings has generated great concern among marine mammal biologists in California, and up and down the Pacific coast.

We need to better understand why these strandings are happening, and I urge NOAA to initiate this important study as quickly as possible.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. I thank the gentleman for yielding me this time.

Mr. Speaker, this measure also includes, and I would like to point out, the coral reef conservation provisions similar to the legislation I introduced, H.R. 3919. This bill is extremely important in this regard, as coral reefs are threatened by a variety of natural impacts and human activities, including coral disease, hurricanes, destructive fisheries practices, pollution and changing ocean conditions. Despite these threats, coral reefs support the economies of many local communities and are essential habitat for many of this Nation's recreational and commercial fisheries.

This legislation establishes new Federal-State-local partnerships to work on conservation and restoration programs. It authorizes Federal matching grants to protect and restore these valuable natural resources. It also authorizes NOAA to conduct mapping, monitoring, assessment, education, conservation and management activities relating to coral reefs.

Mr. Speaker, I urge an ''aye'' vote on this measure.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of this bill, which is vital for the health and future of America's coral reef resources. The estimated 4,200,000 acres of U.S. coral reef resources in the U.S. Exclusive Economic Zone (EEZ) are at high risk and in dire need of enhanced protection, research and management. This bill creates a much needed comprehensive mechanism to protect the Nation's coral reefs, as well as support the activities of the U.S. Coral Reef Task Force and other stakeholders. Coral reefs truly are the "rainforests of the oceans." There have been many concerted efforts by the Administration, Congress, states, and local communities to protect and safely manage corals. Since the Coral Reef Task Force released its National Action Plan in March, Federal, state, territorial, and local partners have moved forward to improve our protection of these valuable and fragile areas through effective stewardship of coral reefs. This bill would provide needed authorization for coral conservation project funding and enhance needed partnerships to protect reefs. Designing an effective bill has taken ten long years, and I am pleased to see the efforts of Chairman YOUNG, Mr. MILLER, Mr. SAXTON, Mr. FALEOMAVAEGA, and our Senate colleagues paying off in such grand fashion for a true success for our environment and marine resources.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 1653, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. 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. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING MEN AND WOMEN WHO FOUGHT WILDFIRES IN 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 434) commending the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses.

The Clerk read as follows:

H. CON. RES. 434

Whereas the 2000 wildfire season in the United States was the largest and most severe in the last 50 years and consisted of more than 85,000 wildfires;

Whereas almost 7,000,000 acres of public lands and adjacent State and private lands were subjected to these wildfires;

Whereas over 30,000 professional and volunteer firefighters participated in fighting and controlling these wildfires;

Whereas the Hotshot firefighting crews were instrumental in providing the expertise and training necessary to restrict the severity of these wildfires;

Whereas volunteer firefighters from across America and members of the Armed Forces played a crucial role in combating these wildfires and preventing them from destroying thousands of homes;

Whereas, in addition to the American firefighters, 1,800 men and women from Canada, New Zealand, Australia, and Mexico joined in the fight against these wildfires;

Whereas the information and coordination of the National Interagency Fire Center in Boise, Idaho, greatly assisted in minimizing the effects of these wildfires;

Whereas the support from local residents, communities, and counties helped maintain the high morale of the firefighters;

Whereas, in spite of the rugged terrain and the intense speed and size of the year 2000 wildfires, the firefighter crews managed to limit property losses to 852 structures; and

Whereas, if not for the hard work and dedication of these firefighters, the lives of thousands of Americans could have been lost, the loss of property could have been extensive, and the scenic beauty of the public lands and adjacent State and private lands could have been severely altered: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the men and women, including professional firefighters, volunteers, and military personnel, who fought wildfires on public domain lands during the 2000 wildfire season for their bravery, their extraordinary efforts to contain the wildfires, and their commitment to protect lives, property, and the surrounding communities; and

(2) mourns the loss of life of the 16 persons who died while defending the fire lines.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

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

House Concurrent Resolution 434 commends the heroic men and women who fought fires during this, the worst fire season in 50 years. This resolution, introduced by the gentleman from Oregon (Mr. WALDEN), also mourns the loss of the 16 who lost their lives while protecting others.

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

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

I rise in strong support of H. Con. Res. 434. This fire season, nearly 7 million acres of land burned throughout the West in over 85,000 wildfires. Nearly 1,000 homes were destroyed. Yet, through the valiant efforts of over 30,000 wildland firefighters, both professional and volunteer, property damage and loss of life were minimized. These brave and dedicated men and women work far from home for long periods of time, under grueling conditions, and with few rewards to protect our land, our homes and our lives.

I join my colleagues in commending those extraordinary workers who literally put their lives on the line every day. Sadly, during the course of this fire season, 16 firefighters died in the line of duty. I join my colleagues in recognizing their sacrifice and mourning their loss. I want to thank the sponsors of this resolution, the gentleman from Oregon (Mr. WALDEN), the gentleman from New Mexico (Mr. UDALL), and the gentleman from Colorado (Mr. UDALL), who particularly felt the impact of these fires in their States and join them in expressing gratitude to the firefighters.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN), the author of this legislation.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today in support of House

Concurrent Resolution 434. This legislation commends the heroic men and women who fought fires during this 2000 wildfire season. It was the worst fire season in 50 years.

Mr. Speaker, this legislation also mourns the tragic loss of 16 firefighters who lost their lives while protecting others. The 2000 wildfire season in the United States was the largest and most severe in the last 50 years and consisted of more than 85,000 wildfires. More than 7 million acres of public lands and adjacent State and private lands were subjected to these wildfires.

□ 1415

More than 30,000 professional and volunteer fire fighters risked their lives to participate in fighting and controlling these wildfires. In spite of the rugged terrain and the intense speed and the size of the year 2000 wildfires, the firefighter crews managed to limit property losses to just 852 structures. It could have been so much worse.

Mr. Speaker, if not for these fire fighters, the loss of lives and property could have been far more extensive than it was.

So let this United States House of Representatives honor those fire fighters who tragically lost their lives and those who stood on the lines to protect others by passing House Concurrent Resolution 434 today.

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

Mr. Speaker, I must add, as I look at the tremendous fires we have had in the West at this time, that a lot of this is because we have not managed the forests. That argument has been going on. We have held hearings on it. We have not managed the forests. We have not cleaned the forests. We have not cleared the forests. We have not thinned the forests and when some of these people get the idea to let Mother Nature do it, we paid big time for it this last fire season. I hope now we all wake up to the idea that we have to go back and manage the forests and the public lands of America and take good care of them rather than let them just go helter skelter like we have done, and we pay for it.

Last January we had a hearing, and past foresters all said this will be the worst fire year we have ever had. Those men were true prophets. They were right. That is what we had, and that is what we get for neglecting the forests.

Mr. UDALL of New Mexico. Mr. Speaker, I rise in strong support of H. Con. Res. 434 to commend wildland firefighters and I do so in praise and appreciation for the splendid and courageous job that these firefighters performed this year.

As many of you know, this year marked one of the most horrific fire years in our Nation's history. Almost 7 million acres burned and it's still not over. As many of you know the Cerro Grande fire, which occurred within my district, scorched over 40,000 acres and consumed over 400 homes and businesses within Los Alamos, NM. The New Mexico firefighters displayed exemplary courage and professionalism when combating this inferno.

Even today, in North Carolina, Missouri and Illinois for example, large fires still burn uncontrolled as a result of low moisture and high winds.

This year more than 30,000 firefighters, including 6 military battalions, performed firefighting duties enduring numerous hazardous conditions away from their friends and loved ones. Through it all, these committed men and women performed with enthusiasm and bravery despite their many hardships.

I strongly believe that we will continue to see severe fire years in the future and will therefore again call upon these professional and dedicated firefighters to utilize their skills in service to their fellow men and communities.

Notwithstanding this prognosis, I am optimistic that our cadre of firefighters will continue to perform when called upon.

On the same note, I am also pleased with the bipartisan support of H.R. 2814, The Wildland Firefighters Pay Equity Act, cosponsored by myself, and Mr. POMBO which provides fair and equitable pay to the thousands of wildland firefighters. This legislation has passed this chamber and now awaits Senate approval.

I strongly support H. Con. Res. 434 in tribute to all of those who have sacrificed this year. I strongly urge my colleagues to support this measure.

Mr. UDALL of Colorado. Mr. Speaker, I am an original cosponsor of this resolution and I rise in its support.

The resolution commends the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses.

As the resolution notes, this summer's wildfire seasons was the most severe in the last 50 years. Across the country, there were more than 85,000 wildfires that affected almost 7,000,000 acres of public lands and adjacent State and private lands—and more than 30,000 professional and volunteer firefighters were called upon to join in fighting them.

These were men and women from all parts of the country, including members of the Armed Forces, and also 1,800 men and women from Canada, New Zealand, Australia, and Mexico.

In Colorado, though we were more fortunate than some of our western neighbors, we had several major fires along the Front Range and in other parts of the state. In addition, Coloradans joined in fighting fires in Montana, Idaho, and elsewhere.

As the resolution says, without their hard work and dedication, there could have been even greater loss of lives and the loss of property could have been even greater than it was.

So it is very appropriate for the Congress to commend all those who joined in this effort, and to remember and mourn the 16 persons who died while fighting these fires.

I urge adoption of this resolution.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 434.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4020) to authorize an extension of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove, as amended.

The Clerk read as follows:

H.R. 4020

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

TITLE I—ADDITION OF LAND TO SEQUOIA NATIONAL PARK

SEC. 101. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled ''Dillonwood'', numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

TITLE II—UPPER HOUSATONIC NATIONAL HERITAGE AREA

SEC. 201. AUTHORIZATION OF STUDY.

(a) IN GENERAL.—The Secretary of the Interior (in this section referred to as the ''Secretary'') shall conduct a study of the Upper Housatonic National Heritage Area (in this section referred to as the ''Study Area''). The study shall include analysis, documentation, and determinations regarding whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, and/or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State Governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult with the State historic preservation officers, State historical societies and other appropriate organizations.

SEC. 202. BOUNDARIES OF THE STUDY AREA.

The Study Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

SEC. 203. REPORT.

Not later than 3 fiscal years after the date on which funds are first available for this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $300,000 to carry out the provisions of this title.

TITLE III—WITHHOLDING OF ROYALTY PAYMENTS UNDER CERTAIN CIRCUMSTANCES

SEC. 301. ROYALTY PAYMENTS UNDER LEASES UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) ROYALTY RELIEF.—

(1) IN GENERAL.—A State lessee may withhold from payment any royalty due and owing to the United States under any lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) for offshore oil or gas production from a covered lease tract if, on or before the date that the payment is due and payable to the United States, the State lessee makes a payment to the State of Louisiana of 44 cents for every $1 of royalty withheld.

(2) TREATMENT OF WITHHELD AMOUNTS.—Any royalty withheld by a State lessee in accordance with this section shall be treated as paid for purposes of satisfaction of the royalty obligations of the State lessee to the United States.

(3) CERTIFICATION OF WITHHELD AMOUNTS.—The Secretary of the Treasury shall—

(A) determine the amount of royalty withheld under this section; and

(B) promptly publish a certification when the total amount of royalty withheld under this section is equal to the sum of—

(i) $18,115,147; plus

(ii) simple annual interest on the difference, on January 1 of each year, between the amount referred to in clause (i) and the total amount of royalty withheld under this section, determined at 8 percent per year for the period beginning March 21, 1989, and ending on the date on which the amount of royalty withheld under this section is equal to the amount referred to in clause (i).

(b) PERIOD OF ROYALTY RELIEF.—Subsection (a) shall apply to royalty amounts that are due and payable in the period beginning on October 1, 2001, and ending on the date on which the Secretary publishes a certification under subsection (a)(3)(B).

(c) DEFINITIONS.—As used in this section:

(1) COVERED LEASE TRACT.—The term ''covered lease tract'' means a leased tract (or portion of a leased tract)—

(A) lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)); or

(B) lying within such zone but to which such section does not apply.

(2) STATE LESSEE.—The term ''State lessee'' means a person (including a successor or assign of a person), that, on the date of enactment of the Oil Pollution Act of 1990 (Public Law 101–380; August 18, 1990), held lease rights in the State of Louisiana offshore leases SL10087, SL10088, and SL10187, but did not hold lease rights in Federal offshore lease OCS–G–5669.

TITLE IV—INCLUSION OF CAT ISLAND IN GULF ISLANDS NATIONAL SEASHORE

SEC. 401. BOUNDARY ADJUSTMENT TO INCLUDE CAT ISLAND.

(a) IN GENERAL.—The first section of Public Law 91–660 (16 U.S.C. 459h) is amended—

(1) in the first sentence, by striking ''That, in'' and inserting the following:

''SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

''(a) ESTABLISHMENT.—In''; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking ''The seashore shall comprise'' and inserting the following:

''(b) COMPOSITION.—

''(1) IN GENERAL.—The seashore shall comprise the areas described in paragraphs (2) and (3).

''(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS-GI-7100J.—The areas described in this paragraph are'': and

(C) by adding at the end the following:

''(3) CAT ISLAND.—The area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (referred to in this Act as the 'Cat Island Map').

''(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.''.

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91–660 (16 U.S.C. 459h–1) is amended—

(1) in the first sentence of subsection (a), by striking ''lands,'' and inserting ''submerged land, land,''; and

(2) by adding at the end the following:

''(e) ACQUISITION AUTHORITY.—

''(1) IN GENERAL.—The Secretary may acquire, from a willing seller only—

''(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi, consisting of—

''(i) Sections 25 and 26, Township 9 South, Range 12 West;

''(ii) Sections 22, 27, 28, 29, 30, 31, 32, 33, and 34, Township 9 South, Range 11 West; and

''(iii) Section 4, Township 10 South, Range 11 West;

''(B) an easement over the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

''(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

''(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this Act as the 'buffer zone'), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

''(B) BUFFER ZONE.—Nothing in this Act or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

''(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection.''.

(c) REGULATION OF FISHING.—Section 3 of Public Law 91–660 (16 U.S.C. 459h–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this Act or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).''.

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91–660 (16 U.S.C. 459h–4) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Except''; and

(2) by adding at the end the following:

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into agreements—

''(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

''(B) with the owners of the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map concerning the development and use of the land.

''(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91–660 (16 U.S.C. 459h–10) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There''; and

(2) by adding at the end the following:

''(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.''.

TITLE V—WASHOE TRIBE LAND CONVEYANCE

SEC. 501. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the ''Tribe'') included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this title are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation of the Tribe and not permit any commercial use (including commercial development, residential development, gaming, sale of timber, or mineral extraction); and

(B) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

TITLE VI—PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE

SEC. 601. SHORT TITLE.

This title may be cited as the ''Pecos National Historical Park Land Exchange Act of 2000''.

SEC. 602. DEFINITIONS.

As used in this title—

(1) the term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture;

(2) the term ''landowner'' means Harold and Elisabeth Zuschlag, owners of land within the Pecos National Historical Park; and

(3) the term ''map'' means a map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, and dated November 19, 1999, revised September 18, 2000.

SEC. 603. LAND EXCHANGE.

(a) CONVEYANCE OF FEDERAL LAND AND INTERESTS.—Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this title:

(1) Approximately 160 acres of Federal lands and interests therein within the Santa Fe National Forest in the State of New Mexico, as generally depicted on the map; and

(2) The Secretary of the Interior shall convey an easement for water pipelines to two existing well sites, located within the Pecos National Historical Park, as provided in this paragraph.

(A) The Secretary of the Interior shall determine the appropriate route of the easement through Pecos National Historical Park and such route shall be a condition of the easement. The Secretary of the Interior may add such additional terms and conditions relating to the use of the well and pipeline granted under this easement as he deems appropriate.

(B) The easement shall be established, operated, and maintained in compliance with all Federal laws.

(b) RECEIPT OF PRIVATE LANDS.—The lands to be conveyed by the landowner to the Secretary of the Interior comprise approximately 154 acres within the Pecos National Historical Park as generally depicted on the map.

(c) CONDITION OF EXCHANGE.—The Secretary of Agriculture shall convey the lands and interests identified in subsection (a) only if the landowner conveys a deed of title to the United States, that is acceptable to and approved by the Secretary of the Interior.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the exchange of lands and interests pursuant to this title shall be in accordance with the provisions of section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and other applicable laws including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) VALUATION AND APPRAISALS.—The values of the lands and interests to be exchanged pursuant to this title shall be equal, as determined by appraisals using nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisition. The Secretaries shall obtain the appraisals and insure they are conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. The appraisals shall be paid for in accordance with the exchange agreement between the Secretaries and the landowner.

(3) COMPLETION OF THE EXCHANGE.—The exchange of lands and interests pursuant to this title shall be completed not later than 180 days after the requirements of the National Environmental Policy Act of 1969 have been met and after the Secretary of the Interior approves the appraisals. The Secretaries shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives upon the successful completion of the exchange.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the exchange of lands and interests pursuant to this title as the Secretaries consider appropriate to protect the interests of the United States.

(5) EQUALIZATION OF VALUES.—

(A) The Secretary of Agriculture shall equalize the values of Federal land conveyed under subsection (a) and the land conveyed to the Federal Government under subsection (b)—

(i) by the payment of cash to the Secretary of Agriculture or the landowner, as appropriate, except that notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; or

(ii) if the value of the Federal land is greater than the land conveyed to the Federal government, by reducing the acreage of the Federal land conveyed.

(B) DISPOSITION OF FUNDS.—Any funds received by the Secretary of Agriculture as cash equalization payment from the exchange under this section shall be deposited into the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a) and shall be available for expenditure, without further appropriation, for the acquisition of land and interests in the land in the State of New Mexico.

SEC. 604. BOUNDARY ADJUSTMENT AND MAPS.

(a) BOUNDARY ADJUSTMENT.—Upon acceptance of title by the Secretary of the Interior of the lands and interests conveyed to the United States pursuant to section 603, the boundaries of the Pecos National Historical Park shall be adjusted to encompass such lands. The Secretary of the Interior shall administer such lands in accordance with the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4).

(b) MAPS.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after completion of the exchange described in section 603, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

TITLE VII—CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

SEC. 701. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y–4(g)) is amended by striking ''thirty'' and inserting ''40''.

TITLE VIII—EDUCATION LAND GRANTS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Education Land Grant Act''.

SEC. 802. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this title shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE IX—GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP

SEC. 901. SHORT TITLE.

This title may be cited as the ''Gaylord Nelson Apostle Islands Stewardship Act of 2000''.

SEC. 902. GAYLORD NELSON APOSTLE ISLANDS.

(a) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(3) after more than 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term ''Lakeshore'' means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(e) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91–424 (16 U.S.C. 460w–5) is amended—

(1) by striking ''SEC. 6. The lakeshore'' and inserting the following:

''SEC. 6. MANAGEMENT.

''(a) IN GENERAL.—The lakeshore''; and

(2) by adding at the end the following:

''(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (c); and

(2) $3,900,000 to carry out subsection (d).

TITLE X—PEOPLING OF AMERICA THEME STUDY

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Peopling of America Theme Study Act''.

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the ''peopling of America''; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; Public Law 101–628), that ''the Secretary shall ensure that the full diversity of American history and prehistory are represented'' in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that ''people are the primary agents of change'' and establishes the theme of human

population movement and change—or ''peopling places''—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this title are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 1003. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study required under section 1004.

(3) PEOPLING OF AMERICA.—The term ''peopling of America'' means the migration to and within, and the settlement of, the United States.

SEC. 1004. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 1005. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XI—NATCHEZ TRACE PARKWAY

SEC. 1101. DEFINITIONS.

In this title:

(1) PARKWAY.—The term ''Parkway'' means the Natchez Trace Parkway, Mississippi.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1102. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled ''Alternative Alignments/Area'', numbered 604–20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled ''Emerald Mound Development Concept Plan'', numbered 604–20042E and dated August 1987.

(b) MAPS.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 1103. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XII—FORT MATANZAS NATIONAL MONUMENT BOUNDARY ADJUSTMENT

SEC. 1201. DEFINITIONS.

In this title:

(1) MAP.—The term ''Map'' means the map entitled ''Fort Matanzas National Monument'', numbered 347/80,004 and dated February, 1991.

(2) MONUMENT.—The term ''Monument'' means the Fort Matanzas National Monument in Florida.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1202. REVISION OF BOUNDARY.

(a) IN GENERAL.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(b) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 1203. ACQUISITION OF ADDITIONAL LAND.

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) transfer from any other Federal agency; or

(4) exchange.

SEC. 1204. ADMINISTRATION.

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 1202 shall be administered by the Secretary as part of the Monument.

SEC. 1205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XIII—LAND ACQUISITION

SEC. 1301. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective 30 days after the date of the enactment of this title, all right, title, and interest in and to, and the right to immediate possession of, the 1,516 acres of real property owned by the Environmental Land Technology, Ltd. (ELT) within

the Red Cliffs Reserve in Washington County, Utah, and the 34 acres of real property owned by ELT which is adjacent to the land within the Reserve but is landlocked as a result of the creation of the Reserve, is hereby vested in the United States.

(b) COMPENSATION FOR PROPERTY.—Subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), the United States shall pay just compensation to the owner of any real property taken pursuant to this section, determined as of the date of the enactment of this title. An initial payment of $15,000,000 shall be made to the owner of such real property not later than 30 days after the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of—

(1) the appraised value of such real property as agreed to by the land owner and the United States, plus interest from the date of the enactment of this title; or

(2) the valuation of such real property awarded by judgment, plus interest from the date of the enactment of this title, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees, as determined by the court. Payment shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, or from another appropriate Federal Government fund.

Interest under this subsection shall be compounded in the same manner as provided for in section 1(b)(2)(B) of the Act of April 17, 1954, (Chapter 153; 16 U.S.C. 429b(b)(2)(B)) except that the reference in that provision to ''the date of the enactment of the Manassas National Battlefield Park Amendments of 1988'' shall be deemed to be a reference to the date of the enactment of this title.

(c) DETERMINATION BY COURT IN LIEU OF NEGOTIATED SETTLEMENT.—In the absence of a negotiated settlement, or an action by the owner, the Secretary of the Interior shall initiate within 90 days after the date of the enactment of this section a proceeding in the United States Federal District Court for the District of Utah, seeking a determination, subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), of the value of the real property, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees.

TITLE XIV—SAINT CROIX ISLAND HERITAGE

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Saint Croix Island Heritage Act''.

SEC. 1402. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) PURPOSE.—The purpose of this title is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 1403. DEFINITIONS.

In this title:

(1) ISLAND.—The term ''Island'' means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 1404. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) IN GENERAL.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) COOPERATIVE AGREEMENTS.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 1405. AUTHORIZATION OF APPROPRIATIONS.

(a) DESIGN AND CONSTRUCTION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this title (including the design and construction of the regional heritage center) $2,000,000.

(2) EXPENDITURE.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

TITLE XVI—HOOSIER AUTOMOBILE & TRUCK NATIONAL HERITAGE TRAIL AREA

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Hoosier Automobile & Truck National Heritage Trail Area Act of 2000''.

SEC. 1602. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) The industrial, cultural, and natural heritage legacies of Indiana's automobile and truck industry are nationally significant.

(2) The design and manufacture of the automobile and truck within the State of Indiana helped establish and expand the United States industrial power.

(3) The industrial strength of automobile and truck manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories.

(4) The economic strength of our Nation is connected integrally to the vitality of the automobile and truck industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends.

(5) The industrial and cultural heritage of the automobile and truck industry in Indiana includes the social history and living cultural traditions of several generations.

(6) The United Auto Workers and other unions played a significant role in the history and progress of the labor movement and the automobile and truck industry.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Indiana to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Hoosier Automobile & Truck National Heritage Trail Area Partnership, Inc., (an Indiana not-for-profit corporation), the State of Indiana, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans.

(8) The Hoosier Automobile & Truck National Heritage Trail Area Partnership, Inc., would be an appropriate entity to oversee the development of the Hoosier Automobile & Truck National Heritage Trail Area.

(9) Multiple museums of regional, national, and international stature are located within the Hoosier Automobile & Truck National Heritage Trail Area as follows:

(A) Auburn Cord Duesenberg Museum at Auburn, Indiana.

(B) National Automotive and Truck Museum of the United States at Auburn, Indiana.

(C) S. Ray Miller Museum at Elkhart, Indiana.

(D) RV/MH Hall of Fame, Museum, and Library at Elkhart, Indiana.

(E) Studebaker National Museum at South Bend, Indiana.

(F) Door Prairie Museum at LaPorte, Indiana.

(G) Indianapolis Motor Speedway Museum at Indianapolis, Indiana.

(10) Auburn, Indiana, because it is located on Interstate Highway 69, is the home of the Auburn Cord Duesenberg Museum, the National Automotive and Truck Museum of the United States, and the Kruse Auction Park, designates itself as the ''Collector Car Capital of the World'', and is adjacent to the Michigan Automobile National Heritage Area, is the appropriate focal point for the Hoosier Automobile & Truck National Heritage Trail Area.

(11) The natural, cultural, historic, and scenic resources of the Hoosier Automobile & Truck National Heritage Trail Area have combined to form a cohesive, nationally distinctive landscape arising from patterns of human activity, shaped by geography which has resulted in the Hoosier National Automobile & Truck National Trail Area being representative of the national experience through the physical features that remain, the traditions which have evolved within them, and the continued use of the Hoosier National Automobile & Truck National Trail Area by people whose traditions and activities have helped to shape such landscape.

(b) PURPOSE.—The purpose of this title is to establish the Hoosier Automobile & Truck National Heritage Trail Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Indiana and empower communities in Indiana to conserve their automotive and truck heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Hoosier Automobile & Truck National Heritage Trail Area.

SEC. 1603. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Partnership.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Hoosier Automobile & Truck National Heritage Trail Area established by section 1604.

(3) PARTNERSHIP.—The term ''Partnership'' means the Hoosier Automobile & Truck National Heritage Trail Area, Incorporated (a nonprofit corporation established under the laws of the State of Indiana).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1604. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Indiana the Hoosier Automobile & Truck National Heritage Trail Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in the following counties in the State of Indiana: Lake, Porter, LaPorte, Starke, Elkhart, Kosciusko, LaGrange, Steuben, Noble, DeKalb, Whitley, Allen, Huntington, Wells, Adams, Jay, Clinton, Tipton, Madison, Delaware, Randolph, Hamilton, Henry, Wayne, Marion, Hancock, Morgan, Johnson, Shelby, Rush, Fayette, Union, Brown, Bartholomew, Decatur, Franklin, Jackson, Jennings, Ripley, Dearborn, Washington, Scott, Jefferson, Ohio, Switzerland, Clark, Floyd, Harrison, Crawford, Dubois, Perry, Spencer, Sullivan, Greene, Monroe, Knox, Daviess, Martin, Lawrence, Orange, Gibson, Pike, Posey, Vanderburgh, and Warrick.

(2) SPECIFIC BOUNDARIES.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 1606.

(3) MAP.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) CONSENT OF LOCAL GOVERNMENTS.—The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

(5) CONDITIONS FOR INCLUSION OF PROPERTY IN HERITAGE AREA.—Property may not be included in the Heritage Area if—

(A) the Partnership fails to give notice of the inclusion in accordance with paragraph (4);

(B) any local government to which the notice is required to be provided objects to the inclusion, in writing to the Partnership, by not later than the end of the period provided pursuant to subparagraph (C); or

(C) fails to provide a period of at least 60 days for objection under subparagraph (B).

(6) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

(7) ADDITIONS AND DELETIONS OF LANDS.—The Secretary may add or remove lands to or from the Heritage Area in response to a request from the Partnership.

SEC. 1605. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Partnership shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this title.

(2) DISQUALIFICATION.—If a management plan for the Area is not submitted to the Secretary as required under section 1606 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this title until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this title—

(1) to make grants and loans to the State of Indiana, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to Federal agencies, the State of Indiana, its political subdivisions, nonprofit organizations, and other persons;

(3) to hire and compensate staff;

(4) to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 1606. MANAGEMENT DUTIES OF THE HOOSIER AUTOMOBILE & TRUCK NATIONAL HERITAGE TRAIL AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of enactment of this title, develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) PLAN REQUIREMENTS, GENERALLY.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan shall also include the following, as appropriate:

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the Heritage Area.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 60 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 60 days, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the plan and revisions shall be considered approved.

(b) PRIORITIES.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) PUBLIC MEETINGS.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) ANNUAL REPORTS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 1605(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 1605(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) DELEGATION.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 1604(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 1607. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the Heritage Area effectively fulfills the objectives contained in the Heritage Area management plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 1608. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this title shall be construed to grant powers of zoning or land use control to the Partnership.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Indiana or a political subdivision thereof.

SEC. 1609. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2015.

SEC. 1610. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any activity carried out with Federal funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 4020 is comprised of many separate pieces of legislation which help protect and enhance a variety of natural historic and cultural resources in a number of our States. For example, this bill expands National Park units like Sequoia National Park in California, Gulf Islands National Seashore in Mississippi, and the Natchez Trace Parkway. This bill directs the Secretary of the Interior to conduct studies of the suitability of establishing other park units for inclusion into the park system like the Upper Housatonic River Valley in Connecticut and also directs a wilderness study at Apostle Islands in Wisconsin. It further provides for a cultural theme study to see how this country was settled. It also facilitates appropriate land conveyances in Nevada, Federal land acquisition in Utah, and land exchanges in New Mexico. This is a good piece of legislation which accomplishes a number of things by protecting the natural historic and cultural resources across America, thereby greatly benefiting our citizens.

I strongly urge my colleagues to support H.R. 4020 as amended.

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

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

Mr. Speaker, this is a package of 16 bills that was originally put together on a bipartisan basis. It now appears that this package is starting to spin apart a number of items in this package of bills that have already been sent to the President. The Upper Housatonic, the Saint Croix Island, which we just passed, Salano was passed on to the President yesterday or today; and now we are kind of left with a couple of bills here that I think are losing the ability to be taken up in the Senate. The Natchez portion of this legislation will be passed in a separate bill today, and at that point what we are left with is essentially the Boxer–Radanovich bill where we are taking the Senate language and sending it back in this package, which is going to make it very difficult to get that language passed; and I am concerned that what we should be doing is taking that Senate language which is in this bill, we should be taking that Senate language and passing it as a separate bill and sending it down to the President so we can properly protect the Sequoias. There is no controversy around that legislation, and for that reason I am concerned that this package is starting to appear to be a dead end; but it is going to be a dead end, I think, with some unfortunate results if we do not pass the Sequoia protection legislation, which we could do immediately since, again, there is no controversy. But to do it in this fashion as part of this package with the other measures taken out of this package, I think there is a strong likelihood that that will fail to get Senate consideration in a timely fashion.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4020, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Mr. GEORGE MILLER of California. 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. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SHARK FINNING PROHIBITION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5461) to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

The Clerk read as follows:

H.R. 5461

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 ''Shark Finning Prohibition Act''.

SEC. 2. PURPOSE.

The purpose of this title is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

SEC. 3. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.

Section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (N);

(2) by striking ''section 302(j)(7)(A).'' in subparagraph (O) and inserting ''section 302(j)(7)(A); or''; and

(3) by adding at the end the following:

''(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

''(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or

''(iii) to land any such fin without the corresponding carcass.

''For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.''.

SEC. 4. REGULATIONS.

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the provisions of section 3076(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(P)), as added by section 403 of this title.

SEC. 5. INTERNATIONAL NEGOTIATIONS.

The Secretary of Commerce, acting through the Secretary of State, shall—

(1) initiate discussions as soon as possible for the purpose of developing bilateral or multilateral agreements with other nations for the prohibition on shark-finning;

(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in shark-finning, for the purposes of—

(A) collecting information on the nature and extent of shark-finning by such persons and the landing or transshipment of shark fins through foreign ports; and

(B) entering into bilateral and multilateral treaties with such countries to protect such species;

(3) seek agreements calling for an international ban on shark-finning and other fishing practices adversely affecting these species through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies;

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks to the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks.

SEC. 6. REPORT TO CONGRESS.

The Secretary of Commerce, in consultation with the Secretary of State, shall provide to Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a report which—

(1) includes a list that identifies nations whose vessels conduct shark-finning and details the extent of the international trade in shark fins, including estimates of value and information on harvesting of shark fins, and landings or transshipment of shark fins through foreign ports;

(2) describes the efforts taken to carry out this title, and evaluates the progress of those efforts;

(3) sets forth a plan of action to adopt international measures for the conservation of sharks; and

(4) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to shark populations, including those listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

SEC. 7. RESEARCH.

The Secretary of Commerce, subject to the availability of appropriations authorized by section 410, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by commercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival of captured sharks after release.

(4) Research on methods for releasing sharks from fishing gear that minimize risk of injury to fishing vessel operators and crews.

(5) Research on methods to maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section 303 or of section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(1)(P)).

(6) Research on the nature and extent of the harvest of sharks and shark fins by foreign fleets and the international trade in shark fins and other shark products.

SEC. 8. WESTERN PACIFIC LONGLINE FISHERIES COOPERATIVE RESEARCH PROGRAM.

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this title, including research described in section 407 of this title. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

SEC. 9. SHARK-FINNING DEFINED.

In this Act, the term ''shark-finning'' means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 5461, the Shark Finning Prohibition Act, introduced by the gentleman from California (Mr. CUNNINGHAM) is legislation that amends the Magnuson-Stevens Fishery Conservation and Management Act to prohibit the removal of shark fins, including the tail, and then to discard the carcass into the sea. It also prohibits the custody, control or possession of any such fin aboard a fishing vessel without the corresponding carcass and prohibits the landing of such fins without the corresponding carcass.

In addition, the bill directs the Secretary of Commerce, through the Secretary of State, to initiate discussions with foreign governments that have fisheries engaged in shark finning and to seek agreements banning the activity.

Finally, H.R. 5461 authorizes research for Pacific and Atlantic sharks and requires the Secretary to report back to Congress 1 year after the date of enactment. The House passed a similar bill

on June 6, 2000, and a nonbinding resolution on this issue. We must end this gruesome practice of shark finning, and I hope the other body will quickly approve this compromise version. I urge an aye voted on this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 5461, the Shark Finning Prohibition Act. Shark finning, as the gentleman from Utah (Mr. HANSEN) has pointed out, is currently one of the most visible and controversial conservation issues in the waters of the Pacific Ocean. While the practice of finning has already been banned in Federal waters of the Atlantic, Gulf of Mexico, and the Caribbean, as well as waters in 11 coastal States, it remains unregulated in the Pacific and this legislation is designed to address that problem.

Again, I support this legislation; but I want to continue to express my concerns about the manner in which these bills are now being presented, given what has happened to the parks package.

Mr. Speaker, I rise in support of H.R. 5461, the Shark Finning Prohibition Act.

Shark finning is currently one of the most visible and controversial conservation issues in the waters of the Pacific Ocean. While the practice of finning has already been banned in the Federal waters of the Atlantic, Gulf of Mexico, and the Carribean, as well as the waters of 11 coastal states, it remains unregulated in the Pacific.

As a result, and because of the strong demand and high prices for shark fins in Asia, the harvest of shark fins in the Pacific has increased over the past seven years by more than 2000 percent. More than 60,000 sharks were caught and killed in 1998 alone, and 98 percent of those sharks were harvested only for their fins—or less than 5 percent of their body weight—while the remaining 95 percent of the shark was tossed overboard. Not only is this practice wasteful, many critics consider it to be morally and culturally wrong.

In addition, shark finning is inconsistent with U.S. policy both domestically and internationally. In the United States, it is contrary to the Magnuson Act which requires fishermen to reduce bycatch and the mortality of bycatch that cannot be avoided. Given that 85 percent of the sharks caught are alive when they reach the boats, prohibiting the finning of these sharks will reduce bycatch by significant amounts.

Abroad, the United States has participated in and promoted shark conservation through the United Nation's fisheries committee where specific guidelines on shark conservation have been adopted. Those guidelines include a provision that countries should adopt methods to prohibit finning and encourage the full use of dead sharks. For the United States to promote these measures internationally while continuing to allow shark finning in its own waters would be hypocritical and could undermine our efforts to achieve international conservation.

The Shark Finning Prohibition Act will not prevent United States fishermen from harvesting sharks, bringing them to shore, and then using the fins or any other part of the shark. Instead, it would simply prevent the cutting off of the fins and the disposal of the carcass at sea, or the transport or landing of fins harvested in this manner by another fishing vessel.

It also encourages the Administration to enter into discussions with other nations where shark finning still occurs to try and bring this practice to an end not just in the United States, but around the world. The bill is identical to language that passed the other body earlier this month, and I urge Members to support it.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), the author of this legislation.

Mr. CUNNINGHAM. Mr. Speaker, I will not take very much time. I would like to thank the ranking minority member, the gentleman from California (Mr. GEORGE MILLER). I read in a magazine, an outdoorsman magazine, about the practice of fishermen catching sharks, cutting off their fins just for sale, primarily in the Orient, because of their aphrodisiac effects and other issues with the fin. They were taking the shark, after they cut the fins off, and dumping it back into the water and letting it drown.

I am a hunter. I am a fisherman and a sportsman, and to me I think that this was unspeakable. We have gotten support from the gentleman from New Jersey (Mr. SAXTON), the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from California (Mr. GEORGE MILLER), and his leadership, against this practice.

I would also like to thank the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from the other body from Hawaii, who wrote the compromising language to this to include it in international practices as well.

I rise in strong support of this compromise language.

Mr. Speaker, I rise today to bring before the House my legislation to ban the practice of shark finning. For those unfamiliar with shark finning, it is the distasteful practice of removing a shark's fins and discarding the carcass into the sea. As an avid sportsman, and as a previous co-chairman of the Congressional Sportsmen's Caucus, I find this practice horrific and wasteful.

Mr. Speaker, this is the fourth time this Congress the House has acted on this issue. Moreover, I want to especially thank Chairman SAXTON, Chairman YOUNG, and Ranking Member GEORGE MILLER for their strong commitment to this legislation and their leadership against this terrible practice of shark finning.

Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity, and small number of offspring leave them exceptionally vulnerable to overfishing, and they are slow to recover from practices that contribute to their depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea.

My colleagues are well aware of my campaign to stop the wasteful and unsportsmanlike practice of shark finning. This will be the fourth time that the House has acted on this issue, and the third version of my legislation. The bill before us today represents a compromise between the House and the Senate. It is important that we pass this legislation today and protect America's fisheries.

The Shark Finning Prohibition Act bans the wasteful practice of removing a shark's fins and discards the remainder of the shark into the ocean. Currently, this practice continues only in the U.S. waters of the Western Pacific. My legislation before us today will ban this terrible practice.

We must also address the massive problem caused by the international trade in shark fins. Land year, the House passed my measure, House Concurrent Resolution 189, which called upon the Secretary of State to continue the U.S. leadership role in banning shark finning worldwide. The bill before us today directs the Secretary of State and Secretary of Commerce to work and stop the global shark fin trade. This will require the active engagement of more than 100 countries, and reduction in the demand for shark fins and other shark products. As my previous resolution stressed, international measures are a critical component of achieving effective shark conservation.

Finally, the bill authorizes a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments. This includes identifying fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and providing data on the international shark fin trade. This important provision was included at the request of the Senate to complement our shark conservation efforts.

Mr. Speaker, the United States has always been a leader in fisheries conservation and management. This legislation provides us the opportunity to stand on the world stage and demand that other countries take action to stop this wasteful and unsportsmanlike practice.

The Shark Finning Prohibition Act has broad bipartisan support. It is strongly supported by the Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Audubon Society, National Coalition for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund.

In addition, it is supported by the State of Hawaii Office of Hawaiian Affairs, the American Sportfishing Association, the Recreational Fishing Alliance, the Sportfishing Association of California, the Cousteau Society, and the Western Pacific Fisheries Coalition.

Today, we can act to halt the rampant waste resulting from shark finning and solidify our national opposition to this terrible practice. Vote yes on H.R. 5461; vote yes to prohibit shark finning.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, I do rise in strong support of this legislation. I am a little bit chagrined my good friend, the gentleman from California (Mr. CUNNINGHAM), recognized the gentleman from California (Mr. GEORGE MILLER) and thanked him for his support but forgot the chairman, except later on. There is a priority here, and I always worry about that.

Other than that, this is a good piece of legislation. The gentleman is absolutely correct. The idea that a fish, or a shark, could be caught, and they have enough bad times the way it is, but to take just the fins, et cetera, and return them to sea to die a very hideous death is beyond my comprehension.

Whatever can happen, sometimes these types of pieces of legislation can have good intentions and they are not implemented by the State Department, because we have to recognize we have a lot of rules about how one sees interception now with our salmon in Alaska, and yet we have documentation where the Coast Guard has identified the death curtains at high seas and the Coast Guard tries to implement and enforce our international agreement and the State Department tries to pull them off and say we do not want an international incident.

I will say again, I voted against trading with China and I will say again the Chinese Government is the guiltiest one of all of catching these fish at high seas with these huge, long nets. Until the State Department sees fit to enforce those type of laws, these sound good and feel good on the floor of the House; but we have to have someone with a little backbone and an administration that will say, all right, this is the law, this is an agreement we reached and enforce those laws so that we can stop the heinous-type action with shark finning, and of course, with catching the fish at high seas.

Mr. Speaker, I urge support of the legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5461.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATCHEZ TRACE PARKWAY, MISSISSIPPI BOUNDARY ADJUSTMENT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2020) to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

The Clerk read as follows:

S. 2020

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

SECTION 1. DEFINITIONS.

In this Act:

(1) PARKWAY.—The term ''Parkway'' means the Natchez Trace Parkway, Mississippi.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled ''Alternative Alignments/Area'', numbered 604–20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled ''Emerald Mound Development Concept Plan'', numbered 604–20042E and dated August 1987.

(b) MAPS.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 3. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

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

Mr. Speaker, S. 2020, introduced by Senator LOTT from Mississippi, would adjust the boundary of the Natchez Trace Parkway to include approximately an additional 230 acres of land to the parkway. The bill also authorizes the Secretary of the Interior to administer the land as part of the parkway. Furthermore, the bill would allow the Secretary to lease land within the boundary of the parkway to the city of Natchez, Mississippi, for any purpose compatible with the parkway.

The Natchez Trace Parkway runs 444 miles from Natchez in southern Mississippi to a point just south of Nashville, Tennessee. The parkway commemorates Native American paths that were later used by white settlers to extend their commerce and trade. It is a scenic road built and maintained by the National Park Service with 15 major interpretive locations, historic sites, camping and picnic facilities.

□ 1430

Expanding the parkway as proposed by this legislation is a good idea, and I urge my colleagues to support S. 2020.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I rise today in support of S. 2020, a bill to adjust the boundary of Natchez Trace Parkway in the City of Natchez, Mississippi.

Mr. Speaker, S. 2020 will allow the Secretary of the Interior to acquire land in the City of Natchez to complete the southern terminus of the Natchez Trace Parkway.

This is a simple, noncontroversial bipartisan measure. S. 2020 was sponsored by Mississippi Senators LOTT and COCHRAN. I appreciate the House leadership agreeing to my request to expedite S. 2020 and place it on the Suspension Calendar.

The Natchez Trace Parkway was established as a unit of the National Park System in 1938. S. 2020 authorizes the acquisition of 150 acres to provide for the completion of the Parkway's southern terminus in the city of Natchez.

In addition, 80 acres would be acquired to provide access to the Emerald Mound, a prehistoric Natchez Indian ceremonial mound. This would accommodate the construction of a short spur road to the mound site and new and improved exhibits, trails and park facilities at the Emerald Mound.

Mr. Speaker, this bill is a win-win for everybody, and I appreciate the spirit of bipartisanship that has made this happen. Indeed, we can do good things for our people when Democrats and Republicans work together.

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

Mr. Speaker, S. 2020 is a noncontroversial bill which the National Park Service supports. It provides for the acquisition of 230 acres of the Natchez Trace National Parkway, and we support this legislation.

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

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that

the House suspend the rules and pass the Senate bill, S. 2020.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. 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. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GUAM OMNIBUS OPPORTUNITIES ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the ''Property Act''), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam; (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of 2 years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

(3) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code, or section 501 of Public Law 100–77 (42 U.S.C. 11411).

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''Administrator'' means—

(A) the Administrator of General Services; or

(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term ''base closure law'' means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510), or similar base closure authority.

(3) The term ''excess real property'' means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

(4) The term ''Guam National Wildlife Refuge'' includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the ''Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993'' to the extent that the Federal Government holds title to such lands.

(5) The term ''public purpose'' means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101–47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103–339; 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a nondiscriminatory basis.

(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

(B) If the parties reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(C) If the parties do not reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of the Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying such property;

(3) to real property described in the Guam Excess Lands Act (Public Law 103–339; 108 Stat. 3116) which shall be disposed of in accordance with such Act;

(4) to real property on Guam that is declared excess as a result of a base closure law; or

(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of the Interior, may issue such regulations as he deems necessary to carry out this section.

SEC. 2. COMPACT IMPACT REPORTS.

Section 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting ''President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.'' and inserting in lieu thereof, ''Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.''.

SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.

(a) The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance, and services of the United States, to the extent that such programs, grant assistance, and services are provided to States and local governments of the United States and residents of such States, for which a freely associated State or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99–239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) by striking ''or'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: Provided, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

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

I rise today in support of H.R. 2462, legislation which would amend the Organic Act of Guam.

This House passed this bill on July 25, and the other body has amended it and returned to it us for another vote. The amendments are clarifying in nature and are constructive and acceptable. I urge my colleagues to vote in support of H.R. 2462, as amended by the other body.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD), who has worked very long and hard on this legislation and has worked with all of us on the committee to resolve concerns that have been raised.

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding me this time, and I would like to thank both the majority and minority for their extensive support on this particular piece of legislation. I also thank the gentleman from Alaska (Mr. YOUNG), the chairman of the committee, and the gentleman from California (Mr. GEORGE MILLER), the ranking member.

I ask that my colleagues support H.R. 2462, originally entitled the Guam Omnibus Opportunities Act, which includes important legislation that will improve Federal-Guam relations dealing in particular with the problem of Federal excess lands in Guam.

As background, when I originally introduced H.R. 2462 last year, with both the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) as cosponsors, there were six provisions in this bill which dealt with Federal excess lands, foreign investment tax equity in Guam, the importation of betel nuts for personal consumption, housing assistance for citizens from the Freely Associated States, Compact Impact reporting requirements, and State share funding for Guam for certain Department of Justice block grant programs.

Mr. Speaker, H.R. 2462 was the first Guam omnibus bill ever introduced in Congress. My goal was to introduce legislation dealing with Guam issues to provide a clear delineation on the matters that were important to our island for Federal policymakers without being mired in the complexities of other territorial or other Federal issues.

Fortunately, we were able to resolve many of these provisions and they are no longer in the bill, including the last provision which is for State share funding for Guam for Department of Justice block grant programs. With the assistance of the gentleman from New York (Mr. SERRANO) and others, we were able to take care of that in the State, Commerce, Justice appropriations measure.

The other matter which we were able to resolve administratively was the provision of betel nut importation. On September 7, 2000, the Food and Drug Administration revised its provision on betel nuts from Guam by issuing an import bulletin allowing for the importation for personal consumption. I am pleased that the people of Guam and other Pacific Islanders are now able to freely practice our cultural tradition of betel nut chewing when visiting family or friends or residing in the U.S. mainland.

Mr. Speaker, H.R. 2462, as passed by the Senate on October 24, 2000, includes the remaining provisions as originally introduced and provides for a continuation of Federal programs for citizens from the Freely Associated States for the duration of compact negotiations between the United States and the Republic of the Marshall Islands and the Federated States of Micronesia. Legislation dealing with foreign investment equity tax treatment is being pursued in another legislative vehicle due to overlapping committee jurisdictions.

By far, the most important provision in this legislation today on the House floor is the Guam Land Return Act. With a land area of 220 square miles, one-third of which is held by the U.S. government, land is one of the most important issues facing the people of Guam. Section 1 of H.R. 2462 is truly landmark legislation which provides for a process to resolve all remaining Federal land issues in Guam.

This legislation is the product of an effort which began some 7 years ago at a Guam land conference. The conference was attended by Department of Interior officials, DOD officials, government of Guam officials, and hundreds of citizens from Guam. We discussed in great detail the problems in the original land takings by the Federal Government which justifies a special process for Guam. We discussed in great detail the needs of the military and the complications created by the involvement of the U.S. Fish and Wildlife in declaring a wildlife refuge in Guam. But most importantly, we listened to the stories of the people of Guam, stories of patience, injustices, and failed promises, but steadfast loyalty. We knew then that a comprehensive process for the movement of Federal excess lands which was fair and tailored to fit the Guam situation needed to be passed.

The Guam Land Return Act provides a process for the government of Guam to receive lands from the U.S. Government for specified public purposes by giving Guam the right of first refusal of declared Federal excess lands by the General Services Administration prior to it being made available to any other Federal agency. Consideration is given to the impact of future uses of the return property on nearby military facilities. It also provides for a process for the government of Guam and the U.S. Fish and Wildlife to engage in negotiations on the future ownership and management of declared Federal excess lands within the refuge.

I am pleased that we were able to retain the definition of public benefit purposes under Public Law 103–339. This process has worked well for us in Guam and it provides the government of Guam the flexibility needed to provide for local land use needs. I want to stress that this is very important legislation for the people of Guam. It provides a vehicle for them to acquire, reacquire the land which was taken immediately after World War II in a way that does not compromise our military position and in a way that is fair and equitable to the people of Guam.

Mr. Speaker, I ask for my colleagues' support on this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and I thank her for her help on this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2462, the Guam Omnibus Opportunities Act. I congratulate my colleague and fellow Democrat, the gentleman from Guam (Mr. UNDERWOOD), for his successful work in shepherding this legislation through the Congress. Few will ever fully appreciate the difficulties faced by the delegates from the U.S. territories in moving legislation through the Congress. The process entails many emotional highs and lows, and often requires our full attention to educate others with the issues that confront our fellow Americans in the territories.

The Guam Omnibus Opportunities Act is important legislation for Guam and good policy for the United States. Of all the territories, Guam has historically played a strategic role in the planning of our national defense. However, the ending of the Cold War and our shifting defense strategy has caused much of the military land owned in Guam to become excess, as it has also downsized military activities across our Nation.

Mr. Speaker, H.R. 2462 sets out a process so that Guam can have the right of first refusal for the return of future excess Federal land in Guam. Taking into consideration the island's limited and precious resources, this new policy will provide opportunities for Guam to maximize the use of these lands that have been in Federal control for the past 5½ decades.

Mr. Speaker, this is good legislation for the people of Guam, and I again congratulate the gentleman from Guam (Mr. UNDERWOOD) for his tireless work in getting this measure to the floor. I urge full support from my colleagues.

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

I just want to commend the gentleman from Guam (Mr. UNDERWOOD) who has spent a considerable amount of time working out all of the difficulties with this legislation in bringing the parties together.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2462.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HANSEN. 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. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CORRECTING ENROLLMENT OF S. 1474, PALMETTO BEND CONVEYANCE ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 156) to make a correction in the enrollment of the bill, S. 1474, 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 Utah?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1474) entitled ''An Act providing for conveyance of the Palmetto Bend project to the State of Texas.'', the Secretary of the Senate shall make the following correction:

In section 7(a) insert ''not'' after ''shall''.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. 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. 1653, H. Con. Res. 434, H.R. 4020, H.R. 5461, S. 2020, and H.R. 2462, the 6 bills just debated.

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

There was no objection.

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and concur in the Senate 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.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

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''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5239.

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

There was no objection.

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

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 5239, the Export Administration Modification and Clarification Act of 2000, which provides for a short-term extension of the Export Administration Act, EAA, through August 20, 2001.

For the past 6 years, the provisions of the EAA have been kept in force through the provisions of the International Emergency Economic Powers Act, known as IEEPA. When the EAA lapsed in 1994, the President kept the export administration regulations in force by Executive Order under emergency authority under IEEPA, as has been done in the past.

Enactment of this measure is intended to reauthorize the existing EAA for a short period of time, thereby permitting the Congress to fashion a comprehensive rewrite of this 21-year-old statute.

□ 1445

The EAA currently establishes export licensing policy for items detailed on the Commerce Control list. The list provides specifications for close to 2,400 dual-use items, including equipment and software likely to require some type of license.

Mr. Speaker, this Member would point out to his colleagues that the other body has modified the text of the bill which originated in this Chamber since the lapse of the Export Administration Act in August of 1994, would have retroactively provided the Department of Commerce with authority to keep licensing information confidential under provisions of section 12(c) of that act.

Under the provisions of this measure, the Department of Commerce will be able to protect licensing information from the date of enactment through August 20, 2001. It also provides for higher fines for criminal and/or administrative sanctions against the individuals or companies found to be in violation of export control regulation.

This Member would further point out to his colleagues that while the original text of this Chamber's bill had included even higher fines, the measure

before this body today will still provide higher fines than those currently authorized under IEEPA.

In short, this measure provides a much-needed stopgap authority for export control officials at the Commerce Department.

Mr. Speaker, these are good reasons in this Member's judgment why this measure deserves the support of our colleagues. Therefore, this Member urges adoption of H.R. 5239.

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

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

Mr. Speaker, I rise in strong support of this bill. The Export Administration Act has been the principal authority for the regulation in the export of dual-use items from the United States. When this bill lapsed in August of 1994, the President invoked the International Emergency Economic Powers Act, and other authorities, to continue the export control system, including the Export Administration Regulations.

Now, there has been a recent court ruling that calls into question whether or not the government can essentially hide behind emergency powers to revive an expired law. Specifically, the case calls into question the Commerce Department's ability to keep sensitive export information provided by exporters from public disclosure using the confidentiality provision.

We have got to pass this law to make sure that they can keep the information confidential so that the exporters will fully use the Commerce Department's assistance in exporting our products. We really do have a record trade imbalance. We need to export more. Exporting American products creates jobs for American workers.

We need to pass this law as an important part of making sure that the Commerce Department is there to provide as much assistance as possible in moving products overseas.

While we would have preferred the House-passed version, the Senate amendment we are taking up today does address this problem. It reauthorizes the Export Administration Act until October 20, 2001. By doing so, it will ensure that the Department of Commerce will be able to rely on the Export Administration Act to protect the confidentiality of the relevant documents received since 1994, as well as the documents that the Commerce Department receives between now and August 20 of next year.

Mr. Speaker, for that reason we fully concur that this bill should be passed. I urge my colleagues to support H.R. 5239.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of this legislation which serves to reauthorize the Export Administration Act and extend its authority over the regulation of exports of dual-use items.

This bill underscores the confidentiality provisions of the EAA and thus helps to ensure the Commerce Department's ability to keep sensitive export information confidential. For over six years, the U.S. has been operating under International Emergency Economic Powers Act rendering itself vulnerable to legal challenges. This bill helps to protects the government against these legal challenges.

Unfortunately, the legislation before us does not provide changes to our system of export controls—changes needed to address current global realities. However, it does serve to underscore the importance of the EAA and the need to have an efficient framework for the administration of export controls.

Throughout the last few years, the Subcommittee on International Economic Policy and Trade, which I chair, has held numerous sessions to investigate the areas of EAA which need reforming or re-writing. We have evaluated legislation and have approved smaller efforts to correct flaws in the current export control process.

However, more progress needs to be made if we are to bring the EAA out of the Cold War and into the present.

I hope this bill will serve as the foundation for failure legislative action by both Chambers toward the realization of this important goal.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 5239, the "Export Administration Modification and Clarification Act of 2000" which provides for a simple extension of the Export Administration Act though August 20, 2001. For the past six years, its authorities have been kept in force through the provisions of the International Emergency Economic Powers Act.

Enactment of this measure is intended to reauthorize the existing EAA for a short period of time thereby permitting the Congress to fashion a comprehensive rewrite of this 21 year old statute.

I would point out, however, that the Senate has modified the text of the House bill which, since the lapse of the Export Administration Act in August of 1994, would have retroactively provided the Department of Commerce with authority to keep licensing information confidential under the provisions of Section 12(c) of that Act.

By adopting the Senate version of this legislation, the Congress is leaving to the courts the question whether, or to what extent, the provisions of the Export Administration Act of 1979 were extended by authorities granted under IEPPA after the expiration of the EAA in 1994.

We can say, however, with certainty that under the provisions of this measure, the Department of Commerce will be able to protect licensing information from the date of enactment through August 20, 2001.

It also provides for higher fines for criminal and or administrative sanctions against individuals or companies found to be in violation of export control regulations.

And I further point out to my colleagues that while the original text of the House bill had included even higher fines, the measure before the House today will still provide higher fines that those currently authorized under IEEPA.

In short, this measure provides a much needed stop-gap authority for our export control officials at the Commerce Department.

These are, I believe, good reasons why this measure deserves the support of all of my colleagues.

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

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and concur in the Senate amendment to H.R. 5239.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

VOICING CONCERN ABOUT SERIOUS VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN MOST STATES OF CENTRAL ASIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 397) voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections, as amended.

The Clerk read as follows:

H. CON. RES. 397

Whereas the states of Central Asia—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—have been participating states of the Organization for Security and Cooperation in Europe (OSCE) since 1992 and have freely accepted all OSCE commitments, including those concerning human rights, democracy, and the rule of law;

Whereas the Central Asian states, as OSCE participating states, have affirmed that every individual has the right to freedom of thought, conscience, religion or belief, expression, association, peaceful assembly and movement, freedom from arbitrary arrest, detention, torture, or other cruel, inhuman, or degrading treatment or punishment, and if charged with an offense the right to a fair and public trial;

Whereas the Central Asian states, as OSCE participating states, have committed themselves to build, consolidate, and strengthen democracy as the only system of government, and are obligated to hold free elections at reasonable intervals, to respect the right of citizens to seek political or public office without discrimination, to respect the right of individuals and groups to establish in full freedom their own political parties, and to allow parties and individuals wishing to participate in the electoral process access to the media on a nondiscriminatory basis;

Whereas the general trend of political development in Central Asia has been the emergence of presidents far more powerful than other branches of government, all of

whom have refused to allow genuine electoral challenges, postponed or canceled elections, excluded serious rivals from participating in elections, or otherwise contrived to control the outcome of elections;

Whereas several leaders and governments in Central Asia have crushed nascent political parties, or refused to register opposition parties, and have imprisoned and used violence against, or exiled, opposition figures;

Whereas in recent weeks fighting has erupted between government troops of Kyrgyzstan and Uzbekistan and members of the Islamic Movement of Uzbekistan;

Whereas Central Asian governments have the right to defend themselves from internal and external threats posed by insurgents, radical religious groups, and other antidemocratic elements which employ violence as a means of political struggle;

Whereas the actions of the Central Asian governments have tended to exacerbate these internal and external threats by domestic repression, which has left few outlets for individuals and groups to vent grievances or otherwise participate legally in the political process;

Whereas in Kazakhstan, President Nursultan Nazarbaev dissolved parliament in 1993 and again in 1995, when he also annulled scheduled Presidential elections, and extended his tenure in office until 2000 by a deeply flawed referendum;

Whereas on January 10, 1999, President Nazarbaev was reelected in snap Presidential elections from which a leading challenger was excluded for having addressed an unregistered organization, ''For Free Elections,'' and the OSCE assessed the election as falling far short of international standards;

Whereas Kazakhstan's October 1999 parliamentary election, which featured widespread interference in the process by the authorities, fell short of OSCE standards, according to the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas Kazakhstan's parliament on June 22, 2000, approved draft legislation designed to give President Nazarbaev various powers and privileges for the rest of his life;

Whereas independent media in Kazakhstan, which used to be fairly free, have been pressured, co-opted, or crushed, leaving few outlets for the expression of independent or opposition views, thus limiting the press's ability to criticize or comment on the President's campaign to remain in office indefinitely or on high-level corruption;

Whereas the Government of Kazakhstan has initiated, under OSCE auspices, roundtable discussions with representatives of some opposition parties and public organizations designed to remedy the defects of electoral legislation and now should increase the input in those discussions from opposition parties and public organizations that favor a more comprehensive national dialogue;

Whereas opposition parties can function in Kyrgyzstan and parliament has in the past demonstrated some independence from President Askar Akaev and his government;

Whereas 3 opposition parties in Kyrgyzstan were excluded from fielding party lists and serious opposition candidates were not allowed to contest the second round of the February–March 2000 parliamentary election, or were prevented from winning their races by official interference, as cited by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas a series of flagrantly politicized criminal cases after the election against opposition leaders and the recent exclusion on questionable linguistic grounds of other would-be candidates have raised grave concerns about the fairness of the election process and the prospects for holding a fair Presidential election on October 29, 2000;

Whereas independent and opposition-oriented media in Kyrgyzstan have faced serious constraints, including criminal lawsuits by government officials for alleged defamation;

Whereas in Tajikistan, a civil war in the early 1900s caused an estimated 50,000 people to perish, and a military stalemate forced President Imomaly Rakhmonov in 1997 to come to terms with Islamic and democratic opposition groups and agree to a coalition government;

Whereas free and fair elections and other democratic steps in Tajikistan offer the best hope of reconciling government and opposition forces, overcoming the legacy of the civil war, and establishing the basis for civil society;

Whereas President Rakhmonov was reelected in November 1999 with 96 percent of the vote in an election the OSCE did not observe because of the absence of conditions that would permit a fair contest;

Whereas the first multiparty election in the history of Tajikistan was held in February–March 2000, with the participation of former warring parties, but the election fell short of OSCE commitments and 11 people, including a prominent candidate, were killed;

Whereas in Turkmenistan under the rule of President Saparmurat Niyazov, no internationally recognized human rights are observed, including freedom of speech, assembly, association, religion, and movement, and attempts to exercise these rights are brutally suppressed;

Whereas Turkmenistan has committed political dissidents to psychiatric institutions;

Whereas in Turkmenistan President Niyazov is the object of a cult of personality, all political opposition is banned, all media are tightly censored, and only one political party, the Democratic Party, headed by President Niyazov, has been registered;

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, refused to send any representatives to the December 1999 parliamentary elections;

Whereas President Niyazov subsequently orchestrated a vote of the People's Council in December 1999 that essentially makes him President for life;

Whereas in Uzbekistan under President Islam Karimov, no opposition parties are registered, and only pro-government parties are represented in parliament;

Whereas in Uzbekistan all opposition political parties and leaders have been forced underground or into exile, all media are censored, and attempts to disseminate opposition newspapers can lead to jail terms;

Whereas Uzbekistan's authorities have laid the primary blame for explosions that took place in Tashkent in February 1999 on an opposition leader and have tried and convicted some of his relatives and others deemed his supporters in court proceedings that did not correspond to OSCE standards and in other trials closed to the public and the international community;

Whereas in Uzbekistan police and security forces routinely plant narcotics and other evidence on political opposition figures as well as religious activists, according to Uzbek and international human rights organizations; and

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, sent no observers except a small group of experts to the December 1999 parliamentary election and refused any involvement in the January 2000 Presidential election: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses deep concern about the tendency of Central Asian leaders to seek to remain in power indefinitely and their willingness to manipulate constitutions, elections, and legislative and judicial systems, to do so;

(2) urges the President, the Secretary of State, the Secretary of Defense, and other United States officials to raise with Central Asian leaders, at every opportunity, the concern about serious violations of human rights, including noncompliance with Organization for Security and Cooperation in Europe (OSCE) commitments on democracy and rule of law;

(3) urges Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan to come into compliance with OSCE commitments on human rights, democracy, and the rule of law, specifically the holding of free and fair elections that do not exclude genuine challengers, to permit independent and opposition parties and candidates to participate on an equal basis with representation in election commissions at all levels, and to allow domestic nongovernmental and political party observers, as well as international observers;

(4) calls on Central Asian leaders to establish conditions for independent and opposition media to function without constraint, limitation, or fear of harassment, to repeal criminal laws which impose prison sentences for alleged defamation of the state or public officials, and to provide access to state media on an equal basis during election campaigns to independent and opposition parties and candidates;

(5) reminds the leaders of Central Asian states that elections cannot be free and fair unless all citizens can take part in the political process on an equal basis, without intimidation or fear of reprisal, and with confidence that their human rights and fundamental freedoms will be fully respected;

(6) calls on Central Asian governments that have begun roundtable discussions with opposition and independent forces to engage in a serious and comprehensive national dialogue, on an equal footing, on institutionalizing measures to hold free and fair elections, and urges those governments which have not launched such roundtables to do so;

(7) calls on the leaders of Turkmenistan and Uzbekistan to condemn and take effective steps to cease the systematic use of torture and other inhuman treatment by authorities against political opponents and others, to permit the registration of independent and opposition parties and candidates, and to register independent human rights monitoring organizations;

(8) urges the governments of Central Asia which are engaged in military campaigns against violent insurgents to observe international law regulating such actions, to keep civilians and other noncombatants from harm, and not to use such campaigns to justify further crackdowns on political opposition or violations of human rights commitments under OSCE;

(9) encourages the Administration to raise with the governments of other OSCE participating states the possible implications for OSCE participation of any participating state in the region that engages in clear,

gross, and uncorrected violations of its OSCE commitments on human rights, democracy, and the rule of law; and

(10) urges the Voice of America and Radio Liberty to expand broadcasting to Central Asia, as needed, with a focus on assuring that the peoples of the region have access to unbiased news and programs that support respect for human rights and the establishment of democracy and the rule of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the author of this resolution with whom I have worked. I appreciate his great effort.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for yielding me this time, and I want to thank him for his work in shepherding this resolution through his Subcommittee on Asia and the Pacific, and for all of those Members who have co-signed and cosponsored this resolution.

Mr. Speaker, this resolution expresses the sense of Congress that the state of democratization and human rights in the countries of Central Asia, Kazahkstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, is a source of very, very serious concern. In 1992, these States freely pledged to observe the provisions of the 1975 Helsinki Final Act and subsequent OSCE documents. The provisions contained in the 1990 Copenhagen Document commit the participating states to foster democratization through, among other things, the holding of free and fair elections, to promote freedom of the media, and to observe the human rights of their citizens.

Mr. Speaker, 8 years have passed since then, but in much of Central Asia the commitments they promised to observe remain a dead letter. In fact, in some countries the situation has deteriorated substantially.

For instance, opposition political activity was permitted in Uzbekistan in the late 1980s. An opposition leader even ran for president in the December 1991 election. In mid-1992, however, President Karimov decided to ban any manifestation of dissidence. Since then, no opposition movements have been allowed to function openly and the state controls the society as tightly as during the Soviet era.

An even more disappointing example is Kyrgyzstan. Once one of the most democratic Central Asian states, Kyrgyzstan has gone the way of neighboring dictatorships. President Akaev has followed his regional counterparts in manipulating the legal, judicial, and law enforcement apparatus in a way to stay in office, despite domestic protest and international censure. On October 29, he will run for a third term; and he will win it, in a pseudo-election from which all serious candidates have been excluded.

Throughout the region, authoritarian leaders have contrived to remain in office by whatever means necessary and give every sign of intending to remain in office as long as they live. Indeed, Turkmenistan's President Niyazov has made himself President for Life last December, and Kazakhstan's President Nazarbaev, who has extended his tenure in office through referenda, canceling elections, and staging deeply flawed elections, this summer arranged to have lifelong privileges and perks go his way.

It may sound bizarre, but it may not be out of the realm of possibility that some of these leaders who already head what are, for all intents and purposes, royal families, are planning to establish what can only be described as family dynasties.

Certainly the worst offender is Turkmenistan. Under the tyrannical misrule of Niyazov, President Niyazov, his country is the only one-party state in the entire OSCE region. Niyazov's cult of personality has reached such proportions that state media refer to him as a sort of divine being, while anyone who whispers a word of opposition or protest is dragged off to jail and tortured.

Corruption is also rampant in Central Asia. Rulers enrich themselves and their families and a favored few, while the rest of the population struggles to eke out a miserable existence and drifts towards desperation. We are, indeed, already witnessing the consequences. For the second consecutive year, armed insurgents of the Islamic Movement of Uzbekistan invaded Uzbekistan and Kyrgyzstan. While they have been less successful than last year in seizing territory, they will not go away. Impoverishment of the populace fills their ranks with people, threatening to create a chronic problem. While the most radical groups in Central Asia might have sought to create theocracies regardless of the domestic policies pursued by Central Asian leaders, the latter's marriage of corruption and repression has created an explosive brew.

Mr. Speaker, finally let me say the leaders of Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and Turkmenistan seem to believe that U.S. strategic interest in the region, and the fear of Islamic fundamentalism, will keep the West and Washington from pressing them too hard on human rights while they consolidate power. Let us show them that they are wrong.

America's long-term and short-term interests lie with democracy, the rule of law, and respect for human rights. So I hope that my friends and colleagues on both sides of the aisle will join in backing this important resolution.

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

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

Mr. Speaker, I rise in support of this resolution. The post-Soviet independence of the Central Asian states has not panned out in the way that benefited the population of these countries. Instead, it created wealthy and often corrupt elites and impoverished the population.

Although all of these newly-independent states have joined the OSCE and appear, at least on paper, to be committed to OSCE principles, in reality the leaders of these countries have consistently fallen back on their OSCE commitments.

The political development reinforced the Office of the President at the expense other branches of government. Parliaments are weak and the courts are not free. Presidents of some countries, such as Turkmenistan, have pushed laws through their rubber-stamp legislatures that extend their presidential powers for life. Other governments, like the government of Uzbekistan, have been using the justification of fighting terrorism and insurgency as a means to imprison and/or exile the opposition, censor the press, and control civic and religious activities.

On the other hand, some countries such as Kyrgyzstan and Kazakhstan have demonstrated varying degrees of progress. Until recently, opposition parties could function freely in Kyrgyzstan, while the OSCE agreed to Kazakhstan's 1999 parliamentary election, which they found falling short of international standards but, nevertheless, an improvement over the past.

The stability of Central Asia is key to the stability of this region which borders on Afghanistan, Iran, China, and Pakistan. The governments of Central Asia cite the destabilizing influence of drugs and arms-trafficking from outside of their borders and the need to fight Islamic fundamentalism as justifications for their authoritarian regimes.

The government of Kyrgyzstan and Uzbekistan have already been battling with the Islamic Movement of Uzbekistan, a United States-recognized terrorist group. However, some have charged that the oppressive measures of these regimes may have driven their impoverished and marginalized population into the arms of terrorists.

Although the Central Asian states do not have a strong tradition of democracy, free press, and free and fair elections, it is, however, important that our government and Congress continue to press for greater democratic reforms in these countries within the OSCE framework and on a bilateral basis.

Mr. Speaker, I urge my colleagues to support H. Con. Resolution 397.

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

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

Mr. Speaker, I want to commend the gentlewoman from California (Ms. LEE) on her comments, as well as the gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights, for his comments and his work on this legislation.

□ 1500

Mr. Speaker, with the collapse of the Soviet Union in 1991, five independent States in Central Asia came into being, we have heard about them here today, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The deserts, the mountains, the steppes and the river valleys in this region are home to 50 million people. State borders, which were imposed by Stalin, artificially partition and breed resentments among various large ethnic groups, principally Russians, Uzbeks and Tajiks.

Since achieving their independence, the Central Asian Republics have operated with little or no international scrutiny. In effect, Central Asia has been relegated to an international policy backwater. However, given the geostrategic significance of the region, and given the region's vast wealth of natural resources, such an oversight is risky. This body ignores the region at its peril, as does our country.

Regrettably, the nations of Central Asia appear to be moving along the path of authoritarianism. In recent months, each of the five countries has conducted general elections. These elections varied in the degree of electoral freedom; however, in no case did any of these elections meet internationally accepted norms. Indeed, most remain reminiscent of Soviet-style elections.

There has been decertification of opposition parties and, in some cases, the apprehension of opposition leaders.

The State Department's Country Reports on Human Rights Practices for 1999 concludes that presidential power in Kazakhstan and Kyrgyzstan overshadows legislative and judicial power, and that Uzbekistan, Turkmenistan and Tajikistan have lost ground in democratization and respect for human rights. This continual decline is very disturbing and raises questions about the ability of the United States to successfully encourage true democratic institutions and the rule of law.

In some ways, this is a difficult resolution. There are five countries in Central Asia. Each has unique characteristics. Some enjoy certain socioeconomic advantages over the others. Kyrgyzstan and Kazakhstan allow a relatively greater, but still limited, degree of political participation.

The ruler in Turkmenistan has developed a cult of personality so deep that he has changed his name so that he is, quite literally, ''Father of the Turkmen''; in other words, Turkmenbashi.

Tajikistan has suffered from a severe civil war throughout the 1990s. But the common theme throughout Central Asia is governmental abuse of human rights, basic human rights. Opposition leaders who appear to be gaining influence are dealt within a decisive, antidemocratic manner.

Now, it is certainly true that most, if not all of these countries, face armed insurgencies. There are all-powerful tribal warlords in Tajikistan. In Uzbekistan and Kyrgyzstan, there are armed religious extremists. Indeed, as we meet, there are Taliban-backed insurgents fighting Uzbek military forces. I think we are going to hear about that in a few minutes from the gentleman from California (Mr. ROHRABACHER). These Islamic militants are decidedly antidemocratic.

In Kazakhstan, there have been efforts by pro-Moscow elements to overthrow the government. It is entirely appropriate that the governments of the region deal with such threats. However, it is one thing to campaign against armed insurgents. It is quite another to use the insurgency as an excuse to suspend international law and crack down on the legal political opposition. Unfortunately, in some instances, that is what has been done.

H. Con. Res. 397 speaks to the very real abuses that have occurred in each of the Central Asian Republics, and puts these nations on alert that the House of Representatives is deeply concerned about the ongoing abuses of power. The resolution urges the Nations to come into compliance with their OSCE commitments and calls upon the President and the Secretary of State to raise human rights concerns when meeting with representatives of these governments.

Again, this Member congratulates the resolution's author, the distinguished gentleman from New Jersey (Mr. SMITH), for holding hearings on this subject as a part of his efforts and introducing the resolution. The language he has crafted accurately reflects the serious democratic shortcomings throughout the region.

This Member appreciates the willingness of his staff to work with the Subcommittee on Asia and the Pacific to craft a resolution that all in this body can support.

Mr. Speaker, I urge support for H. Con. Res. 397.

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

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

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER), the distinguished member of the Subcommittee on Asia and the Pacific.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H. Con. Res. 347. Let me just say that it is sad that we must recognize today the chaos and turmoil that is found in Central Asia, the chaos, the turmoil, the repression, the dictatorship, the heartache, the torture, the things that could have been avoided, in a part of a world that showed such promise, such promise 10 years ago.

Upon the fall of the Soviet Union, everyone expected Central Asia to emerge as a shining light of commerce and progress. Instead, what we see is Central Asia falling into a pit, a dark pit of repression and despair.

I believe one of the primary reasons for this huge part of the world falling into despair has something to do with the policies right here in Washington, D.C. The Clinton administration has, more than any other administration in the history of this country, lowered the priority for human rights as an international goal.

During the Ronald Reagan years, when we were in the middle of a Cold War, Ronald Reagan made human rights a priority. We established the National endowment for Democracy. We talked about it. We negotiated about it. It became preeminent among our demands when we were talking to the governments like that of the Soviet union.

It worked. Because we stressed human rights and democracy, the world has a much greater chance for freedom and democracy but also a much greater chance for peace.

Unfortunately, that great gift to mankind was squandered by this administration which, as I say, not only made human rights not a priority, but just took it off the list of which we were negotiating, especially with the Communist Chinese.

What has this lack of priority, what has this lack of concern for human rights done in Central Asia? We have seen these regimes in Kazakhstan, Azerbaijan, Uzbekistan, Turkmenistan, Tajikistan and others which had such promise turn into a cesspool of repression and torture.

We have seen election fraud in countries like Uzbekistan where they had such a great chance, a great opportunity to have free elections. In Azerbaijan, military takeovers of a democratically elected regime. In Kazakhstan and Turkmenistan and Tajikistan, countries that had a

chance, the ruling elite there just turned their back on this opportunity. Why? Because this administration did not place any priority or value on the discussion of human rights or democracy when they met with the leaders of these countries.

Well, there can be no peace without freedom and human rights. That is what we are finding today. Because what has happened now in Central Asia is there has been a new cycle of violence that has been set on its way, a cycle of violence that we do not know where it will stop. A cycle of violence in Uzbekistan and Turkmenistan and Tajikistan and, yes, in Azerbaijan as well where they have been unable to settle their problems there and which will probably reach Kazakhstan with their corrupt government.

What is that cycle of violence? What we have is people who are demoralized by the fact that there is no democratic alternative in these Central Asian republics turning to radicalism. This year and at this time the face of radicalism is Muslim extremism, the fundamentalist movement, what they call it in that part of the world.

Well, of course, decent, honest, people will turn to these radical alternatives if they are given no alternative at the ballot box, if their friends and relatives or their sons and daughters are arrested and brutally tortured for simply complaining about the government. Of course, Islamic fundamentalists are going to find that their ranks are bolstered with volunteers when they have governments like this.

On top of that, there is one other factor that needs to be looked at about what is creating the cycle of violence which will lead to such turmoil. That is what? American policy towards Afghanistan.

This Member, and anyone who is in the Committee on International Relations will testify, for years I have been warning what the results of this administration's policy towards Afghanistan would be. Years, I predicted over and over again that, unless we did something in Afghanistan to change the situation, that we would end up with Afghanistan as a center of, number one, terrorism, a base for terrorism for the Central Asia but also for the world; that it would be repressive and have one of the most repressive and fanatic regimes and anti-Western regimes on the planet; and, number three, it would be the center for the growth of heroin and that it would put all of the resources that, the billions of dollars one receives from the growth of one-third of the world's heroin in the hands of these religious fanatics. That is exactly what has happened.

Yes, it is heroin money in the hands of the Taliban leaders that are fanning this, the flame of discontent and violence in Central Asia that takes advantage of the dictatorships. The dictators should not just focus, however, on trying to wipe out their opponents and wipe out these fundamentalist movements. They should focus on trying to create a democratic alternative so that people in those countries once be attracted to this type of fanaticism.

Even the people of Afghanistan are not attracted to the fanaticism of the Taliban. The Taliban have an iron-fisted control there and have steadily refused to have democratic elections.

It is my sad, sad duty to, again, repeat the charge on the floor of the House of Representatives, as I have on numerous occasions in the Committee on International Relations, that this administration, not only has discarded human rights and democracy as a priority but has a covert police of supporting one of the worst governments and oppressive governments in the world; and I am talking about the Taliban regime in Afghanistan.

I have tried to investigate this for years, and I have been repeatedly cut off by the State Department from receiving the documents that would disprove, and I would like to disprove this charge, because it is a shame for any American to think that our government would be supporting this regime.

But I can testify here today that, every time the opposition to the Taliban has had a chance of dislodging the Taliban from power in Afghanistan, this administration has run to their rescue time and time again.

Now, people do not know, even in this body, do not know the details, much less the American people. But those are the facts, and I can verify that over and over again.

We must have a policy that champions human rights and democracy in Afghanistan and Central Asia. This is what will bring peace to the world. Otherwise, there will be conflict, there will be bloodshed, there will be tyranny. It is a result of a lack of commitment here on our part in the United States to the ideals that our Founding Fathers thought we would support.

So today I support H. Con. Res. 347 because it states very clearly that we in Congress believe that the ideals of democracy and human rights should be brought to bear in Central Asia, including Afghanistan, but especially the Central Asian republics, and that that should be the policy of the United States Government.

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

Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER) for his eloquent statement. I do urge support, again, for H. Con. Res. 397.

As I close my comments, I want to recognize the gentleman from Nebraska (Mr. BARRETT), who is presiding, who has been presiding over so many sessions and Suspension Calendars over the years. He has given 10 years of distinguished service to this body and to our State. I will have a chance to say more about that later this week. But in the course of doing that, he has presided over many suspensions from the House Committee on International Relations. So we thank him for his patience and his evenhandedness in that capacity and the many hours he has spent in presiding over this body.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H. Con. Res. 397, a resolution voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial con-compliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

I would like especially to draw the attention of my colleagues to the section of the resolution dealing with Kazakhstan. This oil rich country is riddled with corruption, and its dictator, President Nursultan Nazarbayev, has become increasingly repressive and appears determined to leave no stone unturned in his quest to silence the press, eliminate the opposition parties, and plunder every dime of profit that the country has earned from its oil and mineral wealth.

Mr. Nazarbayev is reportedly the eighth richest person in the world; yet more than one-third of the population of Kazakhstan are below the poverty line as defined by the World Bank. The German-based organization, Transparency International, recently surveyed corruption in 96 countries and rated Kazakhstan as the 12th most corrupt country in that group. Moreover, the U.S. Department of Justice recently launched an investigation into bribes allegedly paid by U.S. oil companies to President Nazarbayev and his cronies.

But even worse than the corruption is the attempt by Nazarbayev to snuff out every vestige of democracy and freedom of expression in Kazakhstan. In January 1999, he called a snap presidential election and ensured his own re-election by having his main opponent, former Prime Minister Akezhan Kazhegeldin, disqualified and driven into exile. Both this election and the parliamentary elections that followed in October 1999 were denounced as unfair by the OSCE. To make sure that these and other anti-democratic actions are not criticized, the Nazarbayev regime has virtually silenced the independent media by intimidation, arrests and seizure of presses.

In an effort to reverse the repressive trend in Kazakhstan, H. Con. Res. 397 calls upon the government of Kazakhstan and other governments in Central Asia to engage in a serious and comprehensive ''national dialogue'' with opposition and independent forces, ''on an equal footing, on institutionalizing measures to hold free and fair elections,'' Last December, former Prime Minister Kazhedgeldin of Kazakhstan proposed a detailed vision of what a ''national dialogue'' should entail, and its serves as a model for all of Central Asia.

Mr. Speaker, I strongly support H. Con. Res. 397 and urge its adoption. The resolution forthrightly exposes the trends of increasing repression in Central Asia and proposes a solution in the form of a genuine ''national dialogue'' between the governments of the region

and the opposition political parties and independent organizations that speak for the peoples of Central Asia. This is a wonderful message of hope and support for this House to send as it winds up its work in the 106th Congress.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 397, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

ACKNOWLEDGING AND SALUTING CONTRIBUTIONS OF COIN COLLECTORS

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 154) to acknowledge and salute the contributions of coin collectors.

The Clerk read as follows:

S. CON. RES. 154

Whereas in 1982, after a period of 28 years, the Congress of the United States resumed the United States commemorative coin programs;

Whereas since 1982, 37 of the Nation's worthy institutions, organizations, foundations, and programs have been commemorated under the coin programs;

Whereas since 1982, the Nation's coin collectors have purchased nearly 49,000,000 commemorative coins that have yielded nearly $1,800,000,000 in revenue and more than $407,000,000 in surcharges benefitting a variety of deserving causes;

Whereas the United States Capitol has benefitted from the commemorative coin surcharges that have supported such commendable projects as the restoration of the Statue of Freedom atop the Capitol dome, the furtherance of the development of the United States Capitol Visitor Center, and the planned National Garden at the United States Botanic Gardens on the Capitol grounds;

Whereas surcharges from the year 2000 coin program commemorating the Library of Congress bicentennial benefit the Library of Congress bicentennial programs, educational outreach activities (including schools and libraries), and other activities of the Library of Congress; and

Whereas the United States Capitol Visitor Center commemorative coin program will commence in January 2001, with the surcharges designated to further benefit the Capitol Visitor Center: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's meritorious charitable organizations, foundations, institutions, and programs, including the United States Capitol, the Library of Congress, and the United States Botanic Gardens.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS)

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material concerning Senate Concurrent Resolution 154.

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

There was no objection.

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

The resolution before us today, Mr. Speaker, recognizes one of the truly unsung contributions made in this country, that of thousands of coin collectors who buy commemorative coins issued by the United States Mint. Senator LOTT introduced this resolution in the Senate, and it was passed on the Senate floor last week on October 23.

This resolution acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's charitable organizations, foundations, institutions, and programs. While coin collecting has been a hobby for many years, collecting commemorative coins is a little different. The coins are issued in a limited quantity, and they have surcharges that make the cost much more than the face value of the coins.

The coin community has been very supportive and generous in buying commemorative coins during the last 20 years, a period of significant change for the commemorative coin program. Since 1982, when Congress resumed the commemorative coin program, which was after a 28-year break, 37 commemorative coins have been authorized.

In addition to the honor given to the recipients and the educational value of these coins, they have also raised more than $400 million for a variety of charitable organizations and other worthy causes. That is $407 million to be exact. Our Nation's coin collectors and coin dealers have been essential to the success of these programs. They have purchased nearly 49 million commemorative coins, which has yielded $1.8 billion in revenue and, as I mentioned, $407 million in contributions to very deserving causes.

This resolution recognizes the accomplishments and the contributions of the commemorative coin community and gives them the recognition that they deserve.

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

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

Mr. Speaker, I rise today in support of S. Con. Res. 154. Over the last few years, Congress has passed bipartisan legislation to mint several commemorative coins, the proceeds of which have gone to a number of important organizations and projects that benefit communities across America.

Commemorative coins, which are available directly from the United States Mint, are generally approved by members of the Citizens Commemorative Coin Advisory Committee. This committee was established by the 102nd Congress for the purpose of recommending, with input from the public and coin collectors, the events, persons or places that are appropriate for commemoration through congressionally mandated coins. Commemorative coins typically celebrate and honor people, places, events, and institutions.

It is fitting for Congress to honor the Nation's coin collectors, because it is largely they who purchase commemorative coins. By doing so, coin collectors ensure our national heritage, as reflected in our coins, is preserved and valued by our citizens. In addition, funds raised from commemorative coin surcharges have funded important projects that are near and dear to every Member that serves and has served in this institution. These include restoration of the Statue of Freedom on top of our Capitol Dome, the Library of Congress's bicentennial programs, the upcoming U.S. Capitol Visitor Center, and many others.

In short, Mr. Speaker, these commemorative coins pay for themselves and, in the process, pay for important projects that would otherwise be funded with taxpayers' money. We therefore thank our Nation's coin collectors through this resolution and honor their devotion to their hobby, one that certainly benefits all Americans.

Mr. Speaker, I strongly support this resolution and urge its immediate passage.

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

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 154.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECOGNITION OF THE BIRMINGHAM PLEDGE

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the joint resolution (House Joint Resolution 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the resolving clause and insert:

That—

(1) Congress recognizes that the Birmingham Pledge is a significant contribution toward fostering racial harmony and reconciliation in the United States and around the world;

(2) Congress commends the creators, promoters, and signatories of the Birmingham Pledge for the steps they are taking to make the United States and the world a better place for all people; and

(3) it is the sense of Congress that a particular week should be designated as ''National Birmingham Pledge Week''.

Strike out the preamble and insert:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

''I believe that every person has worth as an individual.

''I believe that every person is entitled to dignity and respect, regardless of race or color.

''I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

''Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

''I will discourage racial prejudice by others at every opportunity.

''I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.'';

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is ''Sign It, Live It'', is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 102.

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

There was no objection.

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

Mr. Speaker, on June 14, my colleague, the gentleman from Alabama (Mr. HILLIARD), and I introduced the National Birmingham Pledge Resolution. The resolution has over 100 cosponsors, a bipartisan group, and it passed the House on quite an overwhelming vote on September 12. It went over to the Senate; the Senate made one small change in the wording and passed it last week.

The resolution recognizes that personal efforts to address racism will contribute significantly in fostering racial harmony. Individuals can, by their actions, make a difference. Anyone who has seen the new movie, ''Pay It Forward,'' knows that one person, by their efforts, can make a difference in the world.

The resolution additionally recognizes that the Birmingham Pledge is making a significant contribution in fostering racial harmony. It commends those involved in the creation of the Pledge, including Jim Rotch, who authored the Pledge, and those who have signed it. It expresses the sense of Congress that a National Birmingham Pledge week should be established.

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

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

Mr. Speaker, the Birmingham Pledge recognizes the role that each of us can play in advancing the cause of racial harmony and tolerance in our society. Birmingham occupies an important place in the history of civil rights in America. At one time, when we thought of Birmingham, what came to mind were police dogs, fire hoses, racial strife, and Dr. Martin Luther King's letter from a Birmingham jail.

Given the history of Birmingham and the great strides made by that community since the outburst of racial violence in the 1960s, it is all together appropriate that this Congress acknowledge the contributions of those who have played a role in creating and promoting the Pledge. The Birmingham Pledge was authored by Birmingham attorney James Rotch and has been promoted by a cross-section of the Birmingham community.

I would like to particularly take note of the leadership played by the gentleman from Alabama (Mr. BACHUS) and the gentleman from Alabama (Mr. HILLIARD), who introduced the measure in the House and helped shepherd its passage.

To date, I understand that more than 70,000 individuals have taken the Birmingham Pledge, including the President, First Lady, and numerous elected officials and civil rights leaders. It is through small steps like these that we can combat discrimination and increase racial tolerance.

I commend the citizens of Birmingham who have crafted the Birmingham Pledge to create more positive associations with Birmingham and civil rights, and I urge my colleagues to accept the Senate amendments.

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

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

In considering this resolution, we should all keep in mind one thing, and that is that we are not born with prejudice or bigotry. These are things that are learned. In fact, psychologists call it learned behavior. By word or by action we teach our children daily. We teach them to either be tolerant or to be intolerant; to have prejudices and biases against other people because of their race, their origin, or not to be. We teach them these things many times, even before they are old enough to choose for themselves. We can teach our children to love, or we can teach our children to hate. Intolerance is learned; therefore it can be unlearned.

The Pledge can be a part of that process. This is the message we want to send Americans today about race relations. Each of us needs to take personal responsibility to conduct ourselves in a way that will achieve greater racial harmony in our own communities.

It has been said that events in Birmingham during the early 1960s, and my colleague from Virginia referred to some of those, stirred the conscience of the Nation and influenced the course of civil rights in the world. I know of no other city that has worked harder to overcome its missteps and its mistakes than my native city, Birmingham.

My colleague, the gentleman from Alabama (Mr. HILLIARD), when this resolution came up before, said that there has been a real positive change in race relations in Birmingham other the past 40 years. He and I are both natives of Birmingham, and we are proud of the progress that our city has made. The Birmingham that has emerged is one built on a foundation of racial sensitivity and strength and diversity. Today's Birmingham is dedicated not only to preserving the history of its struggle but, more importantly, to ending racial intolerance, bigotry, and prejudice, not only in Birmingham but around the world. That is why this effort is being made by Birmingham civic groups and educational groups.

Mr. Speaker, by passing House Resolution 102, the House will again be showing its support for their commendable effort.

Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for his support and his kind remarks. He has been a sponsor of this bill since the very beginning. In closing, I urge all my colleagues to support this worthy resolution.

Mr. HILLIARD. Mr. Speaker, I am joining with SPENCER BACHUS in presenting this Resolution taking the Birmingham Pledge nationwide.

I was blessed to be a footsoldier in the civil rights movement, the greatest freedom struggle of our times, and it has shaped my life and my public service.

Racism is the cancer that has eaten at the heart of this nation since before it was founded, and has defined much of our history.

Birmingham, and the State of Alabama, which are my home city and state, have been in the past among the most guilty of this monstrous crime, and Birmingham is now among the most progressive in combating it.

This pledge, written by the people of Birmingham, should be taken to heart by every American.

Let every American sign it; let every American live by it.

THE BIRMINGHAM PLEDGE

I believe that a person has worth as an individual.

I believe that every person is entitled to dignity and respect, regardless of race or color.

I believe that every thought and every act of racial prejudice is harmful; if it is my thought or act, then it is harmful to me as well as to others.

Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

I will discourage racial prejudice by others at every opportunity.

I will treat all people with dignity and respect; and I will strive daily to honor this pledge, knowing that the world will be a better place because of my effort.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendments to the joint resolution, House Joint Resolution 102.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

□ 1530

PROTECTING SENIORS FROM FRAUD ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3164) to protect seniors from fraud.

The Clerk read as follows:

S. 3164

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 ''Protecting Seniors From Fraud Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Older Americans are among the most rapidly growing segments of our society.

(2) Our Nation's elderly are too frequently the victims of violent crime, property crime, and consumer and telemarketing fraud.

(3) The elderly are often targeted and retargeted in a range of fraudulent schemes.

(4) The TRIAD program, originally sponsored by the National Sheriffs' Association, International Association of Chiefs of Police, and the American Association of Retired Persons unites sheriffs, police chiefs, senior volunteers, elder care providers, families, and seniors to reduce the criminal victimization of the elderly.

(5) Congress should continue to support TRIAD and similar community partnerships that improve the safety and quality of life for millions of senior citizens.

(6) There are few other community-based efforts that forge partnerships to coordinate criminal justice and social service resources to improve the safety and security of the elderly.

(7) According to the National Consumers League, telemarketing fraud costs consumers nearly $40,000,000,000 each year.

(8) Senior citizens are often the target of telemarketing fraud.

(9) Fraudulent telemarketers compile the names of consumers who are potentially vulnerable to telemarketing fraud into the so-called ''mooch lists''.

(10) It is estimated that 56 percent of the names on such ''mooch lists'' are individuals age 50 or older.

(11) The Federal Bureau of Investigation and the Federal Trade Commission have provided resources to assist private-sector organizations to operate outreach programs to warn senior citizens whose names appear on confiscated ''mooch lists''.

(12) The Administration on Aging was formed, in part, to provide senior citizens with the resources, information, and assistance their special circumstances require.

(13) The Administration on Aging has a system in place to inform senior citizens of the dangers of telemarketing fraud.

(14) Senior citizens need to be warned of the dangers of telemarketing fraud before they become victims of such fraud.

SEC. 3. SENIOR FRAUD PREVENTION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General $1,000,000 for each of the fiscal years 2001 through 2005 for programs for the National Association of TRIAD.

(b) COMPTROLLER GENERAL.—The Comptroller General of the United States shall submit to Congress a report on the effectiveness of the TRIAD program 180 days prior to the expiration of the authorization under this Act, including an analysis of TRIAD programs and activities; identification of impediments to the establishment of TRIADS across the Nation; and recommendations to improve the effectiveness of the TRIAD program.

SEC. 4. DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary of Health and Human Services for Aging, shall provide to the Attorney General of each State and publicly disseminate in each State, including dissemination to area agencies on aging, information designed to educate senior citizens and raise awareness about the dangers of fraud, including telemarketing and sweepstakes fraud.

(b) INFORMATION.—In carrying out subsection (a), the Secretary shall—

(1) inform senior citizens of the prevalence of telemarketing and sweepstakes fraud targeted against them;

(2) inform senior citizens how telemarketing and sweepstakes fraud work;

(3) inform senior citizens how to identify telemarketing and sweepstakes fraud;

(4) inform senior citizens how to protect themselves against telemarketing and sweepstakes fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

(5) inform senior citizens how to report suspected attempts at or acts of fraud;

(6) inform senior citizens of their consumer protection rights under Federal law; and

(7) provide such other information as the Secretary considers necessary to protect senior citizens against fraudulent telemarketing and sweepstakes promotions.

(c) MEANS OF DISSEMINATION.—The Secretary shall determine the means to disseminate information under this section. In making such determination, the Secretary shall consider—

(1) public service announcements;

(2) a printed manual or pamphlet;

(3) an Internet website;

(4) direct mailings; and

(5) telephone outreach to individuals whose names appear on so-called ''mooch lists'' confiscated from fraudulent marketers.

(d) PRIORITY.—In disseminating information under this section, the Secretary shall give priority to areas with high incidents of fraud against senior citizens.

SEC. 5. STUDY OF CRIMES AGAINST SENIORS.

(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

(1) the nature and type of crimes perpetrated against seniors, with special focus on—

(A) the most common types of crimes that affect seniors;

(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; and

(C) the nature and extent of financial and material fraud targeted at seniors;

(2) the risk factors associated with seniors who have been victimized;

(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

(6) other effective ways to prevent or reduce the occurrence of crimes against seniors.

SEC. 6. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors;

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

SEC. 7. STATE AND LOCAL GOVERNMENT OUTREACH.

It is the sense of Congress that State and local governments should fully incorporate fraud avoidance information and programs into programs that provide assistance to the aging.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 3164.

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

There was no objection.

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

Mr. Speaker, this is Senate bill 3164, titled ''Protecting Seniors From Fraud Act.'' It was introduced by Senators EVAN BAYH and ROD GRAMS and passed the other body unanimously on October 25.

The bill will provide funding to local programs that are a part of the National Association of TRIADs, a community policing program that partners law enforcement agencies with senior citizen volunteers to help reduce fraud and other crime especially against the elderly. There are 725 countries with TRIADs nationwide which help more than 16 million of our seniors.

Mr. Speaker, American seniors are disproportionately victims of telemarketing and sweepstakes fraud. Even though Americans over the age of 50 account for only 27 percent of the United States population, they comprise 56 percent of the so-called ''mooch lists'' used by fraudulent telemarketers. Unfortunately, fraudulent telemarketers prey upon trusting seniors who by their nature are often trusting and compassionate individuals.

As a result, seniors in our country lose approximately $14.8 billion, that is almost $15 billion, every year to fraudulent telemarketers.

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

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

Mr. Speaker, I rise in support of S. 3164, the Protecting Seniors From Fraud Act. I would have preferred to have seen the bill developed through the normal legislative process of hearings and markups at the committee level so that we could have judged more fully the need that we are seeking to address. However, I am prepared to support the bill since its primary function is to reauthorize funding for the TRIAD program, a proven community policing program that partners law enforcement agencies with senior volunteers to reduce crime and fraud amongst the elderly. The TRIAD program operates in 47 States and 725 counties and assists over 16 million seniors nationwide.

The bill also creates a clearinghouse for information to educate seniors about the dangers of fraud, including telemarketing and sweepstakes fraud. It requires the U.S. Attorney General to conduct a study of crimes against seniors.

The bill requires the inclusion of seniors in the National Crime Victims Survey, and it encourages State and local governments to fully incorporate fraud avoidance information in their aging services programs.

Seniors are often the target of telemarketing and sweepstakes fraud. There are over 140,000 telemarketing firms operating in the United States. The AARP estimates that about 10 percent of them, fully 14,000 firms, use fraudulent practices.

The FBI estimates that consumers lose about $40 billion a year to telemarketing fraud. The AARP estimates that while seniors make up about 27 percent of the United States population, they incur about 37 percent of the $40 billion loss.

Despite considerable efforts to address these issues in recent years, many seniors are still not aware of these problems and of their rights and protections against them. According to the AARP, Americans over 65 are the least likely to know about Federal protections from fraud.

Adopting this bill will allow us to continue the partnerships and cooperative efforts with seniors and with State and local governments to prevent and address senior fraud.

I want to thank the gentleman from Alabama (Mr. BACHUS) for his leadership on this bill. I urge my colleagues to support the bill.

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

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

Mr. Speaker, the crimes that the gentleman from Virginia (Mr. SCOTT) spoke about, these crimes which cost our elderly citizens $15 billion a year, many of them can be prevented if seniors are educated about their consumer rights and if they are informed about methods available to them to confirm the legitimacy of an investment or product offered to them over the telephone.

According to a national survey, 70 percent of older fraud victims say it is difficult for them to identify when fraud is happening. Forty percent of older Americans say that they have difficulty distinguishing between a legitimate and a fraudulent telemarketing sales call.

There is definitely a need to educate seniors about the dangers of fraud and how to avoid becoming a victim of fraud, and that is what this legislation attempts to do. It addresses this problem by authorizing a million dollars each year for 5 years to ensure the continuation of programs which try to educate seniors.

The bill also requires the Secretary of Health and Human Services to disseminate information to seniors on fraud prevention through the area agencies on aging and other existing senior-focused programs.

The bill continues a provision which would require the statistics concerning crime committed against seniors be included in the Annual Crime Victims Survey performed by the Department of Justice and would also require the Attorney General to conduct a specific study of crimes committed against seniors.

In conclusion, let me say that protecting seniors from fraud is of great importance to all of us. Our senior population continues to grow as our population ages and more seniors are saving money for their retirement, and anything this body can do to help them protect their retirement income and retirement money is important.

Our seniors deserve to know about those who would defraud them, and this program will help inform them of various schemes and devices used to defraud them. It has the strong support of the law enforcement community, bipartisan support.

I urge all my colleagues to support this bipartisan legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the Senate bill, S. 3164.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

WAIVING CONGRESSIONAL REVIEW OF CHILD IN NEED OF PROTECTION AMENDMENT ACT OF 2000

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5537) to waive the period of congressional review of the Child in Need of Protection Amendment Act of 2000.

The Clerk read as follows:

H.R. 5537

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

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD.

Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), the Child in Need of Protection Amendment Act of 2000 (D.C. Bill 13–796) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. DAVIS of Virginia. 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. 5537.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 5537, a bill to waive the period of congressional review of the Child in Need of Protection Amendment Act of 2000.

The legislation will waive the 30-day congressional review period for the District of Columbia bill 13–796, the Child in Need of Protection Amendment Act of 2000, a critical bill which will have a direct impact on the D.C. Child and Family Services Agency and the children in its care.

Ordinarily, the congressional review period is required under the D.C. Home Rule Act before any D.C. legislation can be enacted. However, due to the CFSA crisis, it is imperative that H.R. 5537 pass in order to protect the Child in Need of Protection Amendment Act of 2000 to take effect on the day it is enacted by the City or on the day that H.R. 5537 is enacted, whichever is later.

CFSA has languished in receivership for 5 years. Even under direction of its second court-appointed receiver, CFSA has continued to demonstrate extreme deficiencies in the delivery of expected service. In fact, one child, Brianna Blackmond, died when she was returned to her neglectful mother. This was a tragic death which may have been avoided if CFSA had provided the court with all of the relevant information regarding Brianna's home environment.

As a result, this year the Subcommittee on the District of Columbia held two hearings regarding this receivership. We heard promises about CFSA's court appointed reform efforts, which are required so that the agency can function efficiently and return to the District of Columbia Government.

Unfortunately, the operational breakdowns at CFSA have continued and the receivership has not delivered on their promises.

At our second hearing, in September, the subcommittee called on all parties involved in this situation: CFSA, the plaintiffs, the court system, and the District Government to come together to create and implement an emergency plan to reform CFSA and the receivership. The City's legislation will accomplish just that.

The Child in Need of Protection Amendment Act of 2000 will reorganize CFSA as a separate and distinct agency with personnel authority. The legislation ends the bifurcation of the abuse and neglect system to provide better care and protection for the children. It also includes provisions to limit the amount of time that a child is required to spend in foster care, to provide financial support for neighborhood-based family support services to at-risk families, to amend the confidentiality provisions to allow foster and adoptive parents greater access to information about the needs of a child, streamline the court process, and provide more placement options for children who cannot return home.

I would like to thank the gentleman from Texas (Mr. DELAY), the majority whip, for his involvement and assistance with the Child and Family Services Agency crisis in the District. As a foster parent himself, the gentleman from Texas (Mr. DELAY) has a strong personal interest in helping and protecting abused and neglected children in the child welfare system. His leadership has helped the City obtain the necessary resources to make informed decisions about the organizational reforms needed at CFSA in order to comply with the court orders and return the agency to the District Government.

I also want to thank my colleague, the gentlewoman from the District of Columbia (Ms. NORTON), for her leadership and support as we have examined the progress of this agency as well as the other D.C. agencies under receivership.

With the District's most vulnerable and underrepresented voices in dire need of our assistance, we must let them know that help is on the way by working together to institute the best course of action needed to correct CFSA's systematic inadequacies. Therefore, I urge all of my colleagues to join me in support of H.R. 5537.

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

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

Mr. Speaker, I rise today in support of H.R. 5537, a bill to waive the period of congressional review of the Child in Need of Protection Amendment Act of 2000. This noncontroversial legislation is necessary to ensure the District of Columbia's swift compliance with the consent order to return the Child and Family Services Agency now in receivership to the District Government.

The District of Columbia Home Rule Act requires that all civil legislation passed by the Council and signed by the Mayor undergo congressional review for 30 legislative days before taking effect. H.R. 5537 merely waives this requirement for legislation that will be passed shortly by the D.C. City Council to restructure the District's Child and Family Services Agency.

Earlier this year an infant, Brianna Blackmond, was found dead after being returned to her mother's care. The decision to return Brianna to her mother was criticized because her mother had previously been found in neglect of Brianna and her seven siblings.

□ 1545

The tragic death of baby Brianna prompted the Subcommittee on the District of Columbia to hold two hearings examining the District's Child and Family Services Agency and to pass legislation, now on its way to the President for his signature, requiring receiverships to adhere to best practices and cost controls. H.R. 5537 is a continuation of congressional efforts to assist the District government in its efforts to reform the District's foster care system.

The Child and Family Services Agency has been under court receivership since 1995 because of serious failings in

the delivery of child welfare services. However, despite court control, fiscal and management problems persist in the agency, necessitating a return of the agency to the control of the District government. The recent consent order returning the agency to the District requires the city to pass legislation that restructures its processes for delivery of child welfare services. H.R. 5537 will ensure that the District's legislation will take effect upon passage without any congressional delay.

H.R. 5537 has the support of the city's elected representation to this Congress, the gentlewoman from the District of Columbia (Ms. NORTON), and the District of Columbia government. I urge its passage.

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

Mr. DAVIS of Virginia. Mr. Speaker, I urge adoption of this measure.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5537.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMESTOWN 400TH COMMEMORATION COMMISSION ACT OF 2000

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4907) to establish the Jamestown 400th Commemoration Commission, and for other purposes.

The Clerk read as follows:

H.R. 4907

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 ''Jamestown 400th Commemoration Commission Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the State of Virginia;

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) COMMISSION.—The term ''Commission'' means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of Virginia.

(B) INCLUSIONS.—The term ''State'' includes agencies and entities of the State.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the ''Jamestown 400th Commemoration Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 16 members, of whom—

(A) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) 2 members shall be employees of the National Park Service, of which—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) 5 members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) PLANS; REPORTS.—

(A) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—In accordance with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

(B) FINAL REPORT.—Not later than September 30, 2008, the Commission shall complete a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed $10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4907, the Jamestown 400th Commemoration Commission Act of 2000. 2007 marks the 400th anniversary of the founding of Jamestown, the first permanent English settlement in America. This legislation will establish a Federal commission to complement Virginia's preparations for the upcoming anniversary and help make this a truly national event.

The late Herb Bateman originally introduced H.R. 4907, the House companion bill, with enthusiastic support from the Virginia congressional delegation. The bill was of particular importance to Mr. Bateman because Jamestown is located in Virginia's First Congressional District which he represented or, as he preferred to call it, ''America's First District.'' Passing H.R. 4907 is a final opportunity for us to honor the memory of Herb Bateman.

In 1607, Jamestown started as a struggling settlement but eventually became the first capital of Virginia and the birthplace of representative democracy. Its settlers left a legacy of language, customs and common law which remain with us to this day. Native Americans, Europeans, predominantly English, and Africans all played vital roles in forming this early settlement.

Since at least 1807, Jamestown's founding has been celebrated every 50 years. The Federal commission that would be created by H.R. 4907 is modeled after the commissions established for past Jamestown anniversary festivities. The 15-member commission will be appointed by the Secretary of the Interior and will terminate in 2008. The proposed commission will play a similar role to help coordinate events, activities, fund-raising, and capital improvements by partners on the Federal, State, and local levels, and in the private sector. It will bring national and international attention to this pivotal event in our Nation's history, and it will promote scholarly research and publications. The commission will help ensure that all people who were living in 17th century Jamestown are represented in the celebration.

The 400th anniversary celebration will include reconstructions of the Jamestown fort, a Native American village, and the English settlers' three ships which have been rebuilt to reflect current research. The 2007 commemoration will include also exhibitions highlighting exciting new archaeological, historical and scientific findings made by the Association for the Preservation of Virginia Antiquities and the National Park Service, including the original 1607 fort. These organizations are now jointly planning a revitalization of Jamestown Island to provide a more engaging experience for visitors and an increased appreciation for their irreplaceable museum collections.

The upcoming 400th anniversary of the Jamestown settlement is an event of historic importance that deserves national attention and commemoration. I urge all my colleagues to join me in supporting this legislation and

honoring the memory of our late colleague, Herb Bateman.

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

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

Mr. Speaker, in June 1606, King James I granted a charter to a group of London entrepreneurs, the Virginia Company, to establish a satellite English settlement in the Chesapeake region of North America. By December, 108 settlers sailed from London instructed to settle in Virginia, find gold and a water route to the Orient.

On May 14, 1607, the Virginia Company explorers landed on Jamestown Island, founding the first permanent English settlement in America. The first representative assembly in the new world convened in the Jamestown church on July 30, 1619. The general assembly met in response to orders from the Virginia Company to, quote, ''establish one equal and uniform government over all Virginia.''

The other crucial event that would play a role in the development of America was the arrival of Africans to Jamestown. A Dutch slave trader exchanged his cargo of Africans for food in 1619 and thus began the presence of Africans in Jamestown. The celebration in 2007 of the 400th anniversary of the landing at Jamestown will involve coordination between many partners on the Federal, State and local level and with the private sector. In 1996, the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration.

H.R. 4907 establishes a Federal commission to assist in the coordination of the 400th anniversary commemoration of the landing of Jamestown. The purpose of the commission is to bring national and international attention to the significance of the landing of Jamestown and heightened interest in the early history of our Nation. The commission would help coordinate events, activities, fund-raising, and capital improvements related to the Jamestown 2007 anniversary. The commission will ensure that Jamestown 2007 observances are inclusive and, in addition to the English settlers, recognize the invaluable contributions of Native Americans and Africans to the development of Jamestown and this country.

I urge my colleagues to support this legislation.

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

Mr. DAVIS of Virginia. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the measure sponsored by our departed friend and colleague, Herb Bateman, to establish a Federal commission to join the Commonwealth of Virginia in preparing for the 400th anniversary of the founding of Jamestown in Virginia.

Nearly 400 years ago, the English established the first permanent settlement in the present-day United States at Jamestown. The upcoming 400th anniversary in May 2007 affords all American citizens the opportunity to appreciate the adventurous spirit that led the early English settlers on a voyage to a new world in the hopes of finding mountains of gold. While the settlers failed to realize their dreams of gold, their struggles and sacrifices paved the way for the formation of a nation rich in racial and ethnic diversity and democratic ideals. In fact, Jamestown is commonly referred to as the birthplace of our Nation.

Clearly, Jamestown is significant not just in the history of the Commonwealth but to the Nation as a whole. Initially a fledgling settlement, Jamestown became the capital of Virginia and held the first representative legislative assembly in the Americas, known as the House of Burgesses. These early meetings of the House of Burgesses fostered the ideas of self-government and representative government which serve as the cornerstone of the United States Constitution. The legacy of Jamestown, however, is not limited to these democratic principles that we cherish. The legacy can also be viewed in terms of the common language and customs that remain with us today.

For that reason, a national commission is appropriate and necessary to complement the commemorative programs and activities undertaken by the Commonwealth of Virginia's Jamestown-Yorktown Foundation. The national commission will assist in the development of Jamestown-related programs and activities, support scholarly research and publications, facilitate marketing and fund-raising efforts, and further encourage heritage tourism. These activities will expand the understanding and appreciation of the significance of the founding and early history of Jamestown. It will also perpetuate the memory of the first permanent English-speaking settlers of Virginia and the United States.

Mr. CUMMINGS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentleman from Maryland for yielding me this time.

Mr. Speaker, I rise in support of H.R. 4907, legislation to establish the Jamestown 400th Commemoration Commission. Mr. Speaker, this bill was introduced by our late colleague, Herb Bateman, who represented Jamestown. Jamestown is located in the First Congressional District of Virginia, and since we are talking about Jamestown, I think it is appropriate to note that Herb always called his district America's first district.

This bill authorizes the Jamestown Commemoration Commission that will head up the preparations for the 400th anniversary of Jamestown, which will be celebrated in 2007. Jamestown was not only the first permanent English colony but it also became the first capital of Virginia. The first legislative assembly was held in Jamestown; and it was there that the idea of common law, common customs, and common language began and continues to this day.

Mr. Speaker, planning for the 400th anniversary has been under way for several years and establishment of a national commission will complement the ongoing State efforts as well as extend national and international significance to this historic anniversary. The State has been conducting roundtables throughout Virginia to get citizen input to design a statewide commemoration. Efforts are also being taken to continue the rebuilding of ships which brought the 1607 colonists and which were originally reconstructed for the 350th anniversary, as well as rebuilding the Jamestown fort and the Native American village.

Mr. Speaker, passage of this measure will ensure that the 400th anniversary of Jamestown is recognized at a national level for its historic significance and contributions to the founding of our country. It is also a fitting manner in which to honor our late colleague, Herb Bateman. Before yielding back the balance of my time, I want to commend the Members of the staff of Virginia's First Congressional District for their tireless efforts in making sure this bill moved forward. The constituents of the First Congressional District have been well represented by the staff since the untimely loss of Herb Bateman, and it is in large part because of their efforts that this bill is before us today.

Mr. Speaker, I urge the passage of this measure.

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

Mr. Speaker, I also want to recognize the work of particularly Dan Scandling, Herb Bateman's chief of staff, and Julie Newell, whom I know helped put this together, and the other staff members who put this together. This is a fitting legacy for Congressman Bateman who started this.

Mr. Speaker, I urge the adoption of this measure.

Mr. SISISKY. Mr. Speaker, I rise today on behalf of my late friend and colleague, Herb Bateman, to speak in support of legislation that was near and dear to his heart, H.R. 4907, legislation to establish a Federal commission to coordinate activities related to the

400th anniversary of the establishment of the colony at Jamestown.

Someone once said that a land without ruins is a land without memories, and a land without memories is a nation without history. Thanks to the National Park Service and the foresight of the people of Virginia, the memory and history of Jamestown are alive and well.

Jamestown is to the United States what the historical centers of Rome and Athens are to the people of Italy and Greece.

The Jamestown visitors center, the replicas of the ships that brought the colonists to the new world, and the Jamestown fort and native American village are more than just tourist destinations, they are symbols of our democracy and values.

Consider that Jamestown was Virginia's first capital and held the first legislative assembly, leaving a legacy of common law, customs and language that we rely on today.

This 400th anniversary commemoration, to take place in 2007, is probably as historically important to our Nation as the bicentennial celebration of 1976. The progress made in planning events for 2007, are due in no small measure to the people of Virginia.

They've held roundtables throughout the State to solicit input from every corner of the commonwealth, and they've worked in conjunction with the National Park Service to conduct archaeological, historical and scientific research.

Creating a national commission is the last piece of the puzzle which will ensure that the Jamestown commemoration becomes a truly national celebration.

I urge my colleagues to support this important resolution.

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

Mr. CUMMINGS. Mr. Speaker, I urge the adoption of this important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4907.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1600

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GIBBONS). 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.

MILITARY RETIREE HEALTH CARE IN THE DEFENSE AUTHORIZATION BILL

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

Mr. SHOWS. Mr. Speaker, today President Clinton is expected to sign the National Defense Authorization Act for fiscal year 2001. This will help promote a first-class military, and it is a great victory for our military retirees because it takes a giant step in correcting an injustice suffered by our military retirees and their families. The defense bill provides pharmacy benefits and extends TRICARE to retirees beyond age 65 as a supplement to Medicare, and fulfills the promise of lifetime health care to America's eldest military retirees.

Retirees joined the service with a promise of lifetime health care; but right now TRICARE, the military health care plan, ends at age 65. Unlike all other Federal retirees, military retirees get Medicare but nothing else if they cannot afford supplemental insurance; and many retirees under age 65 are not covered due to serious flaws in the TRICARE program.

To remedy this sad situation, last year the gentleman from Georgia (Mr. NORWOOD) and I 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 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 gained the Promise Act 306 cosponsors in the House and 36 in the Senate.

We would not be celebrating historic improvements in military health care today without the grass roots support for the Shows-Norwood Keep Our Promise Act.

We should commend the efforts of every military retiree or family member across the country who participated in the grass roots efforts. I cannot allow Congress to adjourn without acknowledging the efforts of two very special Americans, two Mississippians. Jim Whittington of Laurel and Floyd Sears of Ocean Springs organized the meeting in March of 1999 that resulted in the introduction of the Keep Our Promise Act. They led the grass roots in the fight for justice for military retirees that brings us here today.

There are many, many more grass roots leaders who must be recognized. While it is not possible to name them all, I want to thank several people who communicated regularly with my staff and me for the outstanding work to keep our promise to America's military retirees: Colonel George ''Bud'' Day and everyone with the Class Act Group; General Robert Clements, Edith Smith, Floyd Felts, Dick Manion, Lonnie Vessel, Jack Hollinsworth, Chuck Huffman, and Joe Priestley.

I also appreciate the many veterans and military service organizations of the Military Coalition and the National Military and Veterans Alliance.

Particularly, I want to thank my friends at the National Association for Uniformed Services, the Retired Enlisted Association, the Retired Officers Association and the Air Force Sergeants Association. I am proud that the defense bill accomplishes part of what the Keep Our Promise Act would do by extending military health care to retirees over age 65; 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 plan because many retirees are not well served by TRICARE. We need to pass the rest of Keep Our Promise Act because it is the right thing to do, and I promise that the military retirees across the country will keep fighting for the benefits they were promised, earned and richly deserve.

WHERE HAS THE STRATEGIC PETROLEUM RESERVE REALLY GONE?

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

Mr. GEKAS. Mr. Speaker, every American citizen will remember the heightened crisis that occurred in our oil situation and our fuel and its rising prices over the summer. Many of us wondered what was next. Well, what was next was that sometime in September the President, after being urged by Vice President GORE, released 30 million barrels of oil from the Strategic Petroleum Reserve.

Now, the first shock wave that occurred when that announcement was made was, what is going on here? The Strategic Petroleum Reserve is exactly that, Strategic Petroleum Reserve, meaning that it is to be used and was to be intended to be used for strategic purposes for defense purposes, for the national security of our Nation. That is, there would be a pool, literally a pool, of oil held back from the normal market so that if oil was cut off from the Middle East and we did not have our required fuel available for our Armed Forces, then this reserve would be at hand to protect our people in a national security situation.

Well, let us set that aside, as important as that is, and that is very important. We still have reservations about even approaching this Strategic Petroleum Reserve unless there be some kind of emergency action, some threat to our security at hand. In any event, put that aside for the moment. Many people were concerned that because of the rising fuel prices and even some shortages that were occurring, that the Northeast would find itself in this winter coming that it would be short of

fuel for their home heating needs. So ostensibly, the directive by the President was to release these 30 million barrels for home heating. Well, at least we said the target is a humane one, is a proper one.

Then what did we learn? We found in the Wall Street Journal report and various other newspapers, including one from Bangor, Maine, where, of course, one of the areas would be that would most require this home heating oil, complained that what they discovered was that the 30 million barrels that were being released from our strategic reserve were going to be sent to Europe by the oil refineries. That is, the oil bidders would buy this oil and then instead of sending it to New England would sell it on the market to Europe. Well, this is outlandish. We do not know if that is correct, but all the evidence yields a conclusion that that would be the case.

Moreover, out of the 30 million barrels, 30 million barrels that were released, it appears that only about 250,000 under any circumstances, 250,000 only would be delivered to the Northeast in time to help this winter. What we did was author a letter to the Secretary of Energy, our former colleague, Bill Richardson, to ask these questions: Is this oil going to Europe or is it not? And if it is not, why will only 250,000 barrels be finding its way to the home heating oil needs of the Northeast, which needs much more than that?

The letter was sent. No response was forthcoming. My staff contacted the Energy Department several times, and we did not receive a proper response, or any response. The Congress in its own way in committee hearings evoked the same kind of questions out of the circumstances. We do not know what the final answer is.

What all of this shows is, dipping into the Strategic Petroleum Reserves for our national security purposes already waiting in reserve, as the title implies, and using it for home heating oil which never arrives there, that is not government at its best. Yet, that is what Secretary Richardson said, this is government at its best. What it shows is that much more can be done and much better use can be made of our Strategic Petroleum Reserves.

I have introduced a bill, H.R. 4035, which calls upon a blue ribbon commission to be able to declare independence for the United States, again, to declare independence, this time energy independence, within 10 years, to take full cognizance of all the oil reserves in Alaska, in offshore drilling, in the Midwest and far West, in Oklahoma and Texas which have been traditionally the source of our domestic oil drillings; to look at solar energy; to look at hydroelectric; natural gas and coal, and declare independence for our country so that we do not have to depend on OPEC.

Mr. Speaker, I would also like to insert the following articles into the RECORD.

[From the Wall Street Journal, Thursday, October 5, 2000]

EUROPE'S LOW OIL SUPPLIES MAY BLUNT U.S. EFFORT

(By Alexei Barrionuevo and John Fialka)

Low supplies of heating oil in Europe are threatening to blunt the impact of releasing 30 million barrels of crude from the U.S. Strategic Petroleum Reserve.

Europe's market for heating oil is 50% bigger than the U.S. heating-oil market, Europe's stocks are even tighter and prices there are a few cents a gallon higher, so U.S. refiners have a renewed incentive to ship heating oil across the Atlantic.

Further, a June fire at critical export refinery in Kuwait continues to upset the flow of heating oil across world markets.

Yesterday, the Energy Department said 11 companies were awarded a total of 30 million barrels of crude from the strategic reserve after submitting bids last week. The companies promised to return 31.5 million barrels to the federal stockpile next year as payment. The winners included Marathon Ashland Petroleum LLC, Valero Energy Corp. and Equiva Trading Co., the trading arm of Equilon Enterprises LLC and Motiva Enterprises LLC.

In offering oil today for oil later, the department said again it is seeking to avert a potential heating-oil shortage this winter. Energy Secretary Bill Richardson said the administration remains concerned about heating-oil supplies in New England, where inventories are 65% below normal levels.

Mr. Richardson called the release of oil from the strategic reserve ''government at its best'' and noted that the International Energy Agency, based in Paris, applauds the U.S. action.

Since the crude-oil swaps were announced two weeks ago, oil prices have slid from a high of more than $37 a barrel to settle at $31.43, down 64 cents, yesterday for the November contract of West Texas Intermediate crude.

In Europe, where storage capacity is greater, stocks of middle distillates, primarily heating oil, slid to 221 million barrels in July, down 20% from a year earlier, according to the International Energy Agency in Paris, and the stocks didn't grow in August. Germany has residential storage capacity of about 225 million barrels, but it has only about 125 million barrels socked away.

''Europe is tighter than the States,'' said Gary Ross, chief executive of Pira Energy Group in New York. ''So they are likely to be a constant drain on our distillate supplies, thereby somewhat thwarting the efforts of the administration to augment distillate supply by the SPR swaps.''

U.S. exports of heating oil to Europe ballooned nearly six times in the first seven months of this year to about 1.4 million barrels, compared with the year-earlier period, according to the most recent figures of the Department of Energy's Energy Information Administration. Total exports to all countries, however, declined slightly by 2.5% to 31.7 million barrels. ''Europe needed the distillate more than Asia, and Asia has added substantial distillate-refining capability, so they are more self-sufficient now,'' said Larry Goldstein, president of the Petroleum Industry Research Foundation in New York.

Industry experts estimate that in recent weeks shipments have continued to pick up.

Refiners continue to be skeptical that the strategic-reserve release alone with help increase heating-oil supplies short term. ''It is not going to generate one additional barrel of heating oil,'' because refineries already are at or near capacity, said Carlton Adams, a spokesman for Conoco, Inc., which bid unsuccessfully for 1.5 million barrels. Conoco hoped to run the crude through its Ponca City, Okla., refinery, which ran a record 201,900 barrels a day the last week of September.

The strategic-reserve oil won't be unloaded from the reserve tanks until later this month or early in November it will be December by the time the oil is refined and shipped to the Northeast.

Major pipelines from the Gulf, including Colonial Pipeline Co., say they have been fuller than normal recently because of low stocks in the Northeast.

The world-wide problems with heating oil have been compounded by a devastating fire at Kuwait's Mina al-Ahmadi refinery in late June that cut Middle East production by half. That has led European refiners to divert some supply to African countries, including Egypt.

Asia is the one major refining market in the world with spare capacity. In Singapore, in particular, refineries are only running at about 65% of capacity.

While higher refining profit margins in the U.S. and Europe could draw more shipments from Asia, refineries there say they face technical challenges in meeting U.S. and European environmental specifications for sulfur content. In the U.S., such air standards are governed by individual states, which would have to decide to temporarily relax sulfur requirements to open the market to supply from more of the world.

An Environmental Protection Act official says the agency is talking to states about the possibility of relaxing standards limiting the sulfur content in home heating oil. Northeastern states have such standards, and if supplies get tight, they could block the possibility of using higher sulfur fuel stocks intended for off-road construction equipment. They could also block shipments of imported heating oil from being used.

[From the Bangor Daily News Bangor, ME, Friday, October 13, 2000]

COLLINS, SNOWE CRITICIZE OIL RESERVE RELEASE PLAN

(By Alex Canizares and Myron Struck States News Service)

WASHINGTON—In a rush to release emergency oil, the Energy Department failed to make even rudimentary checks on some of the successful bidders—offering millions of barrels of oil to several one-man operations with little experience handling large amounts of oil.

Some of these small companies—including one that operates out of a New York City apartment and another just recently incorporated in Florida—were reported to be having trouble obtaining last-minute financial backing to sew up the deals.

A failure to get the required letters of credit this week could force the Energy Department to reopen some of the bids, preventing the release of all 30 million barrels of oil from the government's emergency stocks before the end of November as planned, department officials said.

President Clinton on Sept. 22 ordered the release, under a ''swap'' arrangement, of 30 million barrels of oil from the Strategic Petroleum Reserve to ease tight supplies before winter. The Energy Department announced Oct. 4 the names of 11 companies that would take the oil.

But the selection of several of the bidders has astonished some within the oil industry and prompted a call for a congressional investigation into the bidding process and whether it is primarily benefiting oil speculators.

U.S. Sen. Susan Collins, who pushed with other New England politicians for the release of oil from the reserve, said the Clinton administration has ''unfortunately . . . mishandled something that was a good idea.

''I was surprised that the administration did not require bidders to prove their financial worth in advance,'' Collins said. ''The unusual step of letting winning bidders prove their worth after the fact allowed questionable companies to get involved in the process—including some with no experience in the oil business.''

Collins also is upset that oil that should be heating homes in the Northeast this winter is being shipped to foreign countries because oil companies are getting a better price for the product overseas.

It now appears that more than two-thirds of the oil set to be released from the Strategic Petroleum Reserve will end up in foreign markets, an action proponents say will help ease the world crisis, but an action that critics say does nothing to solve the woes of New England, which faces tight supplies for the winter months.

''Bids for oil from the Strategic Petroleum Reserve should have included provisions that prohibited companies from exporting crude oil from the SPR,'' Collins said. ''Since the administration did not include such language, the Department of Commerce should now deny export licenses to any company seeking to export'' this crude.

U.S. Sen. Olympia Snowe, a leader in the Senate in seeking the release of the oil, also now is critical of how the release has evolved. She has met with Senate Energy and Natural Resources Committee Chairman Frank Murkowski, R-Alaska, to express her concerns and has also raised this issue with Energy Secretary Bill Richardson.

''The bottom line is that something is very wrong when we find ourselves in this precarious position for the second winter in a row,'' Snowe said, ''While I believe the release from the SPR is a welcome, if long overdue, step, it is clear that we need to find long-term solutions to the supply problem in order to make sure people are not plunged into uncertainty every winter as to whether or not they will have oil to heat their homes.''

Snowe also has seized on the export issue as critical to resolving this winter's fuel oil shortage in the Northeast.

In a letter to Clinton, Snowe asked the administration to address the issue and outline a means of keeping the oil in the United States. She also has posed the question to Richardson. Both queries have gone unanswered, she said.

''I find this situation outrageous, especially since the U.S. exported over 27.6 barrels of home heating oil for the first six months of this year—at the very time our home heating oil inventories in New England were reaching dangerously low levels. Ironically, the amount of home heating oil exported nearly matches the deficit we are now experiencing,'' she said.

Elsewhere on Capitol Hill, an effort by U.S. Rep. John E. Baldacci to press the White House to temporarily ban home heating oil exports to ease the supply shortage has taken off, with 77 members of the House joining in writing to Clinton.

The letter plays off the fact that some U.S. oil companies and refiners have been increasing home heating oil exports to take advantage of higher prices in Europe. Normally, the United States imports more fuel than it exports.

The call to action came after several steps the Clinton administration has taken to lower prices, including a 30-million-barrel swap of crude oil from the reserve and the release of $400 million in emergency oil assistance to low-income households. The Energy Department also is setting up a 2-million-barrel Northeast home heating oil reserve.

The lawmakers co-signing the letter urged Clinton to encourage other countries to sue their strategic oil reserves to help boost inventories. The lawmakers said the president has authority to stem exports temporarily under the Export Administration Act.

[From the Wall Street Journal, Friday, October 20, 2000]

RELEASE OF OIL BARELY HELPS NEEDY STATES

(By John J. Fialka and Alexei Barrionuevo)

WASHINGTON—An Energy Department official conceded that the Clinton administration's decision to release 30 million barrels of crude oil from the nation's Strategic petroleum Reserve may yield only an additional 250,000 barrels of home-heating oil for fuel-short areas such as New England.

Under prodding from Republican members of a House Commerce subcommittee, Robert S. Kripowicz, an acting assistant secretary of energy, acknowledged that the administration's forecast that the move would result in three million to five million more barrels of heating oil was overly optimistic.

However, he said that if diesel fuel refined from the oil was also sent into the home-heating oil market, it could raise newly available stocks to 2.5 million barrels. But several committee members, noting that truckers and other powerful market forces might block such a shift, called the estimate unrealistic.

''Clinton-Gore math,'' said GOP Rep. Joe Barton of Texas, the panel's chairman, who had an aide display the Energy Department market forecast on a large chart. The forecast assumed that—given tight U.S. refinery capacity—20 million barrels of the government oil would block a similar amount of foreign oil that would otherwise have been imported into the U.S., making only 10 million barrels of the oil available to U.S. refiners,

An official of one refining company told the panel that the release of the SPR oil caused transportation problems that will delay its shipment. John P. Surma, senior vice president of Marathon Ashland Petroleum LLC, which was awarded 3.9 million barrels of the oil, said the oil has overloaded a key terminal at Nederland, Texas. ''As a result,'' he testified, ''some of the SPR crude oil will likely not be delivered until December.''

Mr. Kripowicz said he wasn't aware of any delays at the terminal, asserting that oil companies can use several alternative routes.

Another apparently unforeseen obstacle looms in the form of the Jones Act, an 80-year-old maritime law requiring refiners and traders to use U.S.-flagged, U.S.-crewed ships to move crude oil and petroleum products from one U.S. port to another. Large companies such as BP Amoco PLC and Exxon Mobil Corp. have locked in the use of the better ships, leaving others to scrounge for the costly, less-desirable ships that are left over. The search for such ships is critical because oil pipelines are running near capacity.

''Right now, rates are so high that if there were domestic vessels, they would be showing themselves,'' said Larry Goldstein, president of the Petroleum Industry Research Foundation in New York.

Buddy Neubauer, a vice president for Valero Energy Corp., a San Antonio refiner, said that ''there is a shortage of tonnage, and a strong winter could exacerbate the problem.'' But he added that some ships could become available ''if the price is right.''

A shortage of such ships appears to be delaying another recipient of SPR oil, Morgan Stanley Dean Witter & Co., shipping brokers said. But John Shapiro, Morgan Stanley's head of world trading, said: ''The oil will get to where it is intended in the U.S. without any problem.''

At House and Senate committee hearings, Republicans repeatedly criticized the fact that the Energy Department awarded 10 million barrels of the reserve oil to three small entrepreneurs with no experience in oil deals. Two of therm later dropped out, forcing the government to redo the bidding.

NOT ENOUGH SHIPS

World trade is growing faster than the world shipping fleet. Percent changes 1998 to 2002.

[Figures in percent]

Vessel/Trade	Trade	Fleeet
Dry Bulk	3–4	1–2
Tanker	2–3	1–2
Product	4–5	3–4
Crude	1–2	0–1
General Cargo	6–7	2–3
Container	8–10	8–10
Total	3–4	1–2

Source: U.S. Maritime Administration.

[From the Wall Street Journal, Tuesday, October 17, 2000]

U.S. TIGHTENS RULES FOR BIDDING ON OIL

(By John J. Fialka and Alexei Barrionuevo)

WASHINGTON—The Energy Department tightened its rules for traders who want to bid on oil from the nation's Strategic Petroleum Reserve, requiring them to post a substantial bond for the oil they are requesting before their bids will be considered.

The changes came after two small companies that made the largest bids in the recent auction for government oil won awards for a total of seven million barrels. The deals fell through when they failed to obtain the necessary financial backing.

The failures of the two small entrepreneurs, both inexperienced in big oil deals, and the success of a third, who quickly sold his interest to a major oil-trading firm, embarrassed some DOE officials and spurred an investigation by the Senate Energy Committee.

The Senate panel has summoned Energy Secretary Bill Richardson and other DOE officials to a hearing Thursday to discuss the swap, which committee chairman Frank Murkowski (R., Alaska) called a ''considerable risk to national security.'' The 30 million barrels offered for the swap come from a 570 million-barrel reserve of crude oil set up by Congress in the 1970s as a safeguard against oil import disruptions.

Sen. Murkowski and oil-industry experts also questioned whether the swap of the 30 million barrels, when completed, would fulfill the Clinton administration's original expectation: that it would result in three million to five million barrels of home heating oil that could be shipped to the fuel-short

Northeast in time for the winter heating season. Profit margins are now higher on transportation fuel and the crude oil could go to meet demand for that.

The Clinton administration announced the offer last month, using a rule that allows the swap of oil from the reserve if the deals result in the return of more oil to the reserve. The offer of the swap resulted in bids that promised to return 1.56 million barrels above the amount borrowed, meaning that the average among the 11 winning bids was a promise of a 5% return.

The government accepted offers from Lance Stroud of New York and Renard D. Euell of Denver, individuals who officials said promised returns of 12% and 10%, respectively, but their bids failed last week when major traders and oil companies refused to deal with them. The failure of their bids lowered the government's potential return for the swap of the remaining 23 million barrels to about 3.5%.

The DOE started a new round of bidding on the seven million barrels yesterday. Under the new rules, bidders must post a bond of $3 million or covering 5% of the oil they are bidding on, whichever is less. ''We know that these two bidders worked hard to make them [the bids] successful, but unfortunately they weren't able to do that,'' said Robert S. Kripowicz, the DOE acting assistant secretary in charge of the program. He said putting the financial-guarantee requirement in the 80-page bid application form ''does raise the bar somewhat in terms of what you have to have in place before you submit a bid.'' Still, he said, it wouldn't bar small bidders that made trading arrangements with larger companies. Ronald Peek, a Tallahassee, Fla., entrepreneur who sold his award of three million barrels to Hess Energy Trading Co. for an undisclosed sum couldn't be reached for comment.

In announcing the swaps plan, DOE was banking on a 10% to 20% heating-oil yield from refiners on the Gulf Coast, where the SPR reserves are located. But refiners there are currently converting only 8% of what they put into their refineries into heating oil. While they are posting above-average yields of 34% total distillates—which include heating oil, diesel and jet fuel—refiners are mostly focused on making on-road diesel fuel and jet fuel.

This is because the profit margins for diesel and jet fuel are higher now than for heating oil, and because transportation costs to ship products from the Gulf Coast to the Northeast have nearly doubled this year. The price of jet fuel is running four cents a gallon higher than heating oil, and diesel is running one cent higher. ''Right now, that is the highest jet-fuel-to-heating-oil differential I have seen in a long time,'' said Kenneth D. Miller, a senior principal at Purvin & Gertz, a Houston energy consulting firm. ''Speculation on being short of jet fuel in the winter is driving this.''

Gulf Coast refiners could convert more diesel into heating oil, but the economic incentives might not be there, said John Hohnholt, senior vice president for refining at Valero Energy Corp. in San Antonio. ''But the transportation issue plays a major role in that decision,'' Mr. Hohnholt said. Pipelines are busier than normal and the domestic tanker fleet is stretched thin.

[From the Dallas Morning News, Friday, October 13, 2000]

SWEETHEART DEALS? STRATEGIC RESERVE CONTRACTS LOOK HIGHLY QUESTIONABLE

It hasn't taken long for some of the subterranean politics of oil to spew to the surface.

Succumbing to the political pressure of rising oil prices, the Clinton administration last month authorized the release of 30 million barrels of oil from the nation's emergency oil supply. The purported goal was to release enough oil onto the market to force down soaring prices.

Eleven companies got a piece of the action, including several smaller, mostly unknown oil companies with little or no oil marketing experience. Now two of the three small companies awarded oil from the strategic petroleum reserve are having trouble getting the letters of credit guaranteeing the full value of the oil they need in order to complete the deal. One reportedly operates out of a New York apartment building. Another reportedly was incorporated about a month before the White House announced plans to tap the reserve.

If these companies can't come up with letters of credit to complete the transaction, then they'll have to back out of the contracts. Presumably that will delay the release of oil since the Energy Department had earmarked these three small firms to handle nearly one-third of the 30 million barrels. One forfeited its bid Thursday, but the other two have until midnight today to obtain letters of credit.

But this tale gets worse. There are no contract restrictions preventing companies from eventually exporting the oil they receive from the reserve to Europe where it could command a higher price, say some congressional leaders. It is possible that heating oil could end up outside the United States, and the Northeast would still shiver this winter. With refineries running at near capacity and Middle East tensions rising, chances already are slim that tapping the reserve will make much of a lasting dent in energy prices.

Senate Energy Committee Chairman Frank H. Murkowski, a critic of using the reserve to tinker with market prices, wants the Energy Department to explain how all this could happen. ''If the stated purpose for the swap was to supply the Northeast with home heating oil, why wasn't there a contractual obligation that made sure it will get there?

Good question. The possible answers aren't pretty, though. Either the Energy Department conducted an incomplete review of credentials, or these are blatantly sweetheart deals. Consumers deserve an answer.

TRUCK SIZES AND WEIGHTS

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

Mr. MCGOVERN. Mr. Speaker, I rise today to talk to my colleagues about the issue of bigger and heavier trucks on America's highways. As many of my colleagues know, I am a strong proponent of keeping the current truck size and weight limitations in place. Last year, the gentlewoman from Maryland (Mrs. MORELLA) and I sent a letter to the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the Committee on Transportation and Infrastructure, signed by 60 other Members of Congress from districts along Interstate 95. The letter urged the chairman to reject any effort to increase the 80,000-pound weight limit for trucks traveling on any part of I–95.

Earlier this year, I introduced House Concurrent Resolution 306, the safe highways resolution, along with the gentleman from California (Mr. HORN), the gentleman from Oregon (Mr. BLUMENAUER), and the gentlewoman from Maryland (Mrs. MORELLA). House Concurrent Resolution 306 expresses the sense of the Congress that the Federal freeze on triple tractor trailer trucks and other longer combination vehicle, LCVs, should not be lifted and the current Federal limits on heavy truck weight should remain in place.

Now since April, this legislation has gained over 135 House cosponsors. Additionally, the legislation is supported by a number of public safety and law enforcement organizations such as AAA, the National Public Health Organization, the International Brotherhood of Police Officers, the National Association of Police Organizations, and the National Troopers Coalition.

Mr. Speaker, probably the best argument against lifting the Federal 80,000-pound weight limitation or freezing the current geographic limit taking on LCVs is force equals mass times acceleration. It is simple high school physics. The bigger the truck, the harder it is to stop; the harder it is on the highway itself; and in the event of an accident the harder it hits anything in its path.

Additionally, a number of truck drivers that I have talked to have told me that bigger trucks are more difficult to handle and more stressful to drive. There is no doubt that heavy trucks have inherent dangers. According to the U.S. Department of Transportation, in 1998 more than 5,000 Americans died and an additional 128,000 were injured in heavy truck accidents. Allowing trucks to get heavier only increases the danger. Heavier trucks are more likely to roll over, suffer from braking problems, and deviate from the flow of traffic, increasing the danger of a collision.

Moreover, the heavier the truck, the more likely a collision with an automobile will be fatal for the occupants of the car.

As many of my colleagues on the Committee on Transportation and Infrastructure know, the United States Department of Transportation recently released the Comprehensive Truck Size and Weight Study. This study took 4 years to complete and is the most definitive study of its kind on the topic of truck size and weight. The study projected that LCVs would have fatal accident rates 11 percent higher than single trailers if they operated nationwide. Additionally, heavier trucks will have a heavier impact on America's highway infrastructure. Again, according to the Department of Transportation study, nationwide operation of LCVs would add $53 billion in new bridge reconstruction costs. This is a particularly important concern to my

constituents in Massachusetts, as well as to many of my colleagues in the Northeast, where bridges are significantly older than in most other parts of the country.

In addition, there would be $266 billion in lost time and extra fuel burnt by auto drivers stuck in traffic because of bridge work. But traffic safety is not about statistics or abstractions. The damage done by motor vehicle accidents has a very human face. For me, that face most recently in the face of Linda Russell. Linda is a nursing supervisor at the University of Massachusetts Hospital in Worcester. She was badly injured when her car collided with a tractor trailer. As a result of the collision, Ms. Russell's right foot was almost completely severed, and she will be confined to a wheelchair for the rest of her life.

She wrote me in June of 1998 urging me to ask the Department of Transportation to accelerate the issuance of a final rule requiring tractor trailer trucks to be equipped with reflective tape.

□ 1615

A number of my colleagues have asked me why I introduced House concurrent resolution 306 when there are already Federal restrictions in place. The answer is that I have worked in Washington long enough to know that the status quo is only the status quo. If one feels passionately about an issue, one needs to be proactive. The smallest changes add up incrementally.

For example, in 1974, States were given the option to increase maximum truck weights on interstate highways from 72,000 to 80,000 pounds and to permit operations of a twin 28-foot double trailer truck. Less than 10 years later in 1982, Congress forced every State to permit these bigger rigs.

Mr. Speaker, I will just end by simply saying that I want to thank my colleagues for standing with me in supporting this legislation, and I urge the next Congress to take this issue up early on next year when we reconvene.

MISSED OPPORTUNITIES

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

Mr. GOSS. Mr. Speaker, earlier today, during morning business, I made some comments about missed opportunities of our foreign policy and how, as we look back over these past 8 years and judge whether we are better off or worse off here in the United States of America, it is good to take a look at the foreign policy situation, because, in fact, the world is a more dangerous place, and we are, in fact, more vulnerable and more threatened as a result of 8 years of a Clinton-Gore administration.

When we look into why that is the case, what caused this to happen, we find a foreign policy that has really been characterized by photo opportunities on the one hand and lack of consistent attention on the other hand, and it has not served us as well as it might, and we have missed important opportunities at a time when the world is waiting for the world's dominant power to show clear vision and signs of leadership for the next century ahead.

As we look at some of the hallmarks, trying to go back over these past 8 years of the Clinton-Gore administration, we have found that betting on people rather than on institutions in an evolutionary process was a big problem. Putting our money on guys like Milosevic is a bad bet; and Milosevic was, in fact, the guy we put our money on in Dayton for a short-term gain in the Balkans. Unfortunately, it led to long-term trouble; and we are still not out of it there. And Milosevic, while he has now been finally removed by the people of his country in a more evolutionary way, he nevertheless still is a factor, but more important, he is still a war criminal. We have dealt with Milosevic not as a war criminal in the Clinton-Gore administration, but as somebody who we can trust in negotiations. That was a very poor choice.

Aristide in Haiti, another poor choice; a man who is an authoritarian, no friend of the United States, and has receded Haiti from the democratic promise it showed in the early 1990s. By betting on Aristide, I think we have done that country no favor at all.

Foday Sankoh in Sierra-Leone. Probably, CNN has shown the most gruesome shots of butchery, of children going out and maiming children, drugged children going out and maiming children, being used as instruments of war. This is a person the Clinton-Gore administration chose to try and do business with. When CNN pulled the cord on that and they showed Foday Sankoh for the brutal dictator and terrorist that he is, the Clinton-Gore administration retreated from that, and so far we have nothing to replace it.

So when I talk about a hallmark of betting on the wrong guy, that has been one of the problems. Another has been appeasement. We have seen continuously wishful thinking that said, if we could just get these people to go along with us, we will be all right, and we will offer them carrots. Well, we have to remember that the wall came down in Berlin because we were dealing from strength. They had no place to go in the Soviet Union and the United States of America was on the side of right and we were on the side of strength and eventually we prevailed because of those things.

Now we are going to North Korea and we are seeing extraordinary, extraordinary and, I would say, amazing scenes of our Secretary of State basically recognizing a dictatorship that is has enslaved most of its people, including its children. This is not just enslaving them physically, this is mind control as well, because the indoctrination in North Korea is total. I have been there, and I have seen it. Here, for whatever reason, we are suddenly finding our new best friend, the smiling Kim Jong Il. He is still the same old Kim Jong Il, he is not our best friend, he is a dangerous dictator, and it is a thoroughly Communist country. I do not understand why we are trying to do him a favor.

As we go through and look beyond the appeasements that we could talk about in Russia and China, let me skip to some bad judgment, bad judgment such as we have seen in the Middle East by trying to do a good job, and I give the President credit for that, but by forcing the agenda so fast for whatever motivation that it broke the framework. That was not good judgment; and we are seeing tragically tonight, every night on television, scenes of what happens when one forces a situation beyond its evolutionary capability to deal with it.

We have seen in Iraq apparent, Desert Fox. We bombed the heck out of them, and what happens? We end up winning a very short-term gain and losing our window into Iraq. We do not truly understand what is going on there now. We have lost our eyes and ears, Iraq is evermore dangerous and is now reasserting itself as a leader in the Arab world, as an evermore dangerous enemy of the United States with greater capabilities. We did not do what we needed to do there.

Mr. Speaker, this is a subject that will continue on, because this is a subject that matters to America; and I will be talking more about this in sessions to come.

ELIMINATION OF THE DEATH TAX WOULD BENEFIT ALL AMERICANS

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

Mr. TANCREDO. Mr. Speaker, for quite some time, we have been hearing from our friends on the other side of the aisle that Republican attempts to abolish the death tax is just a sop to the rich and that few ''regular'' folks would ever benefit from its elimination.

I would like to bring to the attention of the House an article that appeared in The Denver Post this weekend entitled ''Death, Taxes end Rancher's Dream.'' The article describes the plight of the Laurence family who have for the last couple of generations been eking out a living from an 1,800 acre ranch in the Rocky Mountains of Colorado.

Merrill Laurence died 4 years ago and the family has been struggling ever

since to keep the tax man at bay. They have run out of time and resources. Soon, the auctioneer's gavel will fall; and the ranch will be sold to developers. November 11 will be the date that ends a 180-year history of the Laurence family ranching heritage. This family will be moved off the land and homes will be built where the ranch now stands.

But the proceeds from the sale will not accrue to the heirs. They do not want the sale. They will not receive very much at all of what comes from that sale. The money raised by this forced sale will go to satisfy the demands of the IRS.

I can assure my friends on the other side of the aisle that there are real people out there who are affected by the death tax and who are far from ''fat cats,'' that phrase that we so often hear them employ when attempting to foster class hatred in this country. These people and hundreds of thousands, millions others like them all over the United States are regular, hard-working tax-paying families who, in fact, have made only a couple of mistakes in their lifetime. Like Mr. Laurence, many of them work too hard, accumulated too much, according to, again, people on the other side of the aisle who keep talking about the death tax as something that so few people would get and so few people deserve the elimination of the death tax.

Mr. Speaker, the fact is that there are lots of people who actually are, as I say, hard working, and they are not the top 1 percent, as we have often been told, of this Nation's income-earners who would benefit by the elimination of this death tax. They are people like Mr. Laurence who, as I say, he made a few mistakes. He worked too hard. He died before a new President could take office.

Mr. Speaker, I hope that we will soon be able to reintroduce this idea, the elimination of the death tax, and we will soon pass it; again, this will be the third time, and it will be signed by the next President of the United States, because it is a tax that needs to be eliminated, it is an unfair, unjust tax that people like the Laurences of Colorado are now being forced to pay and, as a result, being forced to sell their own heritage.

COMMUNICATION FROM STAFF ASSISTANT TO THE HONORABLE JAMES A. LEACH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ginny Burrus, staff assistant to the Honorable JAMES A. LEACH, Member of Congress:

OCTOBER 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court for Iowa, Johnson County.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

GINNY BURRUS,
Staff Assistant.

COMMUNICATION FROM DISTRICT SCHEDULER TO THE HONORABLE JAMES A. LEACH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jill Rohret, district scheduler to the Honorable JAMES A. LEACH, Member of Congress:

OCTOBER 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

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After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JILL ROHRET,
District Scheduler.

PLEA TO RUSSIAN GOVERNMENT FOR THE RELEASE OF EDMOND POPE

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

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to bring to the attention of the Russian government an irony that I believe perfectly illustrates why Edmond Pope, an American businessman, held captive for 211 days, should be released.

Since his arrest in April on charges of espionage, Ed Pope has been held in a Russian prison thousands of miles away from his family. He has been denied regular contact with his loved ones, including his ailing parents whose home is in the district I represent. He has been held in utterly uncivilized conditions, and, most distressing of all, Mr. Speaker, Mr. Pope has been denied access to the specialized medical treatment that is needed to detect a recurrence of the rare form of bone cancer that he once battled.

Last Friday, Mr. Speaker, while Ed Pope was sitting in his bare prison cell in Moscow, this House passed a bill granting U.S. residency to a Russian citizen named Marina Khalina and her son, Alec Miftakhov. Marina and Alec live in Portland, Oregon, a mere 250 miles from the parents of a man who is being unjustly held in their native country. Mr. Speaker, 250 miles from Roy Pope, who has terminal cancer, a condition that is made even more unbearable by the knowledge that he may not live to see his son, Ed, returned home.

My comments should not be taken as any criticism about the Russians who have become our latest citizens in Portland. They are not intended that way at all. You see, Marina came to this country in search of medical treatment for her son. The assistance she has received from Oregonians in retaining that treatment for Alec is one of the most transparently generous acts of humanity I have ever witnessed, and it is incredibly important that it be carried out.

Diagnosed with cerebral palsy at age 6 months, Alec's leg muscles and tendons were so contracted that he could not walk. Without the social services or rights that the disabled are afforded in this country, Alec could not go to school in Russia. His desperate mother could not even obtain a wheelchair for her son and carried him in her arms for 7 years.

Thirteen years ago, she met a visiting physician from Salem, Oregon who contacted Shriners Hospitals for Children in Portland. In October of 1989, Marina and her son entered the United States as visitors for the first of 6 operations that Alec would undergo. As he underwent more surgery and rehabilitation, the Immigration and Naturalization Service in Portland granted extensions, allowing Marina and her son to remain in the U.S. Forcing Alec to return to Russia where Ed Pope spends his days peering through steel bars would have halted medical progress and consigned him to a life utterly devoid of hope. Thanks to the outpouring of assistance he received in this country, Alec has been spared that terrible fate. But while Alec receives medical attention in the United States courtesy of the goodwill of the American people and those of my State, the Russian government systematically refuses to grant Ed Pope access to the medical care that could save his life.

□ 1630

Since the bill granting Marina and Alec residency status was introduced, she has worked in Gresham, Oregon, where she coordinates care for elderly and disabled clients. Alec has earned his high school equivalency degree and hopes to study Web design. Needless to say, the future looks considerably brighter for them in this country thanks to the compassion we have shown in this Congress and that shown by the people of Oregon.

Following passage of the bill granting her a new life in this country, Marina said, ''For us, this is freedom.'' And indeed it is, Mr. Speaker. It is freedom that is being denied to Ed Pope as he sits before a Russian judge

awaiting a verdict that could lock him away in prison for more than 20 years.

I know I am not alone in welcoming Marina and Alec to Oregon, and I wish them well and the very best in the years ahead. We are a Nation of immigrants. And as the goodwill shown to Marina and Alec shows, we are a Nation of profoundly decent and compassionate people. But the generosity that has been shown to Alec and Marina stands in stark contrast to the inhumane, unjust imprisonment of Ed Pope. If only the Russian government, indeed, if only the Russian President could follow our example.

So I call upon President Putin not to just reinforce the worst images of Russia in the minds of the people of the West by prolonging Ed Pope's already lengthy imprisonment. Show Ed Pope the kindness that has been shown to Marina Khalina and Alec Miftakhov and release Ed Pope immediately.

WHY IS CONGRESS STILL IN SESSION?

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, I would obviously rather be home in my home State of South Dakota this evening. I have a couple of important meetings tonight. One was with the folks from Homestake Mine, a mine which has been in service in South Dakota for about 125 years and which has recently announced that it is closing.

I had a meeting scheduled there to talk about those issues. How do we deal with the issue of displaced workers? How do we deal with trying to help this small community transition and diversify its economy?

I also had a meeting this evening with a group of snowmobilers who were interested in the National Park Service proposal to ban snowmobile use in some of our National Parks, as well as with the President's roadless initiative and other things.

However, we are still here in Washington, D.C., and I believe that the people of this country and the people of South Dakota, my home State, need to know why we are here. We are here, I believe, because the President continues to insist on putting politics in this election year ahead of people.

The President, in this budget, has gotten literally everything he has asked for and more in terms of spending. But it is still not enough. And it begs the question, Mr. Speaker: How much is enough? We are still trying to figure that out. What else is the President insisting on?

Well, there are a number of issues unrelated to the budget process itself which he is also insisting that we move on, legislative provisions that would be added on to appropriation bills. One is blanket amnesty for 4 million people who have come to this country illegally since 1986.

We do not think that we ought to be about the business of rewarding people for breaking the law. Now, on the other hand, there are a lot of people in this country who have come here legally and want to be reunited with their families, and we propose that as an alternative to the President's plan. And yet the President is insisting upon blanket amnesty for 4 million people who have come to this country and are here illegally.

One of the other issues that he has insisted upon is that action be taken in the area of hate crimes legislation, legislation which to my understanding has yet to be debated, has yet to be considered in committee or anywhere else.

Another issue which separates us this year, and granted in this election year these issues become more politicized but, nevertheless, we ought to be able to reach a compromise to take the politics out of some of these issues and do what is right for the American people. The President insists upon federalizing education in this country. We happen to believe as a matter of principle that our children are much better served when it is school districts, administrators, and teachers and parents who are in control rather than the Federal bureaucracy from Washington, D.C.

Mr. Speaker, when I travel across my State in South Dakota, and I did during the month of August meet with a number of school districts, the thing I heard over and over and over again is: we need flexibility. Flexibility, flexibility. Allow us to make the decisions about how best to put these dollars to work. Do not have Washington telling us that they know best and coming up with one-size-fits-all solutions. School districts want flexibility.

What else is keeping us here? We passed a tax bill. It had a minimum wage increase on it, which is something the President wanted. We passed a tax bill that includes the President's new market initiative, something that he has worked with our Speaker to try and accomplish. We passed a tax bill that has the repeal of the telephone tax which was put in effect in 1898 to fund the Spanish American War. It needs to be repealed.

We passed a tax bill that allows for the expansion of IRA limits, which is something that I believe the President has also indicated his support for in the past. Deductibility of health insurance premiums for self-employed people, another issue that is included in the tax bill.

Perhaps as important as anything else for the people in my State of South Dakota and all across rural America is a Medicare fix for rural hospitals, something that is very important to rural areas. We have hospitals and skilled nursing facilities and home health agencies that are waiting for this legislation and have come out very much in favor of it. It is about a $30 billion package. It has the support of the American Hospital Association, the American Cancer Society, the National Association of Rural Health Clinics.

Most of the folks in rural areas of this country understand how important this legislation is to their very existence and survival, and so they have asked the President to sign it and not to veto it. And yet the President has indicated that he will veto it, which I think leaves us with one conclusion, Mr. Speaker. That is that the President has decided that this election year is more important than doing the work of the American people. Putting politics ahead of people.

That is why I cannot be with my constituents in South Dakota this evening. And as much as I would like to be home with my constituents, we have to represent their interests, get their work done, complete the agenda of the American people. I hope that the President will work with us.

DEMOCRATS' CONCERNS REGARDING HEALTH CARE ISSUES

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

Mr. PALLONE. Mr. Speaker, I listened to the previous speaker on the Republican side, and I know he is well intended. But I wanted to say that I feel very strongly that one of the reasons we are still here, and certainly one of the reasons that has been articulated by the President in his opposition to this Republican tax bill that he has said he will not sign, he will veto if it comes to his desk, is because Democrats and the President and the Vice President feel very strongly that with regard to a number of issues, and I am going to spend time primarily this evening on the health care issues, that the Republican leadership has simply not done its job.

Mr. Speaker, we as Democrats are very concerned about the average citizen and what we do in the House of Representatives and feel very strongly that on a number of issues, and again particularly with regard to health care, that the Republican leadership has simply failed to address the problems that the average American cares about.

We know that we are in times of great economic prosperity and as a result of the President's programs, that prosperity continues. There is a significant Federal surplus for the first time now in a long time. But the problem is that we still have some unmet needs, and particularly with regard to health

care. What we see in this tax bill that the previous gentleman from South Dakota (Mr. THUNE) mentioned, and that has been the discussion of much debate over the last few days, is that the Republicans really are prioritizing what I call special interests, particularly with regard to HMOs, as opposed to the public interest.

I have been very critical of the fact that this tax bill that came to the floor last Thursday gave the lion's share of the money to the HMOs without any strings attached, without any requirement that they stay in the Medicare program.

Many of my constituents have complained to me about the fact that they signed up with an HMO under Medicare, and then a year later or so they were notified that the HMO was no longer going to cover them and they had to find some other way to cover their health insurance. Granted, they can go back to the traditional Medicare fee-for-service system, and that is fine. For most people, 85 percent of people who are under Medicare, that is fine and that is great.

But there are problems in the sense that traditional fee-for-service does not cover prescription drugs. Many of my seniors signed up for HMOs because they were sort of lured into it by promises on the part of the HMOs that they would get a prescription drug benefit, and then all of a sudden they found that they did not have one.

Well, what the HMOs did is they came back to the Republican leadership and said, look, we are getting out of Medicare because we are not getting enough money, so give us more money. Give us a larger reimbursement rate, and we will get back into the program. The problem is that the tax bill the Republicans put up last week did not attach any strings. They are saying, okay, we are going to give 40 percent of this new money that we have in the surplus, or 40 percent of the money allocated in this bill, to HMOs. But they do not say that they have to stay in the program for more than a year. They do not say that they have to guarantee any particular level of benefits.

Mr. Speaker, I actually had a motion which I brought to the floor yesterday, or the day before last, which said that in order to get this additional money they would have to agree to stay in the Medicare program for at least 3 years and they would have to provide the level of benefits that they initially promised for that 3-year period. Of course, the reference is primarily to prescription drug benefits, which is why most seniors signed up for HMOs in the context of Medicare.

The Republican leadership opposed that motion and they basically say, look, we want to give this money to the HMOs, and we are not going to have any real strings attached to it. The Democrats and the President have been saying that in addition to the fact that they are giving this money to the HMOs with no strings attached, they are taking away or they are not giving sufficient funds or prioritizing funding for the providers of Medicare, the hospitals, the nursing homes, the home health care agencies. They get significantly less percent of this money under the Republican bill than the HMOs do, and yet they are the ones that are really providing the service.

The HMOs are just insurance companies that ultimately go to the hospitals and the nursing homes to provide the service. And these primary providers are getting less of a percentage of this pot than the HMOs. Again, I would say it is because the HMOs are aligned with the Republicans and basically the Republican leadership is doing their bidding.

Now, what do the HMOs do with the money that they get from the Federal Government? Well, first they provide services. But we know a lot of them spend a significant amount of that money paying for their CEOs. They have huge overhead, huge administrative expenses for a lot of their executives. They do a tremendous amount of advertising. That is how they get the seniors to sign up for the HMOs, doing all of this advertising and having these meetings and giving out free dinners and different things to get the seniors to come and sign up.

Then they also spend a significant amount of their money lobbying and spending money on political ads to lobby against the Democrats' initiative, the Medicare prescription drug program that we have proposed, and the HMO reforms, the Patients' Bill of Rights that we have proposed.

They also spend a lot of their money just in direct or indirect independent expenditure contributions to argue against and for the defeat of Democratic candidates. I was one of the victims of that. I found myself, 2 years ago in 1998, the target of an independent expenditure primarily financed by HMOs and the pharmaceutical industry to the tune of $5 million spent in the last 2 or 3 weeks of the campaign to try to defeat me.

So it is no wonder that it costs the HMOs so much money to operate and why they feel they need more money to operate, because so much of their expenditure goes for these other things that are not health care related.

Now, what the Democrats did today is we tried, when there was a bill that came up to correct this tax bill with regard to another aspect, a minimum wage, the Democrats tried to bring up an alternative bill or amend the Republican legislation so that it included some changes that would diminish the percentage of the money that went to the HMOs and give more as a percentage basis to hospitals and primary providers, nursing homes, home health care agencies.

At the same time, it would say that if the HMOs wanted to benefit from this additional money that was being provided under the bill, that they would have to stay in the Medicare program for 3 years and they could not reduce their benefits.

□ 1645

It seems to me that makes a lot of sense. We know the HMOs are getting out of the system. There have been many reports, one done by the GAO, the General Accounting Office, just last month in September that said that providing more money to the HMOs is not necessarily going to make them stay within the Medicare system. So why not try a different way of trying to get them into the system.

I want to talk a little more about some of the other things that we had in this proposal today because I think it goes to the heart of my initial contention that the Democrats are trying to deal with the problems, the health care problems that the average American faces; whereas, the Republicans keep trying to do something with this bill that is primarily for the special interests and for the HMOs.

Just to give my colleagues an idea, we had additional money, as I said, for hospitals. We had additional money for the staffing and quality control for nursing homes. We had additional payments to home health agencies. I have been critical of the fact that the Republicans have not been willing to bring up the patients' bill of rights, which is the HMO reform that prevents abuses in HMOs and says the decisions about what kind of care one gets, what kind of operation one gets, what kind of hospital stay one gets, that those decisions should be made by the insurance company and the patient and not by the HMO, the insurance company.

The Republicans have not been willing to bring up the patients' bill of rights. They passed it in the House, but it is dead in the Senate. So what we put in this bill as an alternative to the Republican tax plan today also was a provision that says that, if one has to appeal a decision under Medicare because one has been denied care by an HMO, that one would have a better way to appeal that, go to an outside review board, if you will, to make that appeal so the HMO would not, basically, be reviewing its own decisions. Somebody else would.

This is part of what we had proposed in the patients' bill of rights. So we were, not only trying to give more, we were not only trying to level the playing field with the HMOs and require them to stay in the Medicare program for longer period of time, we were also trying to address the issue or the need for HMO reform.

Now, the other thing that we were trying to do in this bill today, which I

think is a distinct improvement over what the Republicans had in mind, is that it relates to the issue of the uninsured. If we ask Americans today about health care and what are the primary problems, they will say HMO abuses, they will say the need for a Medicare prescription drug. But for those who do not have health insurance, which is about 42 million Americans, they will say it is the need to provide affordable health insurance so that they can get health insurance.

Well, in this bill, in this tax bill that the Republicans put forward last week and has been the subject of discussion for the last few days, the Republicans said that they are going to give an above-line deduction for individuals who buy their health insurance. I have been critical of that because it is not going to help, again, the people who do not have health insurance. In other words, most of the people that would be able to take advantage of that are people who already have health insurance and they will get a deduction.

But what about the 42 million people that do not. The type of deduction that is provided is not really going to provide a system for those 42 million, or few of them, to buy health insurance because their problem is their employer does not provide it, and they cannot afford it on the private market. A little bit of a deduction the way the Republicans have set forth is not going to get them to be able to afford health insurance.

What the Democrats have been saying with regard to the uninsured, and, again, this is Vice President GORE's proposal, is that we have to build on the existing kid's health initiative which was passed here in the House of Representatives and became law a few years ago, that provides Federal monies back to the States so that they can sign up children of working parents who now cannot afford health insurance.

What Vice President GORE has been saying, what President Clinton and what the Democrats have been saying is let us expand that program to a little higher income level so that the kids whose parents work but maybe are a little above the current guidelines will still be able to take advantage of this program.

We have also been saying that, perhaps, we should let the parents of these children buy into the program. It is more likely that if a parent can provide or get health insurance for their children, that they would like to sign up the whole family for this program with these Federal dollars.

So I have been critical of this Republican tax plan because it really does not do anything to get more people enrolled in health insurance who do not have it. I would like to see some changes, instead, in some money used under this bill to sign up more people and get more people involved in this kids health initiative.

So what we have in the Democratic alternative that was discussed today but, of course, defeated was a way of providing additional coverage, money that would be used to do outreach to get more children enrolled in the program.

Again, it is a different approach to what the Republicans have proposed, but I think it is an approach that will work in getting more people provided and covered by health insurance; whereas, I do not think the Republican proposal accomplishes that.

I want to stress throughout this because I hear my Republican colleagues say that this tax bill is a great bill, and the President should sign it because it is going to help.

Well, I am not going to argue that in some ways it might help a little; but given the amount of money that is being thrown to the HMOs, given the amount of money that is being given to a lot of these special interests, it is not going to help very much.

We could use that same amount of money in a different way under the Democratic proposal to really do a lot more to make sure that seniors who are on Medicare can find an HMO that provides them with decent coverage, including prescription drugs, we can do a lot more to cover the uninsured with that same amount of money than what the Republicans are doing.

Now, just to give my colleagues some perspective on this, in the tax bill that the Republicans put forward and passed, over one-third of the Federal dollars were allocated to HMOs. It is almost 40 percent, 41, 42 percent. The Republican plan increases payments to Medicare HMOs by over $10 billion over 5 years and over $30 billion over 10 years, despite the fact that only 16 percent of Medicare beneficiaries are enrolled in HMOs.

Well, keep that in mind. In other words, if one has this senior, group of seniors and disableds that are in Medicare now, only 16 percent of them are in an HMO. Yet, when we address the issue of trying to provide additional funding for Medicare, we are going to give for those 16 percent 40 percent of the money. The other 85 percent who would benefit more from having this money go to the hospitals or the nursing homes or the home health agencies directly, they are only getting 60 percent of the money.

It makes no sense, other than if one looks at it from the perspective that the Republicans are with the HMOs because they are helping them with their campaigns. They are trying to get rid of Democrats, and they are doing all these other things to help the Republican cause.

I also wanted to give my colleagues another example. This was an article that I took from USA Today back in February of 2000, but I have kept it because it really kind of says a lot about what the HMOs do with the money.

This report found $4.7 million in questionable administrative costs among nine Medicare HMOs, including lobbying and gifts. One insurer spent $249,283 on food, gifts and alcoholic beverages. Four HMOs spent $106,490 for sporting events and theater tickets. Another leased a luxury box at a sports arena for $25,000. Customers, insurance brokers and employees at one HMO were treated to $37,000 in wines, flowers, and other gifts.

I gave the example the other day, Mr. Speaker, of where an HMO in my district did this huge advertising campaign to get people to go to the local diner. They offered them a Maine lobster dinner for the evening to get good people to sign up for the HMO.

I mean, this is crazy. Here we are being asked to give more money to the HMOs so that they can spend the money for these administrative costs, for this advertising, and these other things that ultimately do very little, if anything, to help the average senior or the average American.

Now I wanted to, if I could, Mr. Speaker, spend a little time talking about the Democratic alternatives on the two issues of prescription drugs and HMO reform, and I will probably also get in a little bit to the issue of dealing with the uninsured. I talked so far about these issues in the context of this tax package today.

But what I want to reiterate to my colleagues is the fact that, over the last 2 years, and even beyond, since the Republican leadership has been in the majority here, there are major overhauls of all these programs that could have been done and that, in fact, were proposed and even in some cases voted on by the House that were initiated by the Democrats with the help of some Republicans that would have made a huge difference in people's lives with regard to seniors access to prescription drugs, with regard to HMO abuses, with regard to the problem of these over 40 million Americans that have no health insurance.

Yet, in each case, the Republican leadership stymied and tried to prevent this legislation from coming to the floor or, even if it did pass, they killed it in the other body or they did whatever they could in conference between the two Houses to make sure that it did not move forward.

I guess the best example of that is the issue of HMO reform, which I still think, along with Medicare prescription drugs, is the number one issue that I hear back at home in my district in New Jersey.

What the Democrats were saying with regard to the HMO issue is that we are tired of the abuses where the HMOs will say to an individual or a patient, okay, you cannot have this particular operation or you cannot stay in

the hospital this particular length of time, or we are not going to let you have this particular medical equipment because we do not think it is necessary.

We want to change that. The Democrats and some of the Republicans want to change that so the decision about what is medically necessary and what kind of care one gets is made by the physician and the patient, not by the insurance company. In addition, we want to give one some enforceable way of rectifying a grievance if one has been denied care because the insurance company said one cannot have it.

Now, the answer to this that we put into bill form was a bill called the patients' bill of rights, also known as the Norwood-Dingell bill. It was mentioned by the Vice President in the last debate that he had with Governor Bush. He actually asked Governor Bush whether he would support the Norwood-Dingell bill and Governor Bush did not respond or certainly did not indicate that he would support it.

The patients' bill of rights really does two things. It switches the decision making from the insurance company to the doctor and the patient; and it says that, if the insurance company denies one care, we are going to give one a way to go to an independent board that could overturn that negative decision, or failing that, or absent that, one could go to court and have the court enforce one's rights and make sure that one has the service that one and one's physician thinks are medically necessary.

But let me just go into some of the other provisions of this bill before I talk about its fate and why I blame the Republican leadership for its not passing in this Congress. The legislation, first of all, protects all Americans and all health plans, it is not limited to certain types of health plans.

It assures access to all emergency rooms when and where the need arises. Many of the HMOs now will say one can only go to certain hospital emergency rooms even if one feels that one is having a heart attack. If one goes to the local emergency room rather than the one they tell one to go to that is 50 miles away, and one does not die, then they will come back and say, well, you should have gone to the other emergency room 50 miles away, and they will not pay for it.

Well, this says that is not acceptable if one thinks that one needs to go to the emergency room, one has a legitimate reason, one has chest pains or whatever, they have to pay for it.

Some people are surprised to find that is true until they have the emergency and they find out it is not paid for.

The patients' bill of rights also guarantees access to the specialists the patients need. One of the ways that HMOs limit care is they will say you could go to a particular specialist. I will give my colleagues an example of pediatrics. They will say one can only go to a certain pediatrician, but one cannot go to a pediatrician who specializes in certain disorders.

Well, we say no. One has to be able, if they do not have the physician or the pediatrician in my example who deals with that specialty care within their network, then one has to be able to go to the doctor outside the network, and they have to pay.

It guarantees that one has access to a fair and timely internal and independent external appeals process. This is what I said before. The HMO does not hear one's appeal. An independent group does outside of the HMO. It also assures access to clinical trials, assures patients can keep their health plans.

There are a number of other things. I am not going to go into all the details because, you know, for lack of time.

□ 1700

What happened to this Patients' Bill of Rights? Well, when it was put together by the gentleman from Georgia (Mr. NORWOOD), who is a Republican, and the gentleman from Michigan (Mr. DINGELL), who is the chairman of our Committee on Commerce on the Democratic side, we could not get it brought up on the floor of the House. The Republican leadership did not want it brought up. So we got a discharge petition. This is where we all come to the floor, as many of us as we can, and sign a petition demanding this bill be voted on, be considered on the House floor. As the number of that discharge petition increased and got to be almost a majority, the Republican leadership decided that they would let a bill come to the floor.

Eventually, not easily, it was approved by a majority of the House. I think something like 60 Republicans even voted for it. But then, when it went over to the Senate and there was a conference between the two Houses, the Republican leadership here continued to oppose it, and the Republican leadership in the Senate had always opposed it; and so they just basically let the conference die. I think the conference met once or twice; but that was it, and the bill is dead. They will not bring it up. So when I blame the Republican leadership for not addressing the issue of abuses within HMOs, it is because of the fact that they have basically killed this bill.

The second major issue is the one with regard to prescription drugs, and this of course has become a major issue in the Presidential campaign. What the Democrats have been saying, and Vice President GORE of course the same, is that we have an existing Medicare program for seniors and the disabled that works well. Medicare does not have a huge overhead, administrative costs, and it works well. It is a government-run system in the sense that the government pays the cost. So why should we not expand it to include prescription drugs?

When Medicare started in the 1960s, prescription drugs were not that important. Preventive medicine was not that important. It has become so. People now can pay incredible bills, $4,000 or $5,000 a year, sometimes more, for prescription drugs. So we need to cover this under the rubric of Medicare. And rather than hoping that people will be able to find an HMO that covers it, and only 15 percent have, 15 percent of the seniors as we have said are all that are in HMOs right now, let us provide it as a basic benefit under Medicare that anyone can sign up for.

Well, I will not get into the details, but that is essentially what the Democrats advocated. And what do we see on the other side? The Republicans say, no, we do not like Medicare, why in the world would we want to expand it to include prescription drugs? Instead of doing that, we recognize the fact that people below a certain income, seniors below a certain income need some sort of help; and so we will provide a subsidy or a voucher for them if they are below a certain income, and they can go out and either get an HMO to cover their prescription drugs with that voucher, or that subsidy, or they can find maybe some insurance company that will just cover prescription drugs.

Well, that is not the answer. It is not the answer for a number of reasons. First of all, because the majority of the seniors would not be covered. The seniors that complain to me about not being able to afford prescription drugs are not just the poorer ones, they are the average senior. They are everybody. Obviously, maybe the people that are above a certain income do not care, but I find that 90 percent of my seniors feel that they are having a problem paying for their prescription drugs. So the Republican bill does not even address the problem for the majority of the middle-class seniors.

In addition to that, I do not think the Republican proposal works. Again, it is primarily linked to HMOs, a person's ability to find an HMO that will cover them. We have already had experience with the HMOs, so many of which have dropped Medicare. Why should we believe this is the answer, particularly since only 15 percent of seniors are covered by an HMO? Or even worse, why should we believe if we give a voucher they will be able to find a company to cover just prescription drugs? I do not know any company that would do that. They might find one, but I feel confident it will be a pretty lousy policy, if they can even find it.

So Democrats are saying forget the ideology. Practically speaking, the only way we will get all the seniors, or most of the seniors being able to have a prescription drug program that covers most of their needs is if we put it

under Medicare. Forget the ideology, forget liking or not liking Medicare, forget the fact that it is a government program. It works. This is the way to do it, and probably the only way to do it given the marketplace and what is out there.

Again, we tried to bring this up; but it was opposed by the Republican leadership. They did not want to bring it up. They brought up their own proposal, defeated ours, and even their proposal has not moved in the Senate and nothing has happened to it. So they are simply not addressing the issue at all. I suppose they would argue that this tax bill that I started talking about earlier this evening addresses it in some way by giving more money to the HMOs, but unless they guarantee the HMOs stay in Medicare and provide a prescription drug program at a certain level, I do not see how it helps. Practically speaking, I do not think it helps.

So there again, the second important health care issue that affects the average American has basically gone down in flames in this Congress. There are a couple of days left here, but the Republican leadership refuses to address it; yet they keep saying they care about the average person and they are going to do something to help.

Now, the last thing I wanted to discuss with regard to health care, and I have already touched upon it in the context of this tax bill that I talked about earlier, is the need to cover the uninsured, over 40 million. How do we do it?

Well, what the Democrats have been saying is that absent universal health care insurance, which some are for and some are against, I happen to be for it, but not everyone is even within the Democratic party; but absent universal health care, what can the government do to try to address the problems of these 40 million-plus Americans that have no health insurance? Well, when we break it down, we realize that the largest group that was not covered were children, and the second largest group that were not covered were the near elderly, people between 55 and 65 that are not yet eligible for Medicare but a lot of times find themselves, either because the working spouse died and the nonworking spouse, usually the wife, is not covered at that age, or because her husband died she does not have coverage, or in some cases a person got an early retirement and the early retirement did not cover their health benefits. Basically, they are waiting for Medicare to cover them at 65, but for those 10 years or so they are without health insurance, and they find it unaffordable to buy it in the private market.

So what the Democrats have been saying, what President Clinton and Vice President GORE have been saying, and we actually managed to get one part of this addressed on a bipartisan basis, is let us see what the government can do to cover these people in some way. A couple of years ago we got together with the Republicans, and again I will not give them too much credit because they fought this thing tooth and nail until the bitter end, when they finally agreed to it, but they finally agreed to the CHIP program to give money back to the States so that they could sign up kids below a certain income.

Now, I want everyone to understand that this is not welfare. These are not people that are not working. They are eligible for Medicaid and are already covered. These are working people who have children, but because the employer does not provide a health care benefit or because they cannot buy it privately, it is too expensive, they do not have coverage. So we put together this CHIP program, and we covered kids up to a certain percent of poverty. But again these are not kids in poverty. I am not sure what we would call them, perhaps lower middle class, working class parents.

I have to point out also that not only did we have initial opposition by the Republican leadership to this, but when it went back to States, and particularly to Texas in the case of Governor Bush, he tried to limit the program to, I think, 150 percent of poverty rather than 200 or 250 percent of poverty. But he eventually went along with it, with I guess the Democratic legislature insisting on the 200 percent, and it was passed.

What the Democrats have been saying, or Vice President GORE has been saying, is let us raise the level of that to 250 percent of poverty or even higher. That is not really poverty, that is an income of maybe $25,000 or something like that. But a lot of people that are making $25,000 or $30,000, or even $35,000, they cannot afford health insurance for their kids if they have to go out and buy it privately. So that is what we are proposing for the kids.

With regard to the near elderly, what we are saying is we will let them buy into Medicare and pay so much a month, maybe $300 or so a month, and they can get into Medicare by purchasing Medicare at the going rate of whatever it costs the government.

Then, as I mentioned before, the Vice President has also proposed, and I have been in favor of the idea, of letting the parents of the kids who are in the Federal kids care program to sign up and be eligible for the kids care program as well. If we did all that, we would make a significant dent in that 40 million or so who do not have health insurance.

We could also link that to a tax deduction as well. We could also provide some sort of tax incentive or tax deduction to the employer to try to get more of them to provide health insurance for their employees, but it would have to be at a much larger amount than what Governor Bush and the Republicans have proposed.

These are the things that need to be done. Again, they are not being addressed here by the Republican leadership; and I just find it tragic that at a time when we have a surplus, and when we know that most of the American people would support these initiatives, that the Republican leadership refuses to go along with them.

I guess the last thing I want to do this evening, Mr. Speaker, is to point out that what I am proposing, what the Vice President has proposed, and what the Democrats have proposed, not so much based on any partisan ideology or any notion about Democrats being better than Republicans, but only because we have been out there and we have talked to people and we realize what can be done by the Federal Government in practical terms that would make a difference in people's lives.

I do not come down here to argue D versus R, or who is going to be President or anything like that. I really want to get things done that will help my constituents. Every one of the things I mentioned tonight is directly related to somebody or some group of people who have come to me personally and said this is what should be done. I would just give a few examples.

I can give an example of a woman who is a waitress in a restaurant in my hometown. When I am back in the district, I often go to lunch there. She came to me one day and said, I work in this luncheonette, and I have a very good relationship with the owner of the place. It is a small place. And I know the owner as well. He actually came over to me at one point and said that he really would like to provide health insurance, but given the way things are, he could not afford it. But I told her about the CHIP program and how we were trying to pass the CHIP program. I think she had a daughter. I am not certain exactly, but she hoped to get her child enrolled in the program.

When we finally did pass it and it became law and I made her aware of it, she went out and enrolled her in the program. She came back a couple of months later and told me that she had enrolled and she had the benefits. It gave me such a good feeling that I could come down here, and that we all can come here, and accomplish something. Of course, then she found out that the Vice President is now talking about letting the parents of these kids enroll in the same program, and she is hoping that we will be able to accomplish that as well.

Then I have another example, which I have mentioned a couple of times on the House floor, about HMO abuses. I have had so many people contact my office because they were denied care, they were thrown out of the hospital early, or they could not get a particular operation that they needed. I

mentioned the example with the senior citizens that were, I say, lured into this diner one night for this lobster dinner.

What we have to keep in mind is that many of these seniors, before they were in HMOs, had pretty good coverage under traditional Medicare. The only reason they got into the HMO is they thought they would get a better deal. Sometimes they are not very sophisticated about what that deal is. They do not necessarily read the fine print in the contract when they sign up. And then they do sign up and find out that it is not what it is supposed to be, or they are told or they get a notice saying they are going to be thrown out of the program within 6 months, and they do not necessarily understand that they can go back to the old traditional fee-for-service program. It has to be explained to them, and a lot of times they do not even believe that.

So this disruption in their lives, going back and forth, and the idea that somehow they will be able to choose and they will be able to make decisions easily about which program is better, to some extent it is a hoax. I would like to believe that all seniors can make intelligent choices, and I am sure many can, but a lot of people, when they become older and frail, they do not have the ability to make those choices. So they buy into these ads, either on TV or on billboards or in the local media, that convinces them that somehow this is something better, and then they are shocked when they find out it is not better or they cannot even continue with it if it happens to be a good program.

□ 1715

So again, when I talked earlier about why we are giving so much money to the HMOs and not to the hospitals, well, I had a hospital close in my district. South Amboy Memorial Hospital closed in my district and cited the fact that they had inadequate Medicare payments.

So when I say we are giving money to HMOs when the hospitals need it, I am not talking pie in the sky. I am talking about a hospital that closed and was serving people and now people have to go farther away to an emergency room in another hospital.

I know we are at the end and there is probably not much that is going to be done. But even if the only thing that we can do is correct this tax bill that the Republicans have put forth by staying here a few more days and having the President threaten to veto, even if we can just accomplish that and the alternatives that we propose today, at least we will have accomplished something and I will feel that the last 2 years have not been in vain in this regard on so many of these important health care issues.

I am glad to see that one of my colleagues from the Democratic side is here. And, of course, the gentlewoman is the representative of the Virgin Islands and is a physician and has been very active on these issues.

Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I just wanted to join the gentleman in the discussion for a moment about the HMO give-backs. Because I was in Milwaukee yesterday visiting a church and one of the parishioners, a Ms. Riley, and this was at Greater Galilee Church in Milwaukee, came up to make an announcement to the congregation and in that announcement she told them that, as Medicare beneficiaries, the HMOs in their area were doubling their premiums.

I thought that was outrageous. Because I thought here they are asking for 40 percent of the Medicare giveback and they are still gouging the seniors, at least in Milwaukee, and I am sure it is happening in other parts of the country, as well.

Mr. PALLONE. Mr. Speaker, reclaiming my time, this goes right to the heart of what I have been discussing and my colleague and others on the other side of the aisle have been discussing over the last 2 years and particularly in the context of this tax bill that the Republicans put up.

What we are saying, with the prescription drug issue in particular, is we would rather have the Medicare program cover it because then they have a guarantee, they know what the premium is, they know what the benefits are, they know what drugs they are going to get, they know what the copayment is, all those things that provide stability and I think are important for seniors. Because they look for stability in particular.

What we have now is the system where they get a notice I guess 6 months before, at least they have 6 months before they are dropped or they are told that the premium is going to double or they have a higher co-payment and they just do not know from one day to the next where they are going to be with the HMO.

I mean, this is a good example of the problem.

Mrs. CHRISTENSEN. Mr. Speaker, if the gentleman would continue to yield, is it not true that where prescription drug coverage has been tried in some States that trying to do it through providing it through HMOs is not working and that is why the Democratic proposal and the Vice President's proposal to provide it through Medicare is a much better way, it assures the seniors that it will be there when they need it?

Mr. PALLONE. Absolutely. I have mentioned before a couple times on the floor, I have not mentioned it lately, that I think it was in March sometime in the spring of this year that the State of Nevada, under Republican controlled legislature and Republican governor, passed a State prescription drug benefit that was very similar to what Governor Bush and the Republicans here in the House have proposed, basically a subsidy below a certain income. I am not sure about the income aspect, but it was a subsidy in a voucher that let people go out and buy their own prescription drug insurance plan.

For the longest time, I mean at least until the end of the summer when we got back after Labor Day, there was not one insurance company in the State that would offer the benefit. And so, the seniors were going without.

Now, I was told a few weeks ago that now there is an insurance company that says that they are going to offer the benefit. But again, I wonder what kind of benefit it is going to be and how long they will stay in the program.

I get the impression, I think it is the ideology when I talk to so many people on the Republican side, not everybody but a lot of them, it is sort of this ideological thing that, we like the fact that we are going to give them the voucher and they are going to go out and shop around because it is sort of like a capitalist thing and, so, idealogically it is very good. But so what? It does not work. I am a capitalist, too. But what is the point if it does not work?

Mrs. CHRISTENSEN. Mr. Speaker, I think the point of the gentleman is that our seniors should not have to be made to shop around for prescription drug coverage.

I would like to talk about an issue that came up today. I have joined the gentleman on the floor, as he said, several times this week on health care issues and also on education issues by the way. But today I am asking for this time, and I appreciate the gentleman yielding to me, to express my great disappointment that S. 1880, which is the Minority Health and Health Disparities Research and Education Act of 2000, was not passed with the other suspension bills today.

But more than my disappointment, I am really disturbed by some of the race baiting, ultra conservative propaganda that is being used to distract Members from the important issue that this bill would begin to address and the important role that establishing such a center at the National Institutes of Health has, the role that it would have in eliminating disparities that all people of color and people in the low socioeconomic status suffer in this country.

I think that the gaps in health care that we experience in this country is an ugly blemish on the record of our Nation and that each and every Member of this Congress should want to remove it by remedying the years of neglect and in some cases the outright denial of health care to the citizens of color in this country.

The bill, S. 1880, is a key part to beginning this process. It was championed here by the gentleman from Illinois (Mr. JACKSON) the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Georgia (Mr. LEWIS) and in the Senate by Senator EDWARD KENNEDY. It has enjoyed wide support at the Department of Health and Human Services, particularly that of our Surgeon General, Dr. David Satcher and many in the wider health community, such as the National Medical Association and the Association of Minority Health Professions Schools under the leadership of Dr. Lewis Sullivan, who is the President of Morehouse School of Medicine and former Secretary of Health and Human Services himself.

We have also been really grateful, as we tried to work this through over the last 2 years, for the support of the now acting Director of NIH, Dr. Ruth Kirschstein.

If I might just point out one of the key provisions of S. 1880. It establishes a National Center on Minority Health and Health Disparities at the National Institutes of Health, which would conduct and support basic and clinical research, training, and the dissemination of health information with respect to the health of racial and ethnic minority groups, as well as other populations, who are suffering health disparities.

It authorizes the Director of the National Center, in collaboration with all of the other NIH institutes and centers, to establish a comprehensive plan and budget for the conduct and support of all of the minority health as well as other health disparities research activities at NIH. It establishes an extramural loan repayment program for minority health and health disparities researchers.

It authorizes the Agency for Health Care Research and Quality to conduct and support research to improve the quality of outcomes of health care services for health disparity populations. This research would focus on identifying the causes of health disparities, including barriers to health care access and environmental factors.

It also authorizes the Department of Health and Human Services Secretary, through the Health Resources and Services Administration and several other agencies, to support research and demonstration projects conducted by both public and nonprofit entities aimed at developing curricula to reduce disparities in health care outcomes, including curricula for cultural competency in graduate health professions education.

And lastly, it authorizes the Secretary to establish an advisory committee on cultural competency and health professions curricula development.

The bill is a good bill and it is an important bill. It is needed. Research plays an essential role in understanding the disparities and in uncovering the factors underlying them and developing the points of intervention and improved methods of treatment. Such research also provides the only means by which we can derive the knowledge necessary to prevent disease.

A few points of information that will help paint a clearer picture: The gaps between life expectancies for blacks and whites have widened in recent years. Although infant mortality in African-Americans has decreased somewhat, the disparity has increased. And the same pattern is seen in Native Americans and Alaskan Natives.

Under heart disease, the data indicates that the prevalence of cardiovascular disease is higher among African-Americans than among their white counterparts. Cardiovascular disease is nearly two times higher among African-American women than among their counterparts. And recent research has shown that African-American women of the same socioeconomic status and education level, with everything being equal, they are the least likely to receive the diagnostic tests and the treatment compared to other women.

In cancer, despite significant advances in the detection and treatment of several forms of cancer, the data continues to indicate that communities of color continue to suffer disproportionately in terms of occurrence, the lateness at which the cancer is discovered and death from cancer.

And AIDS we have talked about a lot. African-Americans comprise approximately 12 percent of the population, yet we are 37 percent of those diagnosed with AIDS since the beginning of the epidemic.

In 1998, the rate of reported number of new AIDS cases was eight times higher among African-Americans than among whites. And we could go on and on.

So I just wanted to say in closing that this bill was been worked on on a bipartisan basis in the committee. It went through the normal committee process before it was brought to the floor. It passed the Senate unanimously, which indicates that Members in the other body with widely disparate views supported this legislation. It was on the suspension calendar today. It was pulled.

I just want to ask my colleagues who are opposing the bill to take another look at it, work with us, withdraw their objection to the bill, and I ask the leadership of the House to work together to bring the bill back to the floor and have it pass before we leave to go home, if we ever leave to go home.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman for her remarks. I hesitate to put this in the context of everything else I have discussed tonight, but unfortunately it seems to fit the pattern where the Republican leadership does not want to address so many of these health care issues.

But unlike with most of the things I discussed tonight that are probably too late, it is not too late for that of the gentlewoman. I hope we can get the leadership to bring it up on suspension.

Mrs. CHRISTENSEN. Mr. Speaker, and the leadership on both sides have been willing to work on bringing it back. There are some objections on the other side of the aisle and from some conservative groups in the country which have sent e-mail wrongly identifying the bill as a quota bill. It does not provide a quota for research. It does particularly state that minority research would be done because we are the ones who experience these disparities that must be eliminated. But it also does not exclude anyone. It is for any population group that experiences disparities and gaps in their health status and their access to health services.

Among those would be our rural citizens. People in the rural areas of this country are also suffering from disparities in health care regardless of their race or ethnicity. And so, we feel that the bill is important. I think to the extent that there are citizens in this country who still do not have access to health care who do not enjoy the same quality of life as others because of health disparities, the country's health in general suffers and I think it is something we need to address.

This bill, which has been worked on for many years, as I said, has been worked on on a bipartisan basis with the Department, the Congress, the White House, nonprofit national health organizations for years. Is a good bill and we would like to have it passed. It is past due.

Mr. PALLONE. Mr. Speaker, I agree with the gentlewoman. I am glad that she came down to voice her concern. As I said, although some of these larger issues probably cannot be addressed in the last few days that we are here, certainly her issue and I think the whole issue of changing the priorities in this tax bill so that we address the problems of the providers, the hospitals, the nursing homes, the home health agencies, and also trying to make sure that whatever money we give to the HMOs has some strings attached so that we know that they will stay in the Medicare system for our seniors.

□ 1730

These things still can be addressed. You and I will work together and keep speaking out to make sure that in the last few days they are addressed.

Mrs. CHRISTENSEN. I thank the gentleman for yielding on something that I feel is very important. I look forward to working with the gentleman on these health care issues and other health care issues.

Mr. PALLONE. Let me say, Mr. Speaker, that again I know we only have a few days left here; but we certainly, and I will speak for my Democratic colleagues in the leadership, are going to continue to push every day and every night both on the floor, during the legislative day and as well as during the Special Orders at night to make sure that these health care initiatives are addressed and that these concerns for the average American with regard to health care are met.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). The Chair would remind Members that it is not in order in debate to characterize Senate action or inaction.

MANAGED CARE REFORM

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

Mr. SHADEGG. Mr. Speaker, I appreciate this opportunity to address my colleagues and to talk about, in fact, the exact same subject that my colleague from the other side of the aisle, from the Democrat side of the aisle, just addressed. He talked about a wide range of medical issues. I am going to do that in this hour as well, but I am going to begin by focusing on the issue of patients' rights legislation, the issue of HMO reform, the issue of managed care reform. After I have spent some time on that and focused on why that issue is so critical and why I so strongly disagree with much of what was just said and how sad I think it is that this debate has boiled down to this struggle where one side is saying the other side is just carrying the water for a special interest, then I would like to turn perhaps in the latter half of the hour to the issue of the Medicare drug benefit and perhaps other topics that are worth talking about and that were raised in the remarks in that regard.

Again, I want to focus tonight on the issue of patients' rights legislation, the issue of a Patients' Bill of Rights, the critical question facing our country of managed care reform, HMO reform. We are in the midst as everyone knows of a political campaign. There are ads running across the country saying that it is sad that my party, so these ads say, has blocked, the Republican Party, has blocked the passage of patients' rights legislation. I simply want to start by saying that is not true. Indeed, the opposite is true. We have worked very hard to pass patients' rights legislation that will help patients. That is the key difference. Sometimes it is said that the devil is in the details and the devil is in the details.

In this case there are two competing ideas on patients' rights legislation: one is the idea advanced by Democrats, the idea which they are pushing, the idea which their ads talk about, the idea which the President is saying he supports; and that proposal sadly does not help patients. That proposal helps trial lawyers. Rather than just talk about that, I am tonight going to explain exactly, precisely, how their legislation would advance the cause of trial lawyers but do literally nothing to help and in fact hurt patients and weaken the position of doctors to control health care in America. I think that is the debate that needs to occur.

I think we need to understand why, yes, patients' rights legislation is vitally important for this country. There are serious problems in managed care. But how you enact that legislation, what it does, is so critically important and why, sadly, the bill that the Democrats are advancing, and they call it a patients' rights piece of legislation, in fact is fatally flawed in its structure, because instead of giving patients more power, instead of giving doctors the ability to set the standard of care and to decide how patients are treated in America, that legislation takes power away from HMOs, and that is good, but instead of giving that power and that authority to set the standard of care in America to doctors where it belongs and to patients where it belongs, their legislation gives that ability to trial lawyers to take the issue directly to court.

We have heard just a few minutes ago in the rather partisan remarks by my colleague from the Democrat side that the Republicans are for the special interest of HMOs and that Democrats are for the people. Sadly, that charge is just flat false. Let me start with my position. I have been passionately fighting for patients' rights legislation, the right patients' rights legislation, for the last 2 years. I have met with countless doctors from all over the country, many in my State, I cannot tell you how many, my own medical association in Arizona; and I have talked with them for hours and hours about how do we go about fixing the problem with managed care in America, how do we deal with the problems that have been created by managed care in America.

In every one of those conversations, I have never once heard, well, Congressman, the way to fix it is to let lawyers step into the middle of the process, take a claim by an injured patient, take my request as a doctor to get my patient care and have a lawyer step in and rush to court and file a lawsuit. Never has a doctor in America in my home State or anywhere else that I have met with said the answer to this problem is to let the trial lawyers address the issue. The reality is we do need patients' rights legislation to change managed care and to make it more pro-patient and more pro-doctor.

But we need legislation that will accomplish that goal, that will take power away from the managed care industry, to tell doctors how to treat their patients and move that power over to patients and doctors to determine what the standard of care ought to be in America.

I am adamantly for managed care reform, and I am a Republican and I have fought for that legislation since I have gotten here. One of the offhand remarks of my colleague just a moment ago was that the conference only met a few times. Well, my colleague was not on the conference. I was on the conference. We spent countless hours trying to reconcile the differences between a pure trial lawyer piece of legislation that will not help patients and a piece of legislation that would advance the cause of doctors and patients. I am going to explain that in my remarks. I tell you that every other Republican with whom I served on that conference committee and the Speaker himself who was asking in the last several weeks to try to bridge this gap and try to pass legislation, they are all adamantly for the passage of meaningful legislation that will empower patients and doctors and solve this problem.

As to my own bona fides on this issue with the gentleman from Oklahoma (Mr. COBURN), who is going to join me later in this Special Order, we wrote the Coburn-Shadegg managed care reform bill, the Coburn-Shadegg patients' rights legislation. That bill would have put the emphasis precisely where it should be. It would have empowered doctors and patients to resolve medical questions, doctors in consultation with their patients to set the standard of care; and it would not have given that power over to trial lawyers. It is sad that it has gotten tied up in this kind of a debate, but it has.

Everyone who understands managed care reform understands that we need to reform the system in a way that will be pro-patient. Let us start with why we need managed care reform. It is important to understand how managed care works in America. It was a reform idea itself to try to hold down the costs of medical care in America. In that sense, it has worked to some degree; but sadly it has been abused, and it is susceptible of abuse and we need to fix that.

Let me talk about why we need to fix it. Right now in America, in our managed care system, a given doctor meets with his or her patient, does an examination and decides the patient needs a particular type of care. And so that doctor makes the recommendation for the care and goes to their managed care plan and says, ''My patient needs this care.'' There is an initial review of that claim, sadly often by an HMO bureaucrat, not a medical personnel, but

a nurse or someone else; and let us assume it is turned down by the plan. There then is in some instances an internal appeal, an appeal to doctors at the managed care plan. If you follow that structure, if there is no appeal beyond that, you have a doctor, a treating physician, saying that his or her patient needs care. And then you have a managed care bureaucrat, an HMO bureaucrat, saying, no, you do not get the care. That is where the first point of abuse is.

In America today under that system, a managed care bureaucrat can turn down the request for care by the treating physician, and they can turn it down perhaps for the wrong reason. They can turn it down to protect the profits of the managed care company, rather than to protect the care of the individual. I have been working on this issue, and I have been in my district when hundreds of people have talked to me over time about how they or a member of their family, their mother, their father, their daughter, their sister, their brother was abused by a managed care company when the treating physician said my patient needs this care and the HMO denied the care for a specious reason.

So what is wrong with that structure? The thing that is wrong with that structure is that under that structure, the managed care plan, the HMO, is telling the treating physician how he should care for the patient. In medical jargon, that really means the managed care plan is setting the standard of care for any individual patient under a set of circumstances. That is crazy. Managed care plans are essentially insurance companies. They ought to try to hold down excessive costs, but managed care plans should not set the standard of care. HMO bureaucrats should not tell doctors how to treat patients. That ought to be a decision made by doctors. They were trained to practice medicine. HMO bureaucrats were not trained to practice medicine. So the current system is backward. It lets doctors be told how to practice and how to treat their patient and what the standard of care in America is for a given set of circumstances by an HMO bureaucrat. So that is why I fought for managed care reform. They can deny that care for monetary reasons, not reasons of care.

The second reason that we need managed care reform is actually a tragedy, and it falls into my own area of expertise. And, that is, that as a result of, I believe, an unintended consequence of a Federal law called ERISA, a managed care company in America today can deny care; and if they negligently deny care, in that example I just gave, they make a mistake when they said the treating physician may not provide this care, if when they do that the patient is injured or dies, there are no damages. There is no recovery. That managed care plan can simply walk away and say, ''Wow. Our mistake injured or killed somebody, but since we're a managed care plan and we are operating under this Federal law called ERISA, we can't be held accountable.'' I think that is an outrageous structure for the law. Every one of us knows that if we make a mistake, if we, let us say, run a red light at an intersection and our negligence injures or kills somebody, we are responsible for that injury and hopefully our insurance policy will make the injured person whole, will pay damages for them. Sadly, even though every business in America, every homeowner in America, every car driver in America, every one of us in America is legally accountable when we injure or kill somebody, that is not the case for federally governed ERISA managed care plans. They have as a result of this Federal law an interpretation of it by the United States Supreme Court, immunity. They cannot be held liable when they injure or kill someone. That is a tragedy, and it should be fixed. That is why I have fought for patients' rights legislation and fought to hold plans accountable.

The best story on that is the story of Mrs. Corcoran. Mrs. Corcoran became pregnant. She was an employee of Southern Bell in Louisiana. It was her second pregnancy. She applied for benefits. Her treating physician was treating her through the course of the pregnancy. At one point he told her she needed to go to the hospital, to be in the hospital for the balance of her pregnancy so that if there was a problem with the baby, and it was her second pregnancy and she had had a difficulty the first time, he said, If you're not in the hospital, there is a danger you will die or a danger your baby will die.

Tragically, her HMO denied her that benefit and said, No, we won't pay to put you in the hospital. We'll pay for a little bit of home nursing, somebody to come by and visit you. Even more tragically, the worst possible circumstance happened. While Mrs. Corcoran was home, her baby went into distress, still in the womb; and notwithstanding that they did everything they could, her baby died as a result of the fact that she was not in the hospital. Mr. and Mrs. Corcoran, tragically hurt by this event, filed a lawsuit to recover damages; but of course, they did not sue their doctor. Their doctor had done the right thing. He had said you should be in the hospital but their HMO had said, No, I'm sorry, we won't put you in the hospital and we won't pay for it. Under the current Federal law, the law provides that the Corcorans cannot recover, could not recover, did not recover any damages for the death of their child. That is an outrage, and it has to be fixed.

The next question is, why then, Congressman, have you not embraced and why have Republicans not embraced the Democrat Patients' Bill of Rights? There is a simple answer to that, and I am going to explain it here today. It is because the Democrats' Patients' Bill of Rights will not help Mrs. Corcoran. The Democrats' Patients' Bill of Rights would, in fact, hurt patients. It would, in fact, hurt doctors. It would, in fact, hurt businesses across America; and it would, in fact, cause more uninsured Americans. There is one group that the Democrats' Patients' Bill of Rights would help and there, is one group that is supporting the Democrats' Patients' Bill of Rights, and that group is tied to them through contributions, and that is the trial lawyers.

□ 1745

The Democrats' Patients' Bill of Rights, the bill that has been debated on this floor, the bill that the President says he wants to pass, moves power away from HMOs and moves it directly to not doctors, not patients, it moves it directly to lawyers. That is a problem, and let me explain how that Democrat Patients' Bill of Rights, it is known as Dingell-Norwood, works. The Vice President referred to it in the debate the other day. I do not know that the average American out there listening knows the word Dingell-Norwood, so I am just going to refer to it as the Democrat Patients' Bill of Rights, but it is the bill that Vice President GORE wants us to enact. It is the bill the President has asked for us to enact.

If you live in a congressional district where there is a commercial running right now, it is the bill when they say pass a Patients' Bill of Rights, they want you to pass the Democrat Patients' Bill of Rights, the Dingell-Norwood Patients' Bill of Rights, which will not help patients, will not help doctors. It will cause a flood of lawsuits.

Now, let us start kind of with a fundamental issue in this debate, and to do that I want to refer to a chart. This chart asks the basic question that anybody concerned about health care ought to ask, and that is health care in America, who should make medical decisions? Right now one issue is, well, should HMOs make medical decisions? We just talked about how under the current structure HMOs, managed care companies, indeed maybe even managed care bureaucrats, get to make medical decisions. Should HMOs make decisions? I do not think so.

Another alternative is the one I favor, and that is the one here at the bottom; and we have put a red check to show that is where I believe the power ought to be. Should patients and doctors, or doctors in consultation with their patients, make medical decisions? I think the answer to that question is obviously that as between HMO bureaucrats making medical decisions, what should be the standard of care,

what course of treatment is right for a particular patient, should that be decided by a treating physician talking to his or her patient or should it be decided by some HMO bureaucrat? That is a no brainer. I hope everyone in America agrees it should not be an HMO bureaucrat. It ought to be the doctor, the treating physician, who has touched you, who knows you, who has known you perhaps for years, who has looked you in the eye and assessed your medical condition and says, this is what we ought to do for your care. It should not be a bureaucrat at the HMO who has never seen you and has just read kind of a cold chart.

That is where this debate ought to be. It ought to be between HMOs making those decisions and doctors and patients making those decisions, and that ought to be the fight that is going on right now and on that one I think we win. It ought to go to doctors in consultation with their patients.

My friends who are doctors tell me that the practice of medicine is more art than science, and what they mean by that is that the doctor that is treating you, the doctor that knows you, your own treating physician, can sense what really ought to be done about your condition. The problem with giving this power to HMOs is that that is a cold bureaucratic decision often made by somebody who is not even trained as a doctor, perhaps made ultimately by someone that is a doctor but has not practiced medicine for many years because they could not hack it in the practice of medicine. It should not be made by that person who has never touched you or felt you or looked in your eye or tried to assess in conversation what is really wrong with you. It ought to be made by your treating physician.

So what is this middle line doing here? Why are lawyers in the discussion? Well, the answer is, they should not be. Lawyers should not be a part of this discussion. We need to write a patients' rights piece of legislation that drives care, a patients' rights legislation or patients' rights bill that incentivizes or encourages the system and the managed care company to deliver the best possible care at the earliest possible moment, and that is the goal.

The goal is the best care at the earliest moment. I think that happens when a doctor, after consulting with his or her patient, says this is the care that is right. But how are lawyers in this discussion? Well, the answer is, some people who want to reform managed care really do not really care about patients and doctors. What they care about is litigation. Sadly, what they want to do is create a structure where you do not get care very quickly because your HMO decided to approve the care recommended by your doctor. You do not get care very quickly because an independent external review panel said your HMO, when it denied you was wrong and darn well better deliver that care, what they say is, we really need to turn this whole thing over to lawyers. We need to turn it over to trial lawyers. We need to let the trial lawyers get to court quick so that those trial lawyers can drag this out in a nice long lawsuit. Do not mess with the doctors. Just get in front of a judge, drag the lawsuit out and if nothing else perhaps if we do not have a meritorious case, we can exact some kind of a settlement.

I said earlier that the Democrats' bill, the Dingell-Norwood bill, is tragically flawed; and it is. This issue has been little discussed on the floor, almost not discussed anywhere across America, but if you hear the President or the Vice President call for patients' rights legislation, you need to know the bill they are asking for is Dingell-Norwood; and you need to know that bill will not let your doctor make the decision. It will take down a restriction that exists in the law right now and let your lawyer, if you get one, quickly rush off to court and perhaps win himself a large settlement of which he gets a third, or 40 percent.

Now, I believe in the tort system. I think if somebody hurts you, you ought to be able to recover your damages; but I sure do not think our first goal in patients' rights ought to be to empower lawyers. I think it ought to be to incentivize the best possible care at the earliest moment.

I want to move to one more chart. It is a chart that is a schematic of the Democrat Dingell-Norwood bill, and I apologize for having to do a schematic, but it is how we can illustrate what is wrong with the Democrat legislation and why if you hear a commercial that says, by gosh, we need patients' rights legislation, you are right, we do need a patients' bill of rights; but we do not need the flawed Democrat bill. We need a bill that will get you the best care at the earliest possible moment; not a lawsuit.

Let me explain this bill, and we will walk through it. We talked about your doctor consulting with you and then making an initial claim. Often unfortunately that is currently done through some bureaucrat at the HMO, and they may turn you down. The next step under the Democrat's bill is a good one, and that is you ought to have a right to get to a doctor at the HMO. That is called internal review. You ought to force the HMO not to let a bureaucrat turn you down. The HMO ought to have to hire a doctor to make a review of your case. Hopefully, that doctor will say you get the care, rather than deny you. So that is a good step. That is a step in the right direction.

Everyone in America ought to have an internal review by the plan and let the plan make the right decision. But if they do not, the critical question in managed care reform, the critical question for patients' rights legislation, is what do we do next? I argue the answer is that in every case, what we ought to do after internal review, if this managed care company, this HMO denies your treating physician and you the care you need, the next step ought to be an external review, what we call an external review. That is not complicated. What it is is that if the plan will not give you the care you need after their doctor has looked at it, you ought to have a right to get to three totally independent doctors and to have those three totally independent doctors review your claim.

Now when I say totally independent, what do I mean? Well, the law that we talk about would say that these doctors have to be selected independently. They cannot be controlled by the HMO. They cannot be hired by the HMO. They cannot have a conflict of interest because of their connection with or their income from the HMO. They have to be totally independent of the HMO so they can make an unbiased decision. Obviously, they also need to be independent of your own doctor. So they are truly experts. In our bill, we call for them to be practicing physicians, with expertise in the field, who are independent of the HMO and independent of you and your treating physician.

Our goal is to have that external review panel of three doctors make a quick decision; yes, the patient deserves the care, the plan was wrong and, by the way, HMO, if you do not give them the care and they get injured or they are injured, then you not only are going to be liable for the care you should have given but you are going to be liable for all of their economic damages, you are going to be liable for all of their pain and suffering; and if the plan acts in an arbitrary and capricious fashion, then you are going to be liable for punitive damages.

The bottom line here is that there ought to be a review by three doctors very quickly, and we have an expedited time frame to do that. Here is the flaw with the Democrat bill, and here is why you see this little red circle with a bar through it. It is probably hard to see on the TV, but you see under the Democrat Dingell-Norwood bill you do not go to external review. As a matter of fact, that will never happen under that bill. It will literally never happen, and the three doctors over here will not get to set the standard of care by telling plans how they should treat patients. They will not get a chance to say was your treating physician right or was the plan right. They will not define the standard of care in America because under their bill there is this gigantic loophole, and it is the lawyers' loophole.

Here you see the arrow going down. It says, well, guess what? The minute

you finish internal review you can go straight to court. We do not really want an independent panel of doctors to make a decision. We want some aggressive trial lawyer to go hire his own expert witnesses who will interestingly always side with the trial lawyer, and file a lawsuit.

Now, I said earlier in all of my conversations with doctors across America, and I have talked with literally, I think, hundreds, not a single one of them, not in Arizona, not anywhere else that I have met with them, have they said, you know, Congressman, we really think the way to solve the problem with managed care in America is to get people to lawsuits, because lawsuits will deliver care. Indeed, none of them have said the problem with managed care is that we do not get to court quick enough. What they have said is, the plan can turn us down and we could get an independent group of doctors to review our request. So this is the loophole in their bill; and it is why, and I said earlier, that the Democrat's bill is fatally flawed. They talked about how Republicans favor the special interests of HMOs. The legislation I favor lets HMOs be sued, lets them be held accountable, says if they kill Mrs. Corcoran's baby they must pay damages. But it does not carve a loophole to prevent people from getting quick care and the proper care by letting the case go to court. It rather is legislation that says get them care.

If you talk about special interests, the Democrats have a special interest that my colleague on the other side did not talk about a few minutes ago, and that special interest is trial lawyers. That is why they created this loophole. This, by the way, is a structure that takes power away from HMOs and hands that power to trial lawyers. That is crazy. What we do need to do is take power away from HMOs to decide how you should be treated, or your wife or your daughter or your son. You need to take that power away from HMOs and put it in the hands of your treating physician and in the hands of an expert panel of independent doctors.

That kind of takes me to the structure that we have proposed; and you see here it says, the compromise patients' bill of rights, and it is a simple structure. It is a structure that incentivizes or encourages the best possible care at the earliest possible moment, because that is what managed care reform ought to be about. Tragically, my friends on the other side of the aisle, Democrats, adamantly to the death oppose this structure. They say absolutely not. We need the trial lawyer plan. We do not need the plan that empowers doctors and patients.

Let us talk about how this structure for the bill is different; and again I apologize, but a flowchart really does kind of let you understand the legislation. Here in the legislation we are proposing, the legislation we have begged the American Medical Association to endorse, there is first an initial claim just like the Democrats' bill. Then there is internal review, just like the Democrats' bill in Dingell-Norwood; but you will notice there is no loophole here. We do not let the lawyers cut off external review. What we say is that if the plan turns you down at external review and says to your treating physician, no, we are not going to give you the care, you would have an immediate right, indeed we have three different time procedures, one for extremely urgent situations where it is within a matter of hours you would have a right to get to external review. If it is less urgent, there are two more time frames for less urgent circumstances. But if you were denied that internal, you would get to go within hours in an emergency situation to the external review that I talked about, and that external review is conducted by three independent doctors who will get to judge the recommendation of your treating physician that my patient needs an MRI, and judge the decision of the managed care company that, no, your patient does not need an MRI.

Those three independent doctors would have to be practicing physicians, as opposed to physicians who quit years ago because they could not make it. They would have to be experts in the field, and they would get to make a decision.

Now, here is the key: that can happen within hours under certain circumstances and once that happens, and it may be hard for you to read but right here it says, the HMO is bound by the decision of this medical panel and the patient receives the care. You can see that this is a quick process. It happens very quickly. By the way, there is no lawyer yet. The lawyer did not get in here. The lawyer did not get to take the case off to trial court or get into discovery and try to extort a settlement. This went straight through. It went through internal review, and it went to the external review; and if the external review panel says the treating physician is right, you get the care. Sadly, the Democrats do not like this bill because it cuts trial lawyers out to that point in time.

Now, what do we do about the people who are truly injured? Well, we say in our legislation, if as you have been going through this process you were injured, not only do you get the care here but now you have the right to go to court after the plan has been told to deliver the care, you have the right to go to court and you have the right to recover your damages. So it is not that we are against giving people access to trial lawyers. I have many friends who are trial lawyers, and they do a great service for people who are truly injured. It is not that we are against the tort system. Indeed, I am outraged by the fact that Mrs. Corcoran, under the current structure of the Federal law, her baby was killed by a managed care company, and they did not have to pay a dime. They just got to walk away. But the issue is where do you put in legal accountability? The Democrats, the Dingell-Norwood bill, lets lawyers jump in right up front, boom, here we just get to go straight to court.

□ 1800

Our bill says, no. Let us let a panel of three independent doctors make the decision, and then, if the plan is wrong and someone has been injured, then let us go to court. Let us let someone recover their economic damages; if they lost time from work, they ought to be able to recover that. If they have suffered pain and suffering as a result of this wrongful decision by the HMO, perhaps motivated by their desire to keep their profit line looking good rather than the patient's need for health care, then they get to recover their economic damages, they get to recover what we call their noneconomic damages, which means their pain and suffering, and if the plan did not follow the instructions of the external panel, then there are punitive damages on top of that. But we can see that this structure is designed to empower doctors, not lawyers, and that is the huge difference. That is the debate that has been going on.

Sometimes in the last few days when I have been thinking about this issue, I thought, how could it have been so complicated for 2 years for us not to get across the issue and explain to the American people, patients' rights legislation is vitally needed, but the bill they want, the bill the Democrats are pushing on us, the bill they talked about in their ads and the bill the President will probably speak about many times between now and election day, the bill that the Vice President will talk about many times between now and the election does not help doctors; most importantly, it does not help patients. What it helps is trial lawyers. We want a bill that empowers doctors to decide what care should be, what the standard of care should be.

I have to tell my colleagues, and in a moment I want to discuss these issues with the gentleman from Oklahoma, I have to say that I am amazed. If the Trial Lawyers Association were actively advocating this structure, the structure where one gets to court, but they do not get to a panel of independent doctors, I could understand that. But what puzzles me and what I do not understand is that the American Medical Association is supporting that structure, the trial lawyer structure, and I do not understand, and I hope some day they will explain to me, why the American Medical Association is not supporting a structure that will empower doctors rather than lawyers.

We do need to diminish the ability of managed care companies to hurt people. We do need to take away from HMOs the ability to set the standard of care. The standard of care in America ought to be set by doctors who are trained in medicine. But, when we take that power away from a managed care company and move that power somewhere, I suggest it would be a tragic mistake to, as the Democrats propose, move that power, to decide how one should be treated as a patient who needs medical care, to move that power to a trial lawyer, rather than moving it to a trained physician; in our structure, to a panel of trained physicians who will tell the HMOs exactly what the standard of care ought to be.

For perhaps any doctors listening across America, in my own city of Phoenix, and the reason I care about this issue, the managed care penetration is so deep, they have such power.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The Chair would remind Members to direct their remarks to the Chair and not to the television audience.

Mr. SHADEGG. Mr. Speaker, let me point out that in my State of Arizona, there are so many managed care companies that a doctor that does not sign up with an HMO, indeed with several HMOs literally can barely survive economically, and yet we look at the structure that currently exists where HMOs tell practicing physicians what care they can and cannot deliver, one can imagine that the doctors in my State are enraged at that structure.

Mr. Speaker, the doctors in Arizona, and I have talked with hundreds of them over the last 2 years, they want a structure where doctors set the standard of care and where doctors tell HMOs how patients should be treated; where doctors tell the managed care company, this is the right kind of treatment to give to a patient. The doctors in Arizona, at least, and the other doctors I have talked to, do not want to turn that ability to set the standard of care over to lawyers or even to encourage more lawsuits. You bet: If somebody is injured, then, in fact, a trial lawyer should come in and recover for their injury, and indeed, I wish that Mrs. Corcoran, I wish we could have passed this law in a way to allow Mrs. Corcoran and her husband to be made whole for the managed care company's decision that killed their baby. We cannot do that for them, but we can do that for future people, for someone tomorrow.

That is why I have worked so hard here at the end of this session, desperately around the clock, with everyone involved in this debate, to try to pass a patients' bill of rights that would correct these problems in a way that will help patients and will help doctors.

Mr. COBURN. Mr. Speaker, if the gentleman will yield, I wanted to clarify and ask the gentleman a couple of questions. Several times in the gentleman's discussion, he used the word HMOs. What we really also mean is managed care, which means PPOs and managed insurance products that deny one adequate care. I believe that is correct, is it not?

Mr. SHADEGG. Mr. Speaker, I used the term HMOs to refer to a broad array. Some would argue that PPOs are a little bit different, that one gets a little better care under a PPO. But fundamentally, we are talking about managed care companies and HMOs, which are health care management organizations, whose job it is to manage the care, and it is these managed care companies or HMOs, and now as they are kind of morphing themselves into the latest version which is a PPO, we are talking about all of these structures under which someone other than the treating physician gets to make the decision.

In our discussions of this in the past, the gentleman has pointed out that if you have a fee-for-service plan, your doctor gets to make these decisions. There is not someone second-guessing him. Of course, it does not matter to me whether we are talking about the doctor being second-guessed by an HMO or being second-guessed by a managed care company, or being second-guessed by a PPO. The fundamental issue is, if the plan one is in gives some insurance company bureaucrat or some insurance company employee the power to deny the treating physician the ability to deliver the care they think is appropriate, there ought to be a quick appeal and they ought to get a quick answer so that the patient can get the care he or she needs.

Mr. COBURN. Mr. Speaker, I want to thank the gentleman for taking the time on the House floor on an evening when we are supposed to be either home in Oklahoma or home in Arizona working with our constituency to explain this.

I want to just kind of go through those charts with the gentleman for a minute, because I see another big defect in the Dingell, or the Norwood-Dingell bill that is so espoused by President Clinton, Vice President GORE and the American Medical Association. I also want the Members of this body to know that the American Medical Association represents 25 percent or fewer of the physicians in this country.

I happen to be a member of the American Medical Association, as the gentleman knows, and I am amazed at the position that the American Medical Association has taken on this bill.

But the point I want to make is that the bill that the gentleman and I designed, its first goal was designed to give people care and give it quickly and appropriately. And the bill that Norwood, Dingell has passed, or passed the House, but not passed the Senate, thank goodness, was not designed to give care quickly. What it was designed was to give a revenue source for the trial bar so that we would in fact punish the HMOs for bad actions in the past. It is almost like it is a revenge bill.

But the point I want to make is what we tried to do is create a system where everybody learned. Think for a minute. I am a practicing physician. Since I have been in Congress, I have delivered over 400 babies, and I have delivered almost over 3,500 in my career. I have three great partners who are covering for me. I should be there and on call tonight, but they are kind enough to cover for me.

What has happened in terms of what we have designed is that if a doctor recommends a treatment that is not appropriate as judged by a 3-doctor panel, a couple of things happen. Number one is the doctor learns, the doctor improves, the doctor gets up to speed on where he or she should be in terms of the latest professionally accepted standards of care.

Mr. Speaker, in Texas where they have a bill similar to what we have proposed, 45 percent of the time the doctor panel finds that the doctors are wrong. Well, what is good about that is that it improves the care. The other part of the time, the 55 percent of the time when the plans have been deemed to be wrong by the doctor panel, the plans learn what is or is not appropriate care. If we bypass all of that and send it to court, we do not get the benefits, number one, of improving the quality of care and educating the managed care company; we bypass all of that, and we spend a tremendous amount of dollars doing that, and the loss is, we do not improve care for the next person.

Mr. Speaker, that is one of the most important aspects of our bill, besides getting care and letting doctors decide, independent doctors, is we designed a system under which we would raise the level of care and the quality of care for everyone in America, whether they had insurance or not insurance, HMO or PPO or managed care, but that doctor who got turned down learned something by being turned down. So therefore, the next time they saw that situation, they were improved in the quality and skills and care that they gave.

Mr. SHADEGG. Mr. Speaker, if the gentleman would yield just on that point, it occurred to me as I listened to the gentleman precisely the point the gentleman is making with regard to improving care. I think it is very important to understand that.

Under the structure we have talked about, if immediately following internal review by the plan, one wants to appeal and one gets to appeal immediately to an external panel of doctors,

one has a chance for that panel, the gentleman said, to educate the plan on the care they ought to be delivering, and once the plan has been told a couple of times by that external panel, no, you should not be denying care under this set of circumstances, you can bet the plan will quit denying care under that set of circumstances.

The other scenario, the trial lawyer scenario, I used to be a practicing lawyer and I have tried my share of lawsuits, I can tell one thing that never happens once you get into litigation, you almost never settle. You polarize physicians at the extremes.

So under the structure we are talking about where you go to internal review and you quickly go to external review and the panel tells the HMO the plan they should be delivering, there is a chance for education and reconciliation and for everybody to learn what the standard of care ought to be and for the care to be given as quickly as possible.

Mr. Speaker, I just want to make the point that under the alternative structure where we go from internal review straight to lawsuits, what we have is two polarized, extreme positions, with the lawyer for the plan doing battle and going to war with the lawyer for the patient, and it is not a reconciliation, and there is no education.

I just have to make one other comment. George W. Bush, the Republican candidate for President, in some ways almost characterizes this perfectly. He says, for too long the partisan fights back here between Republicans and Democrats have kept us from getting anything done. He says, I am going to come to Washington and bridge that partisan fight and try to bring Republicans and Democrats together to get something done. It occurred to me that the partisan structure where we have been fighting each other for the last several years in this Congress and doing more for the lawsuit structure. The plaintiff's lawyer says, the defense lawyer is wrong and the defense lawyer says the plaintiff's lawyer is wrong. We have this war going on. Instead, we could have a reconciliation.

It just occurred to me that is exactly what George W. Bush is saying to America. Let us not have that polarized, pitched fight. Let us try to talk to each other.

Mr. COBURN. Mr. Speaker, if the gentleman will yield, I wanted to make one more point. As a practicing physician who has been exposed to liability in the past, one of the things we know is that if we do what the Dingell-Norwood bill would set forth, the one thing we do know is that costs would rise significantly. The second thing we know is there will not be any learning history, because the ideal will be to get a patient and sue a managed care plan rather than to change the behavior, either on the part of the HMO or the practicing physician. We ought to incentivize people to do what is right. We should not incentivize additional torts in this country.

In terms of full disclosure, I want everybody to know, I voted for Dingell-Norwood. I made a commitment to the gentleman from Georgia (Mr. NORWOOD) to do that, not because I agreed with the bill, but because I wanted to move the process along; because I, like the gentleman, believe Mrs. Corcoran and the future Mrs. Corcorans have to have a remedy; that if, in fact, somebody does something wrong to them, they have to have a remedy.

It is amazing. My brother-in-law would find it really ironic, as much as the doctors have railed against trial lawyers, they have done us great service in many areas in our country, and we do need to have a mechanism for remuneration and remediation for when somebody is injured. However, we do not need, and what this Norwood-Dingell bill does, is create a system where all the money is not going to go to health care, it is going to go to the trial lawyers.

Mr. SHADEGG. Mr. Speaker, I very much appreciate the gentleman bringing up the fact of cost. I was here on the floor during the previous Special Order by our Democrat colleague.

□ 1815

I heard a lot of railing against the Republicans backing special interests and they do not care about people and they are just for the HMOs. They hate little people and do not care about it. That kind of rhetoric I do not think is very productive, and I do not think it helps bridge the gap and solve problems in America.

But I thought it was interesting that in the close of his remarks, he said he had had a conversation with an employee at a restaurant he frequents. And I have actually been to his district a number of times, and I have a friend who has family in that district. It is on the beach in New Jersey. The gentleman talked about a friend that worked for a restaurant, and she would very much liked to have had health insurance, but her employer, with whom she had a good relationship, could not afford to provide that insurance.

It is important to understand that if we do this wrong, if we drive our system to lawsuits rather than care, if we encourage many, many lawsuits to be filed, and the latest structure is that they want to be able to bring these lawsuits in State court and in Federal court, if we encourage too many lawsuits, if we turn the system over to the trial lawyers, then costs are going to go up.

The structure we have tried to encourage goes at this issue of cost. It says, if Americans are injured, they ought to have the right to go to court. I have many, many good friends in Arizona who are trial lawyers who I respect immensely. I talked to one just a few hours ago back in Arizona, and he has helped me immensely to learn about this issue. He wants to be able to go to court when he has a genuinely injured patient that an HMO has injured. But I do not think he wants to be able to run off to court and have lawsuits filed under frivolous circumstances.

That is a point we have not talked about. The structure that we have asked for where every case would go from the initial denial by the HMO to this panel of expert doctors who would decide, is a treating physician right and the patient ought to get the care or is the plan right and they should not get that care, that mechanism will screen out frivolous lawsuits. It is the frivolous lawsuits that will be turned down by that mechanism. The meritorious lawsuits where this panel of three expert physicians says, no, this plan was dead wrong; the injured party goes to court and they get to recover damages and get to be made whole.

But, Mr. Speaker, if we encourage too many frivolous lawsuits, if we encourage lawyers who are not conscientious to be able to file a lawsuit in Federal court any time they want and muck up the system with an excessive number of lawsuits, costs will go up.

One of the things that we have not talked about here is that issue of cost and its implications for the uninsured. We cannot get into a long discussion about the uninsured, but that is one of the tragic problems here. We have too many people in America, 44 million, who are uninsured. If we drive costs up further, then we are going to have even more uninsured.

As the gentleman from Oklahoma knows, I believe we need to make it possible for every American to have insurance. I favor a tax credit so that they can go buy insurance. And for those who can't afford to go buy insurance, I favor a refundable tax credit. But it is important to understand that the Democratic bill, the Dingell-Norwood bill, perhaps supported by many of our colleagues on the other side, not understanding what it will do, that bill will drive costs through the roof and will hurt health care in America.

Indeed, I fear it will lead to a single-payer, government-run, one-size-fits-all type of health care where we do not get to consult with our doctor and decide the care; some Federal bureaucrat decides the care.

Mr. COBURN. Mr. Speaker, the gentleman from Arizona and I have been here almost 6 years, completing 6 years; and we have seen a lot of instances in which Washington sees a problem and then fixes the wrong problem. And we heard the gentleman from New Jersey (Mr. PALLONE) talk about a Medicare drug benefit, and we have heard how they want to add that to the Medicare program.

Mr. Speaker, Medicare is going to go broke in 2015, and adding a Medicare drug plan as he would like to add, what that will do is just ensure that it is bankrupt about 2007. My point being that it is easy to do mischief and to do the wrong thing here, but it is even easier to fix the wrong problem.

I believe that we have another chart there that I think really summarizes what we want to talk about, that is, if we want to empower patients and doctors, and by that meaning we want more patients to get care and we want them to get the right care the first time from the managed care firm, and we want to incentivize those people who are supplying the money to pay for that care to do the right thing and to do it in an economically efficient and prudent fashion, then what we want is to put doctors with a check on them by other doctors, not doctors with a check on them by a lawsuit, in charge of that care.

Why would we let lawyers today decide the care in the country? And why would we take it from the managed care firms now and not give it to the doctors, but yet give it to the lawyers? For the life of me, I do not understand. And for the doctors in Oklahoma that I have talked to and I hope will be aware of what is going on, for the life of me I do not understand why the most recognized body in health care in this country has chosen to move the decision-making on care not back to the doctors from the HMOs or managed care, but rather has decided that they are going to endorse a bill that moves it to the courts and the trial lawyers.

Mr. Speaker, it makes no sense for care, it makes no sense for costs, and it makes no sense for those people who have no insurance. It is just going to inflate the cost of their care as well as put more people in the ranks of the uninsured. I yield back to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding. It is probably worth it, in the minutes we have left, to focus on really the crux of this issue, what we care about, what this discussion is about, why I believe the issue is so critical, why the gentleman from Oklahoma (Mr. COBURN) believes it is so critical.

In the immediate preceding hour there was a lot of rather harsh rhetoric saying that Republicans do not care about a Patients' Bill of Rights, Republicans do not care about patients, Republicans are just for HMOs. That kind of talk makes me angry. It is divisive. It divides the country. It is polarizing, and it is just flat wrong.

I have worked, as the gentleman from Oklahoma has, now for 2 years nonstop on patients' rights legislation. I consider it a privilege that the gentleman and I were able to write a patients' rights piece of legislation, a bill that moves the ability for medical decisions to be made, not by HMOs, but moves that ability away from managed care companies and PPOs and HMOs and gives that decision-making authority to doctors to make the decisions about the standard of care.

But on this partisan attack, I just have to say that it upsets me. Because after writing the bill with the gentleman, I had the privilege of being appointed to the conference committee. I served on that conference committee. I did not miss a single one of those meetings, and I spent countless hours with my House colleagues, Republicans and Democrats, countless hours with my colleagues in the other body in the Senate. Mr. Speaker, not a single Republican that I dealt with in that process, not one did not want to pass a Patients' Bill of Rights that would do the right thing; a Patients' Bill of Rights that would empower doctors, not lawyers; a Patients' Bill of Rights that would deliver care at the quickest point in time. They understood these issues. They discussed these issues at great length. And the reality is we could not get there because of the opposition of Democrats.

So this kind of ''Republicans do not care about patients; they only care about special interests,'' that rhetoric is not productive. What we need is to pass legislation and quit pointing fingers of blame. We do need to analyze the issue, and we need to understand what should happen in the legislation.

Again, I want to conclude by referring to this chart, because it really sums up this whole debate. Health care in America, who should make medical decisions? The Republican position is very, very clear, contrary to what has been said here on the floor. Contrary to what the President might say. Contrary to what the Vice President may say. Contrary to what that commercial that our constituents are watching in their congressional campaigns back home may say.

The Republican position is that doctors, in consultation with their patients, should make health care decisions. So on this chart where it says, ''Who should make those decisions?'' HMOs? Our answer is no. Managed care companies can do their job, but they should not ultimately have the decision authority. That decision authority should be the treating physician's to decide care. Lawyers? Absolutely not. And that is the central feature, as we have talked about for the last hour, of this fight.

The Democrats' bill, the Dingell-Norwood bill, and I brought it to the floor to hold up, this is Dingell-Norwood One, the first bill they wrote. It had the same structures. It empowered lawyers, not doctors and patients. After a lengthy debate, they produced Dingell-Norwood Two. I have read every word of every one of these bills. I have pored over them and highlighted the pages. The fundamental flaw in the legislation that they want is that it does take power away from HMOs, but it does not give that power to doctors or patients. It gives that power to lawyers. It encouraged lawyers to go to court, and it makes possible for them to go to court. It makes it possible for them to go to court before there is an independent review by three doctors to say, was the plan right or was the plan wrong?

We have to ask ourselves why. Why do they oppose giving the ability to decide what the standard of care in America should be? Why do they oppose that? Why are they opposed to giving it to doctors and rather want to give it to lawyers? I do not know the answer to that question. I am puzzled by the answer to that question.

I know that many of my Democrat colleagues are very sincere about their concern about patients and very sincere in their opposition to HMOs and managed care. But for the life of me, I think it is because they have not carefully studied the bill that they have been advocating, but that bill which the President would say is vitally important will not help health care in America.

Indeed, that bill, if we encourage excessive, frivolous lawsuits by not letting a panel of expert doctors review the case, if we facilitate and make possible frivolous lawsuits in State courts and Federal courts and we allow that to happen before there is an independent review by doctors of whether the care was right or wrong, there is a very, very, very real danger. And that very real danger is that by turning the system over to lawyers and lawsuits and not having an independent external review by doctors but rather letting a lawyer get ahold of the client and rush off to court with a lawsuit and demand a settlement will polarize the parties.

The HMO has been sued. They hire their defense attorney. The plaintiff has her lawsuit going forward. Now we have a polarized position. Not only will that drive costs through the roof and perhaps result in thousands more uninsured; but as the gentleman from Oklahoma has pointed out, it will not incentivize the best care at the earliest point in time, and it will not create an atmosphere in which there is education, in which this panel of doctors teaches the HMO what it really ought to be approving and what it maybe can turn down.

We will not have that educational process. We will not have incentives to deliver the best care at the right time. What we will have instead is a quick lawsuit process whereby power to decide care is taken away from doctors and awarded to lawyers.

We simply cannot make that mistake. There is no margin of safety financially to allow costs to escalate

like that. We can pass legislation. Indeed, I would argue we can pass legislation this Congress which does what we have asked for it to do which empowers doctors in consultation with their patients to make the right care decisions, which encourages the best care at the earliest time, and which teaches HMOs what care they ought to be approving and not approving, rather than throwing the whole thing over to the lawyers.

Mr. COBURN. Mr. Speaker, I would make one point. I believe the gentleman has hit on something. I believe that most people really do not understand the impact of the Norwood-Dingell bill. I believe that we can bring people together. I believe that we can put people before politics.

I know this is an election year issue. I am not running for reelection, so I do not have a dog in this fight as far as the election. But what I do know is that our job is to bring people together. And I want to thank the gentleman from Arizona (Mr. SHADEGG), for first of all his insight and understanding of what has gone on with this legislation. Also, his tremendous effort, the amount of time that he have given up away from his family; the amount of time he could have been in Arizona that he was here meeting in a conference, trying to do the right thing. Not for HMOs, not for trial lawyers, but for doctors and patients. For that I am forever grateful.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman and would echo those remarks. I think the reality is clear. I know the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL), and both of them are honorable men and both have the best interests of patients at heart. But, sadly, what happens in Washington, D.C. is that these debates get pulled down into political wars and the Democrat party has a constituency and that constituency happens to be trial lawyers.

So I think this bill got drafted with the input of trial lawyers and, sadly, we have a war going on. I do not defend the insurance companies either. We have a polarization here with the insurance companies and the HMOs on one side saying: do not pass any legislation. We have the trial lawyers on the other side saying: no, turn it all over to us. Sadly, nobody is fighting for the doctors and the patients.

Look how thick this bill is. I think many of our colleagues, indeed, I would guess the vast majority of our colleagues have not had the chance, because these issues are too complicated, to study Dingell-Norwood and understand its public policy flaw and recognize that it does have the danger of driving costs up, and try to understand that the legislation that we are asking for which would empower doctors and patients and would enable doctors to teach plans what care they ought to approve and not approve, that legislation has not been studied carefully.

I think we can still pass it this Congress. The gentleman and I have been in consultation with our Senate colleagues, and we may even have a meeting yet with them tonight on this. I am encouraged. I think we can, if we cut the partisan bickering, pass legislation that will protect patients across America. I appreciate the gentleman from Oklahoma for his brilliance and instruction and all of his help in this debate. It has been a great privilege.

□ 1830

FINAL BUDGET ISSUES

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin tonight with a symbol that I have used repeatedly over the last year, the construction hard hat, to drive home the fact that, at the heart of our effort to improve schools in America is the need to revamp facilities. Whether that means repairing facilities, renovating facilities or building new schools, this is the key, the first and most dramatic and visible evidence of exactly how we elected officials and decision makers feel about education.

Do something about the obvious problem. Do something about the overwhelming problem that localities and States are having the most difficulty with because it requires a large outlay of capital.

Let us do something in the area where the Federal Government does not have to get directly involved in decision making at the local level. We help at the capital problem of buildings and equipment, laboratories, libraries that are involved in improving facilities; and we get out. We do not keep the Federal government around in a situation which involves facilities and equipment.

So I am here tonight to salute the democratic process here in this Congress and to salute the process here in Washington by saying that it looked impossible 3 years ago when we began the crusade to get Federal funding for school construction. It has been a long and torturous battle. The obstacle course has been quite filled with devastating obstacles, quicksand pits and all kinds of traps.

Even now, I cannot stand here and announce that we have an obvious victory. But I think what is important is that we have, at this critical moment in the final days of the 106th Congress, we have school construction on the radar screen. It is at the center of the radar screen.

One of the big problems that we are faced with here as we try to reach judgment, one of the areas of controversy, fortunately, is still there on the table, is school construction. I am proud of the fact that the process has awakened and that we are now, as decision makers here in Washington, running very hard to catch up with the American people.

The American people have said, voters have said repeatedly that education is the number one priority. Within the priorities for education, people do not understand why we cannot do something immediately in some kind of very significant amounts about school construction, about facilities, about guaranteeing that every youngster goes to school in a facility that is safe, that is not threatening his health in any way, the teachers' health is not threatened.

We would like to see a movement which understands that part of the problem with our schools certainly in large numbers of rural areas as well as in inner-city areas is that they are not desirable work sites. Part of the problem of attracting teachers is that they do not want to work at these work sites where we have situations which, really, not only endanger the health of the students, but endanger the health of the teachers as well.

If one has a situation like the coal burning schools in New York where, at the beginning of this crusade that we started 3 years ago, there were more than 200 schools in New York City that still had furnaces that were burning coal.

I am happy to report that, as a result of our agitation and our effort and our constant pursuit of the problems and all the roadblocks, we have a situation now where the New York City School Construction Authority has stated that, by the end of 2001, every coal burning furnace, every school coal burning furnace in New York City will be remodeled and revamped and renovated, and it will be an oil or a gas burning modern furnace with no pollution of coal dust being spewn into the area.

So it is good to stand here and report some progress at some levels, certainly as we move toward the end of the 106th Congress, to have one of our major items still on the table, on the radar screen. A point of great controversy between Republicans and Democrats is school construction, what should we do about school construction.

So I would say that out there, and there are still some students who are still awake at this early hour, fortunately it is kind of early, let us pull out a glass of orange juice or glass of milk and let us drink a toast. I do not have a glass here, but let us drink a toast to the students of America, the public schools of America that are in great need of some help in this very basic area of school construction.

They are about to get a breakthrough. We are about to realize a breakthrough, we hope. The fact that we are still on the radar screen is number one.

The second thing I would like to joyously report is that there is discussion about the fact that, in the area of the Labor, Health and Human Services and Education appropriations bill, there is some kind of almost agreement that the first dollars will be appropriated for school construction that have been appropriated in the last 50 years or more. We will have a breakthrough, we hope.

There is a tentative agreement that the President's proposal of $1.3 billion will be approved in some form. Maybe not all of it will be available for school construction, but some portion of it will be available for school modernization. They like to play with terms. School modernization means renovation or repairs. Maybe, I hope in desperate situations where they need school construction will have school construction.

So many out there are going to school in trailers, have to go to classes in trailers. In the wintertime, the trailers have no bathroom facilities, and kids have to go outside to get to bathroom facilities. Trailers, of course, have no libraries and no cafeterias.

Large parts of America, suburban America, rural America, as well as big cities, are afflicted with the disease of these trailers. So trailers, we hope we can look down over the next 10 years and hope that the Federal government's intervention will lead to a situation where the trailers will be gone.

Certainly I just told my colleagues that the coal burning furnaces in New York City schools, they have given us a chart which shows that there will be none around as of the end of the year 2001, the School Construction Authority. So that means we move from more than 200 schools that 3 years ago were burning coal in their furnaces to none in the year 2001.

I am certain that the Federal Government involvement, as small as it may be, what they are talking about is $1.3 billion in direct appropriations, there is still some discussion of the Committee on Ways and Means bill which would provide tax credits and have the government pay interest on the amount of money borrowed by States and localities up to a total of $25 billion in borrowing authority over a 5-year period, and the Federal Government would pay the interest. That is the other opening for school construction. We hope that that is not off the table yet.

Either way, we would like to see some forward movement and begin the process of having our government deal with education in the area where there is the greatest immediate need and where it is simplest. It is very simple for them to get involved and not have to weigh into the issue of disrupting local control or threatening local operations, et cetera.

So let us drink. Take out your orange juice or your milk and let us drink to a breakthrough. We are on the radar screen.

As the session concludes, I am optimistic that we will make some small breakthrough. I think that it is important to note that this is a very strange session we are about to conclude, I hope we are about to conclude. I know the date for adjournment was set at October 6 and now it is October 30. Every week we had these projections. We are going to get through. But we are still here on October 30. There is an election on November 7, which means that this Congress goes out of existence shortly after that.

We are still hung up on some very critical problems. I want to just take a minute to say that those problems are problems that are very important to the American people. Some people have raised the question as to why suddenly do we have such importance placed on problems like prescription drug benefits, prescription medicine benefits. Why have we singled out that problem for this year?

It is very important because we have been discussing it for the last 10 years in one form or another. It has escalated to the point where the discussion has led to some proposals, and it is time to make some decisions about it.

The cost of preparing drugs also has escalated. The cost has gone up greatly. The role of prescription medicines in our health has increased. There are now some drugs that really make a great difference in terms of the quality of life. There are some prescription medicines that determine whether people live or die. If the medicines were not there, if the prescription, the pill was not there, they would not be able to survive.

More and more, we are seeing the benefits of science over the years pay off in the form of what some people call miracle drugs. I do not think it is an exaggeration. Some of them are literally keeping people alive. One could call them miracle drugs.

So we are now in a situation where it is time to make a decision where this Congress has options that no Congress has had in the last 50 years. We have a situation where there is a huge surplus; whereas, we have had to deny some basically needed services before to our constituents. Here is a matter related to health, life and death. Why cannot we now make some decisions which guarantee the benefits of the great prosperity we enjoy and the great wealth that we have now.

Nothing ever in the history of the world has existed like the United States of America at this point in the year 2000. There is just no other nation, no other phenomenon that one would call a political entity that has had the kind of power and the kind of wealth, the kind of options that the United States of America has at this point.

These options that we have here in Congress in terms of the decisions we make are greatly increased by the fact that we have the wealth. We have the surplus. So why not now make the decisions? The fact that the prescription medicine benefit is still on the table is important. Let us make that decision before we leave here. Why not?

Why not make the decisions about the HMO Bill of Rights, the patients' bill of rights with respect to HMOs. Why not now? Why save it? We have had the dialogue. The democratic process has generated proposals. We have had the debates. Why not now?

Who knows what the 107th Congress may face? Who knows what natural disasters may occur? Who knows what new kinds of crises in the world will confront us in the 107th Congress? We know now that we have the options now. We have had the debate. The process of those who are not enlightened now about what the problem is will never be enlightened. There are folks who cling to certain kinds of special interest considerations. It is not because they are not enlightened. They know they have enough knowledge, they have enough evidence as to what is needed. So we ought to make those decisions.

We ought to make the decisions also related to immigration fairness. We have a bill called the Latino and Other Immigrant Fairness Act, which is called the Latino and Other Immigrant Fairness Act, but it does include critical problems related to immigration in general, critical problems which covers all of the crisis situations that we face right now in immigration.

We face a crisis problem with respect to certain Central American people having receiving permanent status, certain Haitians receiving permanent status, and Liberians. There are a lot of critical problems that are wrapped up here in this Latino and Other Immigrant Fairness bill.

The issue of 245(i), which relates to people renewing their permanent status without having to leave the country is critical throughout the entire country overall of the immigrant groups. That is in the bill.

The issue of the registry for amnesty where we had a cutoff date of 1972 in the last amnesty bill, and the request is that we move that registry date to 1986 so that anybody who had been in the country for 10 years up to 1986 would be eligible for amnesty and could apply.

□ 1845

A very humane gesture because these are people who are already in the country. They have been in the country for

a long time, 10, 15, 20 years; and we are just going to recognize the fact that they are here, they are paying taxes, they are working. So let us move to try to regularize their status by giving them permanent residency and allowing them to move on and apply for citizenship.

This does not mean that we are opening up the gates for a flood of immigrants to illegally come into this country. It means we have a common sense problem, and we would like to solve that problem. That is one of the issues still on the radar screen, one of the points of controversy. I want to congratulate the White House and the President, this administration, for insisting that we confront this problem and deal with the humanitarian dimensions of it now, not next year. Right now.

We had an immigration problem of another kind that we dealt with speedily, the H–1B problem, where industry, corporations, have a great need for professional manpower that can handle the kind of needs that they have, information technology needs, most of them, needs related to the digital world, computers, programming of software and hardware, of various problems in the complex digital computer information technology world. They cannot find the people to fill all of the vacancies. That will go on for a long time because our education system is not generating, not producing the people to fill those jobs.

We acted quickly on that one. That is an immigration piece. We raised the quota, and now we have a situation where 195,000 new people in the professional area mostly, information technology, can come in each year. They can come in each year, so that over a 3-year period it is close to 600,000 professionals who have that capacity that are allowed in. We have a need; we met the need.

The Democrats, the administration are contending that we have a humanitarian need. We have a need to regularize the lives of the people who have been here 10, 15 years and let them begin to move towards citizenship. We have a need to do that. We have a need to stop the pain and suffering caused by the regulations related to 245(i), which deny people the opportunity to go home and visit their relatives and then come back without having to deal with long stays away in order to qualify for an adjustment of status and other problems relating to that. We have a need to deal with the Liberians, the Haitians, the Central Americans who have been stranded for various reasons. We need to have the relief of this Latino and other immigrant fairness bill.

So that is another item on the agenda. We have the health care, we have HMO and prescription medicine benefit, we have the Latino and other immigrant fairness act. We have a few other things that are important, but those are two items that are very important that are on the agenda, and we would like to see them remain there until they are resolved in a positive and productive way.

We congratulate the administration. The power of the White House in this end game negotiation is considerable. I have tried to explain the process before. We have come to the point now where it is a Republican-controlled Congress, the other body as well. The whole Congress, House and Senate, is controlled by Republicans. They have the majority, they have the votes, they can do pretty much what they want to without the input of the Democrats who are now in the minority. Our only hope is that the Democratically controlled administration, the executive branch, the White House, will balance off the power of the Republican-controlled Congress.

That is what happens in these so-called end game negotiations. The end game negotiations are underway now. And that is why we are stuck here week after week, because the end game negotiations have been deliberately slowed down as part of the strategy of the Republican majority in the hopes that they can wear out the patience of the administration and of the Democrats.

These items I just mentioned are too important to be given up by default. As long as it is necessary for us to stay here, we ought to stay here to get a prescription medicine benefit in this Congress. As long as it is necessary to stay here, we should stay to get an HMO bill of rights; we should stay to get a Latino and other immigrant fairness bill, a bill which includes amnesty, a 245(i) adjustment and a blanketing of the categories of Central Americans, Liberians and Haitians, who have been left out there with a questionable status.

There is one very important breakthrough that I would like to report, particularly to my own district, on this whole matter of immigration before I go on to school construction, that last and most important of the business items that we have here on the agenda of the Congress. School construction I will talk about in more detail, but before I do that, I am happy to report, and this is another example of the executive branch taking the initiative, doing what it can do in a very humanitarian spirit to relieve suffering of people, that the extension of the designation of Montserrat under the temporary protective status program.

It is important that there is a notice that extends the Attorney General's designation of Montserrat under the temporary protective status program until the year 2001. August 27, 2001. So we have an extension that goes for almost a year for people in Montserrat who need temporary protected status.

Eligible nationals of Montserrat may reregister for temporary protective status and an extension of employment authorization. Reregistration is limited to persons who registered during the initial registration period, which ended August 27, 1998. All who registered after that date under the late initial registration provision, persons who are eligible for late initial registration, may register for the temporary protective status during this extension.

The extension, as I said before, goes until August 27, 2001. The reregistration period began August 2, 2000; and it will remain in effect until November 1 of 2000. In other words, there are 2 days. This breakthrough that was realized and announced on October 2 was a bit late when it was announced, but on that date the registration process began. But people only have until November 1, which is 2 days from now, to reregister.

Now, Montserrat has suffered one of the most cataclysmic natural disasters in this hemisphere of the last 50 years. Montserrat is a very tiny country. At least a third of the country has been wiped out by a volcanic eruption. It is rapidly becoming an island that is uninhabitable. There is some worry about whether the nation of Montserrat will survive. But in the meantime, for those people who had to flee the island, special temporary protected status was given as part of the great humanity of the American people and how our government reacts to natural disasters. We ought to be congratulated for taking them in, first; and now there is an extension, which did not have to have the approval of Congress or we might not have gotten it. This extension will carry them until August of 2001, and we hope that more can be done to resolve the problems related to the great natural disaster of Montserrat in the meantime.

So that is a positive breakthrough in the immigration area. It is a very tiny amount when compared to what we are requesting in terms of the need to pass the Latino and other immigrant fairness act. That act would include, and I wanted to summarize for the last time, it would include an expansion of the 1997 legislation to include refugees from Central America, Haiti, and Liberia who were unjustifiably excluded from the opportunity to apply for permanent residency. It will permanently extend section 245(i) to allow individuals who qualify for a green card to obtain a visa without first leaving the country. It would move the registry date for those individuals who can demonstrate that they have maintained a continued presence in the U.S. from 1972 to 1986, providing an overdue and well-deserved opportunity to individuals who have been living, working and paying taxes in the United States. In addition, for those individuals who

have been in this country since 1985, the bill would allow them to adjust to legal permanent resident status.

Now, this bill was proposed to be part of the Commerce, Justice, State appropriation. The President made it quite clear that if this was not included as part of that appropriation bill he would not sign the act, and that is part of the process that is going on now. The strong stand and position taken by the White House is to be commended. We congratulate the President and hope that he will continue to insist that the 106th Congress should not adjourn without bringing immigration relief to the people who deserve that kind of relief.

Those are three items that are on the screen, two items on the screen other than the one that I started with, which I deem to be not more important than immigration, not more important than health care, but critical in terms of where our civilization is going. Our Nation at this point has made an unprecedented breakthrough. We are ahead of Europe, we are ahead of Japan, we are ahead of all our industrial rivals in the area of the digital economy. We have made some breakthroughs which put us out there, and we can maintain that lead and maintain the unprecedented prosperity that we now experience if we continue to generate the kind of resources needed to fuel and drive the information technology industries, the cyber-activities, the digital economy activities. But brainpower is needed.

The critical thing we need now, unlike industrial revolutions in the past where the natural resources often determined the wealth of a nation, if a country was lucky enough to have oil, then the nation had a great advantage. An industry can grow up related to the uses of oil and petrochemicals, and there are a whole series of things that relate to oil. If an area was fortunate to have coal, the coal mining areas had certain advantages because of that natural resource. If an area was fortunate to have iron ore or coal and iron ore near each other, then the steel industry certainly saw advantages there and developed in those areas. If someone was fortunate enough, of course, to have discovered gold, gold or silver, those are obvious metals that all over the world command a great price. So natural resources determine wealth, and the wealthiest people in America for a long time were people who had control over natural resources.

There were people who had control over the natural resources and used them to industrialize, to create the steel and the various products out of the natural resources, and they became the wealthiest people. Now the wealthiest people in the world are people who do not necessarily have the fortunate or good luck to have discovered a pool of oil, oil wells, or the gold mine, a whole set of coal fields; but the people who have the greatest wealth now are people who are masters of the utilization of brainpower. Brainpower is the most powerful force in the world right now. Brainpower.

Who has the brains to make use of all the opportunities that have opened up by the revolution in information technology, the revolution in the digital world, the use of computers in 100 different ways, a thousand different ways? The application of computers is almost infinite. There is no limit on the application of computers, and the use of digitalized equipment of various kinds except the limits of our brainpower. As the brainpower increases directly in proportion, we have these utilizations increase. New discoveries make it easier every day, and so the industry is changing.

The fact that the stock market right now is in a situation where the digital industries are sort of being questioned as generators of income and as investment opportunities, it is all a passing phase. It will not last long.

□ 1900

It is an adjustment of an enthusiasm that maybe got out of control. But it is clear, and we do not have to be a rocket scientist or even a sophomore in college to see the way of the future is clearly the way of digitalization. The way of the computer is the way we are going.

It is like when automobiles were first invented and automobiles even first began to roll off the assembly line, assumptions were made that there will always be only automobiles for rich people, that only rich people could own automobiles, and that the automobile was something so special that it was not going to affect the entire society. But the automobile has transformed and the offspring of automobiles transformed the entire society. We have the culture of the car, an automotive culture. And not just the richest and most powerful people involved, at every level down to the poorest people have some junky, used car. If they want wheels, they can get them or they are involved as drivers in the economy or in the economy as mechanics or mechanic's helpers.

It is just a transformation which touched every level of our society. That was a small development compared to what computers are doing and will do. Computers will move more rapidly. The digitalization of the economy, digitalization of activities, whether they are nonprofit activities or profit activities or military activities, everything will move more rapidly, it will spread across the world more rapidly because it is not as expensive and not as difficult to move about and maneuver as automobiles were and are still.

Computers are already in the far corners of the Earth. There are people who have never seen a car who have seen the benefits of computers. There are things happening in third world countries and in remote regions of the Earth with respect to computers which are astounding.

So we have the leadership. We are ahead of everybody else. We are the driving force in a cyber civilization that has begun already. And yet, in this 106th Congress, the midget minds and the petty souls are such that they are not willing to take advantage of this opportunity where at the same time we can surge ahead in this cyber civilization. The opening is there. The opportunity is there.

We also have the resources. We have a $230 billion surplus. To apply just a small part of that surplus in a constructive way toward education in order to increase the pool of brain power that America has available would gain immense dividends. And you do not have to be a rocket scientist to see it. If brain power is the power that is now driving the world, then the students and the children out there in all parts of America, whether it is a rural poor area or the inner-city areas, they are all potential resources that should be developed.

Some of them may never become computer programmers. Most of them will not. Most of them will not become computer scientists. Most of them will not get in the high theoretical mathematics that relate to computers. But there is no reason why somewhere in the chain where you have computer scientists, you have technicians, you have mechanics, you have mechanic's helpers, you have the school aides who apply help to teachers to apply to computers.

There is a whole world. If you look at automobiles and all the people that are related to automobiles, the salesmen and the auto parts shops and the car wash people, there is a whole range of people who have gotten involved in the culture of the automobile. The culture of the computer will involve many more people.

And when we focus our education effort in a way which anticipates this need, we increase our ability to maintain our leadership in the world in this area. If we have to rely on foreign input, and I am not against foreigners, I am not against immigration, you just heard my arguments before, I am not against spreading the wealth by hiring a large amount of people from all over the world, but if you rely on that repeatedly, then you are going to be draining away resources from the Nation.

The people that are coming here to learn eventually will go back and develop the competition. We have seen that in several instances with respect to the automobile industry. I remember shortly after World War II they were importing large numbers of students from Holland and France and

training them in Detroit as engineers and design specialists and so forth and they were working for our companies here. They took it all home eventually. And we have competitors, of course, in Europe and Japan. A large number of those competitors were trained here.

It is not the worst thing in the world, but they do not pay into the Social Security fund here. They do not generate the businesses here that are taxed and can provide the revenue that we need to run our society. And on and on it goes.

There is a limit to the great generosity that prevails now. It may be a fact that most people cannot comprehend but one-half of all the students in our graduate schools who are in science and engineering are foreigners. They are not Americans. And the percentage of foreign students in our programs for graduate science and engineering, computer science, et cetera, has been increasing, not decreasing.

The percentage increases because the number of students from our own American base school systems are going into science and those areas is decreasing, not increasing rapidly enough to keep pace with the need.

The number of vacancies is not being exaggerated. The information technology world said last year they had 300,000 vacancies that would not be filled with the new crop of college graduates because their survey showed that there are colleges that do not have the people that are being prepared to come out and take these jobs. And it increases geometrically. There will be 600,000 after that. And then it will keep growing and expanding, and we will be overwhelmed by a situation where there is so much more that could be done and so many things are being attempted that the frustration will be tremendous. The lost opportunities will be tremendous.

So that is the background that I give for my final statement for the night, and that is we need to reform and improve education right across the board. Education needs help in many areas. We have proposed in the Congressional Black Caucus an alternative budget way back in the spring when we introduced the budget. We proposed that 10 percent of the surplus be dedicated to the improvement of education.

In order to deal with this cyber civilization and all the brain power needs, 10 percent of the surplus, which now the surplus has gone up to $230 billion, 10 percent of that over the next 10 years dedicated to education would be the kind of resources needed to revamp and move.

We could train the science teachers, who then could get more science students. We could train the math teachers. We could get the computers purchased. We could get the technology training for teachers. And most of all, immediately the first thing we could do is to solve the problems that are most acute out there and most visible. And that is the problems of school construction, school renovation, school modernization, the wiring of schools for technology.

We have repeatedly stayed up on this consideration. And I said before, my symbol of the construction hard hat, the Nation needs an effort by construction workers. If ever there was a time that the overtime of one group of people was needed, the Nation needs the overtime of the construction industry to catch up.

The National Education Association survey showed that our needs in order to serve the present generation of public school students, the numbers now to increase enrollment, you need $320 billion for school construction, renovation, modernization, and technology, $320 billion.

Now you say this is an exaggeration by the National Education Association because, after all, they serve teachers. But the official estimate by the Education Statistics Commissioner's Office in the Department of Education is that right now we need $126 billion or $127 billion.

So let us take the conservative figure. Let us deal with $127 billion. Five years ago the General Accounting Office, the GAO, said that we needed $110 billion, 5 years ago. So there is some consistency here in terms of large amounts of dollars are needed for school construction repair and renovation, and we have been on this theme for some time because at the heart of education improvement and education reform must be this highly visible action we need to take to send a message to teachers, to students, to the community that we are serious about education.

Every politician, every candidate is out there preaching that he wants to improve our education system at every level, whether it is the city council people at the municipal level or the State level people, certainly the Federal people, Congress people, and the Presidential candidates. Everybody talks about the need to improve our education system.

Why, then, are there so few resources being dedicated to the improvement of our education system? Why, then, when we have a $230 billion surplus are we being such misers and refusing to commit a substantial portion of that surplus for education? You could commit 10 percent of the surplus without endangering or in any way infringing upon the other responsible utilizations of the surplus. We can still pay down the debt.

The vast majority of the funds that have been accumulated in the surplus can be used to pay down the debt. We can still give money to the Medicare program and money for prescription medicine benefit. We can add to that school construction. And when it is all added up, we are talking about less than 30 percent of the surplus. That means we can give the other 70 percent to pay down the debt and even a tax cut.

Why not a middle-class tax cut, a middle-income tax cut? Why not a tax cut that comes from the bottom and the people who are at the very bottom be eliminated from paying taxes and the middle class have their tax bill reduced, the people who are most in need of some kind of help and relief from taxes? We can do all this and still pay down the debt.

We devote at least 50 percent of the surplus to paying down the debt and still do the other things. And among the other things that we do with the surplus, the number one priority should be the 10 percent improvement for education.

The Congressional Black Caucus said this in the spring of this year, and it is as sound a proposal now as it was then. We have continually pressed the point.

I have a Dear Colleague letter I sent out on January 27, 2000, where I said in terms of the utilization of the surplus for construction and we said if you have 10 percent of education overall, take half of that, 5 percent and use that 5 percent for school construction, renovation, repairs, and technology.

That means that we are talking about $10 billion to $12 billion a year for school construction and another $10 billion to $12 billion a year for other items related to the improvement of education.

In January 27, I said we are moving and the stage is set to build schools. I introduced H.R. 3071, and I said at that time that every Presidential candidate, Republican as well as Democrat, is now proposing a sweeping education program.

Candidate AL GORE then called and he still is calling for a $115 billion program over a 10-year period. I have said that we need $110 billion over a 10-year period just for school construction. But we will take a break through. Even a small amount would be useful. And that is where we are at this point as we near the end of the 106th Congress, a proposal for $1.3 billion, a far cry from what the National Education Association says we need or a far cry from what the Education Statistics Commissioner says that we need or what the General Accounting Office says we need.

□ 1915

But it is a beginning. The stage is set to build schools. I said on January 27 in this Dear Colleague letter:

Keep the education action simple. Revamping infrastructure is the most effective and least intrusive role for the Federal Government.

And I introduced H.R. 3071, which sends the money back to the States

based on the number of school-age children. H.R. 3071 offers maximum flexibility for renovations to facilitate security and safety; modernization for educational technology; and new construction to end overcrowding. H.R. 3071 will use no more than one-tenth of the surplus for the next 10 years. Democrats risk being upstaged by Republicans, I said at that time, if they do not move on a school construction bill.

We cannot emphasize too much the fact that the fiscal negotiating environment has undergone a rapid, almost revolutionary sea change since the announcement of the trillion dollar surplus, over a 10-year period, a more than $2 trillion surplus.

I said that as we move toward the end game negotiations, we must make certain that school construction modernization is on the table. I am happy to report, as I said before, that at least we have achieved that. It is on the table. It is on the radar screen. It is a bone of contention, but it is there on the table.

One-half year later, and that was January, July 19, 2000, I sent out another Dear Colleague which said:

Build Schools 2000. Two big battles have been won. Now let us move on to win the war.

The first battle won. The White House moved from a strictly tax relief policy to a direct appropriation policy of $1.3 billion for school infrastructure. The President introduced his budget. And in the budget we made a breakthrough because instead of proposing school construction only through the Committee on Ways and Means and a tax credit process whereby the Federal Government would pay the interest on money borrowed by the States and the localities, the Federal Government was proposing a direct appropriation for school construction. That was a great step forward, $1.3 billion for school modernization.

The victory, the second victory, which came much later, in July, was that after insisting for decades that the Federal Government should not be involved in school repairs and school construction, the Republican leadership introduced legislation which authorizes $1.5 billion for school repairs. That is H.R. 4766, the Classroom Modernization Act of 2000, introduced by the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING).

That is the second great victory. To have the Republican leadership move off the center, move off the position that school construction did not belong at the Federal level and have it propose any kind of school construction was a great victory. I understand most of the dollars being proposed in this legislation would go to charter schools, but I do not care.

Let us understand that some of the remedies for our school system that are being proposed, alternatives, vouchers, for example, vouchers cannot succeed in large numbers if you do not have a school construction program. If you were to suddenly remove all barriers to vouchers, and I am not in favor of that because I think that vouchers only take us into chaos, it is not a viable alternative, but suppose hypothetically that you had the legislation and the authorization from the government to institute a large voucher program in any city or county. Immediately the amount of positions available at the private schools would be filled up. They already have long waiting lists at most private schools. So the people who want to utilize those vouchers would have to build new schools. They would have to have some new facilities. You would have to have a new bureaucracy created to take care of large numbers of youngsters moving from a public school system into a voucher system. It does not matter which way you go.

Charter schools, limited experimental charter schools I am all in favor of. But charter schools have run into the first and most important problem that I am emphasizing here, that is, they have no facilities. The first problem of charter schools is to get a place, a building, some furniture, and the physical facilities, the infrastructure, is the greatest frustration being experienced by people who want to start charter schools. So no matter which way you go, we need some help in this vital area of school modernization, construction, repair, renovation and technology provision.

In this July 19 Dear Colleague letter, I said:

We have won common sense acknowledgment and respectability for the position of Federal aid for school construction. To win this war means we must move from a $1.5 billion proposal to a much larger annual funding proposal. But the important thing is that we have begun. Both parties have taken a position for direct appropriation of money for school construction.

I said also in this Dear Colleague letter:

The September end game negotiations must, one, authorize the reservation of 10 percent of the annual surpluses over the next 10 years for the improvement of education. Five percent must be used for school infrastructures; 5 percent must be placed in an education trust fund to be allocated to the States with flexible guidelines for programs that work.

Allocations from the 10 percent annual surpluses shall be distributed in accordance with the number of school age children within each State, et cetera, et cetera.

Mr. Speaker, I submit for the RECORD my Dear Colleague letter of July 19, 2000, and my Dear Colleague letter of January 27, 2000.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 2000.

H.R. 3071 Is the Way of the Future, the Triumphant March Toward Common Sense Has Begun, Construction Is the Kingpin Action for School Reform

DEAR COLLEAGUE: Every presidential candidate, Republican as well as Democrat, is now proposing a sweeping education program which includes school construction. Candidate Al Gore has called for the expenditure of 115 billion dollars in ten years. In H.R. 3071, we call for a ten-year school construction program at a cost of 110 billion dollars.

The stage is set to build schools.

Keep the education action simple.

Revamping infrastructure is the most effective and least intrusive role for the Federal Government.

Let the federal government pay for the big job. Build schools and then leave the day-to-day school operations to local control. Provide the capital funds for the infrastructure and thus free up other funds for salary increases, computers, more books, security, and safety.

H.R. 3071 Sends The Money Back To The States Based On The Number Of School-Age Children.

H.R. 3071 Offers Maximum Flexibility For: Renovations To Facilitate Security And Safety; Modernization For Educational Technology; And New Construction To End Overcrowding.

H.R. 3071 Will Use No More Than One-Tenth Of The Surplus For The Next Ten Years.

Democrats Risk Being Upstaged By A Republican ''October 2000 Surprise'' On School Construction Modernization.

Democratic Refusal To Support A Meaningful Dollar Investment In School Construction And Modernization Which Benefits Working Families Could Weaken Our Ties To Our Labor Allies And Leave Open An Opportunity For Republicans To Capture More Labor Union Support.

We cannot emphasize too much the fact that the ''fiscal negotiating environment'' has undergone a rapid, almost revolutionary sea-change since the announcement of the long-term trillion dollar surplus. To adapt to this change and at the same time respond to the number one priority of the voters, we urge you to review your position on this issue and sign up for co-sponsorship now.

Missing from the end-game budget surplus negotiating table is a democratic scenario for long-term adequately funded school construction and modernization.

To Co-Sponsor H.R. 3071 please call Beverley Gallimore at 225–6231. Please note that H.R. 3071 is a revision of H.R. 1820, which changes the authorization from 110 billion dollars in five years to 110 billion dollars in ten years.

Yours For Education Excellence,
MAJOR R. OWENS, M.C.

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, 11 billion dollars for fiscal year 2000 and a sum no less than this amount for each of the 9 succeeding fiscal years. (HR 1820 which authorized funding for five years has been revised to authorize the same 110 billion dollars for ten years.)

SUMMARY OF H.R. 3071

To amend title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools.

SEC. 12001. FINDINGS.

(1) There are 52,700,000 students in 88,223 elementary and secondary schools across the United States. The current Federal expenditure for education infrastructure is $12,000,000. The Federal expenditure per enrolled student for education infrastructure is 23 cents. An appropriation of 11 billion per year for ten years would result in a Federal expenditure for education infrastructure of $208 per student per fiscal year.

(2) The General Accounting Office in 1995 reported that the Nation's elementary and secondary schools need approximately $112,000,000,000 to repair or upgrade facilities. Increased enrollments and continued building decay has raised this need to an estimated $200,000,000,000. Local education agencies, particularly those in central cities or those with high minority populations, cannot obtain adequate financial resources to complete necessary repairs or construction. These local education agencies face an annual struggle to meet their operating budgets.

(3) According to a 1991 survey conducted by the American Association of School Administrators, 74 percent of all public school buildings need to be replaced. Almost one-third of such buildings were built prior to World War II.

(4) The majority of the schools in unsatisfactory condition are concentrated in central cities and serve large populations of poor or minority students.

(5) In the large cities of America, numerous schools still have polluting coal burning furnaces. Decaying buildings threaten the health, safety, and learning opportunities of students. A growing body of research has linked student achievement and behavior to the physical building conditions and overcrowding. Asthma and other respiratory illnesses exist in above average rates in areas of coal burning pollution.

(6) According to a study conducted by the General Accounting Office in 1995, most schools are unprepared in critical areas for the 21st century. Most schools do not fully use modern technology and lack access to the information superhighway. Schools in central cities and schools with minority populations above 50 percent are more likely to fall short of adequate technology elements and have a greater number of unsatisfactory environmental conditions than other schools.

(7) School facilities such as libraries and science laboratories are inadequate in old buildings and have outdated equipment. Frequently, in overcrowded schools, these same facilities are utilized as classrooms for an expanding school population.

(8) Overcrowded classrooms have a dire impact on learning. Students in overcrowded schools score lower on both mathematics and reading exams than do students in schools with adequate space. In addition, overcrowding in schools negatively affects both classroom activities and instructional techniques. Overcrowding also disrupts normal operating procedures, such as lunch periods beginning as early as 10 a.m. and extending into the afternoon; teachers being unable to use a single room for an entire day; too few lockers for students and jammed hallways and restrooms which encourage disorder and rowdy behavior.

(9) School modernization for information technology is an absolute necessity for education for a coming CyberCivilization. The General Accounting Office has reported that many schools are not using modern technology and many students do not have access to facilities than can support education into the 21st century. It is imperative that we now view computer literacy as basic as reading, writing, and arithmetic.

(10) Both the national economy and national security require an investment in school construction. Students educated in modern, safe, and well-equipped schools will contribute to the continued strength of the American economy and will ensure that our Armed Forces are the best trained and best prepared in the world. The shortage of qualified information technology workers continues to escalate and presently many foreign workers are being recruited to staff jobs in America. Military manpower shortages of personnel capable of operating high tech equipment are already acute in the Navy and increasing in other branches of the Armed Forces.

SEC. 12003. FEDERAL ASSISTANCE IN THE FORM OF GRANTS.

(a) AUTHORITY AND CONDITIONS FOR GRANTS.—

(1) IN GENERAL.—To assist in the construction, reconstruction, renovation, or modernization for information technology of elementary and secondary schools, the Secretary shall make grants of funds to State education agencies for the construction, reconstruction, or renovation, or for modernization for information technology, or such schools.

(2) FORMULA FOR ALLOCATION.—From the amount appropriated under section 12006 for any fiscal year, the Secretary shall allocate to each State an amount that bears the same ratio to such appropriated amount as the number of school-age children in such State bears to the total number of school-age children in all the States. The Secretary shall determine the number of school-age children on the basis of the most recent satisfactory data available to the Secretary.

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, 11 billion dollars for fiscal year 2000 and a sum no less than this amount for each of the 9 succeeding fiscal years. (HR 1820 which authorized funding for five years has been revised to authorize the same 110 billion dollars for ten years.)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 19, 2000.

BUILD SCHOOLS 2000—TWO BIG BATTLES HAVE BEEN WON—NOW LET US MOVE ON TO WIN THE WAR

Victory 1—The White House moved from a strictly tax relief policy to a direct appropriation of 1.3 Billion Dollars for school infrastructure.

Victory 2—After insisting for decades that the federal government should not be involved in school repairs and school construction, the Republican Leadership introduced legislation which authorizes 1.5 Billion Dollars for school repairs. (H.R. 4766—'Classroom Modernization Act of 2000')

We have won common-sense acknowledgment and respectability for the position of federal aid for school construction. To win this war means we must move from a 1.5 billion dollar proposal to a 10 billion dollar annual funding.

The September End-Game negotiations must:

Authorize the reservation of 10% of the annual surpluses over the next ten years for the improvement of EDUCATION. 5% must be used for school infrastructures; 5% must be placed in an ''Education Trust Fund'' to be allocated to the States with flexible guidelines for programs that work.

Allocations from the 10% annual surpluses shall be distributed in accordance with the number of school age children within each State.

Federal oversight responsibilities shall be limited to the review, approval and monitoring of a School Improvement Plan submitted by each State.

No less than 1% of all Federal funds must be set aside for parent participation activities.

Yours For Education Excellence,
MAJOR R. OWENS,
Member of Congress.

Following on the heels of this effort during the Congressional Black Caucus legislative weekend, we held press conferences along with numerous other entities in Washington and throughout the Nation that wanted to move more aggressively in the area of school infrastructure development. At that time I issued a statement which began as follows:

A deep pool of students who have a basic education in reading, writing, arithmetic, and computer literacy is the point of departure for the creation of the workforce needed for our burgeoning digital economy. To guarantee the continuous production of the qualified workers needed in the information technology industry and other sectors of the digital economy, the Nation needs increased numbers of competent high school graduates who swell the college classrooms. At the end of this funneling process, we will have the digital scientists, technicians, mechanics, salesmen, managers, creative producers, and other categories of workers needed.

Mr. Speaker, I ask to include the statement I made on September 15 entitled, ''To Close the Digital Divide, We Must Build Schools First.''

TO CLOSE THE DIGITAL DIVIDE WE MUST BUILD SCHOOLS FIRST

(Statement of Congressman Major R. Owens, September 15, 2000)

A deep pool of students who have a basic education in reading, writing, arithmetic and computer literacy is the point of departure for the creation of the workforce needed for our burgeoning digital economy. To guarantee the continuous production of the qualified workers needed in the information technology industry and other sectors of the digital economy the nation needs increased numbers of competent high school graduates who swell the college classrooms. At the end of this funneling process we will have the digital scientists, technicians, mechanics, salesmen, managers, creative producers, and other categories of workers needed.

First, our potential workforce must have high quality schooling. The buildings must be safe, conducive to learning, wired for technology and able to send the message that education is the top priority of our leaders. The National Education Association study recently released reveals a need for more than 320 billion dollars to provide adequate school buildings across the nation.

The allocation to ''Build Schools'' must be made this year from the 200 billion dollar federal surplus. We are demanding just ten

per cent of the surplus for increased federal aid to education. A mere 20 billion dollars per year for the next ten years would allow for the building and repair of thousands of schools, and also provide funding for other education improvements. In my bill, H.R. 3071, the annual eleven billion dollar appropriation of construction and repair funds is proposed for distribution in accordance with the number of school-age children in each state.

School systems across the entire nation would benefit. All Americans who want meaningful action for education must join the effort to send a message to the White House where the final (end-game) negotiations on the budget will begin in a few days. Public opinion must speak out loud and clear for school modernization and construction now. We are calling on the coalition of parents, teachers, unions and contractors to intensify their mobilization to force the utilization of at least 10 per cent of the federal surplus for education with the first dollars earmarked to ''Build Schools''.

On October 11, very late in this game, recently, the Congressional Black Caucus sent a letter to the President. This was after a process by which the Caucus decided we support all of the proposals that have been made by Presidential candidate AL GORE for education. We support a plan that was introduced by the minority leader, the gentleman from Missouri (Mr. GEPHARDT). We support all these plans. But the Congressional Black Caucus was frustrated by the fact that all the plans we see, while exemplary and we support them, none of them focus directly and immediately on the urgent problem being faced by the schools in the inner-city communities. So we have sent a letter to the President with a proposal. Our proposal is called a Public Schools Emergency Recovery Program, and it summarizes a way to move immediately to take care of the problems faced by the failing schools in our communities. Large numbers of schools are failing, and of course the students are failing, too, as the need for immediate reaction and action.

We call our emergency recovery program a program similar to a response to a natural disaster. We have an education disaster. We would like to declare certain areas as education disaster areas. We would like to have a program that moves immediately to deal with that. So we sent this program to the President. We sent the President a budget attached to the proposal showing how programs that have already been authorized can be integrated into this Public Schools Emergency Recovery Program.

Mr. Speaker, I submit the Public Schools Emergency Recovery Program with the budget attached.

CONGRESSIONAL BLACK CAUCUS OF THE UNITED STATES CONGRESS,
Washington, DC, October 11, 2000.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We respectfully request a meeting with you as soon as possible. With the end of the 106th session only a few days away this is an emergency. The members of the Congressional Black Caucus are convinced that we are at a pivotal point in the life of public education, and we are at a critical point in the history of our nation. For the first time in many decades we have a federal budget surplus—and we anticipate a significant surplus every year for the next ten years. We have a window of opportunity to make positive budget decisions this year which will set a pattern for the next ten years. In the context of the present era of abundance the abandonment of failing public schools would be a shameful tragedy.

We, members of the CBC, have already stated our general budget and appropriations priorities through the CBC Alternative Budget which emphasized the need to use our surplus to invest in human resources. Since the final countdown for the ''end-game negotiations'' has now begun, we wish to state our priorities in more specific and concrete requests.

First, we wish to state that we agree with the prevailing wisdom that a large percentage of the 230 billion dollar surplus should be used for debt reduction. We also concur with the allocation of funds to strengthen Medi-Care and provide for a Prescription Medicine Benefit.

Secondly, we contend that after these priority steps are taken, there should be a significant investment in human resources. At least 10% of the surplus should be invested in Education; 5% for school construction and 5% for other school improvements. We propose that another 10% be invested in housing, health care and social services. For the benefit of the nation we stand firm on the adoption of all of these proposals.

Since the hour is late and the negotiations have begun, we now find it necessary to move from general concerns to specific emergencies. Within the African American community Education remains as our greatest emergency, the solution that makes it possible to resolve most of the other problems we face. Our crisis education situations require a systematic and well targeted Public Schools Emergency Recovery Program which directly addresses the most critical problems of the worst schools of the nation. While the larger national education problems are being considered, we must have an immediate intensified initiative to address the nation's schools which serve populations where more than 50% of the students qualify for free school lunches; and, or schools which are failing to meet established standards and are being ordered to close down. ''Education Disaster Areas'' would also be determined in accordance with an additional set of hardship and risk indices.

The outline of the proposed CBC Public Schools Emergency Recovery Program is attached. We look forward to an immediate review of this matter with you. We know that it is possible to allocate the funding for this program in the Labor, Education, Health and Human Services Appropriations Act, or within an Omnibus Budget Act.

We extend our heartfelt thanks for your past eight years of partnership and support for the Congressional Black Caucus and the special constituency that we serve.

Sincerely yours,

MAJOR R. OWENS, M.C.,
Chairman, CBC Education Braintrust.

JAMES E. CLYBURN, M.C.,
Chair, Congressional Black Caucus.

APPEAL TO PRESIDENT CLINTON TO FUND THE PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM

(Statement of the Congressional Black Caucus—October 18, 2000)

In the critical area of Education members of the Congressional Black Caucus insist that we cannot, once again, go home empty-handed. Over the last two decades our constituent communities have suffered devastating budget cuts with the federal deficits always being blamed for the savage neglect. As we celebrate a historic 230 billion dollar surplus, why is it that not a single new concrete initiative is being offered to bring relief to the ''Education Disaster Areas'' of the nation.

The hour is late but the ''end game'' appropriations negotiations offer an opportunity to fund an intensely focused emergency program utilizing already authorized measures. Failing schools in poverty areas can be assisted immediately. By targeting a massive ''Comprehensive School Reform'' effort to solve and resolve the worst education problems in the nation, we establish a foundation for overall school reform that works.

Vouchers which undercut established school systems without offering adequate alternatives are not the answer for schools in crisis. Block grants which hand the power over to neglectful states must be prohibited. The members of the CBC are adamantly opposed to these two dangerous Republican proposals. We also refuse to accept the paralysis of the current Democratic leadership proposals.

While the CBC endorses the Education Agendas that have been offered by President Clinton, Vice President Gore and House Democratic Leader Gephardt, we contend that these plans lack a sense of urgency. The Program that has been set forth by the CBC in no way runs counter to other Democratic proposals. From the womb of the larger and more sweeping agendas, the CBC is seeking to give birth to a baby that will breathe new life into dying schools and systems. For example:

Vice President Gore proposed to allocate 115 billion dollars for education reform over the next ten years.

The CBC proposes that this process be started by committing the first 10 billion dollars and targeting this amount to the worst schools.

Democratic Leader Gephardt proposes the hiring of a million teachers and the initiation of universal pre-school programs.

The CBC proposes to utilize minority colleges and universities to begin a large scale teacher recruitment and staff development program. The pilot programs for universal pre-school should begin immediately in ''Education Disaster Areas.''

President Clinton's initiatives on school construction are absolute necessities.

The CBC contends that the first federal construction and repair funds should go to areas where new pre-school programs can not be opened and class sizes cannot be reduced due to a lack of physical facilities.

The CBC proposes to streamline the delivery of relief to ''Education Disaster Areas'' by utilizing private contractors to replace the Department of Education bureaucracy which is not structured to implement emergency measures. Five such ''Education Prime Contractors'' would cover five regions of the nation.

The CBC is calling an all organizations and individuals who care about education to rally in support of this very practical proposal. Action must start now to replace the

noble but fruitless discussions about education. Beyond the immediate education community we are appealing to civil rights groups, religious associations, labor unions and the corporate community to support this initiative which ''jump starts'' education reform in a meaningful movement.

Our immediate need is for a meeting with President Clinton. Our first task is to achieve a place on the President's ''end-game'' negotiations agenda. Funding for the Public Schools Emergency Recovery Program can begin now.

CONGRESSIONAL BLACK CAUCUS

SUMMARY—THE PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM

(Prepared by Congressman Major R. Owens, Chairman, Congressional Black Caucus Education Braintrust, in Consultation with CBC Special Budget/Appropriations Task Force-Appointed by the CBC-October 4, 2000)

I. INTRODUCTION

At a time when the nation has a 230 billion dollar surplus, the Congressional Black Caucus refuses to accept the abandonment of the nation's most needy and challenged schools and school districts. The most effective course for the salvation of our overall education system is to first intensely focus on the reform and revamping of our worst schools and school districts. Saving failing schools requires that a massive area based, site based education improvement program be structured from the bottom-up. A *Public Schools Emergency Recovery Program* will require no less than a budget commitment of 10 billion dollars. We propose a program that can be implemented rapidly through a streamlined structure with strong national policy guidance, a decentralized administrative and operations structure contracted out to non-profit or profit making qualified agencies, institutions, or corporations with established records and experience in education and/or training. The ''Education Prime Contractors'' shall be allowed considerable flexibility but with strict accountability.

II. FINDINGS

That no proposals currently under consideration are addressing the critical problem of failing public schools at a time when there is a 230 billion dollar federal surplus.

That the long-term goals of the nation's education effort can never be realized if a large segment of the future workforce is abandoned.

That the Federal government is already funding a useful and relevant array of programs sufficient to implement a *Public Schools Emergency Recovery Program*; however, increased appropriations and new mandates to target enhanced funding to ''Education Disaster Areas'' are needed.

That of first and greatest importance for the achievement of overall education reform is the need for a public policy determination that the recovery of failing public schools is an urgent national priority.

That we are rapidly entering a new ''cyber-civilization'' and it is imperative that we close the widening digital divide where children who live in ''Education Disaster Areas'' are falling behind at an accelerating rate.

III. DEFINITIONS

Education Disaster Area—A school or school system that is failing in a community environment with a high hardship and poverty index. Examples: Number eligible for free school lunches; Rate of high risk diseases; Juvenile delinquency rates; Percentage of incarcerated parents; Percentage of high school dropouts. An ''Area'' may be as small as one school or as large as a school district; but shall constitute no more than 20,000 pupils.

Emergency Committee of National Education Advocates—Five education leaders with special experience in the education of at-risk students. They shall be appointed by the President in consultation with Congressional leaders.

Education Prime Control Agency—A non-profit institution or private corporation with an exceptional track record and experience in education and training.

Predominantly Black Colleges/Universities—Institutions which do not meet the ''Historic'' criteria but serve a majority of Black students.

Significantly Hispanic Colleges/Universities—Institutions with 25% or more Hispanic Students.

IV. MAJOR PROGRAM COMPONENTS

A. Area and Site Based School Reform—Mandate local comprehensive planning involving parents, teachers, community leaders, government officials, private sector representatives, fraternal organizations, religious leaders, teachers unions and other unions.

B. Enhanced Curriculum and Program Activities—Areas would be allowed to choose from a menu of established federally funded programs, other certified programs that work, with no more than 20% of funding for new experimental programs. Examples: Community Technology Centers; Gear Up; TRIO; 21st Century Learning Centers; Safe and Drug-Free Schools; Title One; Comprehensive School Reform; Magnet Schools; Reading Literacy Grants; etc.

C. Teacher and School Personnel Improvements—A massive undergraduate student incentive program to recruit teachers; continuing education for teachers and administrators; new positions and staffing patterns; a requirement that all who receive aid for their education must contract to serve in an ''Education Disaster Area'' for at least two years for each year of education assistance received. Persons who reside in designated areas must receive priority in the distribution of education scholarships, fellowships, stipends, etc. Funding Source Examples: Title Two; All Titles of Higher Education Assistance Act.

D. Funding for Infrastructure and Equipment—Priority must be assigned to the relief of overcrowding and the support of lower student-teacher classroom ratios; to health and safety repairs and renovations; to creating conditions more conducive to learning; to technology enhancement changes. Funding Sources: Elementary and Secondary Education Assistance Act; Rangel-Johnson School Modernization Act.

E. Family and Student Support Services Which Enhance Learning—Individual and family counseling; advocacy for health services; advocacy against community and environmental hazards; advocacy for effective social service; advocacy for jobs and job training; assistance to immigrant families. Possible Funding Sources: Title One; AmeriCorps; Community Services Grants; Welfare To Work; Comprehensive School Reform; etc.

F. Reserve Fund for Additional Incentives and Rewards—Each ''Education Prime Contractor'' must maintain a reserve fund to reward success as demonstrated via established accountability standards. Funding: Comprehensive School Reform.

V. POLICY, OPERATIONS, ADMINISTRATION

In order to streamline and ''jump-start'' the Public Schools Emergency Recovery Program, Federal policy initiatives via an Emergency Committee of National Education Advocates in partnership with the Secretary of Education's contracting and monitoring authority will anchor the effort; however, the private sector will be utilized for rapid implementation and accountable administration of this emergency effort (see attached chart).

VI. SPECIAL CONDITIONS

States, local governments and Local Education Agencies with jurisdiction over ''Education Disaster Areas'' must establish a state of readiness for the receipt of emergency funding; covenants for policy reforms, accountability standards and adherence to timetables must be developed; A Parent-Community override provision shall be enforced in localities where official agencies and authorities are reluctant or obstructionist.

VII. EVALUATIONS

The Secretary of Education in consultation with the Emergency Committee of National Education Advocates shall be responsible for selecting the agencies for the ongoing and final evaluations of the performance of each ''Education Prime Contractor.''

VIII. EMERGENCY IMPLEMENTATION

The President, the Senate and House Appropriations Committee negotiators, through the ''end game'' negotiation process have the authority to launch The Public Schools Emergency Recovery Programs using existing funding streams and already authorized programs (See attached chart). The optimum vehicle for the administration of this initiative is Comprehensive School Reform.

Other Members of the CBC Special Budget/Appropriations Task Force—Barbara Lee, Donald Payne, Carrie Meek, Robert Scott, Maxine Waters, Danny Davis, Eva Clayton, Sheila Jackson Lee, Carolyn Kilpatrick, Chaka Fattah, Harold Ford, Jr., Eddie Bernice Johnson, Charles Rangel.

PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM—CONGRESSIONAL BLACK CAUCUS EDUCATION BUDGET TASK FORCE

Item	President's 2001 request	CBC Public Schools Emergency Recovery Program	Increase requested	Comments and recommendations
I. PROGRAMS AUTHORIZED OR PROPOSED IN ELEMENTARY AND SECONDARY EDUCATION ACT				
Class Size Reduction	$1.75 Billion	Same as President however; Schools in Education Disaster Areas must be served first.	0	The undesirably high pupil-teacher ratio is the prevailing pattern in the poorest districts.

PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM—CONGRESSIONAL BLACK CAUCUS EDUCATION BUDGET TASK FORCE—Continued

Item	President's 2001 request	CBC Public Schools Emergency Recovery Program	Increase requested	Comments and recommendations
School Construction and Renovation (Classrooms to reduce class sizes).	$1.3 Billion Direct Appropriations	$3.6 Billion (All must be allocated to Education Disaster Area Schools).	$2.3 Billion	Oldest and most unsafe schools; largest number of trailers; most overcrowding in poorest areas.
Community Technology Centers	$100 Million	$700 Million (to provide a Center for each Education Disaster Area without competitive grant process).	$600 million	At least one million per year for 200 "Education Disaster Areas" for a three year start up period.
Teacher Recruitment	$98 Million	$198 Million	$100 Million	Crash program with subsidized training and incentives to guarantee supply of certified teachers.
21st Century Community Learning Centers	$1 Billion	$2 Billion	$1 Billion	Tutoring Afterschool, Saturday School, Summer School.
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP).	$325 Million	$400 Million	$75 Million	Tested option to increase early student motivation in conjunction with other innovations.
Safe & Drug Free Schools	$650 Million	$750 Million	$100 Million	A tested working program needing more resources.
Teacher Improvement	$1 Billion	$1.5 Billion	$500 Million	A high priority component.
Technology Literacy Grant	$450 Million	$550 Million	$100 Million	Needed to operate in concert with Community Technology Centers.
Migrant Assistance Programs	$410 Million	$510 Million	$100 Million	Needed to combat special problems in rural EDA's.
Reading Literacy Grants	$286 Million	$386 Million	$100 Million	It is important to saturate the entire environment with learning opportunities.
Comprehensive School Reform Demonstrations.	$190 Million	$2.69 Billion	$2.5 Billion	This is the major account for planning, administration, innovations and evaluation.
Magnet Schools Assistance	$110 Million	$210 Million	$100 Million	School integration is still a significant obstacle in many EDA's.
II. PROGRAMS AUTHORIZED OR PROPOSED IN HIGH EDUCATION ASSISTANCE ACT				
Pell Grants	Maximum Award-$3,500 $8.3 Billion Total Appropriation.	Maximum Award-$3,700 $9.3 Billion Total Appropriation.	$1 Billion	Additional funds targeted for high school graduates who reside in Education Disaster Areas (EDA's).
Technical Assistance and Resource Centers for HBCU's.	New Program	$100 Million	$100 Million	Necessary in order to maximize HBCU participation.
Historically Black Colleges and Universities-Undergraduate Program (HBCU–UP).	$10 Million	$20 Million	$10 Million	Expansion of a successful initiative.
Louis Stokes Alliances for Minority Participation (LSAMP).	$26.5 Million	$126.5 Million	$100 Million	Cross coordination will produce additional funding.
The HBCU Research University Science and Technology Program (T.H.R.U.S.T.).	New Program.	$20 Million	$100 Million	Address areas where the greatest number of teachers must be educated.
Title Hispanic Serving Institutions	$20 Million	$100 Million	$80 Million	Vital role in recruitment and training of Hispanic teachers.
Research Extension for 1890 HBCU Land-Grant Colleges and Universities.	New Program	0 Million	$20 Million	For Biotechnology, Environmental and Agriculture teacher training.
III. PROGRAMS AUTHORIZED OR PROPOSED IN OTHER JURISDICTIONS				
Rangel-Johnson School Modernization	$25 Million (Interest payments only)	Same as President (For all other schools outside Disaster Areas).	0	This slower process requiring starting credit or legislative action is not suitable for "emergencies".

We sent a letter to the President discussing these two items. The letter reads as follows:

We respectfully request a meeting with you as soon as possible. With the end of the 106th session only a few days away, this is an emergency. The members of the Congressional Black Caucus are convinced that we are at a pivotal point in the life of public education, and we are at a critical point in the history of our Nation. For the first time in many decades we have a Federal budget surplus, and we anticipate a significant surplus every year for the next 10 years. We have a window of opportunity to make positive budget decisions this year. These budget decisions will set a pattern for the next 10 years. In the context of the present era of abundance, the abandonment of failing public schools would be a shameful tragedy.

We asked the President to examine our proposal, and most of all we wanted the President to make certain that in the process of the end game negotiations, he must keep on the table the school construction proposals.

Finally, we have made a statement which says what I have said before, that all of these proposals that have been developed by Democrats are exemplary and we endorse them. Our proposal for a public schools recovery program that was attached in the letter to the President takes into consideration all those proposals.

For example, Vice President AL GORE proposes to allocate $115 billion for education reform over the next 10 years. The CBC proposal that we sent to the President proposes that this process be started by committing the first $10 billion this year and to direct that to the worst schools.

Democratic Leader GEPHARDT proposes the hiring of a million teachers and the initiation of a universal preschool program over the years.

The CBC proposes to utilize minority colleges and universities to begin a large-scale teacher recruitment and staff development program now. The pilot programs for universal preschool also should begin immediately and the first universal preschool program should be in the education disaster areas that we talked about.

President Clinton's initiatives on school construction of course are absolutely necessities, and we contend that the first initiative should go toward the poorest areas. The CBC contends that the first Federal construction repair funds should go to areas where new preschool programs cannot be opened and class sizes cannot be reduced due to a lack of physical facilities.

In order for the class size reduction program to work, you need more and better physical facilities.

Mr. Speaker, I also add the letter to the President of October 11, 2000, and the appeal to President Clinton, the statement issued in a press conference on October 18, 2000.

Finally, I commend to you the fact that there are four very good pieces of legislation on the table right now which relate to school construction. I would like to introduce for the RECORD School Construction Bills Introduced During the 106th Congress, these four particular bills.

SCHOOL CONSTRUCTION BILLS INTRODUCED DURING THE 106TH CONGRESS

Amends Title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of Elementary and Secondary Schools (H.R. 3071). Provides $110 billion over ten years for elementary and secondary school construction, reconstruction, renovation, or modernization for information technology of such schools. Federal grants go to schools with a demonstrated need based on the condition of the facility the age of the facility and the needs related to preparation for modern technology. The Secretary can allocate to each state an amount that bears the same ratio to such appropriated amount as the number of school-age children in such state bears to the total number of school-age children in all the states. (Sponsor: Congressman Owens, Referred to the House Committee on Education and the Workforce).

Public School Modernization Act of 1999 (H.R. 1660). Amends the Internal Revenue Code to provide; a limited credit for qualified public school modernization bonds; for qualified school construction bonds and qualified zone academy bonds and establish limits and allocation formulas for such bonds; and corporations, a limited specialized training center credit (Sponsor: Congressman Rangel, Referred to the Committee on Ways and Means, and the Committee on Education and Workforce).

Public School Repair and Renovation Act of 2000 (H.R. 3705). Amends the Elementary and Secondary Education Act of 1965 (ESEA) to establish a new title XII, Public School Repair and Renovation, which authorizes Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas. Provides $1.3 billion for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years (Sponsor: Congressman Clay, Referred to the House Committee on Education and the Workforce).

Classroom Modernization Act of 2000 (H.R. 4766). Amends the Elementary and Secondary Education Act of 1965 to authorize the appropriation of funds to assist states and local educational agencies with the expenses of Federal education statutory requirements and priorities relating to infrastructure, technology, and equipment. Provides $1.5 billion over five years for Charter Schools (Sponsor: Congressman Goodling, Referred to the House Committee on Education and the Workforce).

In conclusion, we are about to end the 106th Congress. We have a golden opportunity. We have on the table a proposal now that could make a breakthrough in the critical area of school construction. We would like to see hard hats all across America building schools. The time has come to build schools. That is the first step. We want to improve education. Let us make certain that the facilities are there, the equipment is there, let us go forward to meet the challenge of a new cyber-civilization and keep America in the leadership of the digital economy.

Education comes first. Brain power is the most important force in the world today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 1:50 p.m. on account of official business.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today after 11:00 a.m. on account of business in the district.

Mr. OSE (at the request of Mr. ARMEY) for today after 1:00 p.m. and for the balance of the week on account of personal reasons.

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. SHOWS) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, October 31.

Mr. EHLERS, for 5 minutes, October 31.

Mr. DELAY, for 5 minutes, today.

Mr. LEACH, for 5 minutes, October 31.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

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 that Act, extend the authorization of appropriations for that Act, and improve the administration of that 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 stored or handled in licensed warehouses, and for other purposes.

H.R. 4868. An act 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.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness.''

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 710. An act to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire by modifying the boundary and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2951. An act to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology

discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and the Meridian Irrigation District.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 27, 2000:

H.R. 1651. To amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of the United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

H.R. 3218. To amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 5178. To require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

H.J. Res. 117. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On October 28, 2000:

H.R. 2780. To authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 2884. To extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 4404. To permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Services, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4957. To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. To extend the authority of the Los Angeles Unified School District to use certain lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5157. To amend title 44, United States Code, to ensure preservation of the records of the Freedman's Bureau.

H.R. 5314. 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.

H.R. 5331. To authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

H.R. Res. 118. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On October 29, 2000:

H.J. Res. 119. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

□ 1930

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 31, 2000, at 6 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10768. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7745] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10769. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7736] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10770. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program (RIN: 1845–AA17) received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10771. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Special Leveraging Educational Assistance Partnership Program (RIN: 1845–AA18) received October 27, 2000; to the Committee on Education and the Workforce.

10772. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10773. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Killeen, Texas) [MM Docket No. 00–103; RM–9878] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10774. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Closed Captioning Requirements for Digital Television Receivers [ET Docket No. 99–254] Closed Captioning and Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility [MM Docket No. 95–176] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10775. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Jenner, California)[MM Docket No. 00–33; RM–9816] (Culver, Indiana) [MM Docket No. 00–34; RM–9817] (Lake Isabella, California) [MM Docket No. 00–35; RM–9818] (Olpe, Kansas) [MM Docket No. 00–71; RM–9852] (Covelo, California) [MM Docket No. 00–72; RM–9853] (Sterling, Colorado) [MM Docket No. 00–74; RM–9862] (Kahului, Hawaii) [MM Docket No. 00–75; RM–9863] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10776. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Cloverdale, Point Arena, and Cazadero, California) [MM Docket No. 99–180; MM Docket No. 00–59; RM–9583; RM–9734; RM–9759] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10777. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Charlotte, Texas) [MM Docket No. 00–22; RM–9795] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10778. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (George West, Pearsall and Victoria, Texas) [MM Docket No. 99–342; RM–9773; RM–9844] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10779. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Eastman, Vienna, Ellaville and Byromville, Georgia) [MM Docket No. 00–56; RM–9839; RM–9905; RM–9906] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10780. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Ravenwood, Missouri) [MM Docket No. 00–109; RM–9899] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10781. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Upton and Pine Haven, Wyoming) [MM Docket No. 99–57; RM–9460; RM–9610] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10782. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's

final rule—Amendment of Parts 2 and 87 of the Commission's Rules Regarding the Radionavigation Service at 31.8–32.3 GHz [ET Docket No. 98–197] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10783. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Determination and Certification for Fiscal Year 2001 Concerning Argentina's and Brazil's Ineligibility Under Section 102(a)(2) of the Arms Export Control Act; to the Committee on International Relations.

10784. A letter from the Auditor, District of Columbia, transmitting a report entitled ''District's Unclaimed Property Program Needs Substantial Improvement,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

10785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbia, MO [Airspace Docket No. 00–ACE–21] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oelwein, IA; Correction [Airspace Docket No. 00–ACE–12] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Picayune, MS [Airspace Docket No. 00–ASO–28] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Harbor Springs, MI [Airspace Docket No. 00–AGL–14] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Dexter, MO [Airspace Docket No. 00–ACE–31] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30208; Amdt. No. 2016] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Moberly, MO [Airspace Docket No. 00–ACE–30] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Atwood, KS [Airspace Docket No. 00–ACE–19] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oakley, KS [Airspace Docket No. 00–ACE–20] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fairfield, IA [Airspace Docket No. 00–ACE–13] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes Powered by Pratt & Whitney Engines [Docket No. 99–NM–308–AD; Amendment 39–11920; AD 2000–20–09] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Elkhart, KS [Airspace Docket No. 00–ACE–22] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 98–NM–135–AD; Amendment 39–11919; AD 2000–20–08] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pittsburg, KS [Airspace Docket No. 00–ACE–28] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes [Docket No. 98–NM–207–AD; Amendment 39–11926; AD 2000–20–15] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes [Docket No. 99–NM–69–AD; Amendment 39–11906; AD 2000–19–05] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D and Class E Airspace, and Amendment to Class E Airspace; Garden City, KS [Airspace Docket No. 00–ACE–25] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes [Docket No. 2000–NM–17–AD; Amendment 39–11944; AD 2000–21–12] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10803. A letter from the Program Ananlyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–300 Series Airplanes [Docket No. 99–NM–364–AD; Amendment 39–11945; AD 2000–21–13] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Powered by General Electric Model CF6–80C2 Series Engines [Docket No. 99–NM–228–AD; Amendment 39–11756; AD 2000–11–08] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 99–SW–35–AD; Amendment 39–11929; AD 2000–20–17] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes [Docket No. 99–NM–248–AD; Amendment 39–11932; AD 2000–20–20] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E4 Airspace; Melbourne, FL [Airspace Docket No. 00–ASO–34] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2000–SW–24–AD; Amendment 39–11930; AD 2000–20–18] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Simmons Army Airfield (AAF), NC. [Airspace Docket No. 00–ASO–39] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ambler, AK [Airspace Docket No. 00–AAL–4] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10811. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision John D. Shea v. Commissioner—received October 27, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

10812. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Rev. Rul. 2000–51] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10813. A letter from the Secretary, Department of Defense, transmitting the Annual Report for the National Security Education Program for 1999; jointly to the Committees on Intelligence (Permanent Select) 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. YOUNG of Alaska: Committee on Resources. H.R. 1500. A bill to accelerate the Wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal Lands (Rept. 106–1017). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 5130. A bill to authorize the Secretary of the Interior to provide cost sharing for the CALFED water enhancement programs in California; with an amendment (Rept. 106–1018 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 5291. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to make additional corrections and refinements in the Medicare, Medicaid, and State children's health insurance programs, as revised by the Balanced Budget Act of 1997; with an amendment (Rept. 106–1019 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 31, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than October 31, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 31, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 31, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 31, 2000.

H.R. 4857. Referral to the Committee on the Judiciary, Banking and Financial Services, and Commerce extended for a period ending not later than October 31, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than October 31, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself and Mr. DINGELL):

H.R. 5601. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to provide benefits improvements and beneficiary protections in the Medicare and Medicaid Programs and the State child health insurance program (SCHIP), as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; 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 Ms. DELAURO (for herself and Mr. MALONEY of Connecticut):

H.R. 5602. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to grandparents who provide primary child care services without compensation for their grandchildren who are not their dependents; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. PORTER, Mr. SMITH of New Jersey, Mr. ROHRABACHER, and Mr. KUCINICH):

H.R. 5603. A bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 5604. A bill to authorize funding for certain housing assistance to increase the availability of affordable housing; to the Committee on Banking and Financial Services.

By Mr. MORAN of Virginia (for himself, Mr. CUMMINGS, Mr. DAVIS of Virginia, Mr. HOYER, Mrs. MORELLA, Ms. NORTON, Mr. WOLF, and Mr. WYNN):

H.R. 5605. A bill to require that the same transit pass transportation fringe benefits that are currently being offered to certain executive branch employees in the National Capital Region be extended to other similarly situated Federal employees; to the Committee on Government Reform.

By Mr. PALLONE:

H.R. 5606. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN:

H. Res. 664. A resolution expressing the sense of the House of Representatives regarding the Clinton Administration's lack of cooperation and efforts to impede the investigation by the General Accounting Office into the implementation of United States policy toward United Nations peacekeeping operations; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 914: Mr. MEEHAN.

H.R. 1046: Mr. BOSWELL.

H.R. 1053: Mr. MCGOVERN.

H.R. 1657: Mrs. JONES of Ohio.

H.R. 2344: Ms. KILPATRICK.

H.R. 3195: Mr. CONYERS.

H.R. 3872: Mr. TOOMEY.

H.R. 4215: Mr. BERRY.

H.R. 4219: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4481: Mr. BOEHLERT.

H.R. 4495: Mr. JENKINS.

H.R. 4921: Mr. UNDERWOOD.

H.R. 5261: Mrs. MEEK of Florida.

H.R. 5397: Mr. COSTELLO, Mr. HALL of Ohio, Ms. JACKSON-LEE of Texas, and Mr. CLAY.

H. Con. Res. 306: Mr. CARDIN, Mr. WHITFIELD, Mr. THOMPSON of California, and Mr. GOODLATTE.

H. Con. Res. 337: Mr. HILLEARY.

H. Con. Res. 373: Mr. UDALL of Colorado and Ms. LEE.

EXTENSIONS OF REMARKS

RECOGNITION OF THOMAS L. GROOMS, JR. AS A WORLD WAR II VETERAN

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize a great American hero from my district Savannah, Ga., Thomas L. Grooms, Jr. as a World War II Veteran. We should all stand up and applaud Mr. Grooms for his service in the Battle of the Bulge. He used his talent as a Medic to treat those injured and hurt in the line of duty. Without his dedication to helping others many lives would have been lost.

The Battle of the Bulge took place in Germany in 1944. While Mr. Grooms was there he sent all of his pay home to provide for his mother and sister. When the war ended he did not get to go home, instead he stayed in Germany to manage multiple hospitals. Several months later he returned to the United States with no great fan fare. All of the jobs were already taken by the soldiers that had returned earlier.

Mr. Grooms decided to go back to school since he was struggling to make ends meet. He became a Chemist and stayed with American Cyanamid/Kemira Pigments for 33 years. He has since retired and is desperately trying to battle colon cancer.

Mr. Grooms and his wife Bette will celebrate their 50th Wedding Anniversary on November 5th. In today's society marriages like theirs represent a shining example of family devotion. Both are native Georgians—with their families having migrated from England and Ireland in the 1700's. He and his wife raised four children with strong Christian ethics and family values.

Mr. Grooms wife, Bette, is retired from the U.S. Army Corps of Engineers with over 25 and ½ years service. The citizens of my district have been the true beneficiaries for the many personal sacrifices this family has done in order to serve their community, church, and country.

Mr. Grooms' presence and dedication to our country helped insure the freedom we enjoy today. His unselfish acts made a difference to the families of each person he helped. America's all volunteer military has always served with pride meeting the challenges necessary to maintain our national security, to protect American interests at home and abroad, and to guarantee our freedoms and way of life. Our Veterans made many sacrifices to protect our freedoms and way of life, and Americans owe them a great deal.

Please join me again in applauding Mr. Grooms. His warmth, generosity, and friendship has touched thousands of people in his community, church, and family. Without him our country's history would be different. The dedication of this brave man helped shape our history. Our society today needs more people like him who unselfishly dedicate to their lives and fight for the freedom of our country. This man is a very brave person and deserves to be recognized as an American hero. I am pleased to submit this acknowledgment of his continuing life in the CONGRESSIONAL RECORD.

My name is (Tommy) Thomas L. Grooms, III. I have met you before and I have been in your office here in Savannah (on Abercorn). I am a staunch Republican Christian Married Male who is retired from the U.S. Air Force (having served over half of my career assigned to an active-duty slot with the 165th Airlift Wing, Georgia Air National Guard in Savannah). I was a single parent of two precious daughters for over ten years and struggling in service to our country as an enlisted member on a ''fixed'' income in a slot with no upward mobility. I was forced to retire three years ago when my slot was abolished and I was devastated to say the least. I am now employed with the Coastal Heritage Society, here in Savannah, in an administrative position as Assistant to the Executive Director. This is more of a title than anything, as my income is very low—due to this being a non-profit organization, as you well know. I was blessed with a new wife a little over a year ago. My father has cancer (in the final stages—he is currently in ICU at Candler Hospital, here in Savannah). My wife was one of his medical care-providers when he was initially diagnosed with cancer.

The reason that I am writing to you with this long message is two-fold:

1.) My Father, Thomas L. Grooms, Jr., is a World-War II Veteran—he served as a ''Hero'' in The Battle of the Buldge—as a matter of fact, Time-Life has a series of books out on World War II, with one book dedicated solely to The Battle of the Bulge—and in this book is a full-one-page picture of my Father on the Battle-Field. He served as a Medic and, when the War ended, he did not get to come home, but was left to manage multiple hospitals in Germany for a number of months. When he arrived back in the states, there was no ticker-tape parade for him and all of the jobs were taken. While he was away at War, he sent all of his pay home to provide for his Mother, who was dying of colon cancer (the same that he now has) and for his sister (his Father, who was a Medical Doctor, had passed away when my Father was an infant) . . . My Father struggled and to make ends meet, went back to school, married my Mother at Calvary Baptist Temple—here in Savannah (with the ceremony being performed by Dr. John Wilder), and I was born a year later in 1951. He retired from American Cyanarmid/Kemira Pigments—with over 33 years employment—here in Savannah over 10 years ago, as a Chemist, where he was exposed to many chemicals for many years (contributing, I believe to his cancer condition today). My Father just had his 77th Birthday on October 5, 2000. On November 5, 2000—my parents—Tom & Bette Grooms—will celebrate their 50th Wedding Anniversary.

a. What I am getting to is this:

(1) Is there any way that you could possibly have my Father recognized in some special way for his War efforts (so many sacrifices) in behalf of our country—before it is too late? You obviously are aware that our country, to date, has not ever properly recognized our World War II Veterans—I am aware of the planned Washington Monument/Memorial—but, it may be too late for my Dad, Jack. . . . Please do something if you can. . . . You don't know how much I would appreciate this . . .

(2) Congrats ltr? you could have both of my parents recognized for their 50th Wedding Anniversary (NOV 5)—should my Dad live long enough to be here for it??? . . . Their Names, Again: Mr. & Mrs. Thomas L. Grooms, Jr. (Tom & Bette)—My Mother's Maiden Name is: Barbaree. Both of my parents are native Georgians—with their family having migrated here from England and Ireland in the 1700's. They are both dear Christian people who have been so involved in their church all of their lives and have reared four children in a Godly, Christian home. They are well-respected in the community by their peers and family alike. They truly deserve to be recognized. As an added note, my Mother, Bette Grooms, retired from the U.S. Army Corps of Engineers with over 25½ years service, including employment at Historic Fort Pulaski under Mr. Ralston B. Lattimore, the original Superintendent who was responsible for the original restoration efforts there. She, too, was a hard worker who contributed much to this community for many years. . . . So, if you can have them recognized for all of this on this very special occasion, it would mean the world to them, me and the rest of our family and friends . . .

2.) The second issue deals with me and my fellow Veterans who have served our country as a career in the U.S. Air Force. I retired after having served over 25 years. I am, once again, a conservative Christian Family Man Who is a Card-Carrying Republican. I am appalled at what our country has done to its Veterans. We were promised free medical, dental, insurance, etc. for the rest of our lives—in return for 20 or more years of service. We however, have to pay for ''Tri-Care'' and have no Dental Insurance, Eye Care, or Life Insurance . . . I, also, happen to have qualified for V.A. benefits due to disability suffered from a broken back, etc. while in service (I am a Viet Nam Era Veteran, as well). However, every dollar that I receive in V.A. is taken out of my retirement pay. Why is it that a young person can serve 6 months of service and be placed on V.A. due to an injury/disability and receive the same pay that I receive after having had served for over 25 years.

(a) If there is any way you could help initiate a bill and push it through Congress to eliminate this unfair practice/discrepancy—and allocate payment of retirement pay to those who have earned it, as well as V.A.—and another bill to return the proper medical care to all Veteran Retirees for Life, as originally promised by our U.S. Government Representatives/Recruiters/Retention Officers—this would be so very much appreciated, along with a reasonable increase in Retirement Pay for Military Retirees, so we won't have to struggle so much on the outside . . . If I was making more in retirement

at this very moment, I would not have to be working to make ends meet and would be at the hospital, helping to morally support my parents during this very trying time. . . .

In closing, thank-you, Jack, for all that you have done for our community, our state and our nation—and for how you present yourself—as an Honest, God-fearing, Christian, Family, Moral Man with Values. If there is ever anything that I can do to help support your mission, your campaign, your office, please do not hesitate to call upon me, sir!

Anything that you can do positively relative to the above shared situations would be greatly appreciated and would not go unnoticed. Thank-You, again, Jack, and May God Continue To Richly Bless You In All That You Undertake For His Glory and For The Betterment of Mankind, Our Country, Our Community, and Your Family!!!

Looking forward to hearing from you in the near future in a most positive manner concerning these matters, I am most humbly and sincerely,

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. SANCHEZ. Mr. Speaker, during rollcall vote number 575 on October 29, 2000 I was unavoidably detained. Had I been present, I would have voted yea.

IN HONOR OF PETER AKINYELE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize a truly remarkable man, one who genuinely exemplifies what it means to be a loving, peaceful person, even under the most adverse circumstances.

On Thursday, September 14, around 11:00 pm, Peter Akinyele's 16-year-old neighbor asked to use his phone. He did, only to return with a friend—and a gun. The young boys demanded money while holding the weapon to Peter's head, and yet the 67-year-old maintained a calm, collected composure, asking them simply to ''put the gun down.''

Peter Akinyele also maintained his composure as the boys proceeded to slash his throat open, beat him and bound his hands and feet with an electrical cord. Near unconscious, the boys threw him in the basement, ignoring his last request: ''Please don't set the house on fire,'' as he collapsed from pain and fatigue. Peter awoke to the smell of gasoline and smoke, and the sound of firefighters extinguishing the blaze. Peter broke through a basement window with his bare hand, and, shouting for help, was eventually heard amidst the chaos. Finally, his ordeal was over and he was brought to safety.

To this day, Peter Akinyele has no trace of anger toward his young and ruthless attackers. Throughout the entire fiasco, he says, his main concern was not only that he would live to see the next day, but that the boys would have a future themselves. Realizing the potential danger if he struggled for control of the gun, he simply talked to the young boys, saying ''Please don't shoot me. Don't do this. This is not the right thing to do.'' Even when someone was attempting to brutally end his life, Peter Akinyele remained strong-willed, and yet empathetic. He would not give up this own life, but he would not even attempt to harm theirs for the sake of his own survival. Certainly, this is a man who does not believe in fighting violence with more violence.

My fellow colleagues, Peter Akinyele is a man who deserves the highest respects for his noble suffering. Many people can look to him as an example of the peaceful nature and genuinely loving heart that all should aim to cultivate in their lives. I commend him for his courage, bravery, and loving heart.

RECOGNITION OF U.S. WEIGHTLIFTING TEAM—MICHAEL COHEN, HEAD COACH; CHERYL HAWORTH; CARA HEADS-LANE; SUZANNE LEATHERS; MICHAEL MARTIN; AND OSCAR CHAPLIN III

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize Michael Cohen, head coach; Cheryl Haworth; Cara Heads-Lane; Suzanne Leathers; Michael Martin; and Oscar Chaplin III as members of the United States 2000 Summer Olympic Weightlifting Team. All of these amazing individuals live in my Savannah, GA., part of my congressional district. They have worked hard and represented our country well. We should be proud of the way they represented our country.

Michael Cohen the head coach of the U.S. Women's Olympic Team was an alternate for the 1980 U.S. Olympic Team that was boycotted so he did not get to participate. In 1984 Cohen did not get the chance to compete again because he was an alternate. In 1988, he injured his back and was unable to compete. It was then that he realized that the only way he would make it into the Olympics was to be a coach and it was then he founded the Paul Anderson/Howard Cohen Weightlifting Center. He is a great coach and an inspiration to all of the people that come into his gym.

Cohen had to wait some 20 years to experience his dream of participating in the Olympic Games. He was allowed to walk in the open ceremonies with all of the athletes. This was a treat because some countries do not allow the coaches to walk in the open ceremonies. Cohen's father started him lifting weights at the age of 5.

Cheryl Haworth of Savannah, Georgia became the youngest U.S. athlete ever to win an Olympic medal in weightlifting when she earned a bronze medal in the women's plus 75kg with a total of 270.0kg. On her way to winning the bronze medal, Haworth set four American records—two in the snatch and two in the total.

Haworth began lifting only three and a half years ago. She is the exception to the rule of training for many years equals success. She walked in the gym some three years ago in order to increase her strength for playing softball. As soon as she walked into the Paul Anderson/Howard Cohen Weightlifting Center the coaches at the gym immediately realized her amazing natural talent and began her training.

Haworth is a three time national champion and holds every American record in her weight class. Haworth won America's only medal at the 1900 Worlds, a bronze in the snatch.

Cara Heads-Lane moved to Savannah, Georgia four years ago from Costa Mesa, California in order to train. She has been training since the age of 8 and has worked a long time in order to make it to the Olympics. Cara placed 7th in the Women's Heavyweight in the 2000 Olympic Games.

Oscar Chaplin III was the first American in history to win Junior World Championship. Chaplin finished 12th in the men's Middle Weight in the 2000 Olympic Games. Chaplin has been lifting weights since the age of 9 and is ranked in the top 15. He holds the National Junior and Senior records for the last three years.

Suzanne Leathers was an alternate for the 2000 Olympic Weightlifting Team. She moved to Savannah, GA. with her coach Donald McCauley to be in the weightlifting capitol. She and Donald decided that they would get married if she made the Olympic Team. So, on September 14, 2000 they tied the knot in Australia. I wish them a happy and joyful life together.

Michael Martin was the youngest person to ever make it on to an Olympic weightlifting team. He was picked as an alternate for the 2000 Olympic Team. His sights are set for the 2004 Olympics.

Please join me in applauding all of these fine young men and women. They have worked extremely hard to reach this momentous goal. Let us all look up to them and strive to work as hard as they have to reach a goal. Our society needs more people like them that work extremely hard to represent our country. These young people proved that our American youth are indeed the best.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. SANCHEZ. Mr. Speaker, during rollcall vote number 574 on October 29, 2000, I was unavoidably detained. Had I been present, I would have voted yea.

IN HONOR OF OHIO PTA'S 100TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Ohio PTA on its 100th Anniversary, on May 21, 2001.

For the past century, the Ohio PTA has been actively fighting for our children. When the Ohio PTA first convened on May 21, 1901, during the National Congress of Mothers, it recognized the importance of our children, and their need to be educated and raised in a healthy manner. The PTA made it their mission to act and speak on behalf of our young people throughout the community as well as before government agencies.

In the 1920's, the PTA worked to ratify the National Child Labor Amendment as well as advocated the need of special classes for developmentally handicapped children. During the 1940's, the PTA assisted the war effort by working with the Red Cross and other agencies to help abroad. Meanwhile, the PTA also established the Memorial Scholarship Program to train teachers to better educate our children at home. During the 1980's, the PTA launched its "Come Back to School" project to improve parent involvement as well as increase participation in the larger cities. Most recently, the PTA has been instrumental in increasing parent involvement, advocating legislation on behalf of the youth, as well as leading the Citizens Against Vouchers coalition.

The Ohio PTA recognizes the role of parents as primary educators in partnership with the schools with whom we entrust our children. The Ohio PTA acknowledges that we are all parents as long as we carry significant responsibilities for a child's development. Presently, there are 150,000 PTA members in 800 local units throughout the state.

The Ohio PTA plays an important role in striving to maintain the safety, welfare, and education of all of our children in the state of Ohio. Please join me in honoring the Ohio PTA on the occasion of its 100th Anniversary.

MARGARET MARKETA NOVAK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. WAXMAN. Mr. Speaker. I am pleased to commend my constituent Margaret Marketa Novak for her dedicated contributions to Holocaust education and remembrance, and acknowledge the recent completion of her autobiography One Left, Just One.

For over 30 years, Ms. Novak has been active in Holocaust issues, as a speaker, an author, and a member of Holocaust survivor support organizations. Her volunteerism and commitment exemplify the belief she notes in her book that "Surviving is not enough, it's what we do with our lives that counts."

As the only survivor in a family of nine that perished in the Holocaust, Ms. Novak has lived a challenging life, as so many others who, like Ms. Novak, relied upon faith, fear and courage to survive the ghetto, Auschwitz, the DP camps, and the uncertain trip to settle in the United States.

Although nothing can vindicate the murders of the innocent six million who perished, or reclaim the lost childhood she documents in her book, Ms. Novak's resolve to share this history is a testament to the determination of all of the survivors who struggled to reclaim their lives after the war and put them on record for future generations.

Our community is grateful to Ms. Novak for her devoted service. I extend her my best wishes for the future.

AMBASSADOR DAVID IVRY DISCUSSES ISRAEL'S RESTRAINT IN DEALING WITH THE CURRENT MIDDLE EAST VIOLENCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. LANTOS. Mr. Speaker, last Friday, the Washington Post published an excellent article by His Excellency David Ivry, ambassador of Israel to the United States. Ambassador Ivry has served as commander of the Israeli Air Force and Deputy Chief of the General Staff. For the past year he has represented Israel in the United States. I want to commend Ambassador Ivry's article to my colleagues in the Congress.

Mr. Speaker, all of us regret the tragic deaths which have resulted from the violence in the Middle East. It is a great tragedy that this turmoil has turned the focus from efforts to resolve the conflict peacefully to dealing with a new wave of disorder that undermines the basis for peace between Israelis and Palestinians. The violence is unacceptable, and it is undermining the very basis for peace—the notion that Palestinians and Israelis can live together.

Unfortunately, Mr. Speaker, the evening newscasts are giving a false image of the true dimensions and nature of this violence. The carefully orchestrated turmoil and the cynical and tragic use of little children should stand condemned by all of us. It is important that we understand the full significance of what is happening as this disorder continues to threaten stability and the progress that has already been achieved.

Ambassador Ivry has laid out in particularly clear and incisive terms the Israeli interest in achieving a peaceful reconciliation with the Palestinians. He also explains the position and policy of the Israeli government in its effort to deal with the unacceptable levels of Palestinian-orchestrated violence that now threatens to undermine the progress that has been achieved over the past seven years.

Mr. Speaker, I ask that Ambassador Ivry's article be placed in the RECORD, and I urge my colleagues to give it the careful and thoughtful attention that it deserves.

ISRAEL'S RESTRAINT

By David Ivry The Washington Post, Oct. 27, 2000

The current wave of violence in the Middle East has left more than 100 Palestinians dead, while the number of Israeli fatalities has been relatively small. This uneven casualty ratio has raised questions by some as to whether the Israeli forces are too eager to pull their triggers in response to Palestinian violence. The answer to such concerns is clear: Israel has shown the greatest restraint possible in the face of continued violent provocations, and Israel's forces have made a maximum effort to avoid Palestinian fatalities.

Israel has no interest in the continuation of violence, and our tactical response has been to avoid actions that could lead to escalation. Every Israeli soldier on the ground receives strict orders as to the rules of engagement, which state clearly when it is permissible to use live fire. An Israeli soldier may respond only when shot at first or in a life-threatening situation. In either case his response must be directed at the source of the fire.

On Oct. 12, the day the two Israeli soldiers were brutally lynched in Ramallah, Israel responded by sending helicopters into action in Ramallah and Gaza. Not only were our pilots under strict instructions to surgically strike designated points but Israel also warned the Palestinians to evacuate the specified targets. It was no accident that there were no Palestinian fatalities in the Israeli counterstrike.

Israel's operational procedures for dealing with violent crowds involve the use of teargas and rubber bullets. Palestinians are propagating the fallacy that Israeli troops meet street demonstrators with live fire. Unfortunately, we have witnessed many incidents in which armed Palestinians have opened fire on Israelis from street demonstrations—using their fellow Palestinians as human shields. The Palestinian leadership has gone as far as closing the schools and busing children to points of friction, knowingly putting youngsters in harm's way. International treaties clearly condemn the enlisting of children to participate in hostilities. The international community should speak out against this reprehensible exploitation of children for political purposes.

Today's violence is quite different from that of the intifada in the 1980s. Israel then controlled the entire West Bank and Gaza Strip, and Israeli soldiers were stationed inside Palestinian cities.

Today, as a result of the Oslo accords, 40 percent of the territories, including all the population centers, are under Palestinian control with more than 95 percent of Palestinians living directly under the rule of the Palestinian Authority. Our forces sit outside the population centers at points agreed to in the Israeli-Palestinian interim agreements. For violent incidents to erupt, Palestinians must seek out those forces or Israeli civilian targets.

During the intifada, our forces had to deal primarily with violent demonstrations. Currently, Israeli soldiers face armed Palestinian forces, either the official Palestinian security or the Tanzim militia (which, according to the interim agreements, should not have weapons at all). Palestinian gunmen have opened fire on Israelis in hundreds of incidents. Pictures of Palestinian boys with slingshots do not accurately reflect this new reality on the ground.

The ultimate irony of the current situation is that Prime Minister Ehud Barak has shown unprecedented flexibility in the peace process. The Palestinians, rather than opting to negotiate, chose to revert to violence. It was the Palestinian side that reneged on the cease-fire brokered by Secretary of State Madeleine Albright in Paris, and it was the Palestinian side that failed to implement the deal brokered by President Clinton at Sharm el-Sheikh. Israel did not want, seek or encourage this round of fighting. The questions must be asked: Which side has acted to contain and to end the violence, and which side has not?

The truth about the ratio of Palestinian to Israeli deaths is that Israelis have been actively seeking to limit fatal casualties in

this conflict while, unfortunately, the same cannot be said for the Palestinian side. As retired Gen. Wesley K. Clark wrote recently: ''for the Palestinians, every casualty, even their own, can be a strategic gain.'' As long as the Palestinian leadership acts on the assumption that there is a net political advantage in bloodshed, surely they, and those in the Arab world who encourage this violent strategy, should be held accountable for the appalling and unnecessary loss of life over the past four weeks.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. ABERCROMBIE. Mr. Speaker, on Sunday, October 29, 2000 I was unavoidably detained from presence in the House. Had I been present, I would have voted as follows:

Rollcall 574, Approval of the Journal—Yes.

Rollcall 575, One Day Continuing Resolution—Yes.

Rollcall 576, Pallone Motion to Instruct Labor-HHS Appropriations Conferees—Yes.

HONORING THE INLAND EMPIRE UTILITIES AGENCY OF CALIFORNIA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. GARY MILLER of California. Mr. Speaker, I commend the Inland Empire Utilities Agency of California, as they celebrate 50 years of excellence in water resources and quality management.

The Inland Empire Utilities Agency plays an integral part in distributing water, providing wastewater collection, and other utility services for nearly 700,000 people that reside within a 242-square-mile area of Western San Bernardino County. They have eight agency facilities within their jurisdiction that are designed to meet the specific needs of their regional community. Additionally, they have a five member Board of Directors that represents each division.

One of the critical aspects to the success of the Inland Empire Utilities Agency has been their ability to keep the lines of communication open. They have done an outstanding job working closely with local, State, and Federal legislators to ensure that California's water needs are being met.

Inland Empire Utilities Agency, a quality company that has taken a pro-active role in addressing water issues, is poised to meet the demands of the future. I ask that this 106th congress join me in congratulating the Inland Empire Utilities Agency as they celebrate 50 years of excellence in water resources and quality management.

TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY AND DOCUMENTATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. CONDIT. Mr. Speaker, on October 10, the House of Representatives passed by voice vote the Transportation Recall Enhancement, Accountability and Documentation Act.

The quick passage of this bill was a direct result of the public's concern over the safety of automobile tires. This was a good and proper beginning. However, I am hopeful that next year, in the new session of Congress, we can take a more comprehensive look at all automobile safety issues. In particular, Congress should closely examine the availability of information necessary to repair vehicles.

Oftentimes, consumers and repair shops do not have access to adequate information on how to properly repair and maintain vehicles. When information concerning the proper repairs and appropriate replacement parts for automobiles is withheld or tightly controlled, motorists are put in jeopardy. This situation can lead to unsafe vehicles on the road and must be addressed.

In the 1990 Clean Air Act Amendments, Congress required new vehicles include an On-Board Diagnostic System to monitor vehicle emissions. At that time, Congress also mandated that the information necessary to make emission repairs be made available to all those who repair the vehicles, including the after market.

Since this time, diagnostics have evolved to monitor most car systems such as brakes and air bags. Yet the information required to make repairs on these systems is not made available to the car owner or the local repair shop. It is time for Congress to carefully consider the benefits of extending the information sharing requirements to cover all the systems in an automobile.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 576 on October 29, 2000, I was unavoidably detained. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I missed the following Recorded Votes due to the death of my father. I wish the RECORD to reflect how I would have voted on the following had I been present:

Rollcall No.	Bill No.	I would have voted—
563	H.J.Res. 117: Passage of Continuing Appropriation for FY2000.	AYE
564	S. 2943: Passage of International Malaria Control Act.	AYE
565	H.R. 2498: Passage of Cardiac Arrest Survival Act.	AYE
566	H.Res. 655: Passage of consideration and Senate amendment to H.R. 1550 (authorization appropriations for the United States Fire Administration).	AYE
567	S. 2712: Passage of Reports Consolidation Act.	AYE
568	H.R. 5309: Passage of Ronald W. Reagan Post Office Bldg.	AYE
569	S. 3194: Passage of Robert Walker Post Office Bldg.	AYE
571	H.J.Res. 118: Passage of Continuing Appropriation for FY2000.	AYE
572	H.R. 4577: Passage of Motion to Instruct Conferees regarding LIHEAP funding on Labor/HHS/Education Appropriations, FY2001.	AYE
573	H.R. 4577: Passage of Motion to Instruct Conferees regarding disagreeing to Senate Amendment that deny President's request for dedicated resources to reduce class sizes on Labor/HHS/Education Appropriations, FY2001.	NO
575	H.J.Res. 119: Passage of Continuing Appropriations for FY2000.	AYE
576	H.R. 4577: Passage of Mr. Pallone's Motion to Instruct Conferees on Labor/HHS/Education Appropriations, FY2001.	NO
578	H.J.Res. 120: Passage of Continuing Appropriation for FY2000.	AYE
579	Mr. Linder's motion regarding House Meeting Hour for Tuesday, October 31, 2000.	AYE

COMMERCE, JUSTICE, STATE APPROPRIATIONS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. ESHOO. Mr. Speaker, when we passed the H–1B legislation recently, it was my deep regret that Congress missed an opportunity to grant long-awaited parity to certain groups of immigrants in our country. Today I rise to speak against the measure currently before us because we're heading for another missed opportunity.

Significant portions of our Nation's population have been living, working, and raising families in the United States for many years. But they've been living in legal limbo, fearing deportation, because they were wrongly denied legal status to which they were entitled and which they qualified for in the 1980's

Another group of immigrants has also been treated unfairly. In 1996 and 1997 Congress gave Nicaraguans and Cubans the opportunity to become permanent residents, but thousands of refugees from Guatemala, El Salvador, Honduras, and Haiti were left with only temporary residency status. This group deserves the same opportunity to obtain American citizenship.

The remedy for these problems, the Latino Fairness and Immigration Act, has been kept out of the Commerce, Justice and State appropriations bill. The Act is based on our country's basic tenet that people in similar situations should be treated equitably. It would keep immigrant families united through restoration of Section 245(i) of the INS Code. It would reward them for their hard work and recognize that they've paid their taxes and made other contributions to this country. It would also establish legal parity for all refugees who fled political turmoil in the 1990s.

It is important to state that because of past congressional action and bureaucratic bungling, some who were eligible for a legalization program enacted in 1986 are now U.S. citizens, while others are facing deportation. If we pass the Latino Immigration and Fairness Act, we'd be rewarding people who have played by the rules, telling them that the U.S. Government is willing to correct its mistakes of the past, keep their families united and exercise fairness.

What we're simply asking for is that a correction be made to an acknowledged wrong. Congress has taken this sort of action numerous times in the past when it has acted to legalize the residency of those who have been in America for many years.

This fair remedy is long overdue. What has been brought to the floor is an incomplete, inadequate measure that rewards some and denies others. Its inadequacy and unfairness falls short of what we stand for as a nation and what in the name of fairness should be done.

I ask my colleagues to reject the C–J–S appropriations bill for these reasons and instead support the Latino Fairness and Immigration Act.

A STATEMENT ON BEHALF OF MY COLLEAGUE, SIDNEY RICHARD YATES

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. EWING. Mr. Speaker, when I was first elected to Congress in 1991, I became acquainted with my colleague, Sid Yates, who represented the 9th Congressional District of Illinois. Mr. Yates had first been elected to Congress in 1949 and was passed the four decade mark in service to the U.S. Congress when I met him.

While Congressman Yates and I served in different parties, we all served the state of Illinois and worked together on projects of mutual interest to our state and our nation. Congressman Yates had one of the most distinguished careers of any member ever to serve in the House of Representatives. He was a man whose reputation for honesty and integrity was untarnished after years of public service. He was a man who understood and loved the system that is the U.S. House of Representatives.

After Sidney Yates retired in 1999, I had the opportunity to visit with him about how he liked his new status. While I know that he enjoyed his retirement he missed very greatly the institution in which he had spent so many years of his productive life.

It is with regret that I acknowledge the passing of Sidney Yates so soon after his retirement. Yet, he was a man whose life was very full, who had so many good and productive years in which he dedicated himself to his state and nation. For his service, for his life, for the standards he set, he will long be remembered and always admired.

FTS 2001 PROGRAM

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to address the U.S. Government Federal Telecommunications Services contracts, called FTS 2000/2001. As a member of the Government Reform Subcommittee on Government Management, Information and Technology and with my continued interest in information technology issues, I believe it is important that we do all we can to ensure that a customer—as large and important as the U.S. Government—is not short-changed in the midst of the digital age.

Since the passage of the 1996 Telecommunications Act, telecommunications and high-tech companies have experienced colossal incentives to offer more advanced services and lower prices for consumers. This industry continues to have the opportunity to form strategic unions with its government customers to place a new emphasis on the latest technological innovations and showcase offerings of voice, data and video services throughout the United States and the world.

Even though we are making progress since passage of the 1966 Act, I remain concerned about the recent articles I've read stating that winning FTS vendors and the Federal government have run behind schedule in conversion of the contracts from FTS 2000 to 2001. This has impacted the competition built into the FTS 2001 contract. I find it troublesome to learn that this has resulted in a limited competitive opportunity for young, cutting-edge companies. As a result, this marketplace has experienced little in the way of introduction of new products and services to the government market.

I believe that it is important that we exercise our Congressional oversight authority and we quickly review the fair process that was initially established for federal agencies under the FTS 2000/2001 programs in order to restore competition within the government sector.

AMERICA WILL MISS CONGRESSMAN SIDNEY YATES

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, I was saddened to learn of the passing of Illinois Congressman Sidney Yates. I appreciate this opportunity to join his colleagues in honoring his memory and his legacy of service.

Congressman Sidney Yates served the people of Illinois and the American people with distinction. He actively and assertively championed the cause of cultural development, as one of the Congress' leading advocates of the National Endowment for the Arts. He reminded us that continued public sponsorship of artistic expression is essential to nourish America's creative spirit, and the Chicago Tribune called him the "greatest friend" of the arts. As an active member of the Appropriations Committee and as Chairman and Ranking Member of its Interior Subcommittee, Sidney Yates also championed the cause of America's outdoors. Due in large part to his devoted stewardship, the National Park System grew as visitorship increased from 29 million in 1948 to almost 280 million in 1998.

This natural leadership should have come as no surprise. Sidney Yates was clearly an exemplary American. He excelled at the University of Chicago. There, he developed both the keen intellect that served him and his constituents so well in Congress and a real devotion to the outdoors, as a star basketball center and an exceptional amateur golfer. When the shadow of the Second World War brought darkness to our shores, Sidney Yates served in the United States Navy, earning the rank of Lieutenant. The young veteran again answered the call of duty in 1948, winning a seat in Congress that he eventually held for almost a half-century. Over the years, his steadfast dedication to the interests of his constituents won the support of the political machine that dominated Chicago politics during his first few terms, as well as the backing of Chicago's reform advocates. Sidney Yates retired last year as the longest-serving member in the history of the United States Congress.

Mr. Speaker, I will recall Sidney Yates with fondness. In honoring his memory, I honor the example of a life given in selfless service to our nation, and I can say with confidence that America will miss Congressman Sidney Yates.

HONORING MARILYN CULPEPPER

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. CALLAHAN. Mr. Speaker, I would like to recognize Marilyn Culpepper for her dedication to the health and well being of Monroe County, Alabama, citizens.

Marilyn Culpepper was appointed to the Monroe County Hospital Board in July 1996 and elected its chairman by unanimous vote of the board a few months later. She served as chairman from 1997 to 2000. Mrs. Culpepper has since moved to Mobile, and I wish her well as she takes on new challenges.

A native of Grove Hill, Alabama, Mrs. Culpepper is a 1980 graduate of the University of West Alabama (formerly Livingston University) and was the recipient of that school's Alumni of the Year Award in 1996.

Over the years, she has had several successful careers and civic achievements. In 1986, at age 27, she was elected to the Sumter County Board of Education. She was elected a second time in 1988 and served with distinction until moving to Monroe County in 1991.

In Monroe County, Marilyn Culpepper served first as associate editor, then managing editor of the Award-winning weekly newspaper, The Monroe Journal. She also distinguished herself through community service in several capacities. To name a few, she was president and/or board member of the Monroeville Area Chamber of Commerce, the

Monroe County Public Education Foundation, the Monroeville Kiwanis Club (where she was the first woman elected as ''Kiwanian of the Year''). She also served as a volunteer for the Monroe County Heritage Museums, and for the Alabama Writers Symposium during their inaugural year. In addition, she served in Israel as the representative of the Monroe County Commission and the Monroeville Area Chamber of Commerce during performances of ''To Kill a Mockingbird.'' Manifesting her talent, Mrs. Culpepper is a two-time recipient of the Alabama Medical Association's Douglas L. Cannon Recognition for Excellence in Medical Journalism.

As editor of The Monroe Journal and, later, economic developer for Monroe County from 1997–2000 and as chairman of the Monroe County Hospital Board, Mrs. Culpepper was an advocate for accessible health care for all citizens regardless of age, social or economic status. She was a driving force behind expansion of hospital services and creation of a rural health clinic in Monroe County.

Under Mrs. Culpepper's leadership, the hospital in Monroeville embarked on a major expansion and construction project, the creation of a cancer-treatment center and the development of a diabetes support program. She also oversaw the creation of the Monroe Health Foundation and has been a contributor to the foundation.

Today, Mrs. Culpepper serves as executive director of the Historic Mobile Preservation Society. Her commitment to community development—preservation, education, and innovation in enriching the lives of all citizens continues. She is committed to developing a regional network of cultural, civic and humanitarian efforts to benefit all residents of south Alabama and continues to be a friend to Monroe County and Monroe County Hospital in this endeavor.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 574, a bill approving the Journal of October 29, 2000. Had I been present I would have voted ''yea.'' Mr. Speaker, I was unavoidably detained for rollcall No. 575, H.J. Res. 119, making further continuing appropriations for fiscal year 2001. Had I been present I would have voted ''yea.'' Furthermore, Mr. Speaker, I was unavoidably detained for rollcall No. 576, a motion to instruct conferees on the Labor, Health and Human Services for fiscal year 2001. Had I been present I would have voted ''nay.''

HONORING JAMES HEIDEN

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. HOEFFEL. Mr. Speaker, today I congratulate Mr. James Heiden upon his retirement from Easter Seals. It is an honor to recognize Mr. Heiden and the outstanding service he has given to the entire community of Montgomery County, Pennsylvania.

Mr. Heiden has served Easter Seals for 26 years and is currently Executive Director of the local affiliate. Over the past 20 years as director of the local Easter Seals, he has worked tirelessly to implement new programs for this community and to expand Easter Seals services to thousands of families.

Under the direction of Mr. Heiden, the local affiliate serving Montgomery, Philadelphia, Bucks and Chester Counties has become a national leader in early intervention services for children up to five years of age and their families. The Easter Seals affiliate has also been successful in expanding home- and community-based services. They have implemented many cutting-edge programs including specialized assistive technology services for children and adults with disabilities, programs for siblings and families of children with disabilities, and a variety of adaptive recreation programs.

Easter Seals has received accreditation from the National Association for the Education of Young Children. This is a prestigious recognition that has been achieved by only seven percent of early childhood programs nationwide.

It is a privilege to honor the contributions of Mr. James Heiden to the Easter Seals foundation of Montgomery County, Pennsylvania. His hard work and dedication is appreciated by all whose lives he has touched.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. BECERRA. Mr. Speaker, on October 28 and 29, 2000, I was detained with business in my District, and therefore unable to cast my votes on roll call numbers 570 through 576. Had I been present for the votes, I would have voted ''yea'' on roll call votes 570 through 576.

In addition, this morning, I was unavoidably detained, and therefore unable to cast my votes on roll call numbers 577 and 578. Had I been present for the votes, I would have voted ''yea'' on roll call votes 577 and 578.

TRIBUTE TO ELMER A. FERGUSON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great American, and I am proud to recognize Elmer A. Ferguson in the Congress for his invaluable contributions and service to our nation.

Elmer Ferguson distinguished himself through his devotion to his family, friends, and community. He was born in DeWitt, Arkansas on September 17th, 1910, the son of a local farmer. His family instilled in him the value of an education, and he and his sister enrolled at Arkansas Tech University in Russellville in 1930, but he was able to remain only for one year because of financial difficulties. Elmer never forgot his hardship, and he would later do everything he could to make sure that deserving students could go to college.

Of course, Elmer made the most of his opportunities, despite his initial challenges. After returning from Russellville, he worked his way from a $15 a week job at a DeWitt grocery store to being the manager there. Eventually he became a successful grocery store owner, an accomplished farmer, and the well-respected board chairman of the DeWitt Bank and Trust Co., a position he held until he died last week.

Elmer would probably count his family as his greatest success, however. After marrying Gladys Guthrie in 1934, he was blessed with three daughters, seven grandchildren, and 13 great-grandchildren.

As mentioned earlier, Elmer always remembered his humble beginnings, and used his success to help others have the opportunities he missed. In 1987, he established the Elmer Ferguson and Gladys Ferguson Charitable Trust, which funded four-year college scholarships for DeWitt students. Elmer also donated a scholarship to the University of Mississippi.

Elmer's generosity and empathy had no limit. He and Gladys gave $250,000 to the Children's Miracle Network Telethon, and underwrote the creation of the Neuroscience Unit at Arkansas Children's Hospital in Little Rock, which is named for them. Just eight years ago, both were also named to the honorary board of patrons by the Baptist Medical System Foundation in recognition of their support to that organization.

Sadly, Elmer Ferguson passed away on Friday, about a month after Gladys died. They were great friends of mine, and I will miss them as much as their family, friends, and the great community of those who ever knew them. On behalf of the Congress, I extend my deepest sympathies to their family, even as I encourage them to join me in celebrating their extraordinary lives.

COMMEMORATING NATIONAL BIBLE WEEK, NOVEMBER 19, 2000–NOVEMBER 26, 2000

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. McDERMOTT. Mr. Speaker, it is my honor to serve as Congressional Co-Chairman of National Bible Week with Senator CONRAD BURNS. It is fitting that National Bible Week occurs the week of Thanksgiving, a week used by many to reflect on the past and give thanks for their blessings. Whether you consider the Bible a book of comfort, guidance, or literature, I hope this week will be one of reflection and study of the Bible.

I have read and studied the Bible for as long as I can remember. I memorized passages for Sunday school as a child. As an adult, the Bible has become an important source of guidance.

I have always found the Sermon on the Mount, Matthew 25:31–46, most helpful as a guide to setting public policy. But even more important is Matthew 16:26 which says, ''For what is a man profited, if he shall gain the whole world, and lose his own soul? Or what shall a man give in exchange for his soul?'' This verse is especially relevant to today's national leaders who are increasingly faced with votes of conscience.

I commend the National Bible Association for setting aside this week to encourage others to read and study the Bible. The Bible has influenced Western art, literature, music, and even our laws. I encourage you to read and study it this week.

RECOGNITION FOR ADOPTIONS TOGETHER

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mrs. MORELLA. Mr. Speaker, as National Adoption Month 2000 approaches, I take great pride in recognizing the exceptional work being done by Adoptions Together, a nonprofit organization in my Congressional district, on behalf of children in need of a permanent, loving adoptive home. Since its founding ten years ago by Janice Goldwater of Silver Spring, Maryland, Adoptions Together has worked to help all children in need of a home regardless of the child's age, health, race, physical or mental handicap. Adoptions Together welcomes every child who seeks its help.

Many things about adoptions needed to be changed for the better then Janice Goldwater began Adoptions Together in 1990. At the time, there was little hope that medically fragile infants whose birth families could not care for them would quickly find their way to loving adoptive homes. African American infants waited for years in temporary placements because there were so few resources available to them. Families who had already adopted had no place to turn when their children asked difficult questions and struggled with adoption issues. Ms. Goldwater, a licensed clinical social workers, set out to make Adoptions Together a place where these difficulties could and would be overcome.

The organization that Ms. Goldwater founded and continues to lead as executive director has helped change the picture of adoptions in Maryland and the Washington, DC metropolitan area. Through Adoptions Together, more than 1,400 children have been welcomed into loving, healthy adoptive homes. One homes in particular deserves recognition. Darren and Laurie Morgan of Burtonsville, Maryland have fostered 93 children, adopted one, and raised three. Their willingness to open their hearts and their homes to so many children is an amazing kindness that all of us can learn from. The Morgan's have touched so many lives through Adoptions Together and I am honored to have them in our community.

In addition, older children who have languished for years in foster care are now finding adoptive homes through Adoptions Together. It is the first private-sector organization in Maryland authorized to provide adoption services for the thousands of older Maryland children who are growing up in public foster care. Adoptions Together has helped more than 300 children with special medical needs such as HIV, birth defects, or serious prenatal drug exposure to become part of loving, permanent families. The organization has provided over 10,000 days of care to more than 300 newborns while their futures were being settled. More than 600 children left orphanages and institutions in Eastern Europe, Asia and Central America to happily join their new adoptive families in Maryland and beyond in other states.

Adoptions Together serves the needs of both adoptive families and birth parents, offering programs that can be a model for adoption organizations nationwide. Every birth parent who has sought the organization's help has received free adoption counseling for as long as they wished. Over the past ten years, more than 5,000 women facing unplanned pregnancies have received counseling and other help, whether or not they chose adoption for their child. At Adoptions Together, birth parents who are unable to raise their child themselves consider adoption as a pro-active plan for assuring that their child's needs will be met.

Adoptions Together believes that placing a child is only the first step in building a strong adoptive family. Once a child is placed, the goal becomes helping the family through lifelong education, counseling and support. More than 1,000 families—clients of Adoptions Together and many other adoption organizations—have found support and guidance in Adoptions Together's Center for Adoptive Families program. More than 500 teachers, educators, social workers, ministers and therapists throughout the country have received professional training by Adoptions Together on adoption topics.

Today, the need for this organization's good work is greater than ever before. More than 3,000 children in Maryland and the District of Columbia are now waiting for a permanent home. Increased drug abuse, institutional poverty, and the lack of community resources make Adoptions Together a safety net for these children. Fortunately, members of our community are rallying behind Adoptions Together's efforts. Corporate and private benefactors teamed up September 22 at the Adoptions Together Tenth Anniversary Gala to raise funds that will support Adoptions Together's second decade of care giving. Among those instrumental in this effort were: gala co-chairs Judy Polk of Rockville, Pam Cole Finlay of Bethesda, Jane Philips of Howard; television's Rosie O'Donnell; and corporate sponsors Credit Management Solutions, Inc. (CMSI), Hecht's, OTG Software, SFX Entertainment, and Sun Trust. In November, washingtonpost.com will sponsor an innovative, two-month on-line fundraising effort for Adoptions Together. With help from these and other benefactors, a great Maryland nonprofit organization will begin a new year—its second grade—of loving care giving, welcoming all children who turn to Adoptions Together for a permanent adoptive home. I applaud the past efforts of Adoptions Together and wish them all the best on behalf of the children of Maryland and their families.

TRIBUTE TO THE HONORABLE BILL ARCHER

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to my friend and colleague, the distinguished Chairman of the Committee on Ways and Means, BILL ARCHER. Few legislators have the opportunity in their careers to effect such far-reaching reforms as the gentleman from Texas has during his time in this body, particularly his years as Chairman of the Ways and Means Committee.

As we all know, the Committee on Ways and Means carries a very heavy legislative load, dealing each and every year with 100 percent of our nation's revenues. BILL ARCHER has taken this responsibility very seriously since becoming Chairman in 1994, and his accomplishments reflect this.

First and foremost, BILL ARCHER left his mark on legislative history with his work on the Balanced Budget Act of 1977. Among it's many provisions, the Balanced Budget Act gave Americans the first tax cut in 16 years. It also helped taxpayers by shifting the burden of proof on tax issues from the taxpayer to the Internal Revenue Service. Taxpayers received new rights and protections in their dealings with the Internal Revenue Service, and the Internal Revenue Service in turn became subject to the oversight of an independent agency.

However, reforming the Internal Revenue Service is not BILL ARCHER's only legacy. He also fought hard and successfully for welfare reform which has resulted in millions of former welfare beneficiaries leaving the welfare roles and moving back into the workforce. In addition, he has worked toward meaningful Social Security reform, and we know that the groundwork he laid will help us realize that goal effectively.

BILL ARCHER's legislative accomplishments speak volumes about his integrity, dedication, and commitment. These are the characteristics that have led his constituents to send him back to Washington 15 times. These same characteristics are the ones we, his colleagues, will miss most when BILL ARCHER retires. I join all BILL ARCHER's friends and colleagues in thanking him for his many years of service and wishing him the best of health and happiness in the years to come.

SALUTING EARL LLOYD

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. LEWIS of Georgia. Mr. Speaker, on Tuesday, October 31, 2000, the New York Knicks of the National Basketball Association

will commemorate 50 years of integration in the NBA. The Knick's special guest in Madison Square Garden on this historical evening will be Mr. Earl Lloyd. Mr. Lloyd was the first African American player to participate in an NBA game. Drafted by the Washington Capitols, Mr. Lloyd made his NBA debut against the Rochester Royals on October 31, 1950. There were two other players making their debuts the following day. Chuck Copper was the first choice of Red Auerbach and the Boston Celtics. Nat ''Sweetwater'' Clifton's contract was bought by the New York Knicks from the Harlem Globe Trotters. Earl Lloyd grew up on the other side of the 14th Street Bridge in the shadows of the White House in Alexandria, Virginia. He was an all around athlete at Parker Gray High School. He excelled in football, basketball and baseball. It was on the Banneker and Park View playgrounds in Washington, D.C. that he developed his game. Mr. Lloyd and his friend the legendary running back of Parker Gray and West Virginia State Bubba Ellis would make regular walks across the 14th Street bridge into the Nation's Capital for pickup basketball, D.C. playground style—no holds barred!

Mr. Lloyd would graduate from high school with honors and as one of the school's greatest athletes. He would matriculate to West Virginia State on a basketball scholarship. In college he was named to the All-American team and here he would leave a lasting impression on his opponents. Hall of Fame

In 1950 Mr. Lloyd was also drafted by another team the United States Army! On Halloween night after serving his military time Mr. Lloyd returned to make professional basketball history. The Washington Capitols would play the Rochester Royals. In the stands that night would be Mr. Lloyd's proud mother. Mrs. Lloyd was sitting directly in front of two fans who acknowledged that Mr. Lloyd was the first black, but could the Nigger play? Without missing a beat Mrs. Lloyd turned and looked the two fans directly in their eyes and said ''Take my word for it, the Nigger can play.''

NBA legendary coach Arnold ''Red'' Auerbach of the Boston Celtics says, ''Earl blocked shots and played defense like there was no tomorrow.'' Red should know. Earl Lloyd led the Syracuse Nationals team that eliminated the Boston Celtics from the 1955 playoffs. The Nationals would go on to capture their one and only NBA Championship. 1955 was a good year. Mr. Lloyd and teammate Jim Tucker would become the first African Americans to play on an NBA Championship team.

A 1994 Sports Illustrated Magazine article read, ''In the NBA Mr. Lloyd was

In May 1993 he was inducted into the Virginia Sports Hall of Fame in Portsmouth, Virginia. In 1998 twenty-eight years after being selected to the 25th Anniversary All-Time Great CIAA Team Mr. Lloyd was inducted into the CIAA Hall of Fame.

Earl Lloyd has always made it clear where the credit belongs for his NBA success story. He says, ''If it had not been for Red Auerbach and the Boston Celtics, we may still be trying to get into the NBA. The Celtics were the first to draft a Black player, the first to put five Black players on the floor at the same time, the first to hire a Black coach and the first to hire a Black General Manager.'' The Boston Celtics are truly equal opportunity employers in professional sports.

Halloween night in the NBA would be great if the N.Y. Knicks were hosting the rest of the league's players. They all could learn a little history and then be treated and introduced to a man who does not have a problem with being called a role model. Mr. Lloyd made it all possible for today's NBA black players and thousands of others like them. Earl Lloyd was Number One in 1950 and he is still Number One in the New Millennium 2000.

GAO INVESTIGATION OF ADMINISTRATION'S POLICY TOWARD UN PEACEKEEPING OPERATIONS, INTRODUCTION OF H. RES. 664

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing a resolution, H. Res. 664, expressing the sense of the House regarding the Clinton Administration's lack of cooperation and efforts to impede the ongoing investigation by the General Accounting Office into the implementation of United States policy toward United Nations peacekeeping operations.

Since March of this year, the GAO has been attempting to provide the Congress with its report on the Administration's Peacekeeping Policy Blueprint, examining how the Administration has applied its Presidential Decision Directive 25 policy blueprint for four key UN peacekeeping operations, including those in East Imor, Kosovo, Sierra Leone and the Democratic Republic of the Congo.

The International Relations Committee was briefed on two occasions this month by the GAO Deputy Comptroller General, Mr. Henry Hinton, on the status of the General Accounting Office study on the process whereby the U.S. approves U.N. and other multilateral Peace Operations and provides timely and relevant information to Congress concerning their implementation.

This report was requested late last year by this Committee on a bipartisan basis and follows a number of similar GAO reports on peacekeeping-related topics conducted over the past several years on a timely basis and with the cooperation of the Administration.

It is my understanding that the GAO still lacks access to some 26 key documents as well as full and independent access to agency records needed to complete its work. Furthermore, during the course of this investigation, its access to key documents has been restricted, delayed or sometimes denied in a way that would appear designed to undercut its objectives. With no independent access to records, the GAO feels that the integrity and reliability of its work has been compromised.

The GAO investigators have produced an extensive summary of their communications with the Administration which is now publicly available.

While the work of the GAO in this area is not yet complete, it is becoming clear that the Administration—particularly the State Department—has yet to take a cooperative attitude toward the completion of this peacekeeping review by the GAO investigators.

In short, we are still waiting for a full explanation of what went wrong in the course of the Department's response to this investigation, and we are hopeful that key Department officials will meet with the members of our Committee later this week to review the Department's response to this long overdue GAO report.

I submit the full text of H. Res. 664 to be included in the RECORD:

H. RES. 664

RESOLUTION

Expressing the sense of the House of Representatives regarding the Clinton Administration's lack of cooperation and efforts to impede the investigation by the General Accounting Office into the implementation of United States policy toward United Nations peacekeeping operations.

Whereas at the request of the Chairman and the ranking member of the Committee on International Relations, the United States General Accounting Office (GAO) initiated a review on March 23, 2000, of the executive branch's application of United States policy in the approval of new or expanded United Nations peacekeeping operations in East Timor, Kosovo, Sierra Leone, and the Democratic Republic of the Congo;

Whereas in the course of this 7-month long investigation into the Presidential Decision Directive 25 (PDD–25) process, providing guidance for making choices about which United Nations operations the United States will support, the GAO encountered substantial problems in obtaining access to records pertinent to its review;

Whereas PDD–25 directs officials to consider whether such operations serve United States national interests and have timetables for the completion of their mandates, clear exit strategies, integrated political and military strategies, specified troop levels, and firm budget estimates;

Whereas the State Department withheld information from GAO investigators for months about the existence of numerous PDD–25 documents and the GAO still believes that there are additional documents in department files that have a direct bearing on the investigation;

Whereas the National Security Council is in possession of 26 remaining documents and memorandums which have only recently been shown to GAO investigators in heavily redacted form; and

Whereas in past assignments the GAO has had access to this type of information and used it to report to Congress on similar peacekeeping policy issues without damaging the deliberative process on operations of the government: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that after seven months of delay the Administration should stop impeding the investigation by the General Accounting Office into how it has applied its peacekeeping policy process to several ongoing United Nations peacekeeping operation and that the following recommendations would help to bring the investigation to a successful conclusion:

(1) The President is urged to direct the Secretary of State and all other relevant government officials to cooperate fully with

the investigation, including prompt compliance with outstanding document requests and full cooperation with the efforts of the Committee on International Relations to convene a briefing with State Department officials on this matter.

(2) The GAO should consider taking enforcement action against the Administration for any continuing failure to provide requested documents.

(3) The Administration should provide to the GAO the full text of any documents, policy papers or memorandums that it has agreed to make available to any other member country of the United Nations General Assembly.

(4) The Administration should cooperate fully with the GAO and with Congress in their efforts to oversee future United States participation in United Nations or other multilateral peacekeeping operations.

HONORING RON HASKINS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, as the 106th Congress comes to a close, my colleague Mr. SHAW and I pay tribute to Dr. Ron Haskins, Staff Director of the Ways and Means Subcommittee on Human Resources. Ron will leave the Committee at the end of this year and he will be sorely missed by the Members of the Committee and the many staff who have worked with him over the years.

Since joining the Ways and Means staff in 1986, Ron's hard work, intelligence, quick thinking, and unique personality have made him a strong force in the Congressional process as we have worked to improve the lives of children and families. His ability to truly understand the diverse points of view of people intensely interested in a problem has made action possible where others would have failed.

Once he became Staff Director in 1995, Ron put his extensive knowledge of the nation's welfare system to use by working with Chairman E. CLAY SHAW to develop and pass legislation overhauling the system. Despite two Presidential vetoes, Ron successfully urged Republican Members to continue to push for welfare reform. On August 22, 1996, the welfare reform bill finally became law (P.L. 104–193). The sweep of this reform has been spectacular, resulting in dramatically reduced child poverty, increased numbers of working single parents, and families living improved lives with both more income and real hope.

Three years later in 1999 the Speaker of the House, J. DENNIS HASTERT, spoke of the accomplishments of welfare reform: "we've broken the mold from a lifestyle of generational welfare dependency. In turn, we've created a path to the American dream which holds more personal security and more control for individuals over their own lives."

In 1999, Representative NANCY L. JOHNSON took over as Subcommittee Chair. Since then Ron has continued to have a major role in developing important legislation including the Foster Care Independence Act (P.L. 106–169), the Fathers Count Act of 1999 (H.R. 3073), and the Child Support Distribution Act of 2000 (H.R. 4678). The positive influence of Ron's presence here on Capital Hill will be felt long after he's moved on to new endeavors and by millions of families who will never know his name.

Before joining the Committee staff, Ron was a U.S. Marine, a high school teacher, and a professor at the University of North Carolina at Chapel Hill. In addition to working for the Committee, Ron is a devoted father and husband, a prolific writer, an outstanding public speaker, a man of strong principles, one of the most honest people either of us has ever met, and a true friend.

As he embarks on the next chapter of his life, we wish Ron well and know that he will be a great success in any endeavor he undertakes. We will always be grateful to him for his fine service, his good cheer, his high energy, and his excellent advice.

THE PUBLIC HEALTH ACCOMPLISHMENTS OF THE REPUBLICAN CONGRESS

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. BLILEY. Mr. Speaker, some of my colleagues on the other side of the aisle have decided to do a little distortion for Halloween about the record of the Republican-led Congress. Let's make a comparison based on the facts.

As we all remember, the Democrat-led 103rd Congress was a not a success for public health in this country. As Congressional Quarterly noted, "Clinton" had presented his health care plan—crafted under the direction of First Lady Hillary Rodham Clinton in a massive, secret and much-criticized task force process . . . the bill was immensely complex. . . . The committee system, designed to resolve both the policy and political problems of legislation, broke down entirely . . . For all their work, not one committee had managed to write a health care bill that the leadership was willing to bring to the floor. . . ."

With the Democrat leadership resorting to scare tactics in the past few days, it might bode well for the American people to remember their record

The Republican-led Congress has been active and provided real public health improvements for the American people. In the prior two Congresses, we have empowered states and localities to meet the health care and nutritional needs of two-income residents, and provided relief to those hardest hit by the AIDS epidemic. We provided portability so working Americans can change jobs without risking the loss of their health care insurance due to a preexisting condition. This was a fundamental change that the Democrats weren't able to get done on their watch.

Our Republican led Congress has also reined in health care fraud and abuse, eliminated tax code discrimination against millions of small businesses and the self-employed and provided tax relief for the long-term health care needs of terminally ill patients and their families. We enhanced Americans' access to safe, abundant, and affordable food and water. In the Food and Drug Modernization Act of 1997, we enacted measures which have significantly cut down the waiting time at the FDA for approval of new medicines. As a result, many patients will have access to life saving drugs much quicker. Our Republican Congress also passed landmark legislation in 1997 that established the Medicare+Choice Program and the State Children's Health Insurance Program. Under our legislation, low-income children will have expanded access to quality health care coverage. Democrats talked about that for years; it took a Republican Congress to make it happen.

We enhanced the Birth Defects Prevention Program, reauthorized the National Bone Marrow Registry, reauthorized Mammography Quality Standards, and enhanced Women's Health Research and Prevention.

That's a pretty strong record for public health.

Now let's look at the 106th Congress. Here are a number of public health provisions that are already enacted into law: the Nursing Home Resident Protection Amendments, and the Medicare, Medicaid, & SCHIP Balanced Budget Refinement Act. Under this Act—

Hospitals received an additional $7.3 billion;

Skilled nursing facilities received over $2 billion;

Home health agencies received an additional $1.3 billion;

Health plans participating in the Medicare+Choice program received an additional $1.9 billion;

Nearly $1 billion in additional monies were provided for the Medicaid and State Children's Health Insurance Programs; and,

$150 million was provided to ensure that organ transplant recipients could continue to receive access to immunosuppressive drugs.

We also enacted into law the Health Research and Quality Act, and the Work Incentives Improvement Act. This law was sponsored by Mr. LAZIO and expands the availability of health care coverage for workers with disabilities. Add to this list the Date-Rape Prevention Drug Act and the Children's Health Act of 2000, which increases and intensifies research on and programs for autism, juvenile diabetes, asthma, prevention of birth defects, epilepsy, infant health, pediatric research, skeletal malignancies, adoption awareness, healthy start, traumatic injuries and autoimmune diseases. This Act also reauthorizes the Substance Abuse and Mental Health Services Administration and improves drug addiction treatment programs.

Add to this list the Ryan White CARE Act of 2000, which provides funding for those suffering with AIDS, the Breast and Cervical Cancer Prevention and Treatment Act, and the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Those bills that have already been enacted are a solid record but we have even more that are sent or being sent to the President. This includes the Public Health Improvements Act. This bill was sent to the President containing the following provisions which are bipartisan efforts:

Public Health Threats and Emergencies Act;

Clinical Research Enhancement Act;

Twenty-First Century Research Laboratories Act;

Cardiac Arrest Survival Act;

Rural Access to Emergency Devices Act;

Lupus Research and Care Act;

Prostate Cancer Research and Protection Act;

Organ Procurement Organization Certification Act;

Sexually Transmitted Disease Clinical Research and Training; and,

Alzheimer's Disease Clinical Research and Training.

We are also sending to the President the Medicare, Medicaid, and S–CHIP Benefits Improvement & Protection Act. This Act increases preventive benefits, including glaucoma screening, medical nutrition therapy, colonoscopy, and biennial pap smears, limits beneficiary exposure to hospital outpatient charges, increases payments to providers under the Medicare and Medicaid programs, adjusts the allocation formula under the State Children Health Insurance Program (SCHIP), and provides $475 million for the Ricky Ray Hemophilia Trust Fund.

These are real and meaningful bipartisan accomplishments.

There are other important bills we have not been able to reach consensus on. That should not be an excuse for dismissing the many public health accomplishments of the Republican-led Congress. Nor should we easily forget the failure of the Hillary-care Congress.

We have heard that Republicans are not for a real patients bill of rights. That is false. Indeed, the distortion from AL GORE and the White House is the problem. Republicans have voted for legislation both to increase access to insurance and to provide for HMO reform. The Vice President erroneously claimed in his last debate that Republicans opposed an enforceable, independent external review board. He also claimed that Republicans opposed emergency room and access to specialists provisions. That is nonsense and distorts our record.

Republicans have voted for legislation that provides an enforceable independent external review board for benefits denials. This will make sure health care professionals make medical decisions and that we don't resort to unnecessary litigation.

Republicans have also supported the patient protections which included the emergency room issue and access to specialist issues Mr. GORE mentioned. We have basic bipartisan agreement on these issues and could easily have such legislation alone.

Let's look at the remaining disagreements. The White House and the trial lawyers want uncapped liability and litigation. Employers around the country are opposed to these features of Norwood-Dingell because they would increase litigation, drive up costs, and would force many employers to drop health insurance. That is the opposite of what we want.

We are also concerned about interfering with State patient protection programs. We need to make sure that States can implement their own programs where they want to without federal interference and disruption to programs that are already in place. Norwood-Dingell does not address this problem and places a huge implementation burden on the Federal government. We need to find a middle road on this.

Finally, we cannot understand the failure of the White House and Democrat leadership to support provisions which provide choice, access and tax deductions to help increase the number of people with health insurance. There are over 40 million uninsured people in America. The Republican-led Congress has passed serious proposals to address this problem and they are being ignored by the White House.

When Democrats sent a letter to Senator NICKLES in early summer saying that they would no longer meet with him in private conference, that was not a good sign. Obviously, you can't negotiate through the press and you can't negotiate if you do not meet.

The plain fact is that the Republican-led Congresses have been energetic, productive, and responsible on public health. The many bipartisan accomplishments are a tribute to both Democrat and Republicans. We have enacted legislation that improves Americans' access to quality health care. Under our proposals, our country's commitment to basic medical research has been expanded and our promises to provide high quality to seniors and the most vulnerable in our society kept. Distortion of this record is not helpful and will only risk jeopardizing future gains.

NATIONAL LUPUS AWARENESS MONTH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, Lupus is a chronic, autoimmune disease which causes inflammation of various parts of the body.

Lupus is not rare. In fact, it is more prevalent than AIDS, sickle cell anemia, cerebral palsy, multiple sclerosis and cystic fibrosis combined. Lupus affects 1 out of 185 Americans, and almost 30% of the Lupus cases in Florida are found within my South Florida region.

This month we celebrate National Lupus Awarness Month.

And, I congratulate The Lupus Foundation of America for its work on patient education, and dedication to raise funds for research.

I especially congratulate J. Reeve Bright, Chairman of the Board of the Lupus Foundation of America and President of the Southeast Florida region; Jack McAllister, the Executive Director; Jackie Brown, and all who helped arrange an educational symposium in my district this month.

The House passed a bill that provides research and services to fight Lupus. As a cosponsor, I thank my dear colleague, Congresswoman CARRIE MEEK, for the Lupus legislation and for her dedication in seeing it through.

This represented a great victory in women's health care, and it is our wish that this triumph will generate countless benefits for American men and women who suffer from Lupus.

CHINA AND PNTR: SUCCESS STORIES NEEDED

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mrs. CLAYTON. Mr. Speaker, one of the truly momentous decisions reached by this Congress was to approve Permanent Normal Trade Relations with China. Supporters of PNTR worked very hard to achieve this outcome, which held out so much promise for the development of stronger trade and business ties between China and the United States. Now, the major challenge facing both countries will be to show positive results that justify such extraordinary efforts and faith in the future.

Like many of my colleagues, I voted for PNTR and view with hope the potential for mutual benefits. For that reason, it concerns me to learn of examples where American companies have encountered unexpected difficulties in trying to do business in China. One such distressing case of which I am aware involves Panda Energy. Panda is a Dallas-headquartered company with a significant gas-fired cogeneration power plant located in Roanoke Rapids, North Carolina, within my Congressional district. Based upon an earlier agreement reached with the local Chinese government, in 1995, Panda began construction of a major, private, foreign-invested plant near Tangshan in Hebei Province. unfortunately, while that facility is now completed and ready to commence generating electricity, it is still not operational. Why? Because the local government has failed to honor its agreement to grant a reasonable tariff computed on a negotiated formula. The situation is even more complicated and troubling in its implications, because construction of the facility was financed through the U.S. capital markets in good faith reliance on this agreement. Unless a fair tariff is granted soon, the bonds are in danger of default, putting at financial risk not only the investors but also the company.

Mr. Speaker, Panda's experience in China is disappointing and contrary to the spirit of PNTR. Therefore, I would urge the Beijing government and its Ambassador to the U.S., His Excellency Li Zhao Xing, to review this situation carefully and do everything possible to find a fair and workable solution. It is not too late to avoid an unnecessarily negative precedent that could undermine high hopes raised by passage of the PTNR legislation.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. KOLBE. Mr. Speaker, on October 28, 2000, I was unavoidably absent when the House voted on ''Approving the Journal'', H.J. Res. 118, ''Further Continuing Appropriations for FY 2001'', and two Motions to Instruct on H.R. 4577.

Had I been present, I would have voted ''aye'' on ''Approving the Journal'' (rollcall vote

570), ''aye'' on H.J. Res. 118 (rollcall vote 571), ''nay'' on the first motion to instruct conferees (rollcall vote 572), and ''nay'' on the second motion to instruct conferees (rollcall vote 573).

On October 29, 2000, I was also unavoidably absent when the House voted on ''Approving the Journal'' H.J. Res. 119 ''Further Continuing Appropriations for FY 2001'', and a Motion to Instruct on H.R. 4577.

Had I been present, I would have voted ''aye'' on ''Approving the Journal'' (rollcall vote 574), ''aye'' on H.J. Res. 119 (rollcall vote 575) and ''nay'' on the motion to instruct conferees (rollcall vote 576).

IN SPECIAL RECOGNITION OF DR. NINO CAMARDESE AND MEMBERS OF THE OHIO GENERAL ASSEMBLY FOR THEIR EFFORTS TO INSTILL A SENSE OF CITIZENSHIP IN OHIO'S YOUTH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. GILLMOR. Mr. Speaker, today, I recognize the efforts of Dr. Nino Camardese of Norwalk, Ohio and a bipartisan group of State Representatives in the Ohio general Assembly. Recently, legislation was introduced in the Ohio General Assembly that calls for a ''bill of Responsibilities'' which outlines a student's civic responsibility to the state of Ohio and the Nation to be posted in each school. This Bill of Responsibilities was developed by Dr. Nino Camardese, a family physician in Norwalk, Ohio. Dr. Camardese recognized that there is a definitive correlation between freedom and responsibility. He also noted that many schoolchildren overlook this fact.

Dr. Camardese, with the assistance of leaders and educators at a Freedom Forum conference, drafted the Bill of Responsibilities, which seeks to remind students that citizenship is an essential part of liberty. The bill reinforces the fact that students must be good citizens, responsible not only to themselves, but to others as well.

Recently, several members of the Ohio General Assembly drafted a resolution that would post the Bill of Responsibilities in each classroom across Ohio. I would like to honor the efforts of Representatives Bill Taylor, Dixie Allen, Sylvester Patton and Ron Young, and recognize the leadership they demonstrated in introducing this important legislation in Ohio.

Mr. Speaker, Dr. Camardese and these Representatives have taken a monumental step to stop the downward spiral of violence, substance abuse and apathy present in far too many of this nation's youth. I commend them for their efforts.

RECOGNIZING THE DISTINGUISHED HEROES OF THE 1944 ATTACK ON THE U.S.S. LANSDALE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. RANGEL. Mr. Speaker, it is my honor to recognize a group of twenty distinguished American World War II veterans, the survivors of the U.S.S. *Lansdale*. Fifty-six and a half years ago, on April 20, 1944, these fine heroes survived the tragic German aerial torpedo attack that sank the U.S.S. *Lansdale*.

I join the survivors in honoring the memory of the forty-seven crew members who sacrificed their lives that fateful day. They will all be remembered at the World War II Memorial, where construction is scheduled to begin Saturday, November 11, 2000.

The U.S.S. *Lansdale* was on convoy duty protecting ships transporting men and materials to the Italian campaign when a group of German warplanes attacked off the Algerian coast. The ship was nearly split in half by the second torpedo fired after dodging the first one. The Coast Guard was able to rescue 235 survivors from the surrounding waters. Among these men was my very dear friend and long time New York County District Attorney, the Honorable Robert J. Morgethau, who served as the *Lansdale*'s Executive Officer and Navigator.

It is with great pride that I acknowledge this group of Americans who demonstrated tremendous courage and commitment to our fine nation. Their legacy, both to our country and to the protection of democracy the world over, will not be forgotten. Please join me in my praise of the following gentlemen who will convene here in Washington over Veterans Day weekend for the World War II Memorial ground breaking ceremony:

Edward S. Brookes of Philadelphia, Pennsylvania.

Alvin S. Caplan of New Orleans, Louisiana.

Mr. Rod Dugger of Milton, Florida.

Angelo Di Palma of Providence, Rhode Island.

Robert Dott of Philadelphia, Pennsylvania.

John L. Eden of Abingdon, Virginia.

Marshall Geller of Ocean Hills, California.

Peter P. Jannotti of Jacksonville, Florida.

Al Macklin of Winston-Salem, North Carolina.

Raymond A. Miller of Watertown, Massachusetts.

Ben Montenegro of Ashland, Massachusetts.

Robert M. Morgenthau of New York, New York.

John A. Peterson of Seaside Park, New Jersey.

Edward Rubinstein of Sun Lakes, Arizona.

George Shanabrough of Dallastown, Pennsylvania.

George T. Sinclair of Norfolk, Virginia.

Peter J. Soler of Cicero, New York.

John Tweedie of Horse Shore, North Carolina.

Philip Waldron of Lexington, Massachusetts.

Charles C. Wales of West Stockbridge, Massachusetts.

MEDICARE AND MEDICAID IMPROVEMENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 30, 2000

Mr. STARK. Mr. Speaker, for the RECORD, I submit a letter signed by 133 Members sent to Speaker HASTERT in support of improvements to the Medicare/Medicaid amendments of 2000 and the need for an open, fair, democratic process.

If the requests in this letter had been followed, the quality of the bill passed by the House on October 26, 2000 would undoubtedly have been better and the veto threat may have been avoided.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 11, 2000.

Hon. DENNIS HASTERT,
Speaker of the House of Representatives, Speaker's Office, The Capitol.

DEAR MR. SPEAKER: As Democratic Members of the House of Representatives, we are deeply concerned about reports that the full House may not be given the opportunity to offer amendments to the Medicare legislation which has been reported by the full Commerce Committee and by the Ways and Means Health Subcommittee.

We further understand that these two bills are being melded together without any involvement of Democratic Members or staff, and we are very concerned that the House will be asked to vote quickly on a final bill which we have not seen or been involved with.

Therefore, we ask that you schedule this legislation (which spends roughly $25 billion dollars over the next five years) for at least several hours of debate and with a rule that allows a number of amendments.

We note that the two Committees' bills have many excellent features, particularly those sections that directly help beneficiaries. In particular, the various bills speed relief from the high co-payment burdens of hospital outpatient department services, help legal immigrants and their children under Medicaid, cover glaucoma screening, permanently cover immuno-suppressive drugs for organ transplant patients, help the low-income receive Medicare premium and co-payment relief, and make many other important program improvements. We hope that these important improvements will not be squeezed out, and that the final bill will retain these excellent features. We are certain that the final bill will receive the strong support of a majority of our Caucus.

Still, adequate and open floor debate is essential, because this is the last chance for this Congress to consider adding a real prescription drug program to Medicare. An open debate would allow Members to include the type of Medicare prescription medicine program the American people want. It is unconscionable for this Congress to adjourn without addressing the prescription medicine crisis facing so many of our senior and disabled citizens. If the House can meet many of the legitimate needs of health care providers, it can certainly also address the needs of Medicare beneficiaries. To adjourn giving billions to managed care plans, but failing to help all seniors with prescription drugs costs would be shameful.

We would like to provide a completely voluntary prescription medicine benefit within

the traditional Medicare program. Our plan has no deductible, covers half the cost of medicines up to $2000 in the first year, gradually rising to $5000 by 2009. Any beneficiary who has out-of-pocket costs greater than $4000 would be fully protected against further catastrophic pharmaceutical expenses. Premiums for this voluntary program are $25 a month in the first year, and will gradually increase as the benefit increases. All seniors would be assisted with price discounts on all of their medicine purchases and low-income seniors would be fully protected. According to the Congressional Budget Office, this proposal would cover almost all seniors, whereas the bill which passed the House this summer leaves 7.8 million Medicare beneficiaries (one-in-five) unprotected.

It is particularly ironic that the Ways and Means Health Subcommittee bill does not include a prescription drug bill for seniors, but provides hundreds of millions of dollars in extra payments to pharmaceutical companies, by delaying the implementation of more accurate non-chemotherapy drug prices which have become available as a result of an extensive investigation by the Justice Department.

In addition to the prescription drug amendment, various Members in the Democratic Caucus would like to offer amendments to provide more balance to the bill: by ensuring that it includes additional beneficiary protections and improvements; by ensuring that it includes additional beneficiary protections and improvements; by requiring HMOs to be more accountable to enrollees in exchange for the higher payments in the bill, and by doing more for hospitals, nursing homes and other traditional providers and less for HMOs. We believe the reported bills give a disproportionate amount of relief to HMOs. The Majority's decision to give HMOs so much should not prevent us from giving adequate relief to other deserving providers. We believe that more of the surpluses which allow such changes should go to traditional providers and the seniors and the disabled whom Medicare is designed to serve.

Thank you for your consideration of these requests. This Congress must not adjourn without addressing the need to help health care providers with the unintended impacts of the Balanced Budget Act of 1997; the need for seniors and the disabled to afford necessary pharmaceuticals; and improvements in the Medicare and Medicaid program to fill gap in care for the disabled and homebound, in the cost of treatments, and in covering modern, preventive care services.

Sincerely,

John D. Dingell, Ranking Democrat Committee on Commerce, Richard A. Gephardt, Democratic Leader; Charles B. Rangel, Ranking Democrat Committee on Ways and Means; David E. Bonior, Democratic Whip; Ed Markey, and 124 others.