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SENATE—*Wednesday, November 1, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, in these troublesome days of conflict and consternation, frustration and fatigue, stress and strain, we come to You seeking Your special tonic for tiredness. I intercede on behalf of the Senators and their staffs and all who are feeling the energy-sapping tension of this time. I claim Your promise, ''As your days, so shall your strength be.''—Deuteronomy 33:25. Your strength is perfectly matched for whatever life will dish out today. You promise us the stamina of ever-increasing fortitude. In the quiet of this moment, we open the flood gates of our souls and ask You to flood our minds with a refreshing renewal of hope in You, our emotions with a calm confidence in help from You, and our bodies with invigorating health through You.

Thank You, mighty God, Creator of the universe and Re-creator of those who trust You, for this most crucial appointment of the day with You. You have commanded us to be still and know that You are God. Lift our burdens, show us solutions to our problems, and give us the courage to press on. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHARLES E. GRASSLEY, a Senator from the State of Iowa, 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.

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will immediately proceed to a cloture vote on H.R. 2415, the bankruptcy legislation. Following the vote, it is hoped, if cloture is invoked, that there will be a reasonable amount of postcloture debate time to be followed by a vote on the adoption of the conference report.

As a reminder, the Senate will recess for the weekly party conferences from 12:30 to 2:15 p.m.

Also, today a vote on a continuing resolution may be necessary. But we are working on how that will be handled, and we should be able to determine that right after this recorded vote. If there is a vote on the continuing resolution, it is expected to be late this afternoon. But we are seeing if some other arrangement can be worked out. Senators will be notified if and when that vote is scheduled.

BANKRUPTCY REFORM

Mr. KENNEDY. Mr. President, I urge the Senate to reject the motion to invoke cloture on this flawed legislation. For three years, proponents and opponents of this so-called Bankruptcy Reform Act have disagreed about the merits of the bill. The credit card industry argues that the bill will eliminate fraud and abuse without denying bankruptcy relief to Americans who truly need it.

But scores of bankruptcy scholars, advocates for women and children, labor unions, consumer advocates, and civil rights organizations believe that the current bill is so flawed that it will do far more harm than good.

Every Member of the Senate must analyze these arguments closely and separate the myths from the facts. I believe a fair analysis leads to the conclusion that this bankruptcy bill is the credit industry's wish list to increase its profits at the expense of working families.

Proponents of the bankruptcy legislation argue that the current bill is an appropriate response to the bankruptcy crisis. But the facts indicate the opposite. The crisis is overstated, if it exists at all, and is no justification for this sweetheart deal for the credit card industry.

For several years, bankruptcy filings were on the rise. But current data reflect a decrease in filings. The so-called bankruptcy crisis has reversed itself—without congressional assistance. According to a report last month, the personal bankruptcy rate dropped by more than 9 percent in 1999, and continued to decline at a greater than 6 percent annual rate in the first nine months of this year. Bankruptcies are now at substantially lower levels than in 1997, 1998, or 1999. There have been 138,000 fewer personal bankruptcies in the current year than during the corresponding period of 1998, a cumulative two-year decline of over 15 percent.

This decline in personal bankruptcies is consistent with the view held by leading economists—the bankruptcy crisis is correcting itself. A harsh bankruptcy bill is unnecessary.

Supporters of the bill also argue that we need tough new legislation to eliminate fraud and abuse in the bankruptcy system and to instill responsibility in debtors. The argument sounds good, but it masks the truth about this excessively harsh and punitive bill.

The current bill is based on biased studies that have been bought and paid for by industry dollars and an industry public relations campaign that unfairly characterizes the plight of honest Americans. Supporters of a bankruptcy overhaul initially relied on a Credit Research Center report in 1997, which estimated that 30 percent of Chapter 7 debtors in the sample could pay at least 21 percent of their debts. But, as the Congressional General Accounting Office responded, ''the methods used in the Center's analysis do not provide a sound basis for generalizing the Center report's findings to the . . . national population of personal bankruptcy filings.''

VISA U.S.A. and MasterCard International funded several additional studies. One study determined that losses due to personal bankruptcies in

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

1997 totaled more than $44 billion. This study appears to be the source of the creditor rhetoric that bankruptcy imposes a hidden tax on each American family of $400 every year. But once again, the GAO concluded that the study's findings are shaky—at best. As the GAO stated, ''we believe the report's estimates of creditor losses and bankruptcy system costs should be interpreted with caution.''

The most recent and unbiased study—completed by the Executive Office for the U.S. Trustees—concluded that ''only a small percentage of current Chapter 7 debtors have the ability to pay any portion of their unsecured debts.'' That's consistent with the conclusion reached by others, including Time magazine, which reported that by the time individuals and families file for bankruptcy protection, more than 20 percent of their income before taxes is being used to pay interest and fees on their debts. The article goes on to say that ''The notion that debtors in bankruptcy court are sitting on many billions of dollars that they could turn over to their creditors is a figment of the imagination of lenders and lawmakers.''

We know the specific circumstances and market forces that so often push middle class Americans into bankruptcy.

We know that in recent years, the rising economic tide has not lifted all boats. Despite low unemployment, a soaring stock market, and large budget surpluses, Wall Street cheers when companies—eager to improve profits by down-sizing—lay off workers in large numbers. In 1998, layoffs were reported around the country in almost every industry—9,000 jobs were lost after the Exxon-Mobil merger—5,500 jobs were lost after Deutsche Bank acquired Bankers Trust—Boeing laid off 9,000 workers—Johnson & Johnson laid off 4,100. Kodak has cut 30,000 jobs since the 1980s and 6,300 just since 1997.

Often, when workers lose a good job, they are unable to recover. In a study of displaced workers in the early 1990s, the Bureau of Labor Statistics reported that only about one-quarter of these laid-off workers were working at full-time jobs paying as much as or more than they had earned at the job they lost. Too often, laid-off workers are forced to accept part-time jobs, temporary jobs, or jobs with fewer benefits or no benefits at all.

Divorce rates have soared over the past 40 years. For better or worse, more couples are separating, and the financial consequences are particularly devastating for women. Divorced women are four times more likely to file for bankruptcy than married women or single men. In 1999, 540,000 women who head their own households filed for bankruptcy to try to stabilize their economic lives. 200,000 of them were also creditors trying to collect child support or alimony. The rest were debtors struggling to make ends meet. This bankruptcy bill is anti-woman, and this Republican Congress should be ashamed of its attempt to enact it into law.

Another major factor in bankruptcy is the high cost of health care. 43 million Americans have no health insurance, and many millions more are under-insured. Each year, millions of families spend more than 20 percent of their income on medical care, and older Americans are hit particularly hard. A 1998 CRS Report states that even though Medicare provides near-universal health coverage for older Americans, half of this age group spend 14 percent or more of their after-tax income on health costs, including insurance premiums, co-payments and prescription drugs.

These are the individuals and families from whom the credit card industry believes it can squeeze another dime. The industry claims that these individuals and families are cheating and abusing the bankruptcy system, and that are irresponsibly using their charge cards to live in luxury they can't afford.

These working Americans are not cheats and frauds—but they do comprise the vast number of Americans in bankruptcy. Two out of every three bankruptcy filers have an employment problem. One out of every five bankruptcy filers has a health care problem. Divorced or separated people are three times more likely than married couples to file for bankruptcy. Working men and women in economic free fall often have no choice except bankruptcy. Yet this Republican Congress is bent on denying them that safety net.

This legislation unfairly targets middle class and poor families—and it leaves flagrant abuses in place. Time and time again, President Clinton has told the Republican leadership that the final bill must included two important provisions—a homestead provision without loopholes for the wealthy, and a provision that requires accountability and responsibility from those who unlawfully—and often violently—bar access to legal health services. The current bill includes neither of these provisions.

The conference report does include a half-hearted, loop-hole filled homestead provision. It will do little to eliminate fraud. With a little planning—or in some cases, no planning at all—wealthy debtors will be able to hide millions in assets from their creditors. For example, Allen Smith of Delaware—a state with no homestead exemption—and James Villa of Florida—a state with an unlimited homestead exemption—were treated differently by the bankruptcy system. One man eventually lost his home. The other was able to hide $1.4 million from his creditors by purchasing a luxury mansion in Florida.

The Senate passed a worthwhile amendment to eliminate this inequity, but that provision was stripped from the conference report. Surely, a bill designed to end fraud and abuse should include a loop-hole free homestead provision. The President thinks so. As an October 12, 2000 letter from White House Chief of Staff John Podesta says, ''The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home in a state with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap.''

Yet there is no outcry from our Republican colleagues about the injustice, fraud, and abuse in these cases. In fact, Governor Bush led the fight in Texas to see that rich cheats trying to escape their creditors can hide their assets under Texas' unlimited homestead law.

In 1999, the Texas legislature adopted a measure to opt-out of any homestead restrictions passed by Congress. The legislature also expanded the urban homestead protection to 10 acres. It allowed the homestead to be rented out and still qualify as a homestead. It even said that a homestead could be a place of business. This provision gives the phrase ''home, sweet home'' new and unfair meaning.

The homestead loop-hole should be closed permanently. It should not be left open just for the wealthy. I wish this misguided bill's supporters would fight for such a responsible provision with the same intensity they are fighting for the credit card industry's wish list, and fighting against women, against the sick, against laid-off workers, and against other average individuals and families who will have no safety net if this unjust bill passes.

This legislation flunks the test of fairness. It is a bill designed to meet the needs of one of the most profitable industries in America—the credit card industry. Credit card companies are vigorously engaged in massive and unseemly nation-wide campaigns, to hook unsuspecting citizens on credit card debt. They sent out 2.87 billion—2.87 billion—credit card solicitations in 1999. And, in recent years, they have begun to offer new lines of credit targeted at people with low incomes—people they know cannot afford to pile up credit card debt.

Supporters of the bill argue that the bankruptcy bill isn't a credit card industry bill. They argue that we had votes on credit card legislation and some amendments passed and others did not. But, to deal effectively and comprehensively with the problem of bankruptcy, we have to address the problem of debt. We must ensure that the credit card industry doesn't abandon fair lending policies to fatten its bottom line and ask Congress to become its federal debt collector.

Two years ago, the Senate passed good credit card disclosure provisions that added some balance to the bankruptcy bill. It's disturbing that the provisions in the bill passed by the Senate this year were watered down to pacify the credit card industry. Even worse, some of the provisions passed by the Senate were stripped from the conference report.

The hypocrisy of this bill is transparent. We hear a lot of pious Republican talk about the need for responsibility when average families are in financial trouble, but we hear no such talk of responsibility when the wealthy credit card companies and their lobbyists are the focus of attention.

The credit card industry and congressional supporters of the bill attempt to argue that the bankruptcy bill will help—not harm—women and children. That argument is laughable.

Proponents of the bill say that it ensures that alimony and child support will be the number one priority in bankruptcy. That rhetoric masks the complexity of the bankruptcy system—but it doesn't hide the fact that women and children will be the losers if this bill becomes law.

Under current law, an ex-wife trying to collect support enjoys special protection. But under the pending bills, credit card companies are given a new right to compete with women and children for the husband's limited income after bankruptcy.

It is true that the bill moves support payments to the first priority position in the bankruptcy code. But that only matters in the limited number of cases in which the debtor has assets to distribute to a creditor. In most cases—over 95 percent—there are no assets, and the list of priorities has no effect.

The claim of ''first priority'' is a sham to conceal the real problem—the competition for resources after bankruptcy. This legislation creates a new category of debt that cannot be discharged after bankruptcy—credit card debt. It will, therefore, create intense competition for the former husband's limited income. Under current law, he can devote his post-bankruptcy income to meeting his basic responsibilities, including his student loans, his tax liability, and his support payments for his former wife and their children. But if this bill becomes law, one of his so-called ''basic'' responsibilities will be a new one—to Visa and MasterCard. We all know what happens when women and children are forced to compete with these sophisticated lenders— they always lose.

As thirty-one organizations that support women and children have said, ''Some improvements were made in the domestic support provisions in the Judiciary Committee . . . however, even the revised provisions fail to solve the problems created by the rest of the bill, which gives many other creditors greater claims—both during and after bankruptcy—than they have under current law.''

In addition, as 91—91—bankruptcy and commercial law professors wrote, ''Granting 'first priority' to alimony and support claims is not the magic solution the consumer credit industry claims because 'priority' is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95% of bankruptcy cases make no distributions to any creditors because there are no assets to distribute. Granting women and children first priority for bankruptcy distributions permits them to stand first in line to collect nothing.''

Based on the discredited bankruptcy studies, creditors also argue that ''no one will be denied bankruptcy protection. The ten percent of filers with the highest incomes and the lowest relative debt would be required to repay a portion of what they owed and the balance would be discharged, just as it is under current law.'' That's another credit card industry myth.

There is no doubt that this legislation will be harmful to working families who have fallen on hard times—families like those described in a Time magazine article earlier this year.

That article discussed the financial difficulties of the Trapp family, whom I had the privilege of meeting several months ago. They are not wealthy cheats trying to escape from their financial responsibilities. They are a middle class family engulfed in debt, because of circumstances beyond their control. Like half of all Americans who file for bankruptcy, the Trapp family had massive medical expenses—over $124,000 in doctors' bills that their insurance didn't cover.

The plight of the Trapp family is similar to that of many other American families with serious illness and injury. The combination of a major medical problem and a job loss pushed Maxean Bowen—a single mother—into bankruptcy. She was a social worker in the foster-care system in New York City when she developed a painful condition in both feet that made her job, which required house calls, impossible. As a result, she had to give up her work and go on the unemployment rolls. Her income fell by 50 percent. She had to borrow from relatives, and she used her credit cards to make ends meet. Like so many others in similar situations, she believed that she would soon recover and be able to pay her debts. But, like thousands who file for bankruptcy, even when Maxean was able to work again, she owed far more than she could repay.

Maxean tried paying her creditors a few hundred dollars when possible, but it wasn't enough to keep her bills from piling up because of interest charges and late-payment fees. She said she was ''going crazy.''

Some of my colleagues have argued that Maxean Bowen, Charles and Lisa Trapp, and others featured in the Time magazine article wouldn't be subject to the harsh provisions in the bankruptcy bill before us today. But, although the conference report now includes a ''means test safe harbor'' for the poorest families, a careful, objective analysis demonstrates that all Americans would be affected by the provisions in the bill.

For example, proponents of the bill argue that the Trapp family would not be affected by the means test because their current income is below the state median income. That's not true. Before Mrs. Trapp left her job, the family's annual income was $83,000 a year or $6,900 a month. Under the bill, the Trapp family's previous six months' income would be averaged, so that they would have an assumed monthly income of about $6,200—above the state median—even though their actual monthly gross income at the time of filing was $4,800.

Based on the fictitious income assumed by the bankruptcy legislation, the Trapp family would be subject to the means test. And the means test formula—using the IRS standards—would assume that the Trapps have the ability to repay more than their actual income would allow.

Similarly, although the safe harbor provision would protect Maxean Bowen from the means test, other substantive and procedural provisions in the bill would apply to her. Maxean didn't have the money to pay her bankruptcy attorney and had to obtain financial assistance from relatives. If this legislation becomes law, the new requirements may make bankruptcy relief prohibitive.

The individuals and families featured in the article are well aware of the distortions and misrepresentations of their cases by defenders of this harsh Republican bill and by apologists for the credit card industry. The outraged response by these debtors is eloquent and powerful. As they have emphatically replied,

> During the last year, each of us declared bankruptcy. It was one of the most difficult decisions any of us had to make, coming at the darkest hours in our lives. We saw no other way to stabilize our economic situations. Each of our families is now on the long path of trying to right ourselves financially . . . We have read the statements you have made about our cases on the floor of the Senate and in Mr. Gekas' letter to Time. We deeply resent the fact that you have misrepresented our cases to the American public. Contrary to what you have stated, each of us would have been severely affected by your bankruptcy bill.

Finally, proponents of the bill argue that it will help small businesses. Again, this is another credit card industry myth.

According to the Administrative Office of the Courts, business bankruptcies represented 2.9 percent of all filings in 1999. Since June 1996, those filings have declined by over 30 percent—30 percent. The relatively low number of business bankruptcy filings and the fact that filings are decreasing indicate that drastic changes in the law are unnecessary.

This bankruptcy reform bill isn't based on any serious business need. In fact, its overhaul of Chapter 11 will hurt—rather than help—small businesses. Chapter 11 was enacted to serve the interests of business debtors, creditors, and the other constituencies affected by business failures—particularly the employees. A principal goal of Chapter 11 is to encourage business reorganization in order to preserve jobs. Supporters of the bill ride roughshod over this important goal. They create more hurdles, additional costs, and a rigid, inflexible structure for small businesses in bankruptcy. As a result, fewer small business creditors will be paid, and more jobs will be lost.

This fundamental defect led AFL–CIO President John Sweeney to write, ''The Bankruptcy Reform Act of 2000 is an attack on working families. It will undermine a critical safety net for both families and financially vulnerable businesses and their workers. Businesses filing bankruptcy cases would be required to follow stringent new rules which create significant substantive and procedural barriers to reorganization and therefore place jobs at risk. Costly, unnecessary, and inflexible procedures will increase the risk that small businesses will be unable to reorganize. The bill also threatens jobs in significant real estate enterprises and retailers.''

As I mentioned earlier, a large number of professors of bankruptcy and commercial law across the country have written to us to condemn this bill and to urge the Senate not to approve it. As their letter eloquently states in its conclusion:

> These facts are unassailable: H.R. 2415 forces women to compete with sophisticated creditors to collect alimony and child support after bankruptcy. H.R. 2415 makes it harder for women to declare bankruptcy when they are in financial trouble. H.R. 2415 fails to close the glaring homestead loophole and permits wealthy debtors to hide assets from their creditors. We implore you to look beyond the distorted ''facts'' peddled by the credit industry. Please do not pass a bill that will hurt vulnerable Americans, including women and children.

It is clear that the bill before us is designed to increase the profits of the credit card industry at the expense of working families. If it becomes law, the effects will be devastating. The Senate should reject this defective bankruptcy bill and the cynical attempt by the Republican leadership to pass it on the last day of this Congress. This bill is bad legislation. It eminently deserves the veto it will receive if it passes.

I urge the Senate to reject this cloture motion, and to reject this bill. I ask unanimous consent that the letter from the 91 law professors I mentioned be printed in the RECORD.

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

OCTOBER 30, 2000.

Re: The Bankruptcy Reform Act Conference Report (H.R. 2415)

DEAR SENATORS: We are professors of bankruptcy and commercial law. We have been following the bankruptcy reform process with keen interest. The 91 undersigned professors come from every region of the country and from all major political parties. We are not a partisan, organized group, and we have no agenda. Our exclusive interest is to seek the enactment of a fair and just bankruptcy law, with appropriate regard given to the interests of debtors and creditors alike. Many of us have written before to express our concerns about the bankruptcy legislation, and we write again as yet another version of the bill comes before you. This bill is deeply flawed, and we hope the Senate will not act on it in the closing minutes of this session.

In a letter to you dated September 7, 1999, 82 professors of bankruptcy law from across the country expressed their grave concerns about some of the provisions of S. 625, particularly the effects of the bill on women and children. We wrote again on November 2, 1999, to reiterate our concerns. We write yet again to bring the same message; the problems with the bankruptcy bill have not been resolved, particularly those provisions that adversely affect women and children.

Notwithstanding the unsupported claims of the bill's proponents, H.R. 2415 does not help women and children. Thirty-one organizations devoted exclusively to promoting the best interests of women and children continue to oppose the pending bankruptcy bill. The concerns expressed in our earlier letters showing how S. 625 would hurt women and children have not been resolved. Indeed, they have not even been addressed.

First, one of the biggest problems the bill presents for women and children was stated in the September 7, 1999, letter: ''Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy.''

This increased competition for women and children will come from many quarters: from powerful credit card issuers, whose credit card claims increasingly will be excepted from discharge and remain legal obligations of the debtor after bankruptcy; from large retailers, who will have an easier time obtaining reaffirmations of debt that legally could be discharged; and from creditors claiming they hold security, even when the alleged collateral is virtually worthless. None of the changes made to S. 625 and none being proposed in H.R. 2415 addresses these problems. The truth remains: if H.R. 2415 is enacted in its current form, women and children will face increased competition in collecting their alimony and support claims after the bankruptcy case is over. We have pointed out this difficulty repeatedly, but no change has been made in the bill to address it.

Second, it is a distraction to argue—as do advocates of the bill—that the bill will ''help'' women and children and that it will ''make child support and alimony payments the top priority—no exceptions.'' As the law professors pointed out in the September 7, 1999, letter: ''Giving 'first priority' to domestic support obligations does not address the problem.''

Granting ''first priority'' to alimony and support claims is not the magic solution the consumer credit industry claims because ''priority'' is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95% of bankruptcy cases make NO distributions to any creditors because there are no assets to distribute. Granting women and children a first priority for bankruptcy distributions permits them to stand first in line to collect nothing.

Women's hard-fought battle is over reaching the ex-husband's income after bankruptcy. Under current law, child support and alimony share a protected post-bankruptcy position with only two other recurrent collectors of debt—taxes and student loans. The credit industry asks that credit card debt and other consumer credit share that position, thereby elbowing aside the women trying to collect on their own behalf. The credit industry carefully avoids discussing the increased post-bankruptcy competition facing women if H.R. 2415 becomes law. As a matter of public policy, the country should not elevate credit card debt to the preferred position of taxes and child support. Once again, we have pointed out this problem repeatedly, and nothing has been changed in the pending legislation to address it.

If addition to the concerns raised on behalf of the thousands of women who are struggling now to collect alimony and child support after their ex-husband's bankrupticies, we also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the many provisions that apply without regard to income, will fall hardest on them. Under this bill, a single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

Finally, when the Senate passed S. 625, we were hopeful that the final bankruptcy legislation would include a meaningful homestead provision to address flagrant abuse in the bankruptcy system. Instead, the conference report retreats from the concept underlying the Senate-passed homestead amendment.

The Homestead provision in the conference report will allow wealthy debtors to hide assets from their creditors.

Current bankruptcy law yields to state law to determine what property shall remain exempt from creditor attachment and levy. Homestead exemptions are highly variable

by state, and six states (Florida, Iowa, Kansas, South Dakota, Texas, Oklahoma) have literally unlimited exemptions while twenty-two states have exemptions of $10,000 or less. The variation among states leads to two problems—basic inequality and strategic bankruptcy planning. The only solution is a dollar cap on the homestead exemption. Although variation among states would remain, the most outrageous abuses—those in the multi-million dollar category—would be eliminated.

The homestead provision in the conference report does little to address the problem. The legislation only requires a debtor to wait two years after the purchase of the homestead before filing a bankruptcy case. Well-counseled debtors will have no problem timing their bankruptcies or tying-up the courts in litigation to skirt the intent of this provision. The proposed change will remind debtors to buy their property early, but it will not deny anyone with substantial assets a chance to protect property from their creditors. Furthermore, debtors who are long-time residents of states like Texas and Florida will continue to enjoy a homestead exemption that can shield literally millions of dollars in value.

These facts are unassailable: H.R. 2415 forces women to compete with sophisticated creditors to collect alimony and child support after bankruptcy. H.R. 2415 makes it harder for women to declare bankruptcy when they are in financial trouble. H.R. 2415 fails to close the glaring homestead loophole and permits wealthy debtors to hide assets from their creditors. We implore you to look beyond the distorted ''facts'' peddled by the credit industry. Please do not pass a bill that will hurt vulnerable Americans, including women and children.

Thank you for your consideration.

Peter A. Alces, College of William and Mary; Peter C. Alexander, The Dickinson School of Law, Penn State University; Thomas B. Allington, Indiana University School of Law; Allan Axelrod, Rutgers Law School; Douglas G. Baird, University of Chicago Law School; Laura B. Bartell, Wayne State University Law School; Larry T. Bates, Baylor Law School; Andrea Coles Bjerre, University of Oregon School of Law; Susan Block-Lieb, Fordham University School of Law; Amelia H. Boss, Temple University School of Law; William W. Bratton, The George Washington University Law School; Jean Braucher, University of Arizona; Ralph Brubaker, Emory University School of Law.

Mark E. Budnitz, Georgia State University; Daniel J. Bussel, UCLA School of Law; Arnold B. Cohen, Villanova University School of Law; Marianne B. Culhane, Creighton Law School; Jeffrey Davis, University of Florida Law School; Susan DeJarnatt, Temple University School of Law; Paulette J. Delk, Cecil C. Humphreys School of Law, The University of Memphis; A. Mechele Dickerson, William & Mary Law School; Thomas L. Eovaldi, Northwestern University School of Law; David G. Epstein, University of Alabama Law School; Christopher W. Frost, University of Kentucky, College of Law; Dale Beck Furnish, College of Law, Arizona State University; Karen M. Gebbia-Pinetti, University of Hawaii School of Law; Nicholas Georgakopoulos, University of Connecticut School of Law visiting Indiana University School of Law; Michael A. Gerber, Brooklyn Law School; Marjorie L. Girth, Georgia State University College of Law; Ronald C. Griffin, Washburn University School of Law; Professor Karen Gross, New York Law School; Matthew P. Harrington, Roger Williams University; Kathryn Heidt, University of Pittsburgh School of Law; Joann Henderson, University of Idaho College of Law; Frances R. Hill, University of Miami School of Law; Ingrid Hillinger, Boston College; Adam Hirsch, Florida State University; Margaret Howard, Vanderbilt University Law School; Sarah Jane Hughes, Indiana University School of Law; Edward J. Janger, Broklyn Law School.

Lawrence Kalevitch, Shepard Broad Law Center, Nova Southeastern University; Allen Kamp, John Marshall Law School; Kenneth C. Kettering, New York Law School; Lawrence King, New York University School of Law; Kenneth N. Klee, University of California at Los Angeles School of Law; Don Korobkin, Rutgers-Camden School of Law; John W. Larson, Florida State University; Robert M. Lawless, University of Missouri-Columbia; Leonard J. Long, Quinnipiac University School of Law; Professor Lynn LoPucki, University of California Law School; Lois R. Lupica, University of Maine School of Law; William H. Lyons, College of Law, University of Nebraska; Bruce A. Markell, William S. Boyd School of Law, UNLV; Nathalie Martin, University of New Mexico School of Law; Judith L. Maute, University of Oklahoma Law Center; Juliet Moringiello, Widener University School of Law; Jeffrey W. Morris, University of Dayton School of Law; Spencer Neth, Case Western Reserve University; Gary Neustadter, Santa Clara University School of Law; Nathaniel C. Nichols, Widener at Delaware; Scott F. Norberg, University of California, Hastings College of the Law; Dennis Patterson, Rutgers-Camden School of Law; Dean Pawlowic, Texas Tech University School of Law; Lawrence Ponoroff, Tulane Law School; Nancy Rappoport, University of Houston College of Law; Doug Rendleman, Washington and Lee Law School; Alan N. Resnick, Hofstra University School of Law.

Steven L. Schwarcz, Duke Law School; Alan Schwartz, Yale University; Charles J. Senger, Thomas M. Cooley Law School; Stephen L. Sepinuck, Gonzaga University School of Law; Charles Shafer, University of Baltimore Law School; Melvin G. Shimm, Duke University Law School; Ann C. Stilson, Widener University School of Law; Charles J. Tabb, University of Illinois; Walter Taggert, Villanova University Law School; Marshall Tracht, Hofstra Law School; Bernard Trujillo, U. Wisconsin Law School; Frederick Tung, University of San Francisco School of Law; William T. Vukowich, Georgetown University Law Center; Thomas M. Ward, University of Maine School of Law; Elizabeth Warren, Harvard Law School; John Weistart, Duke University School of Law; Elaine A. Welle, University of Wyoming, College of Law; Jay L. Westbrook, University of Texas School of Law; William C. Whitford, Wisconsin Law School; Mary Jo Wiggins, University of San Diego Law School; Jane Kaufman Winn, Southern Methodist University; School of Law; Peter Winship, SMU School of Law; Zipporah B. Wiseman, University of Texas School of Law; William J. Woodward, Jr., Temple University.

Mr. GRASSLEY. Mr. President, we are about to vote on cloture on the bankruptcy bill. I urge my colleagues to vote for cloture.

The conference committee that produced this Bankruptcy Conference Report had an even 3–3 ratio. Obviously with this ratio, Democrats on the conference held an absolute veto over the bankruptcy bill. But here we are voting on a conference report that has the support of conferees on both sides of the aisle.

What's at stake with this vote?

If you vote ''no'' on cloture you are voting against bankruptcy protections for family farmers.

If you vote ''no'' on cloture you are voting against targeted capital gains tax relief for family farmers in bankruptcy.

If you vote ''no'' on cloture you are voting against a ''Patients' Bill of Rights'' for residents of bankrupt nursing homes.

If you vote ''no'' on cloture you are voting against provisions that Federal Reserve Chairman Alan Greenspan and Treasury Secretary Larry Summers say are crucial for protecting our financial markets.

There's a lot at stake with this vote. Let's vote for farmers. Let's vote for a ''Patients' Bill of Rights'' for residents of bankrupt nursing homes. Let's vote to protect our financial markets. Let's vote to protect our prosperity.

I urge my colleagues to vote for cloture.

Mr. LOTT. I believe we are ready to proceed to the vote.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that 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?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (When his named was called). Present.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Pennsylvania (Mr. SPECTER) 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 New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 53, nays 30, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—53

Abraham	DeWine	Murkowski
Allard	Domenici	Nickles
Bayh	Enzi	Robb
Bennett	Graham	Roberts
Biden	Gramm	Roth
Bond	Grassley	Sessions
Breaux	Gregg	Shelby
Brownback	Hagel	Smith (NH)
Bunning	Hatch	Smith (OR)
Byrd	Hutchinson	Snowe
Campbell	Hutchison	Stevens
Chafee, L.	Johnson	Thomas
Cleland	Kyl	Thompson
Cochran	Lincoln	Thurmond
Collins	Lugar	Torricelli
Craig	Mack	Voinovich
Crapo	McConnell	Warner
Daschle	Miller	

NAYS—30

Akaka	Harkin	Mikulski
Baucus	Hollings	Moynihan
Boxer	Inouye	Murray
Bryan	Kennedy	Reed
Conrad	Kerrey	Reid
Dodd	Kerry	Rockefeller
Dorgan	Kohl	Sarbanes
Durbin	Landrieu	Schumer
Edwards	Levin	Wellstone
Feingold	Lott	Wyden

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—16

Ashcroft	Grams	Lieberman
Bingaman	Helms	McCain
Burns	Inhofe	Santorum
Feinstein	Jeffords	Specter
Frist	Lautenberg	
Gorton	Leahy	

The PRESIDING OFFICER (Mr. L. CHAFEE). On this vote, the yeas are 53, the nays are 30, and 1 Senator responded present. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

Mr. MOYNIHAN. May we have order.

The PRESIDING OFFICER. May we have order in the Chamber please.

The majority leader.

Mr. LOTT. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the bankruptcy bill.

The PRESIDING OFFICER. The motion is so entered.

Mr. LOTT. Mr. President, I note that I will renew this motion with a vote at a time when we have the largest possible number of Senators here. I note there are some absentees, and I believe that could have made a difference in this vote. But we will persist in our effort to pass this important legislation.

I thank Senator GRASSLEY and Senator TORRICELLI and all who worked very hard on it. We will have another vote before the year is out, whenever that may be.

FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to Calendar No. 817, H.R. 4986, regarding foreign sales corporations, and following the reporting by the clerk, the committee amendments be immediately withdrawn, the compromise text regarding FSCs, which is contained in the tax conference report, be added as an amendment, which I will send to the desk, the bill then be immediately read for a third time, and passage occur, all without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object.

Mr. GRAMM. Could we have order, Mr. President.

The PRESIDING OFFICER. There will be order in the Senate, please.

Mr. WELLSTONE. Some of us had amendments we wanted to offer. That is part of the legislative process. I want to have 10 minutes to speak on an amendment I wanted to offer on this bill.

Mr. LOTT. Mr. President, I respond to the Senator that I had planned to ask for a period of morning business with Senators permitted to speak for up to 10 minutes each. I will be glad to specify that the Senator would have the first 10 minutes to comment on this issue.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, in the interest of allowing the Senate to vote, and following the majority leader's suggestion, I ask unanimous consent for 10 minutes in morning business to address this issue.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, is there objection to my request?

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I will not object.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

An act (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments as follows:

(Omit the parts in boldface brackets and insert the parts printed in italic.)

H.R. 4986

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''FSC Repeal and Extraterritorial Income Exclusion Act of 2000''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed.

SEC. 3. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

''SEC. 114. EXTRATERRITORIAL INCOME.

''(a) EXCLUSION.—Gross income does not include extraterritorial income.

''(b) EXCEPTION.—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

''(c) DISALLOWANCE OF DEDUCTIONS.—

''(1) IN GENERAL.—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

''(2) ALLOCATION.—Any deduction of the taxpayer properly apportioned and allocated

to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

''(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

''(B) the extraterritorial income derived from such transaction which is not so excluded.

''(d) DENIAL OF CREDITS FOR CERTAIN FOREIGN TAXES.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

''(e) EXTRATERRITORIAL INCOME.—For purposes of this section, the term 'extraterritorial income' means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer.''.

(b) QUALIFYING FOREIGN TRADE INCOME.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

"Subpart E—Qualifying Foreign Trade Income

''Sec. 941. Qualifying foreign trade income.

''Sec. 942. Foreign trading gross receipts.

''Sec. 943. Other definitions and special rules.

"SEC. 941. QUALIFYING FOREIGN TRADE INCOME.

''(a) QUALIFYING FOREIGN TRADE INCOME.—For purposes of this subpart and section 114—

''(1) IN GENERAL.—The term 'qualifying foreign trade income' means, with respect to any transaction, the amount of gross income which, if excluded, will result in a reduction of the taxable income of the taxpayer from such transaction equal to the greatest of—

''(A) 30 percent of the foreign sale and leasing income derived by the taxpayer from such transaction,

''(B) 1.2 percent of the foreign trading gross receipts derived by the taxpayer from the transaction, or

''(C) 15 percent of the foreign trade income derived by the taxpayer from the transaction.

In no event shall the amount determined under subparagraph (B) exceed 200 percent of the amount determined under subparagraph (C).

''(2) ALTERNATIVE COMPUTATION.—A taxpayer may compute its qualifying foreign trade income under a subparagraph of paragraph (1) other than the subparagraph which results in the greatest amount of such income.

''(3) LIMITATION ON USE OF FOREIGN TRADING GROSS RECEIPTS METHOD.—If any person computes its qualifying foreign trade income from any transaction with respect to any property under paragraph (1)(B), the qualifying foreign trade income of such person (or any related person) with respect to any other transaction involving such property shall be zero.

''(4) RULES FOR MARGINAL COSTING.—The Secretary shall prescribe regulations setting forth rules for the allocation of expenditures in computing foreign trade income under paragraph (1)(C) in those cases where a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

''(5) PARTICIPATION IN INTERNATIONAL BOYCOTTS, ETC.—Under regulations prescribed by the Secretary, the qualifying foreign trade income of a taxpayer for any taxable year shall be reduced (but not below zero) by the sum of—

''(A) an amount equal to such income multiplied by the international boycott factor determined under section 999, and

''(B) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the taxpayer directly or indirectly to an official, employee, or agent in fact of a government.

''(b) FOREIGN TRADE INCOME.—For purposes of this subpart—

''(1) IN GENERAL.—The term 'foreign trade income' means the taxable income of the taxpayer attributable to foreign trading gross receipts of the taxpayer.

''(2) SPECIAL RULE FOR COOPERATIVES.—In any case in which an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products sells qualifying foreign trade property, in computing the taxable income of such cooperative, there shall not be taken into account any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

''(c) FOREIGN SALE AND LEASING INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'foreign sale and leasing income' means, with respect to any transaction—

''(A) foreign trade income properly allocable to activities which—

''(i) are described in paragraph (2)(A)(i) or (3) of section 942(b), and

''(ii) are performed by the taxpayer (or any person acting under a contract with such taxpayer) outside the United States, or

''(B) foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside the United States.

''(2) SPECIAL RULES FOR LEASED PROPERTY.—

''(A) SALES INCOME.—The term 'foreign sale and leasing income' includes any foreign trade income derived by the taxpayer from the sale of property described in paragraph (1)(B).

''(B) LIMITATION IN CERTAIN CASES.—Except as provided in regulations, in the case of property which—

''(i) was manufactured, produced, grown, or extracted by the taxpayer, or

''(ii) was acquired by the taxpayer from a related person for a price which was not determined in accordance with the rules of section 482,

the amount of foreign trade income which may be treated as foreign sale and leasing income under paragraph (1)(B) or subparagraph (A) of this paragraph with respect to any transaction involving such property shall not exceed the amount which would have been determined if the taxpayer had acquired such property for the price determined in accordance with the rules of section 482.

''(3) SPECIAL RULES.—

''(A) EXCLUDED PROPERTY.—Foreign sale and leasing income shall not include any income properly allocable to excluded property described in subparagraph (B) of section 943(a)(3) (relating to intangibles).

''(B) ONLY DIRECT EXPENSES TAKEN INTO ACCOUNT.—For purposes of this subsection, any expense other than a directly allocable expense shall not be taken into account in computing foreign trade income.

"SEC. 942. FOREIGN TRADING GROSS RECEIPTS.

''(a) FOREIGN TRADING GROSS RECEIPTS.—

''(1) IN GENERAL.—Except as otherwise provided in this section, for purposes of this subpart, the term 'foreign trading gross receipts' means the gross receipts of the taxpayer which are—

''(A) from the sale, exchange, or other disposition of qualifying foreign trade property,

''(B) from the lease or rental of qualifying foreign trade property for use by the lessee outside the United States,

''(C) for services which are related and subsidiary to—

''(i) any sale, exchange, or other disposition of qualifying foreign trade property by such taxpayer, or

''(ii) any lease or rental of qualifying foreign trade property described in subparagraph (B) by such taxpayer,

''(D) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

''(E) for the performance of managerial services for a person other than a related person in furtherance of the production of foreign trading gross receipts described in subparagraph (A), (B), or (C).

Subparagraph (E) shall not apply to a taxpayer for any taxable year unless at least 50 percent of its foreign trading gross receipts (determined without regard to this sentence) for such taxable year is derived from activities described in subparagraph (A), (B), or (C).

''(2) CERTAIN RECEIPTS EXCLUDED ON BASIS OF USE; SUBSIDIZED RECEIPTS EXCLUDED.—The term 'foreign trading gross receipts' shall not include receipts of a taxpayer from a transaction if—

''(A) the qualifying foreign trade property or services—

''(i) are for ultimate use in the United States, or

''(ii) are for use by the United States or any instrumentality thereof and such use of qualifying foreign trade property or services is required by law or regulation, or

''(B) such transaction is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured, produced, grown, or extracted.

''(3) ELECTION TO EXCLUDE CERTAIN RECEIPTS.—The term 'foreign trading gross receipts' shall not include gross receipts of a taxpayer from a transaction if the taxpayer elects not to have such receipts taken into account for purposes of this subpart.

''(b) FOREIGN ECONOMIC PROCESS REQUIREMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (c), a taxpayer shall be treated as having foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by paragraph (2).

''(2) REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met with respect to the gross receipts of a taxpayer derived from any transaction if—

''(i) such taxpayer (or any person acting under a contract with such taxpayer) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

''(ii) the foreign direct costs incurred by the taxpayer attributable to the transaction equal or exceed 50 percent of the total direct costs attributable to the transaction.

''(B) ALTERNATIVE 85-PERCENT TEST.—A taxpayer shall be treated as satisfying the requirements of subparagraph (A)(ii) with respect to any transaction if, with respect to

each of at least 2 subparagraphs of paragraph (3), the foreign direct costs incurred by such taxpayer attributable to activities described in such subparagraph equal or exceed 85 percent of the total direct costs attributable to activities described in such subparagraph.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) TOTAL DIRECT COSTS.—The term 'total direct costs' means, with respect to any transaction, the total direct costs incurred by the taxpayer attributable to activities described in paragraph (3) performed at any location by the taxpayer or any person acting under a contract with such taxpayer.

''(ii) FOREIGN DIRECT COSTS.—The term 'foreign direct costs' means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

''(3) ACTIVITIES RELATING TO QUALIFYING FOREIGN TRADE PROPERTY.—The activities described in this paragraph are any of the following with respect to qualifying foreign trade property—

''(A) advertising and sales promotion,

''(B) the processing of customer orders and the arranging for delivery,

''(C) transportation outside the United States in connection with delivery to the customer,

''(D) the determination and transmittal of a final invoice or statement of account or the receipt of payment, and

''(E) the assumption of credit risk.

''(4) ECONOMIC PROCESSES PERFORMED BY RELATED PERSONS.—A taxpayer shall be treated as meeting the requirements of this subsection with respect to any sales transaction involving any property if any related person has met such requirements in such transaction or any other sales transaction involving such property.

''(c) EXCEPTION FROM FOREIGN ECONOMIC PROCESS REQUIREMENT.—

''(1) IN GENERAL.—The requirements of subsection (b) shall be treated as met for any taxable year if the foreign trading gross receipts of the taxpayer for such year do not exceed $5,000,000.

''(2) RECEIPTS OF RELATED PERSONS AGGREGATED.—All related persons shall be treated as one person for purposes of paragraph (1), and the limitation under paragraph (1) shall be allocated among such persons in a manner provided in regulations prescribed by the Secretary.

''(3) SPECIAL RULE FOR PASS-THRU ENTITIES.—In the case of a partnership, S corporation, or other pass-thru entity, the limitation under paragraph (1) shall apply with respect to the partnership, S corporation, or entity and with respect to each partner, shareholder, or other owner.

''SEC. 943. OTHER DEFINITIONS AND SPECIAL RULES.

''(a) QUALIFYING FOREIGN TRADE PROPERTY.—For purposes of this subpart—

''(1) IN GENERAL.—The term 'qualifying foreign trade property' means property—

''(A) manufactured, produced, grown, or extracted within or outside the United States,

''(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business for direct use, consumption, or disposition outside the United States, and

''(C) not more than 50 percent of the fair market value of which is attributable to—

''(i) articles manufactured, produced, grown, or extracted outside the United States, and

''(ii) direct costs for labor (determined under the principles of section 263A) performed outside the United States.

For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation, and the direct costs for labor under clause (ii) do not include costs that would be treated under the principles of section 263A as direct labor costs attributable to articles described in clause (i).

''(2) U.S. TAXATION TO ENSURE CONSISTENT TREATMENT.—Property which (without regard to this paragraph) is qualifying foreign trade property and which is manufactured, produced, grown, or extracted outside the United States shall be treated as qualifying foreign trade property only if it is manufactured, produced, grown, or extracted by—

''(A) a domestic corporation,

''(B) an individual who is a citizen or resident of the United States,

''(C) a foreign corporation with respect to which an election under subsection (e) (relating to foreign corporations electing to be subject to United States taxation) is in effect, or

''(D) a partnership or other pass-thru entity all of the partners or owners of which are described in subparagraph (A), (B), or (C).

Except as otherwise provided by the Secretary, tiered partnerships or pass-thru entities shall be treated as described in subparagraph (D) if each of the partnerships or entities is directly or indirectly wholly owned by persons described in subparagraph (A), (B), or (C).

''(3) EXCLUDED PROPERTY.—The term 'qualifying foreign trade property' shall not include—

''(A) property leased or rented by the taxpayer for use by any related person,

''(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not patented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property,

''(C) oil or gas (or any primary product thereof),

''(D) products the transfer of which is prohibited or curtailed to effectuate the policy set forth in paragraph (2)(C) of section 3 of Public Law 96–72, or

''(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

''(4) PROPERTY IN SHORT SUPPLY.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, the President may by Executive order designate the property as in short supply. Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President's determination that the property is no longer in short supply.

''(b) OTHER DEFINITIONS AND RULES.—For purposes of this subpart—

''(1) TRANSACTION.—

''(A) IN GENERAL.—The term 'transaction' means—

''(i) any sale, exchange, or other disposition,

''(ii) any lease or rental, and

''(iii) any furnishing of services.

''(B) GROUPING OF TRANSACTIONS.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

''(2) UNITED STATES DEFINED.—The term 'United States' includes the Commonwealth of Puerto Rico. The preceding sentence shall not apply for purposes of determining whether a corporation is a domestic corporation.

''(3) RELATED PERSON.—A person shall be related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

''(4) GROSS AND TAXABLE INCOME.—Section 114 shall not be taken into account in determining the amount of gross income or foreign trade income from any transaction.

''(c) SOURCE RULE.—Under regulations, in the case of qualifying foreign trade property manufactured, produced, grown, or extracted within the United States, the amount of income of a taxpayer from any sales transaction with respect to such property which is treated as from sources without the United States shall not exceed—

''(1) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(B), the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States if the foreign trade income were reduced by an amount equal to 4 percent of the foreign trading gross receipts with respect to the transaction, and

''(2) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(C), 50 percent of the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States.

''(d) TREATMENT OF WITHHOLDING TAXES.—

''(1) IN GENERAL.—For purposes of section 114(d), any withholding tax shall not be treated as paid or accrued with respect to extraterritorial income which is excluded from gross income under section 114(a). For purposes of this paragraph, the term 'withholding tax' means any tax which is imposed on a basis other than residence and for which credit is allowable under section 901 or 903.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any taxpayer with respect to extraterritorial income from any transaction if the taxpayer computes its qualifying foreign trade income with respect to the transaction under section 941(a)(1)(A).

''(e) ELECTION TO BE TREATED AS DOMESTIC CORPORATION.—

''(1) IN GENERAL.—An applicable foreign corporation may elect to be treated as a domestic corporation for all purposes of this title if such corporation waives all benefits to such corporation granted by the United States under any treaty. No election under section 1362(a) may be made with respect to such corporation.

''(2) APPLICABLE FOREIGN CORPORATION.—For purposes of paragraph (1), the term 'applicable foreign corporation' means any foreign corporation if—

''(A) such corporation manufactures, produces, grows, or extracts property in the ordinary course of such corporation's trade or business, or

''(B) substantially all of the gross receipts of such corporation may reasonably be expected to be foreign trading gross receipts.

''(3) PERIOD OF ELECTION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked by the taxpayer. Any revocation of such election shall apply to taxable years beginning after such revocation.

''(B) TERMINATION.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (A) or (B) of paragraph (2) for any subsequent taxable year, such election shall not apply to any taxable year beginning after such subsequent taxable year.

''(C) EFFECT OF REVOCATION OR TERMINATION.—If a corporation which made an election under paragraph (1) revokes such election or such election is terminated under subparagraph (B), such corporation (and any successor corporation) may not make such election for any of the 5 taxable years beginning with the first taxable year for which such election is not in effect as a result of such revocation or termination.

''(4) SPECIAL RULES.—

''(A) REQUIREMENTS.—This subsection shall not apply to an applicable foreign corporation if such corporation fails to meet the requirements (if any) which the Secretary may prescribe to ensure that the taxes imposed by this chapter on such corporation are paid.

''(B) EFFECT OF ELECTION, REVOCATION, AND TERMINATION.—

''(i) ELECTION.—For purposes of section 367, a foreign corporation making an election under this subsection shall be treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

''(ii) REVOCATION AND TERMINATION.—For purposes of section 367, if—

''(I) an election is made by a corporation under paragraph (1) for any taxable year, and

''(II) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of the first such subsequent taxable year to which such election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

''(C) ELIGIBILITY FOR ELECTION.—The Secretary may by regulation designate one or more classes of corporations which may not make the election under this subsection.

''(f) RULES RELATING TO ALLOCATIONS OF QUALIFYING FOREIGN TRADE INCOME FROM SHARED PARTNERSHIPS.—

''(1) IN GENERAL.—If—

''(A) a partnership maintains a separate account for transactions (to which this subpart applies) with each partner,

''(B) distributions to each partner with respect to such transactions are based on the amounts in the separate account maintained with respect to such partner, and

''(C) such partnership meets such other requirements as the Secretary may by regulations prescribe,

then such partnership shall allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from any transaction to which this subpart applies on the basis of such separate account.

''(2) SPECIAL RULES.—For purposes of this subpart, in the case of a partnership to which paragraph (1) applies—

''(A) any partner's interest in the partnership shall not be taken into account in determining whether such partner is a related person with respect to any other partner, and

''(B) the election under section 942(a)(3) shall be made separately by each partner with respect to any transaction for which the partnership maintains separate accounts for each partner.

''(g) EXCLUSION FOR PATRONS OF AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—Any amount described in paragraph (1) or (3) of section 1385(a)—

''(1) which is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

''(2) which is designated by the organization as allocable to qualifying foreign trade income in a written notice mailed to its patrons during the payment period described in section 1382(d),

shall be treated as qualifying foreign trade income of such person for purposes of section 114. The taxable income of the organization shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.''.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(1) The second sentence of section 56(g)(4)(B)(i) is amended by inserting before the period ''or under section 114''.

[(2) Section 245 is amended by adding at the end the following new subsection:

[''(d) CERTAIN DIVIDENDS ALLOCABLE TO QUALIFYING FOREIGN TRADE INCOME.—In the case of a domestic corporation which is a United States shareholder (as defined in section 951(b)) of a controlled foreign corporation (as defined in section 957), there shall be allowed as a deduction an amount equal to 100 percent of any dividend received from such controlled foreign corporation which is distributed out of earnings and profits attributable to qualifying foreign trade income (as defined in section 941(a)).''.**]**

[(3)**]** *(2)* Section 275(a) is amended—

(A) by striking ''or'' at the end of paragraph (4)(A), by striking the period at the end of paragraph (4)(B) and inserting '', or'', and by adding at the end of paragraph (4) the following new subparagraph:

''(C) such taxes are paid or accrued with respect to qualifying foreign trade income (as defined in section 941).''; and

(B) by adding at the end the following the following new sentence: ''A rule similar to the rule of section 943(d) shall apply for purposes of paragraph (4)(C).''.

[(4)**]** *(3)* Paragraph (3) of section 864(e) is amended—

(A) by striking ''For purposes of'' and inserting:

''(A) IN GENERAL.—For purposes of''; and

(B) by adding at the end the following new subparagraph:

''(B) ASSETS PRODUCING EXEMPT EXTRATERRITORIAL INCOME.—For purposes of allocating and apportioning any interest expense, there shall not be taken into account any qualifying foreign trade property (as defined in section 943(a)) which is held by the taxpayer for lease or rental in the ordinary course of trade or business for use by the lessee outside the United States (as defined in section 943(b)(2)).''.

[(5)**]** *(4)* Section 903 is amended by striking ''164(a)'' and inserting ''114, 164(a),''.

[(6)**]** *(5)* Section 999(c)(1) is amended by inserting ''941(a)(5),'' after ''908(a),''.

[(7)**]** *(6)* The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 115 the following new item:

''Sec. 114. Extraterritorial income.''.

[(8)**]** *(7)* The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart E and inserting the following new item:

''Subpart E. Qualifying foreign trade income.''.

[(9)**]** *(8)* The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart C.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply to transactions after September 30, 2000.

(b) NO NEW FSCS; TERMINATION OF INACTIVE FSCS.—

(1) NO NEW FSCS.—No corporation may elect after September 30, 2000, to be a FSC (as defined in section 922 of the Internal Revenue Code of 1986, as in effect before the amendments made by this Act).

(2) TERMINATION OF INACTIVE FSCS.—If a FSC has no foreign trade income (as defined in section 923(b) of such Code, as so in effect) for any period of 5 consecutive taxable years beginning after December 31, 2001, such FSC shall cease to be treated as a FSC for purposes of such Code for any taxable year beginning after such period.

(c) TRANSITION PERIOD FOR EXISTING FOREIGN SALES CORPORATIONS.—

(1) IN GENERAL.—In the case of a FSC (as so defined) in existence on September 30, 2000, and at all times thereafter, the amendments made by this Act shall not apply to any transaction in the ordinary course of trade or business involving a FSC which occurs—

(A) before January 1, 2002; or

(B) after December 31, 2001, pursuant to a binding contract—

(i) which is between the FSC (or any related person) and any person which is not a related person; and

(ii) which is in effect on September 30, 2000, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

(2) ELECTION TO HAVE AMENDMENTS APPLY EARLIER.—A taxpayer may elect to have the amendments made by this Act apply to any transaction by a FSC or any related person to which such amendments would apply but for the application of paragraph (1). Such election shall be effective for the taxable year for which made and all subsequent taxable years, and, once made, may be revoked only with the consent of the Secretary of the Treasury.

(3) RELATED PERSON.—For purposes of this subsection, the term ''related person'' has the meaning given to such term by section 943(b)(3) of such Code, as added by this Act.

(d) SPECIAL RULES RELATING TO LEASING TRANSACTIONS.—

(1) SALES INCOME.—If foreign trade income in connection with the lease or rental of property described in section 927(a)(1)(B) of such Code (as in effect before the amendments made by this Act) is treated as exempt foreign trade income for purposes of section 921(a) of such Code (as so in effect), such property shall be treated as property described in section 941(c)(1)(B) of such Code (as added by this Act) for purposes of applying section 941(c)(2) of such Code (as so

added) to any subsequent transaction involving such property to which the amendments made by this Act apply.

(2) LIMITATION ON USE OF GROSS RECEIPTS METHOD.—If any person computed its foreign trade income from any transaction with respect to any property on the basis of a transfer price determined under the method described in section 925(a)(1) of such Code (as in effect before the amendments made by this Act), then the qualifying foreign trade income (as defined in section 941(a) of such Code, as in effect after such amendment) of such person (or any related person) with respect to any other transaction involving such property (and to which the amendments made by this Act apply) shall be zero.

● Mr. McCAIN. Mr. President, I oppose H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. Unfortunately, this legislation is an example of corporate welfare. Further, it does not adequately change the old Foreign Sales Corporation (FSC) program to prevent disputes with the European Union.

I am concerned that this legislation is an example of the costly corporate welfare that cripples our ability to respond to truly urgent social needs such as health care, education, and national security. The FSC benefits many major U.S. corporations, including General Electric, Boeing, Motorola, Caterpillar, Allied Signal, and Cisco Systems. In addition, the FSC also helps foreign firms, like Rolls Royce, that have plants located in America. However, few of these benefits actually trickle down to help the American worker. Instead, as the Congressional Budget Office points out, ''many FSCs are largely paper corporations with very few employees.'' On February 24, 2000, the Appellate Body of the World Trade Organization upheld a decision that this provision is an export subsidy and violates our WTO obligations.

This pending legislation is the third version of an export subsidy that was first introduced as the Domestic International Sales Corporation provision in the Revenue Act of 1971. However, this version of the bill does little to change the effects of the FSC, and actually makes it a bigger corporate giveaway. This legislation technically eliminates the FSC, but then replaces it with a new extraterritorial tax system that essentially maintains the current subsidy. In addition, this new scheme expands the subsidy to include full benefits for defense contractors and extends benefits to agricultural cooperatives. In order to meet WTO concerns, this legislation also allows foreign firms greater ability to utilize the FSC. The total cost of rewriting and expanding the FSC subsidy will cost the American taxpayers $42 billion between 2001 and 2010—all of which will come out of the surplus.

There is also extensive evidence that this export subsidy does not work very well. In a recent report, the Congressional Research Service states that the FSC increased the quantity of U.S. exports by a range of two-tenths of one percent to four-tenths of one percent. This report also states that ''traditional economic analysis indicates that FSC reduces overall U.S. economic welfare.'' The CBO agrees that ''export subsidies, such as FSCs, reduce global economic welfare and typically even reduce the welfare of the country granting the subsidy, even though domestic export-producing industries benefit.'' CBO also points out that FSCs increase both imports and exports, due to the effects of export subsidies on foreign exchange rates. This ''beggar-thy-neighbor'' effect will actually cause U.S. domestic companies in import-competing industries to reduce domestic investment and employment.

Finally, there is no assurance that this system actually fixes the problem. The European Union has agreed to wait until November, before announcing a $4 billion list of retaliatory tariffs against the FSC subsidy. However, they have not agreed to the actual changes in this legislation. The EU still has concerns about provisions in this legislation that grandfather the FSC, and they intend to have it reviewed by the WTO. It is fair to expect that we will end up debating this issue again within the next two years. It makes more sense for the Senate to eliminate the FSC completely in line with our obligations to the WTO.

Mr. President, our country is now in a position where we can begin paying down the national debt. Every American shoulders somewhere in the range of $19,000 in federal debt, because of the fiscal irresponsibility of their elected officials. I would like to make it clear that I remain a staunch supporter of free trade and open markets. However, if we intend to support a free trade regime that helps American consumers and taxpayers, we must not continue our policy of giving large corporations and special interests giant export subsidies.

This FSC legislation is simply an unnecessary federal subsidy that does not provide a fair return to the taxpayers who bear the heavy burden of its cost. I urge my colleagues to oppose this legislation, and instead examine the prospect of completely eliminating the FSC subsidy.●

Mr. BAUCUS. Mr. President, I rise to support the legislation before us today on Foreign Sales Corporations, FSC. However, I really object to the fact that we even have to address the issue of the FSC during this session of Congress.

The European Union, despite rhetoric in support for the WTO, is taking action after action that raises real doubt about their commitment. Let's quickly review the history that brought us to this place today.

The United States created the DISC in the early 1970s. Given the different nature of the U.S. and the European tax systems, the purpose was to put American exporters on an equal footing with their European competitors. In the 1980s, in response to a negative finding at the GATT, we replaced it with the FSC to make it GATT-compatible. The Europeans accepted this alteration.

Fast forward to the 1990s. The EU lost cases to the United States on beef hormones and on bananas. These were difficult issues for Europe. Yet, the EU did not seek a negotiated solution. Nor did they try to take corrective action. Instead, the EU used every legal and procedural trick in the GATT and WTO book to weasel out. They lost at every turn. This behavior of the EU, honoring the letter of the WTO while ignoring its spirit, is inappropriate and irresponsible. The EU should be a leader in ensuring that the credibility and integrity of the WTO process is maintained. They shouldn't be taking cheap legal dodges. Why should other WTO members comply promptly with WTO decisions if the EU thumbs its nose at the system?

Finally, the EU could no longer delay and circumvent implementation of these WTO decisions. The U.S. retaliates. Then, all of a sudden, we find ourselves challenged at the WTO on FSC. As far as I know, European companies did not beat a path to EU headquarters in Brussels insisting that they take us on over the FSC. Trade ministers in European capitals did not rush to Brussels with demands to file this case against us. Rather, the EU bureaucrats, angry at having lost two important cases to the United States, were going to fight back. So, we end up with the FSC case, and another example of the EU undermining the global trade system.

Deputy Secretary of the Treasury Stu Eizenstadt has done yeoman's work in trying to resolve this problem. The legislation before us is the fruit of his labor. And we should all thank him for working so hard, with so many diverse interests, to craft a solution. Yet, from Europe, all we have heard is a series of denunciations. An insistence that this legislation violates the WTO. An apparent eagerness to move ahead with a massive multi-billion dollar retaliation list against the United States. What a travesty!

I support this change in our law. And I express my appreciation to the other Senators who have allowed this legislation to move forward under unanimous consent, despite their interest in offering amendments to the bill. But I also call on the political leadership in Europe to step back and look at what their representatives in Brussels are doing. Please reflect on the danger to the integrity of the WTO of the actions that your EU bureaucrats have taken.

The committee amendments were withdrawn.

The amendment (No. 4356) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The bill (H.R. 4986), as amended, was read the third time and passed.

Mr. ROTH. Mr. President, this bill passed by the Senate satisfies the United States' WTO obligations and ensures that U.S. companies will compete on a level playing field in the global marketplace.

By enacting this legislation, we will avoid a needless trade dispute, protect the American economy, and satisfy our international obligations to our trading partners. This bill also represents a continuation of this Senate's outstanding record of accomplishment in promoting free trade. This legislation is the third significant piece of trade legislation passed by the Senate this year. I believe you would have to search long and hard to find a better record of trade legislation.

I don't believe it is necessary to go through the extended history of the dispute between the United States and the European Union that gave rise to the need for the bill before us. The bill represents a good faith attempt to comply with the WTO's ruling that the current FSC provisions constitute an illegal export subsidy. This bill withdraws the current FSC provisions and, in their place, makes fundamental adjustments to the Internal Revenue Code that incorporate territorial features akin to those of several European tax systems. The bill not only addresses the specific concerns raised by the WTO, it also takes into account the comments received from the EU in the course of consultations over the last eight months.

I want to stress the need to pass this bill. Failure to do so could result in the imposition of retaliatory duties against American exports to the European Union. Under the WTO rules, the EU will have the right to retaliate against U.S. exports as of today unless this legislation is passed. A failure to enact this legislation would prove costly for the American worker, the American farmer, and for American business.

So it is with a great sense of satisfaction that we pass this bill today. I compliment the Senate on its farsighted vote for passage of this legislation.

The staff of the Joint Committee on Taxation has prepared a technical explanation of H.R. 4986, as amended by the Senate. This explanation, entitled the ''Technical Explanation of the Senate Amendment to H.R. 4986, the 'FSC Repeal and Extraterritorial Income Exclusion Act of 2000', November 1, 2000 (JCX–111–00),'' provides a detailed description of this bill and embodies the Finance Committee's legislative intent regarding H.R. 4986. Taxpayers may rely on this technical explanation (JCX–111–00) in interpreting the provisions of H.R. 4986. In addition, regulations issued by the Department of Treasury should be consistent with the language and intent of this technical explanation.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there be a period of morning business with Senators permitted to speak for up to 10 minutes each between now and 12:30 p.m., with the time equally divided between the two leaders. And I ask consent, in order to get some fair debate, that the distinguished ranking member of the Finance Committee be recognized for the first 10 minutes, Senator WELLSTONE for the second 10 minutes, Senator GRAMM for the third 10 minutes, and Senator DURBIN for the fourth 10 minutes.

Mr. DASCHLE. Mr. President, reserving the right to object, I just do so to inquire of the majority leader about the schedule for the remainder of the day. It appears that the only remaining legislative item to be taken up today may be the continuing resolution.

Mr. LOTT. Correct.

Mr. DASCHLE. As I understand it, we do not have an objection to taking up the continuing resolution under a voice vote.

Mr. BUNNING. Yes, we do.

Mr. DASCHLE. We do have an objection?

Mr. BUNNING. Yes, we do.

Mr. LOTT. Mr. President, if the Senator would yield, as we had discussed, we hope when the House does act within the next, hopefully, 20 or 30 minutes, we would talk further and make some decisions about whether or not we would want to modify that continuing resolution in any way.

If we couldn't, of course, then we would see if we could clear it by a voice vote. We don't have it done yet, but we haven't gotten to that point yet. Within 30 minutes, we hope to get a clarification of when a vote would occur or if any modification might be forthcoming.

I don't want to go too far beyond just saying that right now. Senator DASCHLE and I are exchanging ideas. I do think we have reached a point where we need to make some decisions. Senators as well as House Members and the administration need to know what to expect. I think, to be perfectly honest, nobody wants to step up and say we have to look at an alternative. I am prepared to do that. I believe Senator DASCHLE is prepared to join me in that. We ask your indulgence for at east 30 minutes, and then we will see what we can do at that point.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I amend my request that after Senator DURBIN, Senator HUTCHISON be included in the queue.

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

Mr. LOTT. I thank my colleagues and yield the floor.

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

TRADE ISSUES

Mr. MOYNIHAN. Mr. President, the majority leader has, on several occasions, noted that this Congress, particularly this session of this Congress, has been singular in the number of major trade measures that have been enacted.

With the cooperation of the minority leader, with the full support of the chairman of the Finance Committee, Senator ROTH—who was here just a moment ago but whose schedule required that he leave as soon as the unanimous consent measure was adopted—we have agreed to major trade legislation with sub-Saharan Africa —that entire part of the continent; to expand the Caribbean Basin Initiative, which is hugely important in the aftermath of the North American Free Trade Agreement—which suddenly put island nations and nations on the isthmus below Mexico at a disadvantage, which no one intended and which we have now been able to redress in some considerable measure. The permanent normal trade relations with China was one of the most important pieces of legislation we have dealt with in a half century in the Congress. And we passed the Tariff Suspension and Trade Act of 2000, granting, among other things, permanent normal trade relations to Georgia, just last week.

Now as the closing days are at hand, or may be at hand—in any event, it is the first of November—we have taken this action by unanimous consent to adopt an amended version of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. That is a long title for a simple proposition. The World Trade Organization ruled that a measure in our Tax Code which has been in place for many years now, the Foreign Sales Corporation, which gave a tax benefit for income earned overseas—it was to encourage overseas sales—was contrary to the World Trade Organization rules.

I think we do not disagree; when we look at the rules, look at the law, the ruling was correct. But we had to then change our laws in order to give equivalent treatment to American corporations working overseas so that they would remain competitive in those markets, but would not be in violation of the WTO rules. If we were not to do that, sir, and do it today, we would be subject to $4 billion a year in tariff retaliation from the European Union. It had the potential of a ruinous trade war. We have seen the animosity that arises over bananas. How the United States ever got into the business of exporting bananas, I do not know. I think

I understand some of the politics involved, but that was unfortunate. But look at how quickly reactions occurred in Europe. Just wait, if $4 billion in retaliatory tariffs were to close off American access to European markets selectively—the more sensitive items chosen, the greatest damage doable—if that were the disposition of the ministers in Brussels, and it might well be.

Well, it is not going to happen. We have done this properly. It is no coincidence that the Finance Committee, under the chairmanship of my revered friend from Delaware, Senator ROTH, adopted this measure—it is a House measure, of course—on the same day we passed out the bill to grant China permanent normal trade relations. These are trade matters of great importance.

We did it. The House and Senate subsequently agreed to a slightly different version, which we have adopted today. It will have to go back to the House. There will be no problem. The House conferees have already agreed, in the comprehensive tax bill and the Balanced Budget Refinement bill, to the exchanges.

So it is a good day and a good morning's work. Not every morning do we avoid a trade war. This morning we did. We did not have an hour to lose. The deadline was November 1. We often do things at the last minute around here. But we often do things well also.

I see my friend from Texas is on the floor. I know he would agree that avoiding a trade war over the Foreign Sales Corporation is a very good thing indeed. We have done it this morning with not a moment to lose. My friend from Texas will recall the deadline of November 1. And it is now November 1. We have done well.

I thank Senator DURBIN and others who had amendments they wanted to offer—Senator WELLSTONE, Senator BRYAN. They had every right to do so, and they could have done so. They chose not in the larger interest of the United States. I think we should express our particular gratitude to them for their forbearance.

I have said my piece. I thank all on behalf of Senator ROTH and the Finance Committee, which acted unanimously in this regard. We have dodged a big bullet. We did it usefully and quickly in the spirit of cooperation about trade matters, which will mark this Congress. Perhaps we might even get that fact reported in the press somewhere. If not, we can maybe start a web site of our own. It would be worth it.

Mr. President, I thank you for your courtesy. I see the assistant majority leader on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to address the Senate for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I thank my colleague from New York for his leadership, as well as Senator ROTH.

This is an area where we have worked in a bipartisan way with the administration. It is important on international trade work. It is important that we avoid countertariffs that could possibly be enacted. I think it is good news. I am glad we were able to get it passed. I am glad we could have some bipartisan cooperation. I think in many respects that is due to the leadership of the Senator from New York and the Senator from Delaware. I compliment both for their leadership, and I am pleased we are able to pass this legislation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am actually going to take about 2 minutes. I know Senator DURBIN wants to speak.

I say to Senator MOYNIHAN from New York that it is an important bill. There were a number of us, however, who objected. I know how strongly Senator MOYNIHAN feels about this legislation. I know that this is an important issue in our trade policy. I want him to know, given the tremendous respect I have for him—I think the tremendous respect that every Senator has for him—that for my own part my standing objection was focused not so much on the substance of this legislation. It was what some of us have been talking about over and over again, which is that the Senate cannot function as a great institution when Senators are not allowed to bring amendments to the floor.

There are some aspects of this bill that bother me. One of them has to do with hundreds of millions of dollars of subsidy for the tobacco industry to peddle tobacco in poor countries and in developing countries, which I think has the consequence of killing children. We don't need to be subsidizing this. Senator DURBIN is far more the expert. He can speak more about the substance of it.

I wanted to offer an amendment. I wanted to join Senator DURBIN with an amendment to knock this corporate welfare subsidy to tobacco companies out.

I am also concerned about additional subsidies that go to the pharmaceutical industry, and, frankly, the doubling of the subsidy that goes to arms exports.

The point is that it is hard to be a good Senator and it is hard for the Senate to be a good Senate when we don't have the opportunity to come to the floor with amendments and try to improve a piece of legislation. Senators can vote up or down. I know that Senator MOYNIHAN is in favor of this process.

I take exception with the majority leader over the way we are doing this. Now we are at the very end of the process, and we certainly don't want to see harsh consequences as a result of this not going through. That is why I won't object.

I will listen to the counsel of the Senator from New York. I find his counsel usually to be wise counsel.

I hope the Senate will operate differently and that there will be an opportunity for Senators to come to the floor with amendments and to be legislators to try to improve policy.

I find it outrageous, unconscionable, and egregious that we still have corporate welfare for the tobacco industry to peddle its death products to other nations and ultimately end up killing young people and children. That to me is outrageous.

I yield the floor. I yield my time to Senator DURBIN.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Minnesota. He feels strongly. And he is right. But there are moments when we just have to get something done and go on to the next measure.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mr. DURBIN. Mr. President, it is my understanding that Senator WELLSTONE yielded to me the remainder of his time.

The PRESIDING OFFICER. He did, but the order was for the Senator from Texas to proceed.

The Senator from Texas.

Mr. GRAMM. Mr. President, if the Senator from Illinois is going to talk about the issue before us, I would like to grant him the courtesy of letting him go ahead and speak. I am going to thank the Senator from New York, as I always do. But I want to speak about another subject. If he wants to talk about this subject, let me yield to him, and if the Chair will come back to me when he finishes his 10 minutes.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from the State of Texas. We disagree on substance but we have a cordial relationship on the Senate floor. I thank him for his courtesy.

I also congratulate Senator MOYNIHAN for his leadership in the closing months of this session. Senator MOYNIHAN, as he is facing retirement, has really been a leader on issues that will have a lasting impact on this world. It has been the hallmark of his congressional and public career. I note in personal conversations with him that he takes great pride in these accomplishments. I believe they will inure to the benefit of this country for generations to come. I thank him for his great service to the State of New York and to our Nation throughout his public life.

This morning I had an opportunity to object and could have been one, I guess, to stop this effort to enact at the last minute this Foreign Sales Corporation provision. I did not. The decision not to object was made after a lot of deliberation and consideration.

I would like to describe the reason why I was prepared to object and offer an amendment, and to assure my colleague that they have not heard the end of this debate.

This Foreign Sales Corporation provision is a $4 billion annual subsidy to over 7,000 companies in America which export overseas. Between 15 and 30 percent of their income from sales overseas will not be subject to taxes in the United States.

That is a windfall to these companies. It is a windfall which gives them an opportunity for more profits and, I argue as well, to create more jobs.

In many instances, in my State this Foreign Sales Corporation provision means that some of the major exporters from Illinois and across the United States have a chance to thrive and grow.

I am one who is a Democrat and proud of it and proud of my labor support. But I also believe very passionately that globalization and free trade are the future.

If they in fact are the future, we should do everything legally possible to encourage export that creates good paying jobs in the United States. And for that reason, I don't stand in general objection to the Foreign Sales Corporation. I believe that what we are talking about in this provision can be good for our economy and our workers, and in that respect I can support it. But I do have an objection to one element of it. When you look at the over 7,000 corporations that are going to benefit from this tax subsidy, you will find on that list names of three corporations which I would like to call to your attention: Philip Morris, R.J. Reynolds, and Brown & Williamson.

To make it clear, we are saying that the companies that make tobacco products can now continue to sell them overseas with a subsidy from the Federal Treasury to the tune of over $100 million a year. We are saying to these purveyors of these deadly tobacco products that we, in fact, are going to help you in selling your product overseas.

Allow me to put this in perspective. The tobacco companies I have named will have domestic profits in the U.S. of $7.2 billion, and we are giving them $100 million to subsidize the sale of tobacco products overseas. Some would stand up and say, well, Senator, why would you pick out the tobacco companies? If you are going to go after companies and the products they make, why wouldn't you go after a lot of other companies, too?

Perhaps some arguments can be made along those lines. But let me tell you why I think we should deal with tobacco exports in a different manner than other products being exported. I will use for my evidence on this the statements of Philip Morris, self-published on their website as of 10 days ago. You see all these soft, little gauzy commercials about Philip Morris feeding poor people, helping the elderly, providing scholarships. My friends and those who are witnessing this debate, this is just eyewash. This is an effort by the tobacco companies to tell you they are warm and loving people.

Well, these warm and loving people sell a product that kills 400,000 Americans a year. The No. 1 preventable cause of death in America today continues to be tobacco. We have just enacted legislation giving a Federal tax subsidy to these same tobacco companies to sell this deadly product overseas. Is there any doubt that it is deadly? Well, for decades, the tobacco companies said: You can't prove it; there is no science behind it. We can prove that tobacco may not be harmful.

Well, they finally gave up on that sad and disgraceful claim. This is what their web site started publishing 10 days ago. This is Philip Morris. I will read it into the RECORD:

> Cigarette smoking and disease in smokers: We agree with the overwhelming medical and scientific consensus that cigarette smoke causes lung cancer, heart disease, emphysema, and other serious diseases in smokers. Smokers are far more likely to develop serious diseases like lung cancer than nonsmokers. There is no safe cigarette. These are and have been the messages of public health authorities world-wide. Smokers and potential smokers should rely on these messages in making all smoking-related decisions.

Having said that, we have just awarded to the companies that make this deadly product, and want to sell it overseas, a $100 million-a-year tax subsidy. Do you know what that means? It means that the United States of America, which for over a century has been a leader in public health causes around the world, is now going to be a leader in purveying this deadly cigarette and tobacco product in Third World countries.

Visit any country that you choose overseas and look at what you see. With the exception of countries such as Poland which, surprisingly, has enacted good legislation to stop tobacco advertising that appeals to children, in country after country, you find the most outrageous, disgraceful activity by American tobacco companies subsidized by American taxpayers selling their deadly product overseas.

In the Philippines, a very Catholic country, they give away these calendars showing religious images with American tobacco products. These are the things which American tobacco companies will now be doing with the help of this tax subsidy from Federal taxpayers.

Allow me to tell you what we face here. Since 1990, Philip Morris sales have grown by 80 percent overseas. Smoking currently causes more than 3½ million deaths each year throughout the world. Within 20 years, the number is expected to rise to 10 million, with 70 percent of all deaths from smoking in developing countries. Listen to this statistic. This ought to tell you how important this issue is to the world. Tobacco will soon be the leading cause of disease and premature death worldwide, surpassing AIDS, malaria, and tuberculosis.

Do you take any pride as an American citizen that it is our tobacco companies selling these products to children and to unsuspecting people around the world, which will soon be the public health scourge of our globe? Do you take any comfort or satisfaction in the decision we have just made within a few minutes to give a $100 million subsidy each year to these tobacco companies so they can peddle this deadly product to kids and unsuspecting people in countries around the world? Can you hold your head up high as an American, proud that we are now subsidizing this deadly product? Can you visit these countries and see the Marlboro Man and all of the logos we have seen disappearing in America re-emerging in these Third World countries as more and more people are lured into tobacco addiction? Can you be proud as an American of that fact?

I am not. I am saddened by it. I am saddened that this leadership refused to allow this bill to even be considered on the floor for an amendment. But that has been the story of the Senate for month after month. We have been afraid to face the reality of debate, afraid to face the tough votes. And for some members from those States that produce tobacco or happen to be friendly to tobacco companies, it would have been a tough vote. But these Senators have been protected from even facing this issue. It is a tax subsidy to tobacco companies that will literally kill people around the world.

This country, of which I am so proud to be part, and the State I represent—I am so proud to be their Senator here—will become known to people around the world as the source of death and disease. People now are worried about death from malaria and tuberculosis and AIDS. Sit tight because in a few years you will see other deadly diseases coming across your land—emphysema, lung cancer, heart disease—from America's tobacco products. Marlboros, Camels, all of these products will be overseas.

After they put on these sweet little commercials about how much they just love these children and they love these elderly people—they put on these sweet little commercials and spend a lot of money to tell you how lovable Philip Morris is—go to the Philip Morris web

site and see what this lovable company sells to make the profits to take Meals on Wheels to an elderly lady.

They sell a product which they now readily concede causes death and disease. After 40 years of denial, they finally admitted it. We have decided that we want to subsidize their efforts. It is a sad day in the Senate. I can certainly support this tax effort for the many corporations that will use it responsibly to sell good products overseas, but to think that this Senate will be party to this decision, it is a sad day.

It is no surprise. A few years ago when we wanted to hold the tobacco companies accountable for their solicitation of children, it was stopped by the Republican leadership in the Senate. When the Clinton-Gore administration said these tobacco companies owe Federal taxpayers for what they have done to them over the years as they settled, and pay the States for what they had done to their citizens as well, the Republican leadership said, no, stop the lawsuit; don't sue the tobacco companies; leave them alone. These poor tobacco companies, leave them alone. They only have $7.2 billion annually in profits.

Well, I believe the Clinton-Gore administration is right. I believe the American people deserve this lawsuit. They deserve the tobacco companies being held accountable and they deserve that these companies finally stop soliciting our children, addicting our children, aggressively stop selling their products to our children. I have been in Congress for 18 years. For the last 12 years, I guess I have fought on this issue more than any other. I can assure my friends in the Senate it is not the end of the debate. To those who want to give this gift to the tobacco companies, they can expect this fight to continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

CONGRATULATING SENATOR MOYNIHAN

Mr. GRAMM. Mr. President, I congratulate our dear colleague from New York. I thank him for his leadership in defense of trade. We had these running debates, most of them related to the Presidential campaign. Most have nothing to do with the business of the Senate in these waning hours of the session. Instead they are about who deserves or what deserves credit for the golden economic era in which we live. I think the plain answer is, more than anything else, the creation of a wealth-generating machine through world trade is responsible for this economic golden age in which we live.

Our colleague is what I think of as an ''old-timey'' Democrat. There used to be a lot more of them here than there are now. Unfortunately, there is going to be one fewer. Some might think the number would be zero after Senator MOYNIHAN. But there was a time when there was a bipartisan consensus in favor of world trade. Unfortunately, now it is so easy to demagog against trade because you can identify a potential loser. If a company shuts down, whether it was inefficient or ''moved off to Mexico,'' the claim is, ''They moved off to Mexico.'' Everybody who loses a job there knows it. But the 10 or 100 jobs we create for every 1 we lose, people do not know why they were created. So it is hard, politically, to stand up for economic freedom. But what is a more basic economic freedom than the right to produce things and sell them all around the world?

I would also like to say, in an era where a lot of people are running away and hiding on the issue of Social Security or pretending the problem is somehow going to go away, I again congratulate our colleague from New York for being willing to stand up on that issue. He has made it clear that unless we do something about Social Security, unless we create a wealth source to pay benefits, we are perpetuating a cruel hoax where we are going to end up, in 12 or 15 years, having to make excruciatingly painful choices. These are not just choices about spending cuts versus taxes, but really they are choices we will have to make between our parents and our children, between the security of our parents and the economic opportunity of our children. We will have to make those choices because of failed leadership right now to deal with this issue.

I did not want to pass up this chance to say to my colleague from New York I am glad he came our way. I am proud to call him my friend and colleague.

I remember the first dealing I ever had with the Senator from New York. It was on a TV talk show. I don't know if he remembers it. We sort of had a sharp exchange. I would like to say I am not as ignorant as I used to be. I thank our colleague from New York for being an instructor for me and for America. I am proud of his academic background. I am proud to share it with him.

Mr. MOYNIHAN. Mr. President, I thank my learned and ever accommodating—almost always accommodating friend. I have learned so much from him. If he knew how little economics I brought to this body, he would appreciate how much he has added to it. I am grateful, as a scholar ought to be. Across the aisle, I admire him so much and only wish he were on this side. But he has helped both sides on the issues that matter. That is what is important. I thank my friend.

COMPREHENSIVE TAX AND MEDICARE CONFERENCE REPORT

Mr. ROTH. Mr. President, I would like to address the comprehensive tax and Medicare conference report that is pending before the Senate. We have worked long and hard on this package, but the result is certainly worth the effort. If our objective is to provide legislation that promotes an environment conducive to jobs, opportunity and growth—security for our families and retirees—and greater access to quality health care, then this is a package worthy of praise.

The numerous provisions in this legislation are too many to address in a single floor statement, and they certainly cover a lot of important initiatives. But they have a central theme: strengthening individuals and famiies—increasing prosperity, building security in retirement, promoting access to health care, improving quality of life, and assisting small businesses and farmers.

This legislation offers over 50 provisions to strengthen IRAs and pension plans. With broad bipartisan support, it increases IRA contributions from $2,000 to $5,000, and allows a $1,500 IRA catch-up contribution for those age 50 and above. The increase in the amount an individual is allowed to put away will enable IRA participants to earn a full $1 million more for retirement, if they save the maximum amount each year and begin their program at age 25.

This is tremendous empowerment, Mr. President, but it is only the beginning of what this legislation will do. It also allows individuals to increase contribution limits in 401(k), 403(b), and 457 plans from $10,500 to $15,000 a year. And it allows employees over the age of 50 to make additional $5,000 contributions to these plans.

This is especially important for women, many of whom take time off from work to raise children. Now, when they return, they can make critical catch-up payments to strengthen their retirement savings. And for those individuals who change jobs, this legislation provides easier transfers to be made between IRAs and employer plans, and it reduces the complexity of plan administration.

One of the most innovative new tools provided in this legislation is the creation of the Roth 401(k). Like the Roth IRA, the Roth 401(k) will allow employees to make after-tax contributions to accounts where distributions will be tax free at retirement. This allows investment income to grow faster, as it is taxed only once—when it is earned. Interest build-up and withdrawal—like the Roth IRA—remain free from taxation.

To increase access to quality health care, this legislation includes major refinements to the Balanced Budget Act of 1997. These are in addition to $27 billion worth of refinements enacted last

year, as part of the Balanced Budget Refinement Act of 1999. This legislation offers improved benefits for Medicare seniors, expanding preventative benefits, lowering out-of-pocket outpatient costs, and covering several new exams, screening and therapies.

Going even further, this legislation provides improved access to Medigap coverage and protects access to important drugs. It lowers out-of-pocket hospital costs, strengthens rural, teaching, and critical access hospitals, and protects funding for home health services. It also increases access to care for nursing home patients. In the area of health care, alone, this legislation provides more than $30 billion in additional funding over the next five years.

Retired Americans will also be happy to note that this legislation fixes a math mistake made in computing the Social Security cost-of-living adjustment for last year. The increase should have been 2.5% instead of the 2.4% that was actually awarded. The correction we've included in this bill means seniors will be receiving more than $5 billion in additional payments over the next ten years.

For children, we take an important step to strengthen the State Children's Health Insurance Program by establishing policies for the retention and redistribution of unspent SCHIP funds. We also include measures to begin to protect the financial integrity of the Medicaid program. For individuals and families, we provide an above-the-line deduction for payment of medical insurance premiums for those who do not participate in an employer-sponsored medical plan.

We also provide an above-the-line deduction for long-term care insurance, and we allow individuals who incur long-term care expenses providing for relatives an extra tax deduction.

To help our family farmers and small businesses, this legislation offers a 100% deduction for payment of medical insurance for self-employed individuals. It creates FFARM accounts—tax-deferred savings accounts for farmers and fishermen, allowing a deduction of up to 20% of the income deposited into a custodial account.

Going even further to provide tax relief for small businesses, this legislation extends the Work Opportunity Tax Credit. It allows small businesses to use cash accounting methods without limitation, and clarifies and extends a number of expansion provisions and business deductions, including the business meal deduction. And these are only a few of many other provisions to support America's small businesses, the engine behind the historic economic expansion our nation enjoys.

Again, increasing opportunity and improving the quality of life is what this legislation is all about. For this reason, we have also included an important provision to help AMTRAK build important infrastructure, to improve services, and help answer critical transportation needs throughout the country. There are some areas, Mr. President, where congestion from auto and air traffic are running at maximum levels. The answer is a modernized and efficient rail service—one that includes high-speed trains, not only to move passengers along the Eastern corridor, but all across America.

As a New York Times editorial correctly observed: ''Eighteen of the 20 most congested airports nationwide are in cities on designated high-speed rail corridors. The time has come for Congress and transportation officials to promote high-speed rail service as a means alleviating air traffic congestion.''

Strengthening AMTRAK will not only help ease car and air congestion, but it will also help revitalize inner cities, encouraging downtown redevelopment. It will also promote jobs in construction, engineering, manufacturing, and service industries.

Finally, Mr. President, to strengthen our urban areas and promote greater opportunity for individuals and families in our cities, this legislation creates 40 new ''renewal communities'' and gives those poor areas a number of tax incentives to assist them in building up their economic base. Among other things, these communities—located in urban and rural areas—would get a zero percent capital gains rate to attract much needed investments. This bill also provides incentives to invest in low income areas around the country and to clean up brownfields anywhere in the U.S. This community renewal package also contains long awaited increases in the low income housing tax credit and the private activity bond volume cap. Both of these caps have not been adjusted since 1986 and have lost over 40 percent of their original value. This package also contains a number of measures to help school renovation and construction.

Each of the provisions in this legislation will go far toward promoting an environment of opportunity and growth—security for our families and retirees—greater access to quality health care, and an improved quality of life.

Mr. President, as we consider this conference report on legislation to provide tax relief and to protect and strengthen Medicare and Medicaid, there is a lot of talk about the irregular process by which the legislation was created. No one is more unhappy than I that regular order was not adhered to. I have long labored in trying to reach a bipartisan consensus on the many important matters that comes before the Finance Committee.

However, I do not believe it useful for me to dwell on the causes of irregular order. Suffice it to say that cooperation must come from both sides. When it doesn't, when Senators instead invoke their rights at every turn, bipartisanship suffers.

As to the President's veto threat, it should be remembered that our early Presidents believed that the veto was available only to check the Congress from going beyond its constitutional authority. Later Presidents judged legislation on the whole of its merits: does the bill do more harm than good? I find it hard to find in his letter any mention of the harm he sees in this legislation. Rather, he says that this legislation is different from what he proposed, and therefore, he has ''no choice but to veto it.'' I find this assertion somewhat remarkable.

The Congress and the Presidency are comprised of 536 individuals. In fashioning legislation as far-reaching as this, no one can expect perfection from his own point of view. When I read the President's list of disappointments, I did not find it any longer than mine. And my reaction is generally shared by my colleagues. We are all pleased by some items. We are all disappointed by some other items, or by their omission.

That is because, Mr. President, this legislation is bipartisan in its content. Republican Members may be displeased that we included school construction bonds or dropped the FUTA tax reduction. Democrats may be displeased that we included a tax break for employees to buy their own health insurance or that we dropped the low-income savers tax credit. But where there are over a hundred provisions, it is not possible to write a bill the way each of us might wish.

It was clearly our intention to put together a package that would be signed into law. It was my desire that Senator MOYNIHAN be present during House-Senate negotiations, but the House majority objected. So, instead, I kept Senator MOYNIHAN informed, sought his counsel, and advocated his cause.

I think he did fairly well. He was successful in garnering increased funding for graduate medical education, increased funding for hospitals, increased DSH payments in both Medicare and Medicaid, and—this is very important—a special transition rule for New York with respect to the Medicaid upper payment level issue. On the tax side, he successfully obtained the AMTRAK provision to build a train station in New York City. And, as I recall, he was also an advocate of section 809 and 815 insurance provisions that have been included in the conference report.

Senator MOYNIHAN also asked, as did others, for the inclusion of long-term health care provisions and inclusion of a school-construction bond proposal. These were incorporated in a modified form. Perhaps not a total victory, but a substantial one nevertheless.

This progress was not accomplished easily. The chairman of the Ways and

Means Committee has been steadfastly opposed to the creation and expansion of tax credits. Thus he fought the inclusion of several tax credit proposals, including those for AMTRAK and for school construction.

He was able to block several of them but not these two supported by the Senator from New York. And because these provisions were included, the chairman of the Ways and Means opposes this conference report.

Some Members have taken to the floor to try to create a picture that a few of us got in a room and wrote a bill entirely our way. But the fact is that some in the room lost and some outside the room won. And that is because, as a group, we had a paramount objective of constructing a balanced bill that would be signed into law.

I recall my own effort to remove the application of the nondiscrimination clause from the catch-up provision of the retirement security title. Everyone in the room agreed with my position. But the bill is not written that way. My amendment was dropped out of deference to the wishes of a Democrat, Congressman BEN CARDIN, who had worked on this legislation in the House.

We tried to write a balanced bill that would be signed into law.

In each of the past four weeks, there was some reason to believe that Congress was about to finish its work for the year. So in drafting this bill, we had to act quickly. I have given a great deal of thought to the process employed. I do not believe that if we had had bipartisan meetings with votes on the particular items, the text of the bill would be any different. What was lost in the process followed was any bipartisan appreciation of why the text is what it is. That is unfortunate.

At this stage, all I can ask is that you look at the text and decide if this is a good bill. You owe it to your constituents to do that. Do you want to provide Social Security recipients with the increased COLA they deserve? Do you want to protect American businesses from European Union retaliation against our exports? Do you want to update our tax laws to provide for greater retirement security? Do you want to provide tax incentives for impoverished communities? Do you want to provide more money for hospitals, hospices, home health, and nursing homes? Do you want to increase the minimum wage?

Or do you want to deny all the benefits of this legislation to your constituents because of the procedure by which the text was born?

This bill does not contain everything I'd like to see. It's not perfect. But it's a good bill, one that will help a great many Americans. It will help individuals and families prepare for greater security in retirement. It will help seniors receive improved Medicare coverage and a higher cost-of-living adjustment in their Social Security checks.

It will help small businesses and family farmers. It will improve education and ease traffic congestion. It will improve inner cities and help our hospitals. These are good objectives. They are objectives shared on both sides of the aisle.

And I encourage my colleagues to join me in voting for this legislation.

DECISIONS FOR THE NEW CONGRESS

Mr. GRAMM. Mr. President, I want to comment on where we are. I am sure the American people are confused. They hear the President saying one thing, they hear Congress saying another. They see chaos, they see gridlock, they see politics as usual. I am sure they are wondering what is this all about. Let me try, in the remaining moments I have, to explain.

We are at the end of an 8-year Presidency. Americans are going to the polls next Tuesday to make a fundamental decision. But we have a President in the White House now who would like to make the decision for the future while he is still President, by forcing Congress to spend far beyond the budget we wrote and far beyond the budget he wrote. The President has, in essence, said that if we will spend 30 percent more on social programs in Health and Human Services than we spent last year, if we will then make some permanent changes in law in addition to that spending, such as giving amnesty to people who have broken the Nation's laws and come to the country illegally, he will sign this bill and let us go home.

Let me tell you why we are not going to do that and why we are going to resist. First, I do not believe the American people want Bill Clinton, or this Congress for that matter, making decisions for the new President and the new Congress. It is time to have an election. It is time to move on. What we have is a President who almost is unhappy because the focus of attention is on the two men who are now running for President. And so, he believes that by vetoing bills he has agreed to sign and by demanding more and more spending, he gets his name back in the paper and gets on television.

Let me tell you why we should say no. We should say no because the American people ought to decide. If we did what Bill Clinton is calling on us to do, before the new President ever took his hand off the Bible we would have spent between a third and a half of the budget surplus.

I think the American people think they are deciding in this election. If people want to spend this money, they can vote for AL GORE. If they want to use the money to let working people have a tax cut and to invest it in rebuilding Social Security and Medicare, they can vote for George Bush. But however they are going to vote, Bill Clinton should not be making the decision to spend it before the American people can vote.

Let me convert it down to a simple number. For every day that we simply fund at this year's level the remaining parts of Government that are not yet appropriated for, we save between $88 and $133 million a day. By just continuing to fund at this year's level and waiting for the next President to arrive, over a 12-month period we would spend $32 billion less by not creating all these new programs, by not hiring all these new Government employees, by not making the President the president of every school board in America.

Nobody knows what $32 billion is so let me convert it into something you know. As you know, you can buy a very nice pickup truck for $20,000. You can buy basically a loaded Chevrolet or Ford pickup, full-size pickup, for $20,000. By simply saying no to Bill Clinton for 6 more days and simply leaving spending at its current level, for the rest of the year we could buy 1.6 million pickup trucks. I think the American people understand what 1.6 million pickup trucks are.

I know there are some people who hope, even at this last minute, to cut a deal with Bill Clinton and bring to the floor of the Senate a bill that will spend $32 billion more on social programs. Let me tell you, today is Wednesday. We are going to have an election on Tuesday. They have never put an election off in American history. I just want to say to people, a deal is not going to happen. If a deal is cut today, spending $32 billion, basically taking 1.6 million pickup trucks right off people's driveways and out of their garages, I am going to object. We are not going to vote to spend that money before the people of America can vote in this election.

They are going to decide, depending on how they vote. They may tell us to spend it and a lot more, or they may say give some of it back. We may create a wealth base for Social Security but that is going to be decided by voters. But what is not going to be decided by this President and what is not going to be decided by this Congress before the election is that we are going to go on a massive spending spree. That is not going to happen.

How do I know it is not going to happen? Because today is Wednesday. Under the rules of the Senate, if a few people say no, it can't be done, it will not be done.

I think what we ought to do on a bipartisan basis is to pass a resolution funding the Government through the election, let the American people speak, and let them say what they want to happen with this money. Not

Bill Clinton because he is on the way out. Let them say through this election and whom they elect what they want done.

It is not the time to be listening to the voices of the past. It is time to be looking to the future. Let's pass this CR through the election, keep spending where it is right now, and let the American people speak on Tuesday. Then we can come back here, we will have heard the message from back home, and we can respond to it.

I think that is the rational thing to do, and that is what I am going to support. I also believe that is what is going to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

TRIBUTE TO TEXAS SAILORS LOST ABOARD THE U.S.S. ''COLE''

Mrs. HUTCHISON. Mr. President, I rise today to talk about a very sad time. It has been a sad time for America. I want to focus on the sadness in Texas.

Mr. President, last week Texas laid to rest three of her sons, killed in the terrorist attack on the U.S.S. *Cole*. Seaman Timothy Gauna of Rice, Petty Officer Ronchester Santiago of Kingsville, and Fireman Gary Swenchonis of Rockport, were killed in the October 12 disaster.

Since then, I have visited with the families of these three sailors. I met with some of them at the *Cole* memorial service in Norfolk, VA. Fine, loving individuals, they are trying, as we all are, to make sense of the senseless.

These young men had their lives ahead of them. They wanted to go to college, to travel, to raise their own families. They volunteered for the Navy because they loved their country and wanted to give something back, and now they are gone.

It may not be possible for us to understand the magnitude of this loss to the families involved.

Can we know the anguish of Mr. Swenchonis, whose son Gary was laid to rest in the same cemetery as Gary's grandfather? A son with just 2 months left on his enlistment?

Will we ever understand the loss of Rogelio Santiago, a Navy veteran himself, who was planning a trip with his son Ron to his native Philippines in December?

Have we ever experienced the bewilderment of Sarah Gauna, who said she would never hang up the phone with her boy until she had made him laugh, as she waited days to learn the awful truth about Timothy?

We cannot feel the depth of sorrow of these families, but we are all diminished by their loss because U.S.S. *Cole* was a small patch of American soil and on that patch we lost our own.

Today, as we come and go in our ordinary routine, life is anything but routine for those they left behind.

Today, the U.S.S. *Cole*, crippled but proud, has begun the long journey home. She is under tow for a rendezvous with another larger vessel that will literally carry her home to America.

The ship is cold. It is dark and quiet. But the spirit of the fallen Texans and the 14 others who lost their lives carries on in the valiant efforts of their 300 shipmates. They saved the ship and they mean to rebuild it to fight another day.

In the words of her Commanding Officer, ''We're going to get this ship back home [and] put back together so that she can again sail and defend American freedom throughout the world.''

That is exactly what is going on today in so many other distant places across the globe. Today we remember the *Cole*, but she was just one representative of a proud service that is still on watch.

Today as most Americans get up for work, have breakfast with their families, perhaps attend a son or daughter's school play or athletic event, we may not think much about the tens of thousands who left their families alone on a pier months ago to sail into harm's way, expecting, but not really knowing for sure, if they would come home.

Just today—November 1—on, over, or under the seven seas, more than 41,000 sailors and marines are standing watch on the bridge of a warship, landing aircraft onto the deck of a carrier, manning nuclear power plants leagues beneath the surface, training to land ashore from the sea.

These thousands do not count a much greater number ashore who repair the ships, maintain the aircraft, and perform a host of other activities that mark an ordinary day in the life of a superpower.

Those young men and women are out there serving under our flag in places where they are not always welcome but whose presence is reassuring.

Every once in a while, we hear from them. Not when they are landing their fighter onto the rolling deck in pitch blackness, scared but exhilarated all the same. We do not read about it when they bring their ship alongside an oiler, two 10,000-ton machines just 90 feet apart at 15 knots for 3 hours replenishing their stores at sea to extend the reach of freedom.

There are no cameras there for the 19 year-old Marine guard at the gate of the overseas naval installation at 3 o'clock in the morning who must decide in an instant whether the vehicle approaching him is loaded with explosives or is just a shipmate coming back from liberty.

They do not seek our recognition, but at times, that is demanded of us. Unfortunately, now is one of those times. At a time such as this, we cannot believe what we see but we marvel at the courage and dedication of these young people.

I received an e-mail message that has been circulated around the world, shared with me by Knox and Kay Nunnally, whose son attends the Naval Academy. A helicopter pilot from the U.S.S. *Hawes* recorded what he saw when he was assigned the task of taking airborne photos of the stricken *Cole* pierside in Yemen, just days after the tragedy. His words bring home to us just what it is we ask of our sailors and marines:

> I will tell you that right now there are 250-plus sailors just a few miles away living in hell on earth. You can't even imagine the conditions they're living in, and yet they are still fighting 24 hours a day to save their ship and free the bodies of those still trapped and send them home.
>
> As bad as it is, they're doing an incredible job. The very fact that these people are still functioning is beyond my comprehension. Whatever you imagine as the worst, multiply it by ten and you might get there.
>
> I wish I had the power to relay to you what I have seen, but words just won't do it. I do want to tell you the first thing that jumped out at me—the Stars and Strips flying. I can't tell you how that made me feel . . . even in this God forsaken hell-hole our flag was more beautiful than words can describe.
>
> The U.S.S. *Cole* and her crew is sending a message: even acts of cowardice and hate can do nothing to the spirit and pride of the United States. I have never been so proud of what I do, or of the men and women that I serve with as I was today.

Mr. President, it has been said that young fighting men and women don't endure the risks they do for such lofty goals as patriotism, freedom, democracy, or all the other reasons why older generations send young generations into war.

Rather, these young men and women fight for the buddy next to them in the foxhole; in the next bunk over; in the back of the cockpit.

If that is so, then there can be no greater honor for Timothy Gauna, Ron Santiago, and Gary Swenchonis than that their sad and painful deaths force us to remember, through them, their shipmates and all the other thousands of American fighting men and women who are out there doing the extraordinary everyday, just so that we can live our everyday lives.

As we remember the words of the Navy Hymn, we honor the memory of these three Texans by calling to mind those they left behind:

> O hear us when we cry to thee, for those in peril on the sea.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

THE BANKRUPTCY BILL

Mr. BIDEN. Mr. President, we just had a vote on a cloture motion on the bankruptcy bill, which did not prevail; that is, cloture was not invoked. I just want to make a short statement now because we will be back at this again.

This has been a prolonged and complicated process that brought us to this point today. I personally believe it need not have been so long nor have been so complicated. We should not have had to wait for this legislation as long as we have. We should have just stepped up to this earlier. But here we are.

I heard a number of things stated in the well of the Senate as we were voting on cloture relative to this legislation about which I think people were misinformed. A lot of statements were being made that did not reflect what is actually in this bankruptcy bill.

I know many of my colleagues are not happy with the bill. But on balance the bankruptcy reform bill still deserves the strong support of the Senate. We will return to this issue later this month, and I would like to put to rest some of the assertions made.

We have what we call a very strong safe harbor provision in this bill, to protect families that are below the median income, along with allowing them adjustments for additional expenses, that will assure that only those with the real ability to pay in bankruptcy are steered from chapter 7 to chapter 13.

The Senate language, giving judges the discretion to determine whether or not there are special circumstances that justify those expenses, prevailed over the very strict House language. The bottom line is, if you are someone who is listed by the national statistics as being poor—many folks keep saying poor folks will be hurt by this—you are not even in the deal here. You are not even in the deal. You are protected. That is what we mean by the safe harbor.

This provision has been strengthened with an additional protection for those between 100 and 150 percent of the national median income. So if you have an income that is 150 percent above the median income, you will get only a very cursory means test.

I heard on the floor today people saying how poor folks and lower middle income folks were really going to be hurt by this. That is simply not true.

Compared to current law, this provision provides increased protection against creditors who try to abuse the so-called reaffirmation process.

This bill imposes new requirements on credit card companies to explain to their customers the implications of making minimum payments on their bills every month.

A feature of this legislation that I think deserves much more emphasis is historic improvement in the treatment for family support payments, child support, and alimony. I heard my colleagues on my side of the aisle down there saying this hurts women and children.

Compared to current law, there are numerous new, specific protections for those who depend on support payments and alimony payments. The improvements are so important that they have the endorsement—I want everybody to hear this—they have the endorsement of the National Child Support Enforcement Association. This is the outfit that comes to us and says: Look, you have to provide additional help in seeing to it that child support payments are paid by deadbeat dads. The National Child Support Enforcement Association, the National Association of District Attorneys, the National Association of Attorneys General, they all support this bill because of these protections. These are the people who actually are in the business of making sure family support payments are made.

One passage from the letter sent to the Senate Judiciary Committee deserves repeating. Referring to critics of the legislation, those men and women who are on the front lines of the struggle to enforce family support agreements say:

> For the critics appear content to sacrifice the palpable advantages which this legislation would provide to support creditors—

That is, the women and children who depend on support payments.

> to defeat of this legislation, based on the vague and unarticulated fears that women will be unfairly disadvantaged as bankruptcy creditors—in more ways than one, the critics would favor throwing out the baby with the bath water.

This is a letter from the people who go out on behalf of women, collecting child support payments for their children.

They say this bankruptcy bill is a good bill.

I think the last line from the letter deserves special stress. I quote:

> No one who has a genuine interest in the collection of support should permit such inexplicit and speculative fears to supplant the specific and considerable advantages which this reform legislation provides to those who need support.

I can think of no stronger rebuttal to the arguments we have seen and heard recently about the supposed effects of this legislation on women and children who depend on alimony and child support.

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

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

DISTRICT ATTORNEY FAMILY SUPPORT BUREAU,
San Francisco, CA, September 14, 1999.

Re S. 625 [Bankruptcy Reform Act].

DEAR SENATORS: I am writing this letter in response to the July 14, 1999 letter prepared by the National Women's Law Center. That letter asserts in conclusory terms that the Bankruptcy Reform Act would put women and children support creditors at greater risk than they are under current bankruptcy law. The letter ends with the endorsement of numerous women's organizations.

I have been engaged in the profession of collecting child support for the past 27 years in the Office of the District Attorney of San Francisco, Family Support Bureau. I have practiced and taught bankruptcy law for the past ten years. I participated in the drafting of the child support provisions in the House version of bankruptcy reform and testified on those provisions before the House Subcommittee on Commercial and Administrative Law this year.

I believe it is important to point out that none of the organizations opposing this legislation which are listed in the July 14th letter actually engages in the collection of support. On the other hand, the largest professional organizations which perform this function have endorsed the child support provisions of the Bankruptcy Reform Act as crucially needed modifications of the Bankruptcy Code which will significantly improve the collection of support during bankruptcy. These organizations include:

1. The National Child Support Enforcement Association.
2. The National District Attorneys Association.
3. The National Association of Attorneys General.
4. The Western Interstate Child Support Enforcement Council.

The thrust of the criticism made by the National Women's Law Center is that by not discharging certain debts owed to credit and finance companies, the institutions would be in competition with women and children for scarce resources of the debtor and that the bill fails ''to insure that support payments will come first.'' They say that the ''bill does not ensure that, in this intensified competition for the debtor's limited resources, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests.''

With all due respect, nothing could be further from the truth. While the argument is superficially plausible, it ignores the reality of the mechanisms actually available for collection of domestic support obligations in contrast with those available for non-support debts.

Absent the filing of the bankruptcy case, no professional support collector considers the existence of a debt to a financial institution as posing a significant obstacle to the collection of the support debt. The reason is simple: the tools available to collect support debts outside of the bankruptcy process are vastly superior to those available to financial institutions and, in the majority of cases, take priority over the collection of non-support debts.

More than half of all child support is collected by earnings withholding. Under federal law such procedures have priority over any other garnishments of the debtor's salary or wages and can take as much as 65% of such salary or wages. By contrast the Consumer Credit Act prevents non-support creditors from enforcing their debts by garnishing more that twenty-five percent of the debtor's salary.

In addition, there are many other techniques that are only made available to support creditors and not to those ''sophisticated collection departments of . . . [those] powerful interests:'' These include:

1. Interception of state and federal tax refunds to pay child support arrears.
2. Garnishment or interception of Workers' Compensation or Unemployment Insurance Benefits.
3. Free or low cost collection services provided by the government.
4. Use of interstate processes to collect support arrearage, including interstate earnings withholding orders and interstate real estate support liens.
5. License revocation for support delinquents.
6. Criminal prosecution and contempt procedures for failing to pay support debts.
7. Federal prosecution for nonpayment of support and federal collection of support debts.
8. Denial of passports to support debtors.
9. Automatic treatment of support debts as judgments which are collectible under state judgment laws, including garnishment, execution, and real and personal property liens.
10. Collection of support debts from exempt assets.
11. The right of support creditors or their representatives to appear in any bankruptcy court without the payment of filing fees or the requirements of formal admission.

While the above list is not exhaustive, it is illustrative of the numerous advantages given to support creditors over other creditors. And while all of these advantages may not ultimately guarantee that support will be collected, they profoundly undermine the assumption of the National Women's Law Center that the mere existence of financial institution debt will somehow put support creditors at a disadvantage. To put it otherwise, support may sometimes be difficult to collect, but collection of support debt does not become more difficult simply because financial institutions also seek to collect their debts.

The National Women's Law Center analysis includes without specification that the support ''provisions fail to insure that support payments will come first, ahead of the increased claims of the commercial creditors.'' Professional support collectors, on the other hand, have no trouble in understanding how this bill will enhance the collection of support ahead of the increased claims of commercial creditors. To them, such creditors are irrelevant outside the bankruptcy process. And in light of the treatment of domestic support obligations as priority claims under current law and the enhanced priority treatment of such claims in the proposed legislation, this objection seems particularly unfounded.

Where support creditors are indeed at a disadvantage under current law is during the bankruptcy of a support debtor. Under existing bankruptcy law support creditors frequently have to hire attorneys to enforce support obligations during bankruptcy or attempt the treacherous task of maneuvering through the complexities of bankruptcy process themselves. Attorneys working in the federal child support program—indeed, even experienced family law attorneys—may find bankruptcy courts and procedures so unfamiliar that they are ineffective in ensuring that the debtor pays all support when due. Ideally, procedures for the enforcement of support during bankruptcy should be self-executing and uninterrupted by the bankruptcy process. The pending bankruptcy reform legislation goes far in this direction. To suggest that women and children support creditors are not vastly aided by this bill is to ignore the specifics of the legislation.

In the first place support claims are given the highest priority. Commercial debts do not have any statutory priority. Thus when there is competition between commercial and support creditors, support creditors will be paid first. And, unlike commercial creditors, support creditors must be paid in full when the debtor files a case under chapter 12 or 13. Unlike payments to commercial creditors, the trustee cannot recover as preferential transfers support payments made during the ninety days preceding the filing of the bankruptcy petition, and liens securing support may not be avoided as they may be with commercial judgment liens. Unlike commercial creditors, support creditors may collect their debts through interception of income tax refunds, license revocations, and adverse credit reporting, all—under this bill—without the need to seek relief from the automatic bankruptcy stay.

In addition, support creditors will benefit—again, unlike commercial creditors—from chapter 12 and 13 plans which must provide for full payment of on-going support and unassigned support arrears. Further benefits to support creditors which are not available to commercial creditors is the security in knowing that chapter 12 and 13 debtors will not be able to discharge other debts unless all postpetion support and prepetition unassigned arrears have been paid in full.

Finally, and most importantly, support creditors will receive—even during bankruptcy—current support and unassigned arrearage payments through the federally mandated earnings withholding procedures without the usual interruption caused by the filing of a bankruptcy case. Like many other provisions of the bill, this provision is self-executing, the bankruptcy proceeding will not affect this collection process. Frankly, and contrary to the assertions of the National Women's Law Center, it is difficult to conceive how this bill could better insure that ''support payments will come first, ahead of the increased claims of the commercial creditors.''

The National Women's Law Center states that some improvements were made in the Senate Judiciary Committee. This organization may wish to think twice about that conclusion. What the Senate amendments did was to distinguish in some cases between support arrears that are assigned (to the government) and those that are unassigned (owned directly to the parent). The NWLC might have a point if assigned arrears were strictly government property and provided no benefit to women and children creditors. However, upon a closer look, arrears assigned to the government may greatly inure to the benefit of such creditors.

In the first place the entire federal child support program was created to recover support which should have been paid by absent parents, but was not. Such recovered funds became and remain a source of funding to pay public assistance benefits, especially by the states which contribute about one half of the costs of such benefits.

More directly significant, however, is the fact that under the welfare legislation of 1996 (the Personal Responsibility and Work Opportunity Reconciliation Act) support arrearage assigned to the government and not collected during the period aid is paid reverts to the custodial parent when aid ceases. This scenario will become increasingly common in the very near future as the five year lifetime right to public assistance ends for individual custodial parents. In such cases this parent will face the double whammy of being disqualified from receiving the caretaker share of public assistance and—because of the Senate amendments—not receiving arrears or intercepted tax refunds because they were assigned at the time the debtor filed for bankruptcy protection.

In addition, prior to the Senate Judiciary Committee amendments a debtor could not obtain confirmation of a plan if he were not current in making all postpetition support payments. The advantage of this scheme was that it was self-executing. Under the Senate amendments a debtor may obtain confirmation even when he is not paying his on-going support obligation. He is only required to provide for such payments in his plan. In such cases it will then be the burden of the support creditor to bring a bankruptcy proceeding to dismiss the case if the debtor stops paying. While this procedure is a welcome addition to the arsenal of remedies available to support creditors, it should not have supplanted the self-executing remedy which required the debtor to certify he was current in postpetition support payments before the court could confirm the plan.

While the Senate version of bankruptcy reform should certainly be amended to restore the advantages of the earlier draft, it does, even in its present form, provide crucial improvements in the protections and advantages afforded spousal and child support creditors over other creditors during the bankruptcy process. These improvements will ease the plight of all support creditors—men, women, and children—whose well-being and prosperity may be wholly or partially dependent on the full and timely payment of support. Congress has created the federal child support program within title IV–D of the Social Security Act. It is the opinion of those whose job it is to carry out this program that the Bankruptcy Reform Act provides the long overdue assistance needed for success in collecting money during bankruptcy for child and spousal support creditors.

Most of the concerns raised by the groups opposing the bill do not, in fact, center on the language of the domestic support provisions themselves. Instead they are based on vague generalized statements that the bill hurts debtors, or the women and children living with debtors, or the ex-wives and children who depend on the debtor for support. It is difficult to respond point by point to such claims when they provide no specifics, but they appear to fall into two categories.

The first suggests that the reform legislation will result in leaving debtors with greater debt after bankruptcy which will ''compete'' with the claims of former spouses and children. As discussed above there is little likelihood that such competition would adversely affect the collection of support debts. In any event the bill does little to change the number or types of nondischargeable debt held by commercial lenders. it will slightly expand the presumption of nondischargeability for luxury goods charged during the immediate pre-bankruptcy period and will make debt incurred to pay a nondischargeable debt also nondischargeable. It is doubtful that either provision will, in reality, have much effect on the vast majority of ''poor but honest'' debtors who do not use bankruptcy as a financial planning mechanism or run up debts immediately before filing for bankruptcy in anticipation of discharging those obligations.

The second contention is presumably directed at a number of provisions in the bill

that are designed to eliminate perceived abuses by debtors in the current system. The primary brunt of this attack is borne by the so-called ''means testing'' or ''needs based bankruptcy'' provisions which would amend the current language of Section 707(b). Most of the opposition appears to stem from the notion that means testing would be a wholly novel proposition. Such a conclusion is plainly incorrect. Virtually every court that has ever considered the issue holds that Section 707(b) already includes a means test or, more accurately, a hundred or a thousand means tests, one for each judge who considers the issue. The current Code language sets no standards or guidelines for applying this test, thus leaving the outcome of a motion subject to the unstructured discretion of each bankruptcy judge. The proposed bankruptcy reform legislation attempts to prescribe one test that all courts must apply.

The precise terms of that standard have been under constant revision since the bankruptcy reform bills were introduced last year, and undoubtedly they will continue to be fine-tuned to ensure that they strike a balance between preventing abuse and becoming unduly expensive and burdensome. But mere opposition to any change in the present law, and vague claims that any and all attempts to address such existing abuses as serial filings are oppressive and will harm women and children, does nothing to advance the dialogue. And worse, the critics appear content to sacrifice the palpable advantages which this legislation would provide to support creditors during the bankruptcy process for defeat of this legislation based on vague and unarticulated fears that women will be unfairly disadvantaged as bankruptcy debtors. In more ways than one the critics would favor throwing out the baby with the bath water. No one who has a genuine interest in the collection of support should permit such inexplicit and speculative fears to supplant the specific and considerable advantages which this reform legislation provides to those in need of support.

Yours very truly,

PHILIP L. STRAUSS,
Assistant District Attorney.

Mr. BIDEN. Mr. President, I want to briefly address two issues that have been raised by the President and by the opponents of this legislation. I honestly believe, compared to the many substantial victories for the Senate position in this legislation, these two issues fall short of justifying a change in the overwhelming support bankruptcy reform has received in the last two sessions of Congress.

First, there is the issue of this homestead cap. I heard people on the floor voting, saying: There is no protection in here, no protection at all. You just let people get away. You allow the Burt Reynolds of the world to go out there and buy multimillion-dollar homes and then declare bankruptcy. This is unfair.

First of all, do you think any of the creditors want that to happen? The companies are concerned about this, along with interest groups that are concerned about this. And on the consumer side, do you think they want people being able to escape having to pay what they owe because they are able to bury assets in a multimillion-dollar home?

So where is this coming from? First, the homestead cap. One of the most egregious examples of abuse under the current law is the ability of wealthy individuals, on the eve of filing for bankruptcy, having the ability to shelter their income from legitimate creditors by buying an expensive home in one of a handful of States that have an unlimited homestead exemption in bankruptcy. This is one of the most egregious abuses, but it is actually pretty rare, involving only a few of the millions of bankruptcies that have been filed in recent years. Nevertheless, it is an abuse that should be eliminated.

There are reasons that the Senate included a strong provision. That was a hard cap of $100,000 in the value of a home; that is, if your home was worth more than $100,000, your creditors could go after the remainder of that money, but if it was $100,000 or less, your creditors could not get it because we have a principle in this country of not taking away your home based on bankruptcy.

This provision, though, was struck by the House. They did not like the hard cap of $100,000. So what we did was we reached a compromise to avoid the worst abuses as a last-minute move to shelter assets from creditors. That last-minute move to avoid legitimate debts has been eliminated.

To be eligible under any State's homestead exemption, a bankruptcy filer must have lived in that State for the last 2 years before filing. If you buy a home within 2 years of filing, your exemption is capped at $100,000. Put another way, you have to have a pretty good estate plan in order to escape bankruptcy by buying a multimillion-dollar home.

You have to know, under the law, if we had passed it today—and 2 years from now you go bankrupt—so you go out 2 years ahead of time and move into a State that allows you to buy a multimillion-dollar home to escape bankruptcy. So you move into that State 2 years ahead of time, and 2 years ahead of time you buy the home. You take all your assets that you are worried it is going to cost you, and you put them into a home.

Let me tell the Senate, that is a pretty good plan. I don't know how many people know over 2 years ahead of time that they are going to go bankrupt and take all their money out and put it into a home. Granted, I would prefer a hard cap, but the truth is, if you don't buy the home 2 years prior to declaring bankruptcy, the cap is $100,000. So there are a lot of canards that have been used to defeat this cloture motion. I might say to my colleagues, if they want to eliminate the worst abuse of the homestead exemption, then they should have voted for the conference report.

That brings me to the last major issue, the one that has, unfortunately, generated a lot more heat than light. That is what we have come to call—and I saw my colleague a moment ago—the SCHUMER amendment, because of the energy and dedication of my friend and worthy opponent, in this case—hardly ever in any other case—Senator SCHUMER. We all know of the confrontations, sometimes peaceful, sometimes tragically violent, that have occurred in recent years between pro-life and pro-choice groups over access to family planning clinics. Because of the threat to the constitutional right of the people who run those clinics and their patrons, Congress, with my support and President Clinton's signature, passed a bill, the strongest proponent of which was the Senator from New York, the Free Access to Clinic Entrances Act of 1993. The law makes it a crime punishable by fines as well as imprisonment to block access to family planning clinics.

Some of those who have been arrested and prosecuted under the law have brazenly announced that they plan to declare bankruptcy to escape the consequences of their crimes, specifically to avoid paying damages. Some of those individuals have, in fact, filed bankruptcy. But in no case—in no case that I am aware of or anyone else can show me or no case that the Congressional Research Service was able to find—has any individual escaped paying a single dollar of liability by filing bankruptcy. Not a dollar, not a dime, not a penny, it hasn't happened. I don't believe it will happen.

The reason is simple: Current bankruptcy law already states that such settlements for ''willful and malicious conduct'' are not dischargeable in bankruptcy. If that were not enough, current case law supports a very strong reading of the provisions of the current law. When one clinic demonstrator who violated a restraining order attempted to have a settlement against her be wiped out in bankruptcy, her claim was rejected out of hand by the court. The violation of the restraining order setting physical limits around the clinic has been ruled to be willful and malicious under the current code. The penalties assessed against the violator were not dischargeable in bankruptcy.

I ask unanimous consent to print in the RECORD a letter from the Congressional Research Service confirming, as of October 26, that an exhaustive authoritative search did not reveal any reported decisions where such liability was discharged under U.S. bankruptcy code.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 26, 2000.

MEMORANDUM

To: Hon. Charles Grassley, Attention: John McMickle

From: Robin Jeweler, Legislative Attorney, American Law Division

Subject: Westlaw/LEXIS survey of bankruptcy cases under 11 U.S.C. §523.

This confirms our phone conversation of October 25, 2000. You requested a comprehensive online survey of reported decisions considering the dischargeability of liability incurred in connection with violence at reproductive health clinics by abortion protesters. Our search did not reveal any reported decisions where such liability was discharged under the U.S. Bankruptcy Code.

The only reported decision identified by the search is *Buffalo Gyn Womenservices, Inc.* v. *Behn (In re Behn)*, 242 B.R. 229 (Bankr. W.D.N.Y. 1999). In this case, the bankruptcy court held that a debtor's previously incurred civil sanctions for violation of a temporary restraining order (TRO) creating a buffer zone outside the premises of an abortion service provider was nondischargeable under 11 U.S.C. §523(a)(6), which excepts claims for ''willful and malicious'' injury. The court surveyed the extant and somewhat discrepant standards for finding ''willful and malicious'' conduct articulated by three federal circuit courts of appeals. It granted the plaintiff's motion for summary judgment and denied the debtor/defendant's motion to retry the matter before the bankruptcy court. Specifically, the court held:

''[W]hen a court of the United States issues an injunction or other protective order telling a specific individual what actions will cross the line into injury to others, then damages resulting from an intentional violation of that order (as is proven either in the bankruptcy court or (so long as there was a full and fair opportunity to litigate the question of volition and violation) in the issuing court) are ipso facto the result of a 'willful and malicious injury.' ''—242 B.R. at 238.

Mr. BIDEN. Again, Mr. President, the only case I could find, in fact, held, as I had predicted, that willful and malicious conduct denies you from being discharged in bankruptcy, in a case where a woman was arrested for violating a restraining order or getting too close to the clinic, tried to discharge the fines against her in bankruptcy, and could not.

I repeat: No one has escaped liability under the Fair Access to Clinic Entrances Act through the abuse of the bankruptcy code, not one. As strongly as feelings are on both sides of this issue, the Schumer amendment is, I must say, a solution in search of a problem. I would support it just to make sure we have the extra protection, but in the absence of the Schumer amendment, there is no reason for the Senate to reverse its opinion on the legislation that had received such strong support.

We voted today on trying to get to a conference report that had a strong Senate stamp on it. I think we made a mistake. I think part of the reason why we made a mistake in not invoking cloture was we had a number of absences. There are 16 or 17 or 18 absences, as I count it; 15 or thereabouts were for cloture. But we will come back to it again, as the majority leader has said.

This does not in any way do anything to allow people to violate the free access to clinics law. And it actually helps women and children who depend on support payments and alimony payments. I will speak to it more later.

I see the majority leader is on the floor for important business. I thank the Chair and yield the floor.

Mr. LOTT. Mr. President, I thank Senator BIDEN for his comments and for yielding the floor at this time.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 122

Mr. LOTT. Mr. President, I ask unanimous consent that at 2:15 p.m., the Senate turn to the continuing resolution, H.J. Res. 122, if received from the House, and the resolution be read the third time, agreed to, and the motion to reconsider be laid upon the table.

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

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate proceed immediately to Calendar No. 428, H.J. Res. 84, and following the reporting by the clerk, the amendment at the desk sponsored by myself be agreed to, the resolution be read the third time and passed, and the motion to reconsider be laid upon the table.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 84) making further continuing appropriations for the fiscal year 2000, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

The amendment (No. 4357) was agreed to, as follows:

Strike all after the resolving clause and insert the following:

That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting ''November 14, 2000.''

Amend the title so as to read: ''Making further continuing appropriations for the fiscal year 2001, and for other purposes.''

The resolution (H.J. Res. 84), as amended, was read the third time and passed.

Mr. LOTT. Mr. President, I announce then to the Senate that the continuing resolution to be passed at 2:15 today provides for a continuing of the Government for 1 day. The resolution just passed provides for Government funding through November 14, 2000.

I thank the Democratic leader for his cooperation on this. I know he has been involved in this process, trying to find a date that is fair and reasonable to all interested parties. I know it is not easy, but I think this is the right thing to do. I hope the House will accept this resolution and then we would proceed to wrap things up after that.

In light of this agreement, there will be no further votes today. All Senators will be notified when the next vote will occur in the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the majority leader leaves, we understand his role. He is the leader here, and it is not easy. I can't speak for everyone on this side, but I can speak for a few. We hope when we come back that we will come back with a fresh view as to what needs to be done and hopefully we can get things done.

I ask the leader, is there some assurance—I guess that is the word—is there some certainty that the House will accept this? What has the leader learned?

Mr. LOTT. Mr. President, I have spoken to the Speaker of the House. There have been staff contacts with the leadership on both sides of the aisle. It is my impression that the leadership on both sides will work for this to be accepted. We had some discussion about a different date, but the House felt very strongly that this date was preferred to the later one, and that is basically one of the reasons why we settled on this date. Hopefully, they will move quickly to accept this and then we will be able to go do our responsibilities in other areas.

I say also that while we will be home and will not be here for awhile, there has been further progress made on the Labor-HHS and Education appropriations bill. I understand there are only a few issues remaining. The staff will not be on vacation. Work will continue. It would be my hope that the areas of disagreement can be worked out and when we come back on November 14, we will have a vote or two and that is all, that we would be done with it. But hope springs eternal, and it doesn't always come true. That is what we are thinking about right now.

Mr. REID. I say to the leader, the President is excited about this. It is my understanding that he will do what is necessary in this instance. I repeat that when we come back here, I hope we can move this forward. With minor exceptions, the work done by Senator STEVENS and Senator BYRD and others on the Labor-HHS bill is really good work. I hope we can wrap it up very quickly.

Mr. LOTT. We have seen here today persistence does pay off. Yesterday very little was said about it, but a lot of credit goes to the members of the committee that produced the Water Resources Development Act under the chairmanship of BOB SMITH. There was some disagreements with the House,

but they put their shoulder to the wheel and we passed that very important legislation last night. Today, thanks to a lot of good effort by Senator DASCHLE and Senator REID, and working with Senators on our side, we were able to move the FSC legislation, which we had not been able to get done earlier. So at this very moment, we are continuing to work to get agreement on the bankruptcy vote. I agree that this is an indication of why we probably should take a time-out. We didn't pass that cloture today because of absentees. I believe when we get everybody here, cloture will be invoked, and we will go forward with that important legislation.

Again, I thank the Senator for his good work as always.

I yield the floor.

UNANIMOUS-CONSENT REQUEST—S. 13

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 13, the Class Act. I further ask consent that the Senate proceed to its consideration, and an amendment at the desk submitted by Senator SESSIONS be agreed to, the bill be read the third time and passed, and that the motion to reconsider be laid upon the table. Further, I ask that the bill remain at the desk, and that when the Senate receives from the House H.R. 254, the Senate proceed to its consideration, all after the enacting clause be stricken and the text of S. 13, as amended, be inserted in lieu thereof. I further ask that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and all previous action on S. 13 be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, a member of the minority has requested that on his behalf I object to this action, and based upon that request, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, Senator GRAHAM of Florida and I have been working on this bill. This legislation, in sum, provides that families that are saving for college tuition under prepaid college tuition plans, which are growing in popularity in America, the money they save and the interest that accrues on those plans not be taxable by the Federal Government. That is what this law would do if passed.

What we are doing in America today is we have a public policy to encourage families, through loan subsidies and other forms of incentives and delays in payments of interest, to borrow money to pay for college. But people who are saving money, even under State prepaid college tuition plans, are taxed on the money they save. This is a disincentive for the best way to pay for college tuition; that is, saving for college. Well over 40 States have these prepaid plans and the few States that don't are moving to develop them. It is working very well. The Federal tax policy ought to affirm what these States are doing and make this tax-free.

I just note that this is a middle class program. For example, 71 percent of the participating families in the Florida prepaid college program have annual incomes under $50,000, and 25 percent have incomes of less than $30,000; 81 percent of the contracts in Wyoming's savings plan have been purchased by families with annual incomes of less than $34,000; 62 percent of the contracts in Pennsylvania have been purchased by families with annual incomes of less than $35,000. The average monthly contribution to a family's college savings account in 1995 in Kentucky was $43.

So what we are saying is let's have a good public policy. Let's encourage people to save and make sure it is a wise thing for them to do financially. If we can achieve that, I think it would be good. As far as I understand, there is only one person in this who has an objection. I would be delighted to know who that was. Senator GRAHAM and I would like to talk to them to see if the problem they have can be worked out. I think it is good public policy. Both Vice President GORE and Governor Bush have made statements that clearly indicate their support for this kind of public policy. I am working with Senator DASCHLE, the Democratic leader, and I thank him for his assistance on this legislation, dealing with an issue he thought important to his State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

BANKRUPTCY REFORM

Mr. REID. Mr. President, I know my friend from Illinois wishes to speak at some length. First, I have a couple of comments. On the recently completed vote on cloture regarding bankruptcy, I think that is an example of why we need to follow Senate procedures the way we have for 200-plus years. Here is the bankruptcy bill brought up on a bill under the jurisdiction of the Foreign Relations Committee. Some Members who should have been weren't in that conference. I just think it is a very poor way to do business.

I think that we in the minority have been treated unfairly on a number of occasions this year. In an effort to show my displeasure—and that is a real soft, cool word because I feel more strongly than that—I voted against invoking cloture.

There comes a time when we have to work as legislators, and as Senators. If things don't change here, there are going to be other unfortunate procedures such as this, even though there is support for the substance of the legislation.

Also, Senator SCHUMER had a very strong point in this legislation. He and I cosponsored an amendment that is very simple. It said that these people—these very, in my opinion, evil people, who go to clinics where women come to get advice—some people may not like the advice they get in these clinics because some of the advice results in obtaining an abortion. But we live in a free country; people have the right to go where they want to go and talk about what they want. What these women are doing is lawful, not illegal. People spray chemicals into those facilities, and they can't get rid of the stench for up to 1 year, and many times they have to simply tear the insides of the facility down so it can be reused. In this legislation, Senator SCHUMER and I said if you do that, you cannot discharge that debt in bankruptcy as a result of the damages incurred, whether to the facilities or those women who use those facilities.

That provision should be in this legislation. For it not to be is wrong, and I understand that the chief advocate of the legislation—I don't know this to be a fact—Senator GRASSLEY, was willing to accept the provision. However, it was not in there. This is wrong and, as a matter of procedure and as a result of the substantive issue that I just talked about, I am satisfied with my vote. I have no second thoughts. I did the right thing. Unless there is a different method of approaching this bankruptcy reform, which I agree is badly needed, there are going to be roadblocks all along the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

IN MEMORY OF MARLENE CALDWELL CARLS

Mr. DURBIN. Mr. President, I rise today to pay tribute to Marlene Carls, a very special person who worked in my Springfield office for nearly 20 years. Marlene passed away on October 24.

My wife Loretta first introduced me to Marlene almost 20 years ago when I was running for a seat in the U.S. House of Representatives. Loretta told me Marlene was an excellent worker and she hoped that she would join my campaign. So I sat down with Marlene and offered her a deal she could not refuse. I offered her a beat-up old desk, a run-down office, and not much pay, if she was willing to work for a candidate who had lost three straight elections. In a moment of weakness, she accepted. Marlene was part of our family from that day forward.

Marlene was born to be a caseworker and she was the best. She had a heart

of gold. She cared so much for the people she was helping. She would take on immigration cases, foreign adoptions, and so many difficult and complicated matters. She would help constituents get the answers they needed. It wasn't just professional assistance to people in time of need; it was much more. Marlene Carls treated people asking for help as members of the family. She did her job so well that I used to get fan mail from constituents who could not thank me enough for the wonderful work that Marlene did.

With the immigration cases, we would continue to see the fruit of her work for many years. Marlene and I would go to naturalization ceremonies in Springfield twice a year. And as they would call out the name of a new citizen she would nudge me and say, ''Boss''—she always called me ''Boss''—''Boss, that's one of ours.'' It was the same kind of pride a mother has when her son or daughter crosses the stage at a graduation ceremony. She knew the people she had helped; she cared about them; she rejoiced in their success and happiness.

She showed the same caring for our military cases: mothers and fathers desperate to reach their sons and daughters in uniform—to bring them home for an emergency—to get them out of a scrape—or just to learn if they were alive in a crisis.

Marlene learned the military lingo and reached the point where she could charm the stripes off a sergeant or the stars off a general. Many families in Illinois found peace of mind because of Marlene Carls' hard work.

And she took such delight in knowing that someone's life had been made a little better off because of her efforts.

Marlene, or ''Mo'' as we came to call her, was proud of her family. Her son Kelly Carls, her daughter Cathleen Stock, and her two grandchildren, Kayla Lynn and Julia Anne Stock, were the apples of her eye. I was pleased to watch their progress through her eyes.

Marlene also had so many friends. At her memorial service last Friday in Springfield, the chapel was packed with family, fellow staffers, and friends from other governmental offices. The group from the National Park Service where we have our senatorial office came out in uniform to be there for Marlene—clergy from many different religions and many ordinary people who had the good luck of asking Marlene for a helping hand.

Mo was active as a volunteer for the Alzheimer's Association and the American Cancer Society. In everything she did, people and a concern for people took first place. In our office, her care for others and wise advice led people to call her ''Mama Mo.''

A lesser known fact is that Marlene was an amazing writer. I remember she had written a piece in a contest and won a free trip to Hollywood. She was just so proud of that.

She had a long-time dream to visit Ireland. Over her desk was a picture of herself and ''Tip'' O'Neill. She really valued that photograph as a reminder of her Irish heritage. She and Kathy Anderson of my staff had the trip to Ireland planned. But they weren't able to make the journey because of Marlene's illness. At her wake, I closed with an Irish blessing from all of us to a wonderful person and great public servant.

May the road rise up to meet you.
May the wind be always at your back.
May the sun shine warm upon your face,
The rain fall soft upon your fields.
And until we meet again,
May God hold you in the hollow of His hand.

We will dearly miss Marlene Carls.

(The remarks of Mr. DURBIN pertaining to the introduction of S.J. Res. 56 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

STELLER SEA LION

Mr. STEVENS. Mr. President, I have been criticized in the national media and many of the local media here about the Steller sea lion rider that is on the Labor, Health and Human Services appropriations bill. Riders are really emergency items of legislation that are necessary because of the time of year. We are about ready to end our deliberations and this is the only piece of legislation to which we could attach this provision.

I want to take time now to explain why this is necessary. The Labor, Health and Human Services appropriations bill still contains this provision.

The difficulty is that the National Marine Fisheries Service has shut down the Nation's largest fishery, and it does not even know why. In response to a lawsuit filed by extreme environmental groups, the National Marine Fisheries Service has failed to show any relationship between fishing and the Steller sea lion, which it considers to be endangered.

These procedural failures have led a Federal judge to shut down all fishing in the 100,000 square miles which encompass the prime fishing grounds for pollock off Alaska. This is an area larger than the State of Oregon and twice the size of New York. It is a coastline which would stretch from the District of Columbia to Florida.

The National Marine Fisheries Service continues to blame fishermen for the sea lion decline. Right now, Alaska fishermen and Alaska coastal communities are losing $1 million a day. If fishing does not resume in January, Alaska coastal communities will be ghost towns by the end of the year.

The Alaska groundfish fishery accounts for 40 percent of America's commercial fish harvest. Alaskan cod, pollock, and other species are sold in grocery stores and restaurants throughout our Nation.

Besides fishermen, the injunction that is in place impacts airlines, shipping companies, regional ports, and transportation labor. Alaska seafood exports contribute almost $1 billion towards our annual trade deficit. Most of that is exports to Asia. Incidentally, that is where we get most of our imports.

Alaska's annual seafood processing payroll is about $240 million. That is the processing of this product alone. Seafood exports offset the transportation cost of consumer goods imported by at least 15 percent. Dutch Harbor and Kodiak, two large seaports in my State, are the No. 1 and No. 4 fishing ports of the United States. Fishing in those communities pays the cost of teachers, police, firemen, and other public servants. The fishing industry is the only industry in those areas.

This was all brought about because of biological opinions that have been issued by the Fisheries Service. The National Marine Fisheries Service found that fishing did not harm sea lions on five separate occasions in the last decade: Twice in 1991, twice in 1996, and again in March of 1998. In April of 1998, extreme environmental groups filed suit to shut down these fisheries. The National Marine Fisheries Service's next biological opinion reversed the position of that agency 180 degrees. It reversed the prior five decisions and found that fishing had caused jeopardy to these sea lions.

There was no scientific breakthrough that led to that decision. In fact, what happened was they changed the person who wrote the decision. The Federal judge rejected the scientific analysis in that biological opinion as inadequate.

Today, the agency has still not justified the sea lion mitigation measures it wants to impose. Because of the agency's repeated failure to justify its own proposals, the judge shut down all fishing for pollock in this critical area. The new biological opinion is based upon a concept called ''localized depletion.'' This is the hypothesis of the biologist who put together the last biological opinion that the judge refused to accept.

This is based on the idea that fishing vessels take food away from sea lions. There is no science to support that conclusion or that theory. In fact, the trawling that takes place for pollock occurs at depths below which the sea lions forage for food. Pollock schools are much larger than the entire fleet. They cover an area far beyond what a fleet could cover.

I have a chart that shows the concentrated fishing efforts of the pollock fleet in a period of 4 weeks in 1995. The total efforts of this fleet failed to disperse the massive school of pollock. Beginning the 26th of January, the pollock was concentrated. The next week

it was still concentrated. The third week it was concentrated. The fourth week it was concentrated. Despite the fact the fleet was there on top of that pollock the whole time, the pollock did not move. In fact, the fishing effort did not disperse the pollock.

The concept the biologist used was the fishing effort in an area is localized, and it depletes the pollock locally and, therefore, there is no food for the sea lions after the trawling takes place. That is absolutely not true. Pollock move around in natural migration patterns, not as a result of fishing effort.

Few people realize this is the largest biological mass of fish in the world. It is an enormous fishery, and it has grown because of our fishing practices—it has not been depleted because of fishing practices.

The National Marine Fisheries Service has failed to study the impact of predators on the sea lion population. We now see in Alaska soaring numbers of killer whales and falling numbers of sea lions and other species upon which the killer whale preys. Science shows that killer whales feed on juvenile sea lions, the same age class of sea lions that is causing the overall decline in that species.

Recently, a killer whale washed up on a beach in Alaska. When it was examined, there were 14 steller sea lion tags in its stomach. One killer whale had eaten 14 sea lions.

In addition, I hope Members have seen video footage of killer whales in our State that take sea lions right off the beach. It is a monstrous video that shows how these enormous killer whales come right up on the beach and take the sea lions off the beach. The National Marine Fisheries Service admits the killer whale is a predator and is a major cause of the declining sea otter population in our State, but it is unwilling to accept the fact that killer whales are involved in the decline of the sea lion.

This is hard for us to understand, very frankly. There has been a shift in this decision, as I said, 180 degrees. We fail to understand why this monstrous agency, which I normally support, could be swayed by the decision of one man because of a lawsuit that was filed by extreme environmentalists.

Most scientists now believe that sea lions are declining as part of their natural population cycle. I have another chart that shows this cycle. As the temperature and other conditions in the North Pacific have changed, the sea lions have declined and the pollock have increased. One of the things that has happened in the North Pacific is the abundance of high oil content fish, such as herring, has fallen while the low oil content species, such as pollock and cod, have increased. Published research shows that sea lions need to eat high oil content fish to survive.

For instance, in southeastern Alaska where high oil content fish are still plentiful, a different subpopulation of steller sea lions is increasing in size while its western cousins are decreasing. We believe it is a problem of diet, as far as the sea lions' decline is concerned, and that those who assert that sea lions can survive on pollock alone are absolutely wrong.

Some scientists believe pollock fishing in critical habitats actually helps sea lions. This is because the pollock off my State are highly cannibalistic. Adult pollock eat juveniles in very large numbers. Trawlers target adult pollock which are over 3 years of age, whereas sea lions eat the smaller juvenile fish that would otherwise be eaten by the cannibalistic adult pollock population.

The net result of these ocean changes is that as our pollock population has increased, the sea lion population has decreased. Yet the decision of the biologist was that the reason for the sea lion population decline was the lack of availability of pollock. The National Marine Fisheries Service should know better than to shut down the largest private sector employer in Alaska without a good reason.

Right now they do not have a reason based upon science. Their conclusion is based entirely upon a lawsuit filed by an extreme environmental group, which also has no science behind it. This is absolutely wrong. That is why I have insisted on keeping this rider in place which will allow the fishery to continue on the basis of the protections that were already in place to protect the sea lions.

We have agreed not to invade the sea lion rookeries. In fact, we have set up protection areas around them. Our industry has contributed $1 million toward sea lion research to help find out some of the reasons for their decline.

We have appropriated a sizable amount of money to the National Marine Fisheries Service and the Alaska SeaLife Center to continue the research to find out why sea lions are declining. For myself and most of us who have spent our adult lives on the oceans around our State, I believe it is the overabundance of orcas, the killer whale population, that is causing the decline in the sea lions of the western population.

I repeat. Under the rider, fishing will continue until July 1, 2001 under all the restrictions that were in effect. These protective measures include restrictions on trawl fishing near sea lion rookeries, haul-outs, and foraging areas.

There are no-entry zones for fishing vessels near sea lion rookeries and haul-outs.

We have limitations on the harvest levels inside critical habitat.

We have split the pollock season into four different seasons to reduce the impact on the areas where the sea lions are.

We have reduced the daily catch rate through cooperative fishing. We have a very conservative process for setting the total allowable catch level, which actually is 13 percent lower than what would have been projected in 2001.

We require Federal observers to monitor harvest levels, including harvests inside any critical habitat area. And there are additional sea lion mitigation measures that are in effect.

We do not, however, believe there should be a complete cessation of this enormous fishery. This is an enormous fishery. Two and a half billion pounds of fish are brought ashore from this massive population every year. Yet as we show, as we take mature pollock, the pollock biomass continues to grow. If we do not take that mature pollock from this biomass, it will once again go back to eating its own young and decrease.

So this rider is absolutely necessary to preserve the most massive and valuable fishery off our shores. I do hope those who criticize it will take time to read the opinions I am going to place in the RECORD.

Mr. President, I ask unanimous consent to have printed in the RECORD summaries of the opinions that were written, the conclusions and opinions written before the extreme environmentalists entered this issue, and the summary of the one that has been filed now by those who came on the scene after that lawsuit was filed.

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

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MD, MARCH 2, 1998.

Memorandum for: Dr. Gary Matlock, Director, Office of Sustainable Fisheries.

From: Hilda Diaz-Soltero, Director, Office of Protected Resources.

Subject: Endangered Species Act Section 7 Biological Opinion on the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery, the 1998 Total Allowable Catch Specifications, and the effects on Steller Sea Lions (*Eumetopias jubatus*).

Attached is the Biological Opinion on the effects of the Fishery Management Plan (FMP) for the Gulf of Alaska groundfish fishery, the 1998 Total Allowable Catch specifications and its effects on the endangered western population of Steller sea lions (*Eumetopias jubatus*). The biological opinion concludes that the 1998 fishery is not likely to jeopardize the continued existence and recovery of Steller sea lions or to adversely modify critical habitat. Please note that the biological opinion only addresses the 1998 fishery, not the continued implementation of the GAO FMP for groundfish beyond 1998. The Alaska Region will need to reinitiate section 7 consultation for the fishery in 1999 and beyond.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MD, APRIL 19, 1991.

Memorandum for: The Record.

From: William W. Fox, Jr.

Subject: Endangered Species Act Section 7 Consultation Concerning the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan and its Impacts on Endangered and Threatened Species.

Based on the attached Biological Opinion, we conclude that the Bering Sea and Aleutian Islands (BSAI) groundfish fishery, as currently managed and conducted, is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of the National Marine Fisheries Service.

This opinion considers all aspects of the fishery including the Total Allowable Catch (TAC) specifications for 1991. Steller sea lion research efforts to assess the status of the population and the factors involved in the population decline will also continue. The available results will be used during the 1992 specification process.

The Steller sea lion final rule (November 26, 1990, 55 FR 49204) established 3-nautical-mile buffer zones around major sea lion rookeries in the Gulf of Alaska and the Bering Sea. As outlined in the final rule, NMFS intends to undertake further rulemaking after considering additional protective regulations and the need for critical habitat designation for Steller sea lions. NMFS will solicit comments from the Steller Sea Lion Recovery Team, other experts, and the general public on the need to modify the existing buffer zones or to create additional buffer zones.

An Incidental Take Statement is not included with this Biological Opinion because a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MD, APRIL 19, 1991.

Memorandum for: The Record.

From: William W. Fox, Jr.

Subject: Endangered Species Act Section 7 Consultation Concerning the Gulf of Alaska Groundfish Fishery Management Plan and Its Impacts on Endangered and Threatened Species.

Based on the attached Biological Opinion, we conclude that the Gulf of Alaska (GOA) groundfish fishery, as currently managed and conducted, is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of the National Marine Fisheries Service.

This opinion considers all aspects of the fishery including the Total Allowable Catch (TAC) specifications for 1991. Currently, this includes only an interim TAC of 17,500 metric tons (mt) for walleye pollock in the Western/Central Regulatory Area and 850 mt in the Eastern GOA Regulatory Area. The final pollock TAC specification for 1991 is still under review. Steller sea lion research efforts to assess the status of the population and the factors involved in the population decline will also continue. The available results will be used during the continuing 1991 TAC consultation and during the 1992 specification process.

The Steller sea lion final rule (November 26, 1990, 55 FR 49204) established 3-nautical-mile buffer zones around major sea lion rookeries in the Gulf of Alaska and the Bering Sea. As outlined in the final rule, NMFS intends to undertake further rulemaking after considering additional protective regulations and the need for critical habitat designation for Steller sea lions. NMFS will solicit comments from the Steller Sea Lion Recovery Team, other experts, and the general public on the need to modify the existing buffer zones or to create additional buffer zones.

An Incidental Take Statement is not included with this Biological Opinion because a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MD, SEPTEMBER 20, 1991.

Memorandum for: The Record.

From: William W. Fox, Jr.

Subject: Endangered Species Act Section 7 Consultation Concerning the 1991 Gulf of Alaska Groundfish Fishery Walleye Pollock Total Allowable Catch Specification.

Based on the attached Biological Opinion, we conclude that the fourth quarter 1991 Gulf of Alaska walleye pollock fishery, as herein described, is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of the National Marine Fisheries Service.

The management measures implemented with the 1991 GOA walleye pollock total allowable catch (TAC) remain in effect. To minimize the likelihood that the fourth quarter harvest will exceed the 1991 TAC, NMFS will open the fishery for only a predetermined period of time. Daily reporting of all processors will be required, as well as 100 percent observer coverage on vessels over 60 feet in length.

An Incidental Take Statement is not included with this Biological Opinion because a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

[Excerpts From Biological Opinion on 2000 TAC Specifications for BSAI and GOA Groundfish Fisheries, and the AFA]

REINITIATION—CLOSING STATEMENT

This concludes formal consultation on the 2000 TAC specifications for the BSAI and GOA groundfish fisheries, and the American Fisheries Act. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or designated critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation of consultation.

The conclusions of this Biological Opinion were based on the best scientific and commercial data available during this consultation, NMFS recognizes the uncertainty in these data with respect to potential competition between the western population of Steller sea lions and the BSAI and GOA fisheries for Pacific cod. NMFS also recognizes that it has a continuing responsibility to make a reasonable effort to develop additional data (51 FR 19952). To fulfill this responsibility, NMFS has identified crucial information necessary to address this question again in one year. That information will result from analyses listed in the Conservation Recommendations. NMFS will consider the results of these studies as new information that reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this opinion.

* * * * *

CONCLUSION

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 Atka mackerel fishery, the cumulative effects, and the conservation measures that will result from recommendations of the NPFMC, it is NMFS's biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Steller sea lion or adversely modify its critical habitat. Barring any need for reinitiation prior to implementation of the fishery in 2003, this opinion will remain in effect until the end of calendar year 2002.

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 BSAI pollock fishery, and the cumulative effects, it is NMFS' biological opinion that the action, as proposed, is likely to jeopardize the continued existence of the western population of Steller sea lions and adversely modify its critical habitat.

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 GOA pollock fishery, and the cumulative effects, it is NMFS' biological opinion that the action, as proposed, is likely to jeopardize the continued existence of the western population of Steller sea lions and adversely modify its critical habitat.

* * * * *

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the 1999 BSAI and GOA groundfish fisheries with the TAC levels proposed, the cumulative effects, and the conservation measures that will result from recommendations of the NPFMC, it is NMFS' biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Steller sea lion or adversely modify its critical habitat. This opinion is contingent upon development and implementation of a reasonable and prudent alternative to avoid jeopardy and adverse modification as found in the December 3, 1998 Biological Option on the BSAI and GOA pollock fisheries.

This opinion will remain in effect until the end of calendar year 1999, at which time the issue of competition between these fisheries and Steller sea lions should be re-examined. The conservation recommendations provided below include recommendations for studies

to be completed in the interim period. The results of those studies should facilitate reexamination of the question of competition between these groundfish fisheries and the Steller sea lion.

Mr. STEVENS. Mr. President, there is no reason to interrupt this fishery. There is great reason to try to find out why the steller sea lion is declining. We have a massive effort to try to determine that. We will cooperate in any way we can to save this population. But we do not want to lose this massive biomass in the process.

If this trawl fishery does not continue, it will decline back to where it was before the trawl fishery was started. I think those who criticize us would do well to study the science and talk to people who know something about these steller sea lions and the fisheries, and quit listening to these extremist political people who are involved in this process, as far as the environmental groups are concerned.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. STEVENS. Mr. President, on behalf of the leader, I send a concurrent resolution to the desk providing for a conditional adjournment of Congress until November 14, 2000, and I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table. I ask that the clerk read the resolution.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report the resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 159) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives:

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 14, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Monday, November 13, 2000, at 2 p.m., or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

There being no objection, the concurrent resolution (S. Con. Res. 159) was considered and agreed to.

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

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

PHYSICIAN-ASSISTED SUICIDE LAW

Mr. WYDEN. Mr. President, I am pleased this morning that the Senate thus far is functioning the way it should when it comes to new controversial matters such as my State's physician-assisted suicide law. I have been forced to filibuster the tax bill since late last week because at that time there was an effort to stuff the Nickles legislation into that package in the dead of night. This legislation troubles me greatly because I believe it will cause unnecessary suffering for patients in every corner of the country. It involves law enforcement—specifically, the Drug Enforcement Administration—in a process that is so sensitive with respect to helping patients who are suffering around our country.

This legislation has never been marked up by the committee of jurisdiction in the Senate. It has never been open to amendment by the Senate. It has not cleared even one of the traditional hurdles to which important legislation is subjected when it is introduced in the Senate.

This is legislation that has over 50 leading health organizations, including the American Cancer Society, stating that it is going to hurt pain care for the dying. It is also fair to say that the senior Senator from Oklahoma, Mr. NICKLES, has a number of organizations that support his efforts. When we have a number of organizations, respected organizations, that disagree about a very sensitive, totally new issue before the Congress, the Senate certainly should move carefully to evaluate the consequences of its actions.

I spoke with the President of the United States about this matter twice on Monday. I was pleased to read the comments of the President expressing concern about the bill's impact on pain care and on physicians. I am absolutely convinced that if this legislation were to become law, there would be many health care providers in this country who are opposed to physician-assisted suicide, as I am, who would be very fearful about treating pain aggressively because the Nickles legislation criminalizes decisions with respect to pain management.

The people of Oregon, who have a ballot in their hand such as this one right now, want to know that this ballot really counts. The people of Oregon, in coffee shops and beauty parlors all over the State, when they are considering how to vote right now, are asking themselves: Does this ballot really count? When we vote on a matter that is critical to us, particularly on a measure that has historically been left to the States, we want to make sure that people 3,000 miles away won't substitute their personal moral and religious beliefs for ours on a matter that has historically been left to us to decide.

I can tell the people of Oregon now that their vote still counts. As of today, whether you vote for my party or the party of Senator NICKLES, it doesn't matter. This ballot, as of this morning in the State of Oregon, still counts, regardless of whether you are a Democrat or a Republican, a Liberal, a Conservative, Independent. Regardless of your political persuasion, as of now in the State of Oregon, this ballot still counts.

Your vote is important. I hope folks at home exercise that right. Their vote still means something. I am going to do my best to see that it continues to count when Congress reconvenes after the election.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

COMMUNITY SCHOOL DISTRICT DEPENDENCE

Mr. CRAIG. Mr. President, as the Senator from Oregon is leaving the floor, I thank him for the cooperation and bipartisan work he and I were able to accomplish this year, through the Forests and Public Land Management Subcommittee that I chair on the Energy and Natural Resources Committee, by passing and yesterday having the President sign the community school district dependent bill that goes a long way toward stabilizing our schools and our county governances within the rural resource dependent communities of the western public land States.

Mr. WYDEN. Will the Senator yield briefly?

Mr. CRAIG. I am happy to yield.

Mr. WYDEN. I appreciate my colleague yielding. I thank him for the extraordinary bipartisan approach he has taken throughout this session.

I think 18 months ago, when the session began and we were tackling the county payments question, particularly rural schools and roads, nobody thought we could put together a bipartisan coalition. Two sides were completely dug in. One side said we should totally divorce these payments from

any connection to the land; others went the other way and said let's try to incentivize a higher cut. I believe the Senator from Idaho, in giving me the opportunity that he has as the ranking Democrat on the forestry subcommittee, has shown that we can take a fresh approach on these natural resources issues—in particular, timber.

I appreciate my colleague yielding me the time. I am looking forward to working with him again next session because it was an exhilarating moment to have the first major natural resources bill in decades come to the floor of the Senate, as our legislation did.

I thank my colleague for letting me intrude on his time. I have had a chance to be part of a historic effort with my friend from Idaho, and it has been a special part of my public service. I thank him for that.

Mr. CRAIG. I thank the Senator from Oregon. Both he and I have learned that when you try to change a law that is actually 92 years old, or adjust it a little bit, it is difficult to do. We were able to do that. Next year, there will be a good number of challenges on public lands and natural resource issues. I look forward to working with Senator WYDEN.

ELECTRICITY PRICE SPIKES

Mr. CRAIG. Mr. President, I very recently came to the floor and expressed my grave concern about the reliability of affordable electricity. I am not alone in my concerns about this issue. Indeed, some of the loudest voices expressing similar concerns about energy prices are coming from not just Idaho but California, and specifically from my distinguished colleagues from California here in the Senate.

By my comments today, I do not diminish or in any way cast doubt about the substantial hardships experienced by the ratepayers in California, particularly southern California. Indeed, I have great empathy for them, primarily because Pacific Northwest ratepayers are bracing for power shortages in the near future that will cause energy prices to soar and hurt large and small businesses alike and put some residential customers in danger, especially during the cold and hot periods of the year in our region of the Pacific Northwest. I share equal concerns with the citizens of California.

We must confront the obvious facts facing all energy consumers today.

There is an energy supply crisis in the United States. It is clear that the administration didn't see it coming, or at least ignored it. We in the Congress heard no alarms from the Department of Energy and were given not enough warning during the last 8 years that an energy supply crisis was about to threaten the electrical industry of our country.

One of the very few pieces of energy legislation that was sent to Congress for review and passage was the administration's Comprehensive Electrical Competition Act in April 1999. This legislation was purported to result in $20 billion in savings a year to America's energy consumers. However, this legislation would not have precluded the crisis in California, the kind that Californians experienced this summer. Indeed, the legislation was full of mandates and rules that didn't offer any economic incentives or investments in new supplies.

Moreover, the legislation included a renewable portfolio mandate that did not include cheap hydropower as a renewable. I know the Presiding Officer and I talked about it at that time—that all of a sudden we had an administration that was not going to include hydropower as a renewable. This renewable portfolio requirement would have made electricity more expensive and more scarce to the consumer. Part of the problem in California appears to be that it is unwilling to accept the tradeoff of high prices required by environmental regulations. Either the tough environmental standards that currently exist in California are an acceptable cost of energy consumption or California must make necessary environmental adjustments for more abundant supplies at a cheaper price.

In addition, the administration must reexamine the use of the price caps that apparently have caused the supply problems in California.

Mr. President, these are some of the reasons why the legislation failed to get the desired support in Congress from a majority of the Members which included many Democrats as well as Republicans. We recognized you simply can't just go out and say here is the energy, what it is going to cost, cap it at prices, and put all these environmental restrictions on it. It is going to ultimately get to the consumer and, boy, did it get to them in California this summer. Many of us were justifiably concerned about the impact such legislation would have on the current electrical supply network that supports the most reliable electric service found anywhere in the world.

The administration did not adequately explain how the legislation would prevent energy supply problems from occurring if its legislation was passed—perhaps because it simply didn't have an adequate explanation or, if it knew the facts, it certainly wasn't willing to have them known publicly.

Rather than wait for Federal direction on this issue, many States embarked on their own experiment with electrical restructuring. Some of those State programs appeared to be experiencing some success by giving to their electricity consumers choice of energy suppliers without jeopardizing reliable service. However, other States are experiencing great difficulties ensuring reliable service at affordable prices. And California happens to be one of those States.

I am not interested in pointing blame for failures. I am interested in getting at the facts and understanding them as they relate to how they contributed to the failures so that objective assessments of future legislative proposals can be made to avoid what happened in California again in the coming years. Moreover, I want to ensure that the distinguished Members from California have all of the facts necessary to fully understand and appreciate the role the Bonneville Power Administration plays in the California markets. There were a lot of accusations made this summer about how the Bonneville Power Administration was handling its electrical supply. I think the facts are soon to be known and an entirely different story will emerge.

I fully expect the facts to prove that the Bonneville Power Administration has not contributed to the energy cost crisis in California and that BPA can and will continue to play a positive role in bringing affordable surplus electricity from the Pacific Northwest to the California markets when that surplus is available.

For these reasons, it is imperative to get relevant information about the California energy price crisis to Congress and the American people as soon as possible. It has come to my attention that the Federal Energy Regulatory Commission's investigative report on California's wholesale electricity markets is complete and ready for distribution. I was told just this morning that they have finally decided to release it.

Indeed, in a news report yesterday, I read that a Democrat Commissioner from FERC stated that the FERC could not find evidence that California power rates were unjust and unreasonable. The Commissioner also told the reporters that there was no evidence of abuse by energy companies operating within the State.

This is important information that must be shared and now will be shared with Congress and all electrical consumers. The news reports also say the Federal Energy Regulatory Commission report would address sweeping structural changes in California's independent supply operator, or ISO, which controls the high voltage transmission grid, and the State's power transmission grid, and the State's power exchange, where power is bought and sold.

It has come to my attention that the FERC report has been complete since October 16. There was some effort to keep it quiet, but it appears now to be breaking on the scene. This important information has been available and is now, as I say, beginning to come out. I do not understand why Congress should

resist this kind of information. It ought to be made immediately available to Members of the Senate Energy and Natural Resources Committee and the committee of jurisdiction for FERC issues and shared with members of the House Commerce Committee, where all of these issues will have to be considered.

Indeed, one of the FERC Commissioners recognized its importance and talked about the issuance of this report. Commissioner Hebert captured these thoughts with some pretty eloquent words on October 19 when he said:

> Rather than wait for November 1 to release the findings of our staff's investigation—

Which they finally did. He felt it was important that they do it at this time. He said—

> I urge the Chairman to release the completed report now.

It seems that Commissioner is finally getting his way.

> Open government requires it; fairness does as well.

And, most importantly, on this kind of information.

> The people of California should have as much time as possible to digest findings and consider the options presented.
>
> Justice Brandeis often remarked, ''Sunshine is the best disinfectant.'' Let the sun shine on our staff's report.

The Commissioner is speaking of the FERC staff.

> It can only help heal the raw emotions rampant in the State of California.

It is time Californians look at themselves and decide what went wrong in California because it wasn't as a result of the Bonneville Power Administration hoarding its power or choosing not to send power to California. It was California now finding out that some of the environmental restrictions they wanted in their marketplace are going to be very expensive restrictions indeed for which the average consumer of California will have to pay.

With that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUTCHINSON.)

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, H.J. Res. 122 is passed.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, for the leader, I ask unanimous consent that there be a period for morning business until 3 p.m. with the time between now and 3 p.m. divided between the two leaders.

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

FFARRM ACT

Mr. GRASSLEY. Mr. President, the tax relief bill we are about to pass contains many very popular tax cut measures that will be good for Americans and good for the country. One of the provisions included in the package is The Farm, Fisherman, and Ranch Risk Management Act—FFARRM.

This is a proactive measure that would give farmers a five-year window to manage their money. It would allow them to contribute up to 20% of the annual income to tax-deferred accounts, known as FFARRM accounts. The funds would be taxed as regular income upon withdrawal.

If the funds are not withdrawn five years after they were invested, they are taxed as income and subject to an additional 10% penalty. So, farmers will be able to put away savings in good years so they will have a little bit of a cushion in bad years.

Agriculture remains one of the most perilous ways to make a living. The income of a farm family depends, in large part, on factors outside their control. Weather can completely wipe out a farm family. At best, it can cause their income to fluctuate wildly. The uncertainty of International markets also threatens a farm family's income.

If European countries impose trade barriers on farm commodities, or if Asian countries devalue their currency, agricultural exports and the income of farmers will fall.

Today, farmers face one of their most severe crises with record low prices for grain and livestock. The only help for these farmers has been a reactionary policy of government intervention. While this aid is necessary to help farmers pull through the current crisis, it's merely a partial short-term solution.

Farmer Savings Accounts will help the farmer help himself. It's not a new government subsidy for agriculture and it will not create a new bureaucracy purporting to help farmers. It will simply provide farmers with a fighting chance to survive the down times and an opportunity to succeed when prices eventually increase.

Another important provision in this bill deals with farmers who want to income average but aren't able to because of the alternative minimum tax. A few years ago, Congress reinstated income averaging for farmers because we recognized that farmers' income fluctuated from year to year.

Unfortunately, many farmers are not able to make use of this benefit because they're subject to the alternative minimum tax. Our tax relief bill will fix this problem for tens of thousands of farmers.

There are many other farmer-friendly measures that I and others advocated in the Senate bill. Unfortunately, some of our House counterparts didn't agree with us. I believe that will change next year and I will certainly be working hard to pass these in the next Congress.

In the meantime, we have some very good and necessary pro-farmer proposals before us that can be passed this year.

I only hope the Clinton-Gore administration doesn't veto the family farmer by vetoing this bill.

Thank you Mr. President.

SMALL BUSINESS REAUTHORIZATION CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, I would like to take a moment to discuss some of the health care provisions in the tax bill. It's not a perfect bill, but it contains a lot of items that will improve health care in this country.

Let me touch on the issue of Medicare equity. We in Iowa have been frustrated by the inequitable payment formulas that hurt cost-efficient states like ours. These disparities exist in both traditional Medicare and in the Medicare+Choice program. Well, this bill takes a major step toward correcting this injustice. I'd like to walk through some of the reasons why this bill is good for health care in Iowa.

This bill corrects the Medicare Disproportionate Share program, known as ''DISH,'' as proposed in a bill I sponsored with Senator ROBERTS and others. This program helps hospitals that treat large numbers of uninsured patients. It's obvious that many rural Americans are uninsured, and that rural hospitals meet their duty to treat these people. But from its inception, this program has discriminated against rural hospitals. They have had to meet a much higher threshold than large urban hospitals have. Well, this bill finally equalizes the thresholds for all hospitals. There's still more work to do on this program, but this is a major step forward for equity in Medicare.

The bill also reforms the Medicare Dependent Hospital program, as proposed in legislation I co-sponsored with Senator CONRAD and many others. Many rural areas have aged populations, and this is especially true in Iowa. So this designation benefits small rural facilities that have more than 60% Medicare patients. But incredibly, hospitals only receive this benefit if they met that level way back in 1988! Unfortunately, the Medicare program is full of this kind of outdated, unreasonable rules. That's why

we need Medicare reform. But in the meantime, I'm glad to report that this bill would correct this particular problem: if a rural hospital has been over that 60% level in recent years, it qualifies. That's great news for rural hospitals.

Other key provisions of the bill strengthen our Sole Community Hospitals, knock down obstacles to the success of the Critical Access Hospital program for rural areas, and enhance rural patients' access to emergency and ambulance services.

The bill also helps hospitals—including all Iowa hospitals, both urban and rural—by providing a full Medicare payment increase to offset inflation in 2001.

Low payment rates for Iowa and other efficient states have prevented the Medicare+Choice program from taking root in Iowa and offering seniors the full range of health care options available elsewhere. I am pleased that the bill provides a major boost to entice plans to enter such regions, raising the minimum monthly payments for plans in rural areas from $415 to $475 per month, and for urban areas from $415 to $525 per month. These increases were proposed in a bill I cosponsored with Senator DOMENICI and others, and I am hopeful that they will soon provide Iowans with the same range of choices available to seniors in other areas.

The bill gives rural seniors access to the best medical care through telemedicine, as I have worked with Senator JEFFORDS and many others to do. In rural areas, medical specialists are not readily available. For many seniors, traveling long distances is simply not feasible. But technology now makes it possible for patients to go to their local hospital or clinic and be seen by a specialist hundreds of miles away. We in Iowa have tremendous capacity to take advantage of this. Yet for too long, the Medicare bureaucracy has put up every barrier it could think of to telemedicine. But this bill changes that, greatly expanding the availability of Medicare payment for services provided by telemedicine, Medicare patients will now have access to the world's best doctors and medical care regardless of where they live.

The bill protects funding for home health services by delaying a scheduled 15% cut in payments, as well as providing a full medical inflation update. It's not secret that I, like many of my colleagues, would have preferred to see that 15% cut canceled permanently rather than simply delayed for another year. I hope that we will accomplish that next year.

The bill also protects the access of our neediest beneficiaries to home health services when they use adult day care services. Patients can only receive home care under Medicare if they are ''homebound,'' and the bureaucracy has said that patients who leave their home for health care at an adult day care facility—such as many Alzheimer's patients—are no longer homebound. This has forced patients who are capable of living in their homes to move into institutions, just to get health care. I am very pleased that this bill includes the common-sense legislation I co-sponsored with Senator JEFFORDS to correct this Catch-22.

I am also very pleased that the bill addresses the Medicare hospice benefit, providing for a higher payment increase for inflation. The bill also deals with the ''six-month rule'' for hospice eligibility, clarifying that it is only a guideline, not an inflexible requirement. These provisions respond to concerns aired at my Aging Committee hearing on hospice in September, and I look forward to continued work in the 107th Congress to strengthen hospice care.

The legislation extends the moratorium on therapy caps and provides Medicare beneficiaries in nursing homes with access to critical services. The Balanced Budget Act of 1997 included a $1,500 cap on occupational, physical and speech-language pathology therapy services received outside a hospital setting. Thirty-one days after the law was implemented, an estimated one in four beneficiaries had exhausted half of their yearly benefit. Furthermore, it was those beneficiaries in need of the most rehabilitative care that were penalized by being forced to pay the entire cost for these services outside of a hospital setting. I fought successfully during last year's Balanced Budget Refinement Act for a two-year moratorium on the therapy caps while the Health Care Financing Administration studies the issue; I am pleased to see this effort recognized and the moratorium extended for an additional year.

The bill protects the right of patients in Medicare+Choice plans to return to their Medicare Skilled Nursing Facility of origin if they have to leave that facility for a brief hospitalization. Without this right, there have been instances in which patients in religiously affiliated nursing facilities have not been permitted to return to those facilities after hospitalization. I am gratified that the bill includes the legislation I co-sponsored with Senator MACK on this issue.

The bill discontinues a policy to phase out Medicaid cost-based reimbursement to our nation's 3,000 Rural Health Clinics and 900 Community Health Centers. In its place, it provides a reimbursement solution to ensure that these essential primary care providers can continue to serve millions of uninsured and under-insured Americans. The bill establishes a prospective payment system in Medicaid for federally certified Rural Health Centers and Community Health Centers. This provision creates an equitable payment system for these providers and ensures that the health care safety net remains strong and secure.

As one example, the legislation also provides Medicare beneficiaries with greater access to the most thorough type of colon cancer screening—colonoscopy. As Chairman of the Senate Special Committee on Aging, I held a hearing earlier this year to raise awareness about the far-reaching and devastating effects of colon cancer. This year 129,400 Americans will be diagnosed with this type of cancer and 56,000 Americans will die from it. However, if detected and treated early, colorectal cancer is curable in up to 90 percent of diagnosed cases. I fully support an expanded colon cancer screening benefit for Medicare beneficiaries and urge all older Americans to put the benefit to use.

For the first time, medical nutrition therapy may be reimbursed by Medicare for patients with diabetes or renal disease. As part of the Balanced Budget Act of 1997, Congress instructed the Institute of Medicine (IOM) to conduct a study of the benefits of nutrition therapy. IOM reported that nutrition therapy would improve the quality of care and would be an efficient use of Medicare resources. I cosponsored legislation to expand Medicare coverage to include nutrition therapy; offering coverage for beneficiaries with diabetes or renal disease is a step in the right direction.

In another first, this bill eliminates the arbitrary time limitation on Medicare coverage of immunosuppressive drugs following an organ transplant. Medicare covers expensive transplant operations but fails to follow through with coverage of the drugs necessary to preserve the transplanted organ; reimbursement is currently limited to the first three years following the procedure. While last year's BBRA extended coverage in some cases for an additional eight months, this legislation drops any time limitation for coverage of drugs critical to the health of transplant patients. This is common sense policy I am glad to support.

I plan to come to the floor on other occasions to discuss other provisions of this bill. While I'm not completely satisfied, I think there is a lot that will help Americans get the health care they need and deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to speak, if I may, over the next few minutes, on a couple of different, unrelated subject matters. The first I would like to spend a few minutes talking about is the situation in Colombia, South America, and, as we have watched events unfold over the last several days, the great concern I have about a deteriorating situation in that nation.

Then, second, I will spend a couple of minutes talking about two of our colleagues who decided to retire from the Senate this year, Senator CONNIE MACK of Florida, my good friend, and Senator PAT MOYNIHAN of New York. I will take a few minutes on these separate, distinct subject matters. I appreciate the indulgence of the Chair.

EVENTS IN COLOMBIA

Mr. DODD. Mr. President, I am deeply concerned about events in Colombia. It is a wonderful nation, one of the oldest continuous democracies in Latin America. It is a nation with a wonderful, rich heritage, delightful people, a nation that has made significant contributions to the stability and well-being in Latin America historically. Over the last few decades, we have seen Colombia become a nation whose sovereignty, whose very nationhood, is placed in jeopardy because of the turmoil that is shredding this marvelous nation and wonderful people.

Earlier this year, Congress considered the administration's $1.3 billion emergency request to support the program called Plan Colombia. I voted for that program, as did a majority of our colleagues in the Senate of the United States and the House of Representatives. I said at the time of the debate, that while I believed a substantial assistance package was absolutely necessary to help address the multiple challenges confronting the Colombian people and the Andean region as a whole, I would not have allocated the monies among the various programs in the exact same way as the administration had proposed, nor would I have fashioned the assistance package exactly the same way that the Congressional package which was signed into law.

That is often times the case here. This is not unique. But there were those who expressed deep concerns about how the package was put together. I happened to have been one of them. But I also thought it was so vitally important the United States should take a stand and try to do what we could to make a difference in Colombia, not just because of the relationship we have with the democratic nation to our south but for the very enlightened self-interest of trying to deal with the crippling problem of drug addiction and drug abuse in this country. Let me explain why, as many of my colleagues and others are already familiar.

I believe we as Americans need to respond to Colombia's difficulties because, among other things, Colombia is currently the world's leading supplier of cocaine and a major source of heroin. That means the difficulties Colombia faces are not simply a Colombian problem; they are our problem as well, since these illicit substances end up in the United States, in our cities and small towns all across this country.

Today there are an estimated 14 million drug consumers in the United States; 3.6 million of the 14 million are either cocaine or heroin addicts. Colombian heroin and cocaine are the substances of choice in nearly 80 percent of the total U.S. consumption of these drugs.

The impact on U.S. communities has been devastating. Every year, 52,000 Americans lose their lives in drug-related deaths throughout this Nation. The numbers are going up, and 80 percent of the product is coming from Colombia. This is why we cannot sit idly by and do nothing.

The economic costs, we are told, of these deaths and drug-related illnesses and problems exceed $110 billion a year. That is a sizable financial impact.

The $1.3 billion that we appropriated to help Colombia respond to this situation is what was decided would be helpful. That is why I supported it, despite, as I mentioned earlier, the difficulties I had with it.

A little history is important to give the American people some idea of what the nation of Colombia has been through over the last decade and a half or two decades.

Colombia's current crisis did not just happen overnight. Yet its civil society has been ripped apart for decades by the violence and corruption which rages in that nation. Colombia has long been characterized as having one of the most violent societies in the Western Hemisphere. It means historically Colombian civil leaders, judges, and politicians have put their lives in jeopardy simply by aspiring to positions of leadership and responsibility.

Over this past weekend, for example, there were press reports that 36 candidates running for Colombia's municipal elections had been murdered by the time of the election. That is just in the last 2 weeks. An additional 50 of these candidates for municipal office were kidnaped in the nation of Colombia. On a daily basis, judges, prosecutors, human rights activists, journalists, and even church officials live in fear for their lives.

That has been the state of Colombian life for far too long. Between 1988 and 1995, more than 67,000 Colombians were victims of political violence in the small nation to our south. Political violence continued in the last half of the 1990s. Between 10,000 and 15,000 people have lost their lives since 1995, losing between 2,000 and 3,000 people annually to this violence.

Life in Colombia has been made even more difficult as a result of additional violence and intimidation by drug traffickers, and these are one of the major causes of it. The right wing paramilitaries and left-wing revolutionary groups are also responsible. High-profile assassinations of prominent Colombian officials trying to put an end to the drug cartels began more than 20 years ago with the 1984 murder of the Minister of Justice, Rodrigo Lara Bonilla.

In 1985, a year later, terrorists stormed the Palace of Justice in Colombia and murdered 11 supreme court justices, gunned down 11 supreme court justices who supported the extradition of drug traffickers.

A year later in 1986, another supreme court justice was murdered by drug traffickers, as well as a well-known police captain and prominent Colombian journalist who had spoken out against these cartels. These narco-terrorists then commenced on a bombing campaign in that nation throughout the year on shopping malls, hotels, neighborhood parks, killing scores and scores of innocent people and terrorizing the general population.

Before the drug kingpin Pablo Escobar was captured and killed by the police in 1993, he had been directly responsible for the murder of more than 4,000 Colombians. That was one individual.

It is rather heartening that despite the deaths that occurred just in the last few days and the kidnappings of people who run for public office, despite the fears that are pervasive in this society, some 140,000 people allowed their names to appear on electoral ballots last Sunday for various government offices including governors, mayors and other municipal posts. It is an act of real courage.

We are about to have an election in this country, and we think it is a tough day if we face a negative ad run by one of our opponents or if we get a screen door slammed in our face or someone calls us a name. In Colombia, when you run for public office, even at very local levels your life is in jeopardy for doing so.

I express my admiration for the Colombian people and the people of great courage who run for public office who try to maintain this stability which is critically important.

In the midst of all of this, there are over a million displaced people in Colombia. An estimated 1.5 million Colombians have been displaced because of the narco-trafficking wars, and civil conflict that has raged in their society. Thousands upon thousands leave Colombia, their native country, every single year, many coming to the United States, many to Europe and elsewhere to flee the ravaging terrorism that is raging throughout their country.

This is the background for what has occurred over the four decades and why I wanted to take a few minutes this afternoon and make a couple of suggestions to the incoming new administration, whether it is an administration under Vice President GORE and JOE LIEBERMAN or one under George Bush and Dick Cheney. It will be important

as we look at Latin America, that this be one of the dominant and first issues to be analyzed and discussed and a new formulation put together to help us do a better job in contributing to the solution of this problem.

In 1994, it became clear that drug money had penetrated even the highest levels of Colombian society and called into question the legitimacy of the Presidential election of Ernesto Samper. Even today fear of kidnaping and targeted killings by members of Colombia's drug organization has Colombia citizens living in fear for their lives.

Colombia's tragic situation was very much on my mind when I voted for the emergency assistance requested this year. I said at that time that I believed it was critically important that we act expeditiously on the assistance package because our credibility was at stake with respect to responding to a genuine crisis in our own hemisphere, one that was directly affecting the lives of our own citizens.

We also needed to make good on our pledge to come to the aid of President Pastrana and the people of Colombia in their hour of crisis, a crisis that has profound implications for institutions of democracy in Colombia and throughout this hemisphere.

No one I know of asserts that things have dramatically turned around in Colombia since Congress passed the emergency supplemental package. Colombians across the political spectrum struggle each and every day to cope with the escalating violence of warring right-wing and left-wing paramilitary organizations and the existence of narco-trafficking terrorists prepared to coopt all forms of civil society for its own financial gains.

The Colombian economy is in distress with the worst recession in modern history causing significant unemployment, hardship among Colombia's middle class and its poorest people.

The economic situation in the countryside is deeply troubling. A significant percentage of its rural population is barely able to eke out a living, as I mentioned earlier, with more than 1 million rural Colombians already displaced from their villages from economic necessity or continuing fear of the civil conflict.

Not surprisingly, these displaced persons have become the innocent foot soldiers in the ever-expanding illicit coca production that gets processed into cocaine and ultimately finds its way into American schools and neighborhoods across this Nation.

As we have seen over the last several weeks and months, these problems have not remained within Colombia's borders, another reason why I felt a certain urgency to talk about this subject matter this afternoon. The nation of Ecuador has felt the effects of conflict in southern Colombia as refugees from the drug war have fled across the border into Ecuadorean territory.

Kidnaping for ransom, a weekly occurrence in Colombia, seems to have affected its neighbors. Several weeks ago, 10 foreign nationals working for an oil company in Ecuador were abducted into southern Colombia. Two hostages were able to escape, but the fate of the remaining eight is unknown. Sporadic conflict has occurred in recent days with other neighbors.

A Panamanian village was attacked by members of a paramilitary unit and Colombian authorities have lodged complaints about alleged border incursions by Venezuelan forces seeking to eradicate illicit crops close to the Colombian-Venezuelan border. The Brazilian Government has deployed 22,000 troops to the Amazon region in order to strengthen its defenses along its 1,000-mile border with Colombia. Sporadic fighting between Colombia forces and FARC units—that is the left-wing guerrilla forces—have led to unwelcome incursions into Brazilian territory by both organizations.

Narco-traffickers have also begun to exploit the Amazon region of Brazil for their own purposes as well.

The Colombian problem is spreading. It is now reaching the borders of its neighbors—Ecuador, Brazil, Venezuela, and Panama. This situation must be high on the agenda of this incoming administration and some new formulation of how to address this is in desperate need.

On the assistance front, at the moment the United States is carrying the lion's share of responsibility for trying to help Colombia, I mentioned the $1.3 billion in emergency aid we adopted this year. That has to change. It cannot just be the United States. Colombia's requirements are significant and varied, and there are many areas where European and regional assistance would be extremely beneficial to the Colombian people who are on the front lines of this conflict.

Innocent men, women, and children are trapped in the middle of clashes among guerrilla organizations, drug cartels, and Colombia's security and police forces. Government efforts to either protect them or create a climate where alternative gainful employment is available have been insufficient, to put it mildly. U.S. financial assistance is heavily focused on the military component of Colombia's counter narcotic efforts, with lesser amounts available for other programs, such as alternative development programs, the protection of human rights workers, resettlement of displaced persons, and judicial and military reforms.

The United States should do more to assist Colombia on the economic front by moving forward in the remaining days of this Congress—now that we are going to have a lame duck session. This Congress should extend NAFTA parity to Colombia and other members of the Andean Trade Preference Agreement. This would tremendously help Colombia work its way out of its current economic recession, by giving a boost to an important domestic industry, in creating more jobs for average Colombians other than in the coca fields producing cocaine.

I have enormous respect for the manner in which President Pastrana has quickly and so aggressively taken steps to entice Colombia's largest guerrilla organizations to come to the negotiating tabling following on the heels of his election into office.

President Pastrana is a courageous leader, one who has personally been victimized by these kidnapings I mentioned earlier, someone who has shown great courage, great leadership, in trying to bring an end to the civil conflict in his country. So I admire him immensely and have great respect for the efforts he has made.

The agenda for these ongoing talks that President Pastrana has pursued was intended to cover the waterfront of economic and social issues that must be addressed if four decades of civil conflict are to be brought to a close in Colombia.

Unfortunately, for a variety of reasons, there has been little tangible progress to date in these peace efforts—not because of any lack of effort on the part of President Pastrana, I might add.

I believe Colombia needs more assistance from the international community to help it find a formula for jump-starting this peace process and dealing with the social and economic problems in the country that have produced it.

I laud the interest and attention given to the peace efforts by the United Nations Secretary General, but others in a position to be constructive should also become engaged before the process collapses entirely.

Moreover, in the final analysis, it is not going to be possible to rid Colombian society of the narco-trafficking cancer while the civil conflict is ongoing and a hindrance to building broad-based support for Colombia's counter narcotics initiatives. U.S. domestic and international support would be more readily sustainable were that the case as well.

The international community, by and large, has given only lip service to Colombia's problems and has resisted publicly endorsing Plan Colombia or helping with the peace process. If regional or European political leaders have suggestions for better ways to go about containing illicit drug production in Colombia, and elsewhere, then let them speak up.

I think it is critically important that the Organization of American States take a far more active role in assisting with Colombia's current crisis, particularly with respect to enhancing regional support. Among other things, I

believe OAS Secretary General Cesar Gaviria should give serious consideration to convening an emergency summit meeting of the region's leaders before this year's end. The purpose of this summit would be to reach agreement on additional regional steps to ensure that the operations in Colombia do not adversely impact others in the region, either through increased refugee flows or relocated illicit drug operations.

European governments, particularly those that have expressed concerns about the social and political fallout of Plan Colombia and the ongoing civil conflict, need to do far more than simply wring their hands. Civil society needs to be strengthened in Colombia in order to ensure that every Colombian's rights are protected.

Additional judicial and military reforms must be implemented in order for the rule of law to become the norm and military impunity to cease once and for all. Economic investments, especially in alternative development programs, must be forthcoming if peasants who currently depend on coca cultivation to feed their families are to have meaningful alternative employment. All of these areas are well within the financial resources and expertise of our European allies to undertake, if they are truly concerned about the future of Colombia.

For their part, Colombian authorities must undertake a sustained and serious dialog with local mayors, church officials, civic leaders, and affected communities throughout Colombia to hear from them their concerns and fears about aspects of Plan Colombia that may result in thousands more displaced Colombians, particularly in the rural areas of that nation.

While aerial eradication of cocoa crops seems the most effective method for attacking illicit production at the source, authorities should also be open to at least considering the possibility of funding other methods of eradication, such as manual eradication utilizing local farmer organizations.

Mr. President, to sum up, what I am calling for is a major international commitment to tackle the Colombian crisis. President Clinton has determined that Plan Colombia is worthy of U.S. support; that is in our national interest to do so—and I believe it is—given the impact we are feeling in our own society as a result of the narcotrafficking that occurs here.

A bipartisan Congress signed up to that position when it voted to appropriate the $1.3 billion in emergency assistance. Having said that, I do not believe Plan Colombia can ultimately be successfully implemented if only the U.S. and Colombian Governments are participants. Unless U.S.-Colombian authorities come to this view fairly soon and begin a serious effort to regionalize and internationalize this effort, Plan Colombia is going to die on the vine for lack of political support.

Time is running out for the people of Colombia. Frankly, time is running short for everyone committed to democracy and democratic values in that country. We must not let international reticence or inertia allow the drug kingpins to win the day.

TRIBUTE TO SENATOR CONNIE MACK

Mr. DODD. Mr. President, it is with particular and personal regret that I deliver these remarks today about the Senator from Florida. In a number of areas and on a range of issues, I, like many of us, have come to rely on CONNIE MACK'S knowledge and good judgment—and his good humor. He has been an outstanding Senator. More importantly, I have come to cherish his friendship and the friendship of his wonderful wife and partner for four decades, Priscilla.

CONNIE MACK is concluding his 12th year of service in the Senate. In that period of time, he has accomplished a great deal for his State and for our country. He has worked diligently and effectively to protect the environment of his State. He stood against drilling off Florida's vast and majestic shoreline. He has promoted the restoration of the Florida Everglades, one of our Nation's premier national treasures. Time and time again, in ways large and small, CONNIE MACK has acted to safeguard his State's rare and fragile natural beauty. For this generation, and for generations to come, the name of CONNIE MACK will mean a great deal—to the citizens of Florida and people throughout the country—if for no other reason than for that contribution.

Perhaps the most profound contribution, however, of this very warm and gracious colleague of ours is the contribution he has made to our Nation in the area of cancer awareness and medical research. In these areas, it can be said, I believe without any hesitation, that no one has done a greater service to his fellow Americans in these last number of years than CONNIE and Priscilla MACK.

CONNIE and Priscilla know through hard personal experience the terrible toll that cancer and disease can take on individuals and families. They know as well as anyone that early detection of cancer is the first and best weapon in the battle to save lives. That is why they have made early detection of cancer not just a concern, but a cause.

By educating others about the importance of early detection, by spreading awareness that it is an easy, fast, and safe way to save lives, they have played a very critical role in helping countless Americans avoid the full devastation of this disease. I daresay, among those tens of thousands of American men and women who every year conquer cancer because they detected it early, a great many of them owe a debt of thanks to CONNIE and Priscilla MACK.

Together, they have received numerous honors and awards, including: the National Coalition for Cancer Research Lifetime Achievement Award; the National Coalition for Cancer Survivorship Ribbon of Hope Award; the American Cancer Society's Courage Award; and Susan Komen Breast Cancer Foundation's Betty Ford Award.

But Senator MACK has not been satisfied just with promoting early detection. He has worked for a day when early detection of cancer and other diseases will no longer be necessary because they will no longer exist. He has worked diligently and successfully to increase our Nation's investment in medical research. He understands that research can provide answers and ultimately cures for many of the ailments that continue to plague humankind. Maybe not today, but one day.

And years from now, when—we hope—cures will be found, America and the world will reflect with gratitude on those who dared to envision a better future by supporting the basic research from which those cures derived. And among those whom future generations will thank, I believe that few will be thanked more than the Senator from Florida, CONNIE MACK.

In addition to witnessing his work on the environment and health, I have had the pleasure to serve with Senator MACK on the Committee on Banking, Housing, and Urban Affairs. There he brought his vast experience as a community banker to bear on the critical financial services issues of the day. And today our Nation's policies in the area of financial services bear the imprint of his experience and judgment.

CONNIE and I also served together for a time on the Foreign Relations Committee. There, too, he distinguished himself by his thoughtful, courteous manner. And while we did not always agree—in fact, we used to have some good, healthy arguments on American-Cuban policies—I never faced a more diligent or worthy opponent than CONNIE MACK. I always respected his positions and the people he represented in those debates. He is a worthy ally and opponent. I shall miss him.

For me, CONNIE MACK has been not only a colleague. He has been a gifted, accomplished leader. He has been a gentleman. And he has been a friend. He has graced this institution with civility and reason. He and Priscilla will be sorely missed. I look forward to many years of continued friendship.

TRIBUTE TO SENATOR MOYNIHAN

Mr. DODD. Mr. President, the last colleague I want to spend a few minutes talking about is one we have all come to know and appreciate for his valued service in the Senate and his valued service to this country over many, many years.

PAT MOYNIHAN is a special Senator and a special individual. It is exceedingly difficult to summarize in words what this remarkable man has meant to the Senate, what he has meant to our Nation, and, indeed—and this is no exaggeration—what he has meant to the world in which we live.

As a soldier, a teacher, an author, an ambassador, and, over the past number of years, a Senator, very few have done so much so well. Few have put so much learning and such deep understanding to the service of the common good.

If America is the world's indispensable nation, it can be said that PATRICK MOYNIHAN is one of America's indispensable leaders. He is the only American ever to serve in four successive Presidential administrations.

Two of those administrations were headed by Republican presidents and two by Democrats—reflecting a bipartisan appreciation of this man's rare gifts of insight and effective action.

PAT MOYNIHAN served as a leading domestic policy advisor under Presidents Kennedy, Johnson, and Nixon. Later he would be selected by President Nixon to serve as United States Ambassador to India, and by President Ford to serve as our Nation's representative to the United Nations.

PAT MOYNIHAN has written or edited some eighteen books. The subjects of those books reflect the extraordinary range of his intellect—from poverty, race, education and urban policy to welfare, arms control, government secrecy, and international law. The list goes on.

He has received over sixty honorary degrees from institutions of higher learning all across the globe.

He has received countless awards which, like his writings and his honorary degrees, speak to his vast curiosity and accomplishment.

Among these awards are: the American Political Science Association's Hubert Humphrey Award for ''notable public service by a political scientist''; the International League of Human Rights Award; the John LaFarge Award for Interracial Justice; the Agency Seal Medallion of the Central Intelligence Agency for ''outstanding accomplishments . . . with full knowledge that his achievements would never received public recognition''; the Thomas Jefferson Award for Public Architecture from the American Institute of Architects; the Thomas Jefferson Medal from the American Philosophical Society for Distinguished Achievement in the Arts or Humanities; and the Heinz Award in Public Policy for ''having been a distinct and unique voice in this century—independent in his convictions, a scholar, teacher, statesman, and politician, skilled in the art of the possible.''

Earlier this year, the United States Courthouse on Pearl Street in New York City was named after the senior Senator from New York. It is a fitting and appropriate honor. No one has done more than he to make our Nation's public buildings and public spaces reflect the high ideals and common purposes of America's citizenry.

For four decades he has labored to transform Pennsylvania Avenue in our Nation's capital. More than anyone else, he is responsible for reviving this majestic boulevard—in fulfillment of L'Enfant's noble vision of a ''grand axis . . . symbolizing at once the separation of powers and the fundamental unity in the American government.'' Today, his guiding hand can be seen in even a cursory glance down that avenue—in the Navy Memorial, Pershing Park, the Reagan Building, and Ariel Rios—not to mention neighboring masterpieces such as Union Station and the Thurgood Marshall Building.

Thomas Jefferson once said that ''Design activity and political thought are indivisible.'' The sentiments behind those words are not just shared by PAT MOYNIHAN. They have functioned as a kind of code of conduct in his careful approach to developing America's public places. And perhaps no American since Jefferson himself has had a more profound impact on the look and feel of those places than the man to whom I pay tribute today.

But he has not only worked to enshrine our ideals in our public places. He has ennobled our public discourse, and enhanced life for all Americans. In so many areas he has made a deep and lasting contribution. He has worked to protect our natural treasures, as well as our man-made ones. He has been a leader—and often a visionary—in supporting cleaner, safer, faster modes of transportation. He has fought a long and sometimes lonely battle for humane and effective welfare policy.

He has rung a warning bell to call upon our Nation to reform retirement programs for future generations. And always, always, he has worked to promote peace and freedom throughout the world.

I had the honor of serving with Senator MOYNIHAN on the Special Committee on the Year 2000 Technology Problem. Senator BENNETT and I chaired that Committee—and I think I can speak for both he and I in saying that no one did more to focus the Senate and the nation's attention on the urgent need to address the Y2K problem than the senior Senator from New York. In fact, I distinctly recall a ''Dear Colleague'' letter he sent to every Senator several years ago, in which he warned about a looming technological crisis then known to only a handful of people, most of them computer scientists. It was typical PAT MOYNIHAN: erudite, prescient, compelling.

PAT MOYNIHAN knows the good that government can accomplish when its leaders act with vision, courage, and cooperation.

But he also knows what government cannot, and should not, do or try to do. He told us years ago, for instance, that there is no substitute for a strong family.

He understands only too well the sentiments expressed by the poet William Butler Yeats:

Parnell came down the road, he said to a cheering man:
Ireland will get her freedom and you will break stone.

Like Yeats, PAT MOYNIHAN knows that freedom achieved is a victory in and of itself. And while we may be cheering, we have to go back to the drudgery of day-to-day life. But freedom and democracy are to be cheered.

The Senate will not see another like PAT MOYNIHAN for some time because there has been no one like him. There has been no one like him with whom I have had the privilege and pleasure of serving. He has done a remarkable job for this Nation. He has made this Senate a better institution because of his presence here.

We will miss him and his good wife, Liz, who has done so much in her own right. We wish them the very best as they begin this new chapter of their extraordinary lives. The Good Lord is not done with PAT MOYNIHAN yet. All of us expect great things coming from this very distinguished man.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

TRIBUTE TO SENATOR PAT MOYNIHAN

Mr. MURKOWSKI. Mr. President, I listened with great attention to my friend, Senator DODD, who I think expresses the feelings that we all have for Senator MOYNIHAN. I first met Senator MOYNIHAN before I came to the Senate. He visited Alaska, my home. Nobody could suggest that he is anything but awe-inspiring, enthusiastic, and interested, the type who leaves one after a short meeting with the feeling that here indeed is an extraordinary individual, a true statesman, a visionary. And the type of individual who we have all had an opportunity to share and enjoy and love during his tenure here.

I extend my heartiest best wishes to Senator MOYNIHAN and his family as he departs this body, and it is with fondness for the contributions he has made. He has made this a much better body because of his contributions. I share the sentiments of my colleague from Connecticut.

NUCLEAR WASTE IN CALIFORNIA

Mr. MURKOWSKI. Mr. President, let me remind those of you who have followed the issue of energy in this country and the contribution of the nuclear industry of 20 percent of the electricity that is generated in this Nation, with

an observation that I made some time ago, and that is this industry is strangling on its waste as a consequence of the inability of the Federal Government to honor the sanctity of a contract made some years ago—that the Government would take that waste beginning in 1998. The ratepayers, over the last decades, have extended about $11 billion to the Federal Government to ensure that the Federal Government would be financially able to take the waste.

The bottom line is that 1998 has come and gone, and the Federal Government is in violation of its contractual commitment. As a consequence, litigation is pending for this breach of contract, subjecting the taxpayers to somewhere between $40 billion and $60 billion in liability.

Now, I stated some time ago on this issue that if you throw the waste up in the air, it has to come down somewhere. Nobody wants it. I was wrong on that. It was thrown up in the air and now it is coming down. Where is it coming down? Well, it is coming down in California, in a place called San Onofre. That is near La Jolla, north of San Diego. It is on the California coast where there are decommissioned and operating nuclear plants.

I ask unanimous consent that an article from the Los Angeles Times of today, November 1, be printed in the RECORD.

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

[From the Los Angeles Times, Nov. 1, 2000]

APPROVAL OF NUCLEAR WASTE PLAN ADVOCATED

(By Seema Mehta)

Staff at the state's top coastal agency recommended approval this week of Southern California Edison's plans to store thousands of spent nuclear fuel rods at San Onofre nuclear power plant, at least until 2050.

Environmentalists say the California Coastal Commission will be approving the creation of a coastal nuclear waste dump just south of the Orange County border, but the agency's staff says it has no choice under federal law.

''The state of California is preempted from imposing upon nuclear power plant operators any regulatory requirements concerning radiation hazards and nuclear safety,'' the staff for the coastal commission emphasized in bold letters in its report.

A federal official said that there was no risk from the closely monitored nuclear waste, and that environmentalists were needlessly sounding alarms.

''There's a lot of fear among people who really don't understand the nature of the material,'' said Breck Henderson, a spokesman with the U.S. Nuclear Regulatory Commission. ''Everyone thinks nuclear waste is 55-gallon drums full of green golb that we're going to throw in a hole in the ground. They think the drums will rust away and, pretty soon, the water in their tap glows green when it comes out. That's just not the way it is.''

The plant's two remaining operating reactors, which provide energy for 2.5 million homes from Santa Barbara to San Diego, are due to shut down by 2022. A smaller reactor was shut down in 1992. By law, the U.S. Department of Energy must safely dispose of all the site's fuel rods, which contain spent uranium and will be radioactive for thousands of years.

But no high-level radioactive dump exists yet, and controversial plans for a possible site in the Yucca Mountains in Nevada are moving at a snail's pace. Feasibility studies and other technical evaluations of the remote Nevada site, 237 miles northeast of Los Angeles and 90 miles northwest of Las Vegas, have been so delayed that activists worry that temporary storage facilities at San Onofre will become a de facto permanent, West Coast repository for nuclear waste.

''Nothing about storing nuclear waste is temporary,'' said Mark Massara, Sierra Club's coastal programs director. ''Without any planning oversight or review, we're establishing a nuclear waste dump on one of most heavily visited beaches in all of Southern California.''

Henderson of the nuclear commission conceded that Yucca Mountain is a ''political football, I don't know too many people who expect to start shipping fuel there [soon].''

However, he insisted that the federal government has to take responsibility for the fuel, and it will eventually. But with a long line of utilities across the country waiting to get rid of nuclear waste, all sides agree there will be nuclear waste at San Onofre for a good half-century.

Spent nuclear fuel is stored in metal containers under water in cooling pools at the plant. They will be wrapped in two layers of steel and moved to reinforced concrete casks, said Ray Golden, spokesman for San Onofre.

This method, known as dry casking, is considered safer than the cooling pools because it requires less maintenance, leaving less room for error, Henderson said.

But activists worry that the casks will be housed next to working reactors, and could be vulnerable to terrorist attack.

Henderson said antinuclear groups often use such scare tactics. He said his agency would never allow on-site storage if it were unsafe. The casks will weigh more than 100 tons, and could withstand shots from antitank weapons.

''You'd have to hug it for a year to get the same radiation as an X-ray,'' he said.

State coastal commissioners can't debate any of these issues.

''The commission would have liked the ability to look at it, to review whether this was appropriate,'' said commission Chairwoman Sam Wan. ''But we didn't have the legal right to do so.''

Mr. MURKOWSKI. Mr. President, this article explains that ''The California Coastal Commission will be approving the creation of a coastal nuclear waste dump just south of the Orange County border.''

The repository will be at the San Onofre Nuclear Power Plant, and thousands of spent nuclear fuel rods would be stored there by Southern California Edison until the year 2050. That is 50 years, Mr. President. Isn't it interesting that the State of California, which has refused to site even a low-level nuclear waste storage facility in the Mojave Desert is now going to be home to a high-level nuclear waste dump near the beaches of southern California?

Referring briefly to the proposed Ward Valley waste facility, which would handle medical waste and other low-level waste—the Secretary of the Interior, Bruce Babbitt, stopped this site from becoming a reality. As a consequence, that waste is currently stored in hospitals and research facilities and universities—generally, anywhere near where the waste is created. A lot of it is medical waste and other low-level waste associated with diagnostic tests, cancer treatment and other types of medical and scientific research. But it is all over the place. It is in places that weren't designed to store that waste long-term.

However, national environmental groups and Hollywood activists made Ward Valley a rally cry, claiming water would be contaminated by the waste and seep through the desert and ultimately into the Colorado River. This is low-level material that we are talking about. It involves clothing, like gloves and coveralls from utility workers, material from medical research and any other items that have come into contact with radioactive materials. This low-level waste is produced at hospitals, powerplants, and research facilities that store this waste and periodically transfer it to waste facilities in South Carolina or Utah.

However, these same groups apparently are powerless to stop the San Onofre storage. Why? Because the responsibility to regulate high-level waste belongs to the Federal Government, not the State. And since the Federal Government has not done its job, the bottom line is that there is no Federal repository for high-level nuclear waste, as promised by the U.S. Government. It is an obligation that has been unfulfilled by the eight years of the Clinton-Gore administration, who has chosen to ignore the contract, hoping they can get out of town and the election will be over before this issue comes up.

How ironic that this issue of the failure of the Federal Government to honor its contract should come up just a little less than a week before the election. As I have stated, that repository was supposed to open in 1998. Failure to do so left the States to come up with their own solutions and subjects the taxpayers to billions of dollars in liability. High-level waste includes spent fuel rods removed from nuclear reactors. This Senator from Alaska introduced S. 1287 in this Congress to allow the high-level nuclear waste to go to the proposed Yucca Mountain high-level storage facility in Nevada for temporary storage as soon as the facility was licensed in 2006.

The California delegation voted against that bill and the Clinton administration vetoed the bill. We are one vote short of a veto override. One of the arguments made was that there was a possibility that the nuclear

waste could seep into the water table and move into California. Imagine that. Now I don't believe that is possible, nor do a great number of respected scientist. However, isn't it ironic that Californians will now have to cope with those fears in their own backyard because Yucca is still not opened? Rather than worry about waste in Nevada, they get to worry about waste in California. The site at San Onofre has operational nuclear plants as well as a shut down research reactor. Unfortunately, once shut down begins, they have no place to take the waste, so the waste stays there on the area adjacent to the Pacific Ocean, an area not designed for long-term storage of waste. Nevertheless, there is no alternative because the Federal Government has failed to fulfill its obligation to take spent fuel beginning in 1998.

Let me make it clear, I don't believe there is any danger from the dry casks that will be stored at San Onofre, any more than there was a danger from the low-level waste that would have been effectively stored in the Mojave Desert that could not safely be stored at the Ward Valley site. This California solution—if it is a solution—simply confirms what we have been saying all along: No one wants this waste, but it has to go somewhere. It has finally come down and landed in San Onofre. If the waste isn't ultimately shipped to the temporary facility at Yucca Mountain, it is going to be stored at 80 sites throughout the United States. California now may have its own central repository, at least for Southern California Edison.

Mr. President, this solution is not a solution. And what people need to realize is this situation is really just the tip of the iceberg. While it is applicable to California today, there are over 80 sites throughout this country that will become de facto Yucca Mountains. That is the consequence of not opening up a permanent storage site. And many other states are in the same situation as California—waste to store and no place to store it. To give you some idea, in Florida, 16 percent of the electricity comes from nuclear plants, 5 nuclear power reactors, and almost 2,000 metric tons of waste is in storage. In Michigan, 24 percent of the electricity comes from 4 nuclear power reactors, with 1,500 metric tons of waste on hand there.

In Ohio, 11 percent of electricity is generated from nuclear energy by two nuclear plants with 520 tons of waste.

In Washington State, 6 percent of the electricity comes from nuclear, and there is about 300 tons of research reactor fuel.

In Pennsylvania, 38 percent of its power comes from nine nuclear reactors with 3,000 metric tons of waste.

This situation in California just proves what I have been saying all along. If we don't take responsible action now to solve our high-level waste problems by siting a repository in the Nevada desert, we will end up with somewhere in the area of 80 to 100 sites throughout the Nation storing this waste in environments that are not approved environments for long-term storage. What is happening in California today will happen all over the nation. They will now have, in California, their very own mini-Yucca Mountain for the next 50 years.

The voters in California, Pennsylvania, Michigan, Wisconsin, Ohio, Florida, and Illinois need to understand who bears the responsibility for this lack, if you will, of a conscientious effort to take the waste at the time it was contracted for in 1998.

I can only assume that Vice President GORE wants to keep this waste in the States near schools, and hospitals—wherever it is temporarily stored. And the reality of what happened in California today at San Onofre is simply the tip of the iceberg.

This administration has been totally inept in meeting its responsibilities to the nuclear industry; It has breached a contract, it has ignored the contribution of the nuclear industry and its contribution to providing 20 percent of the clean, emissions-free power generated in this country; and, totally ignored the reality that with that clean power comes the responsibility of determining how to handle the waste.

They have handled it all right. They set it in concrete in California in the new site, as I have indicated, at San Onofre, north of San Diego near La Jolla, CA.

Imagine creating a coastal nuclear waste just south of Orange County.

ANNIVERSARY OF THE SAVANNAH RIVER SITE

Mr. THURMOND. Mr. President, I rise today to congratulate the Savannah River Site, located in my hometown of Aiken, South Carolina, on it's fiftieth anniversary. On November 28, 1950, President Truman announced the construction of the Savannah River Site. In celebration of this important milestone, I would like to insert the following essay recounting the rich history of this American institution into the CONGRESSIONAL RECORD.

I would also like to extend my appreciation to Mr. James M. Gaver, the Director of the Office of External Affairs at the Savannah River Operations Office and the unofficial ''Savannah River Site historian'' for writing the following composition. I ask unanimous consent that his essay be inserted into the RECORD.

Without objection the essay was ordered printed in the RECORD.

ESSAY BY MR. JAMES M. GAVER

For the Central Savannah River Area (CSRA), the Cold War created greater change than the Civil War, an unlikely storyline in the deep South. Between 1950 and 1955 a transformation occurred with breathtaking speed that eradicated small railroad towns, farms, and mill villages typical of mid twentieth-century Southern life on the Savannah. These familiar agrarian settings were replaced with a technological complex built and operated by men and women who came from all parts of the country. International events and science had come to South Carolina and Georgia in the form of the Savannah River Plant. This industrial complex of nine manufacturing and process areas integrated into one plant was needed to produce plutonium and tritium for the nation's defense.

The participants in the making of the Savannah River Plant—scientists, engineers, construction workers, local politicians, community members, and uprooted residents—were a study in diversity. Yet each, driven by patriotism, contributed to the success of the project. The production line and laboratory were the chosen theaters of war for the scores of scientists, industrial managers, engineers, and support personnel of all descriptions. With families in tow, they became atomic age homesteaders within the Savannah River Valley. Environmental researchers joined their ranks, charting physical change within the plant area and helping give birth to the discipline of ecology. Construction workers and craftsmen came in droves to participate in an industrial and engineering ''event'' that ranked with the construction of the Panama Canal. Industrial boosters and state and local politicians crowed at the site selection that rooted atomic energy development in the CSRA. For them, the country's need marvelously coincided with the economic need of their constituencies. The final profile belongs to the 6,000 individuals or 1,500 families relocated from the 315 square mile area selected for the plant in Aiken, Barnwell, and Allendale counties, South Carolina. Their contribution was remarkable, changing the course of their family's histories.

With Japan's surrender on August 14, 1945, Americans began to celebrate the end of the war and make plans for the future. Their euphoria was shortlived. It was swiftly replaced by images of an Iron Curtain, Soviet domination and terror, mushroom clouds, fears of radiation, and the potential for mass destruction. The Cold War began in Europe over the remains of Nazi Germany as the Allies began planning for postwar Europe. Germany was divided into two nations and the U.S. Congress appropriated billions of dollars to our Allies in Western Europe for defense and economic aid.

Between 1945 and 1947, mistrust between the United States and Soviet Russia hardened into belief systems. The Truman Doctrine presented to Congress on March 12, 1947, sketched out the political situation. Two worlds were emerging, one in which people lived in freedom, while the second was bent on coercion, terror, and oppression. Global conflict resulted as opposing economic and social systems were pitted against one another on a technological battlefield. Furthermore, continued advancement within the atomic bomb program that had just ended one war was considered critical to wage the next.

After a job well done, some Manhattan Project scientists and engineers returned to the private sector. Du Pont, the main contractor for Hanford, also retired from the field of atomic energy. The Manhattan Project continued with a core group of atomic bomb project veterans under the direction of the indomitable General Leslie Groves.

The nation's third and fourth plutonium bombs, Shot Able and Shot Baker, were tested at Bikini Atoll in the Pacific in July 1946. These tests gave an invited audience of military officers, congressmen, journalists, and scientists firsthand knowledge of the power of the bombs. The high profile of the tests ensured that atomic weapons research and development remained in the forefront of the nation's defense strategy during this uneasy peacetime.

Responsibility for America's atomic arsenal had been transferred from the military to the civilian Atomic Energy Commission (AEC) established by the Atomic Energy Act of 1946. The commission was composed of a five-member board that served full-time, assisted by scientific and military advisory committees. Headed by TVA veteran David Lilienthal, the AEC was in the process of recasting the nation's atomic energy program when the Soviets exploded their first atomic weapon on August 27, 1949. On September 23, 1949, President Truman announced the end of the U.S. monopoly in atomic bombs. The Soviet test, named Joe I by the American press, shocked the American public, its leaders, scientists, and intelligence agencies. The Commission and its advisors began a new evaluation of their proposed program energized by ''the old spirit of emergency.''

The need for the thermonuclear bomb provoked serious debate within a small circle of individuals that included the members of the AEC's General Advisory Committee, the AEC commissioners and staff, the Senate and House Joint Committee on Atomic Energy, Defense Department officials, and a group of concerned scientists. Would an H-bomb improve our retaliatory strength enough to justify the diversion of materials from the A-bomb program? Would large bombs such as the ''Super'' merely give the illusion of security? No consensus was reached. Truman then created a subcommittee of the National Security Council. Secretary of State Dean Acheson, Secretary of Defense Louis Johnson, and AEC Chairman David Lilienthal were appointed to provide direction. President Truman received the sub-committee's recommendation that the United States should proceed with an all-out nuclear effort. He signed this recommendation to develop all forms of atomic weapons, including the ''Super,'' on January 31, 1950. This recommendation would lead to the announcement of the Savannah River Plant by the close of the year.

Preliminary designs for the new hydrogen bomb required quantities of tritium, a radioactive isotope of hydrogen, to be fused with deuterium, another isotope of hydrogen, for energy release. While Hanford's production reactors were already producing tritium, weapon design in the early 1950s suggested a dramatic increase in the need for tritium. To provide tritium for design and testing purposes for the short term, Hanford's reactors would be used. For long term production, the AEC determined that two new production reactors of significantly different design were to be built at a new location. In May 1950, the cost of the new plant was forecasted at $247,854,000 and a base of operations was established in Washington in late June to shepherd the new plant into reality. Curtis Nelson was selected as the AEC manager for the new project. Nelson was a likely candidate. A civil engineer by training with experience in managing large construction projects, he was on assignment as U.S. liaison to Canada's nuclear program at Chalk River, Ontario, when he was posted as the manager for the new project. Highly enriched uranium (HEU) fuel rods were needed to increase tritium production, but the process for making tritium was not yet fully tested. Data from Canada's NRX heavy-water reactor that used HEU fuel rods could provide data for the American effort and Nelson was already on hand. Cooperation with the Canadian program could be helpful in America's bid to win the arms race.

Du Pont was chosen as the prime contractor for the plant. The chemical firm's work during the Manhattan Project at Oak Ridge on the X–10 complex; the design, construction, and wartime operation of the production facility at Hanford; and Du Pont's postwar role as technical advisors on various developing atomic energy projects positioned the Delaware-based firm for the job. Du Pont was released from its Hanford assignment in 1946 at its own request, turning over operation of the plant to General Electric. Four years later, the firm, then headed by atomic energy pioneer Crawford Greenewalt, was asked by the White House and the Commission to reprise its role. Du Pont's acceptance of the enormous job was announced on August 2, 1950. The Du Pont firm established the Atomic Energy Division (AED) within its Explosives Department and began putting together a team for the new project and division.

Planning began immediately with site selection and reactor design uppermost in mind. Du Pont worked closely with the AEC, helping to mold the plant it would operate. When the North Korean Army drove across the 38th parallel into the Republic of Korea in June 1950, the Atomic Energy Commission decided to add three more reactors to the two already planned, adding to the complexity of the proposed plant. With legislation in place to provide a legal basis for the AEC's intended acquisition, a tract in South Carolina's Barnwell and Aiken counties was chosen out of 114 candidate sites for the new plant. The search that began in June ended on November 10th with the search committee's recommendation for the South Carolina site. Water, abundant in supply and low in mineral content, topography, the isolated character of the site, an available labor pool, and military defense all figured into the Site's selection.

Reaction to the public announcement of the site selection on November 28, 1950 was jubilant in Georgia and South Carolina. Senator Edgar A. Brown and Augusta's Chamber of Commerce Secretary, Lester Moody, had been working for months to secure the new plant for the CSRA. Clark Hill Dam, Hartwell Dam, and the new H-bomb plant were evolutionary steps in the shaping of the area's industrial future. Atomic piles, known as reactors, would soon rub shoulders and share the river water with Graniteville and Augusta's textile mills. Newspaper headlines clamored that Augusta would become a metropolis, Aiken a ''fast growing city,'' and Barnwell and environs would quickly follow suit.

Slicing through the clamor were the voices of those displaced by the plant. Residents of Ellenton (population 600), Dunbarton (population 231), Hawthorne, Meyers Mill, Robbins, Leigh, and farmers and tenants within the outlying areas listened sadly and carefully as AEC, U.S. Army Corps of Engineers, Du Pont, and local officials outlined what was ahead for them. Eighteen months were allotted for the staged evacuation of 1500 families. Ellenton residents were to be evacuated by March 1, 1952, Dunbarton residents by June 15. Land appraisers would contact owners, beginning the acquisition process. Those in construction priority areas had six weeks notice. The many families who rented or sharecropped for their livelihood were also deeply affected. In a month usually filled with warm thoughts of home and the upcoming holidays, ''the DPs,'' those displaced by the federal taking, grappled with future plans under the scrutiny of reporters who told their story to the nation. Some displaced families chose to physically move their homes out of the area, relocating in the new town of New Ellenton, Jackson, or other environs. Others moved to existing neighboring communities.

The original boundaries also included the communities of Jackson and Snelling; when acquisition plans were finalized, these communities were not affected. In 1952, a corridor was added from the site to the Savannah River along Lower Three Runs Creek in Barnwell and Allendale counties. The South Atlantic Real Estate Division of the U.S. Army Corps of Engineers (COE) conducted the acquisition program, ultimately acquiring 1,706 tracts of land, totaling 200,742 acres. Seventy four percent of the acquired properties were farms cultivated in corn, cotton, and peanuts. Small tenant farms were in the majority; the agricultural labor pool was predominantly African American. The plant area was closed to the public on December 14.

Sign posted at Ellenton, South Carolina border. ''It is hard to understand why our town must be destroyed to make a bomb that will destroy someone else's town that they love as much as we love ours, but we feel that they picked not just the best spot in the U.S. but the best in the world. We love these dear hearts and gentle people, who live in our home town.''

Between January 1951 and 1955, the Atomic Energy Commission constructed a self-sufficient industrial plant that was considered the largest single construction job it had ever undertaken. Its magnitude and scope were unequaled, in a half century punctuated by immense engineering and construction projects such as the Panama Canal, Tennessee Valley Authority, and the AEC's own Manhattan Project-era plants at Oak Ridge, Tennessee, and Hanford, Washington. At peak construction in September 1952, 38,582 workers labored 54 hours a week under the direction of Du Pont engineers. South Carolina (25,019) and Georgia (13,776) contributed the majority of the project's construction force; however, forty-nine states and the Panama Canal Zone were also represented in the ranks.

Design flowed from Du Pont and its subcontractors drawing tables through the national laboratories and the Atomic Energy Commission. Five reactors, two chemical separations plants, a heavy water plant, a fuel and target manufacturing area, and laboratories were joined by over sixty miles of railroad, 230 miles of new roads, the state's first cloverleaf intersection, power plants, and other infrastructure. Three safety awards were earned by the project, a coup for Du Pont's Construction Field Manager Bob Mason. And an esprit de corps, shown in the project newspaper ''SRP News and Views'' and in athletics and other recreational events, was fostered by the schedule, secrecy, purpose, and magnitude of the project.

Between 1950 and 1960, the Savannah River communities grew substantially as they absorbed the incoming work force. Augusta grew by 25 percent, North Augusta tripled its population, while Aiken, Williston, and Barnwell doubled in size. Jackson, a rim community, achieved town status, as did

New Ellenton located to the north of the plant.

The trailer cities that had housed the construction workers and their families were archaeological sites by 1960. More lasting were an estimated 5,465 homes built to accommodate operating staff and their families in the surrounding counties. The Housing and Home Finance Administration provided grants after AEC review to offset the expansion of basic community services. The affected communities experienced growing pains in all directions, as schools, roads, water and sewage systems, parks, and basic community needs were all impacted.

Inside the plant fence, the Community Chest Program was chosen by the plant management as a way for workers to show their community support. Each year money was energetically collected in support of this program, and contributors would indicate which community should receive their donation. In 1952, $50,908 were contributed; a year later contributions soared to $74,015. The new atomic community already had neighborhood pride.

In education, the AEC made great strides in the fields of science and technology. Under an agreement with the Southern Regional Education Board in 1956, a cooperative program began in which college students could attend classes and work at the plant alternating terms. Georgia Institute of Technology and University of Florida students were the first to sign up. Grants were also made to regional universities to fund the development of programs in atomic energy and related fields. At the high school level, science students were invited on Thomas Alva Edison's birthday to come to the plant and tour facilities to learn about the peaceful applications of atomic energy. Civic talks were given and science fairs held. Finally, membership in professional organizations abounded and local chapters of heretofore national organizations were established in the Central Savannah River Area.

Massive amounts of concrete, steel, rebar, lumber, and macadam were used to create the Savannah River Plant. Construction statistics are staggering, attesting to the epic nature of the undertaking. However, the construction activity was confined to an industrial core area, leaving a large buffer zone of land untouched by industrial construction. In this zone, an equally epic undertaking mostly orchestrated by nature occurred. A ''garden'' grew up around the machine.

The U.S. Forest Service, under contract with the AEC, set out about 10,000,000 pine seedlings along the plant perimeter for screening and erosion control in 1952–53, and then launched a forest management program for an additional 60,000 acres. Their efforts, combined with the retirement of thousands of acres of farmland from cultivation, the impact of intensive grading from construction, and human neglect factored into the making of a new landscape. A green space with an incredible diversity of plant and animal life grew up in its stead.

Scientific knowledge concerning the environmental impact of industry, atomic or otherwise, was limited in 1950. Ecology was a developing field. The AEC, with a strong sense of stewardship, invited scientists from the Universities of Georgia and South Carolina to collect baseline data on plant and animal communities that would provide a ''before'' picture with which to measure the impact of the Plant's processes on the environment. Du Pont, already a leader in the field of industrial ecology, was responsible for bringing a team from the Academy of Natural Sciences in Philadelphia under the leadership of Dr. Ruth Patrick to the plant to perform a biological study of the Savannah River. The University of Georgia developed a program that went beyond inventory, that became the Savannah River Ecology Laboratory. Under the direction of Dr. Eugene Odum, a large-scale study of ecological succession began. Ecologists studied the dynamics of change within the environment as the impress of centuries of agriculture disappeared and natural succession occurred. Radiation ecology studies were also an early research focus. While the Cold War mission was the prime mover in the shaping of the Savannah River Plant, the stewardship of the land acquired for that purpose was also part of the compact made with the American people.

Since those earliest days, the employees of the Savannah River Site have had sustained success in meeting their commitments to the nation. They have safely fulfilled their primary mission of producing plutonium and tritium for the national defense—to this day the Site has maintained a 100 percent on-time record of production and delivery of tritium to the Department of Defense. In the realm of basic science, they advanced the knowledge of particle physics with the proof of the existence of the neutrino in 1956. Their advances in nuclear materials production led to additional missions of creating radioactive isotopes for medical diagnosis and treatment; industrial and research programs; and NASA space missions, from Voyager to Cassini, now on its way to Saturn. They designed and built the largest radioactive waste vitrification facility in the world, the Defense Waste Processing Facility, where highly radioactive liquid waste is transformed into a solid glass form for safe storage and ultimate disposition. Their early concern for the environment and study of the ecological consequences of their operations led to the designation of SRS as the first National Environmental Research Park in 1972. They discovered the natural habitat of the bacterium that causes Legionnaires' Disease.

The end of the Cold War brought significant change to the Savannah River Site. The national defense mission continued with the recycling and replenishment of tritium from dismantled nuclear weapons, but increased attention was brought to bear on waste management and environmental restoration activities. This new focus included adapting defense-specific technologies to peacetime applications, which benefitted greatly from the Site infrastructure and the historical expertise of the Site workforce. For example, Site expertise in handling tritium (a form of hydrogen) has yielded hydride technologies that have applications in the transportation and energy industries. Advances in robotics and environmental monitoring and cleanup technologies, such as proving the existence of deep subsurface microbes and employing them for in-situ remediation of wastes, have led to applications not just at SRS, but across the country and around the world. The Savannah River Ecology Laboratory, widely recognized as the birthplace of the modern science of ecology, has a laboratory at Chernobyl, Ukraine, where scientists share their expertise in helping the Ukrainians recover from that disaster.

Today, the future of the Savannah River Site looks as bright as it did 50 years ago. In the area of stockpile stewardship, it will continue its key national defense mission as the nation's sole source for tritium using a new Tritium Extraction Facility now under construction. It will also provide a backup source for plutonium weapon components, called pits, should the nation require that increased capacity. In the area of nuclear materials stewardship, it will contribute to our nation's nonproliferation efforts to reduce the global nuclear danger. It will receive surplus weapons plutonium from other DOE sites for safe, secure storage pending disposition; some of the plutonium will be stored in one of the old reactors which previously created the plutonium. It will prepare that surplus plutonium for final disposition. One new facility will immobilize the plutonium in ceramic disks that will be encased in canisters of protective radioactive glass at the Defense Waste Processing Facility. Other new facilities, the Pit Disassembly and Conversion Facility and the Mixed-Oxide Fuel Fabrication Facility, will convert the plutonium from dismantled weapons into commercial reactor fuel which will provide electrical power while it is slowly converted into non-weapons-usable spent fuel. It will also down-blend weapons-usable highly enriched uranium into a low-enrichment form usable as fuel in commercial power reactors. In the area of environmental stewardship, it will develop technologies and practices to manage wastes and clean up the environment more efficiently and cost effectively. Its longstanding support for, and from, its neighbors in the Central Savannah River Area will reinforce its commitment to success in all these endeavors.

FAREWELL TO TOM McILWAIN

Mr. LOTT. Mr. President, before this session of the 106th Congress comes to an end, I'd like to take the time to say farewell to Tom McIlwain, who served on my staff this year as a fellow from the National Marine Fisheries Service (NMFS). Prior to coming to my staff in March, he served as Fishery Administrator for the NMFS Southeast Fishery Center. Tom is a native of my hometown, Pascagoula, Mississippi. He understands the importance of oceans and fisheries issues to the Gulf Coast, and the Mississippi coast in particular.

This is Tom's second stint as a fellow on my staff. Back when I was a member of the other chamber, and Tom worked for the State of Mississippi, he spent a year as a fellow on my staff advising me on oceans and fisheries matters. Tom is a longtime expert in this area. His advice and counsel was just as vital to me this year as it was back then.

As a member of the Senate Committee on Commerce, Science, and Transportation, I have participated in development and passage of a number of oceans and fisheries authorization bills during this session, and Tom has advised me on every one of them. This year alone, he assisted in the enactment into public law of the National Marine Sanctuaries Amendments Act of 2000, Fishermen's Protective Act Amendments of 1999, Yukon River Salmon Act of 1999, and the Fisheries Survey Vessel Authorization Act of 1999, and the Senate passage of the Pribilof Islands Transition Act, the Coastal Zone Management Act of 2000,

Atlantic Coastal Fisheries Act of 2000, Shark Finning Prohibition Act, Coral Reef Conservation Act of 2000, and Marine Mammal Rescue Assistance Act of 1999. I expect several of the latter bills to be enacted this year.

Tom also identified key funding shortfalls in NMFS and State of Mississippi programs for the Gulf of Mexico. His concern that Gulf of Mexico needs were being overlooked as NMFS funding was increased to address high-profile issues in other regions of the country led me to fight for additional funding for our region. The NMFS appropriation for Fiscal year 2001 includes an additional $8.25 million for red snapper research and $1 million to expand the NMFS Mississippi Laboratory at Pascagoula. I know he is pleased with that the State of Mississippi will receive much needed additional funding for coastal impact assistance, almost $28 million in Fiscal Year 2001. This vital piece of the Conservation and Reinvestment Act was authorized and funded this year.

I wish Tom and his wife Janet all the best as they prepare for his next assignment within NMFS. I know that whatever he does, he will bring to it the same keen insight, practical solutions, and good humor that has served him so well in the past.

A MEMORIAL TO ELIZABETH KNIGHT BUNCH

Mr. LOTT. Mr. President, we were all saddened to learn of the death of a long-time Senate employee and good friend, Ms. Betty Bunch. Betty died last week after a long struggle with a pulmonary infection.

Betty started working for the Senate on January 3, 1977, when she moved to Washington, DC, to be the office manager for Senator Malcolm Wallop, the Republican Senator from Wyoming. As a graduate of the University of Wyoming, Ms. Bunch worked for some years at the University before deciding to move East with the Senator.

After serving Senator Wallop for 10 years, Betty transferred to the Committee on Rules and Administration and worked for ranking member Senator TED STEVENS of Alaska. In July 1991, Betty moved to the Senate Sergeant at Arms office and worked on a number of projects for the Education and Support Services team of the Computer Center.

One of Betty's major projects was to assist with the final construction planning for the Sergeant at Arms' operations move to the Postal Square building. She was very involved in the relocation of the Senate's computer and communications center and staff, as well as the financial and procurement staffs. This was a major initiative, and Betty accomplished it with the utmost professionalism.

Betty continued on a number of special projects for the Sergeant at arms until her retirement in June 1999. In total, Betty served the Senate well for over 22 years.

We will all miss her loyalty, professionalism, integrity, and wonderful sense of humor. Her son Jamie and daughter-in-law Glennis are in our thoughts and prayers.

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.

November 1, 1999:

Carlester Johnson, 17, Memphis, TN;

Rory Longs, 20, Chicago, IL;

Orlando Rangel, 23, Chicago, IL;

Patrice Thomas, 21, Houston, TX;

Donnell Tucker, Jr., 22, Baltimore, MD;

Adrian Miller, 43, Detroit, MI; and

John Ellis Wright, Jr., Fort Wayne, IN.

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.

HEALTH CARE FINANCING ADMINISTRATION

PAYMENTS FOR OUTPATIENT SERVICES

Mr. GRAMM. Mr. President, I am very concerned about how the Medicare program has chosen to pay the 10 free-standing cancer hospitals for outpatient services. It appears that the Health Care Financing Administration has ignored the explicit intent of the provisions we enacted last year as part of the Balanced Budget Refinement Act—provisions intended to help these critically important health care institutions.

Mr. ROTH. Senator, I share the Senator's concern. Last year, the Congress was concerned about how cancer hospitals would fare under the new Medicare outpatient prospective payment system. Cancer hospitals face many unique costs and the advent of exciting new treatments caused many to question the wisdom of applying the new outpatient prospective payment system to these facilities. To this end, the Finance Committee proposed and the Congress enacted provisions to protect these important facilities.

In brief, this provision created a permanent ''hold harmless'' for cancer hospitals. We instructed the Medicare program to pay cancer centers the same proportion of the facility's cost covered in 1996. In addition, we instructed the Secretary of the Department of Health and Human Services to make interim payments to these facilities consistent with this hold harmless.

Mr. GRAMM. The Secretary has ignored our concerns and intent. The Secretary has allowed the Medicare program to withhold 15 to 20 percent of the interim payments owed to cancer facilities. The Medicare program will not pay cancer hospitals these withheld funds for up to 4 years.

Mr. ROTH. I investigated this issue with the Health Care Financing Administration, HCFA, to ensure that they are not proceeding in a way that disadvantages these facilities and protects access to important cancer services. It is my understanding that the Medicare fiscal intermediaries are keeping the interim payments to these facilities artificially low in order to avoid the risk of overpayments.

While I think it is appropriate to make interim payments to facilities as accurately as possible, paying these facilities as low as 80–85 percent of what HCFA estimates final costs to be seems too low. If in fact these reductions are lower than previous rates of reduction when a system transition has been implemented, then I strongly urge HCFA to immediately review their proposal to make upward adjustments in the payment rates. Also, I urge the Administration to give special attention to the expeditious handling of the initial cost reports from cancer hospitals as they are submitted over the next few months in order to determine what appropriate payment levels need to be.

Mr. GRAMM. I agree with the Senator. I believe that the Secretary's actions are counter productive and I strongly urge including language in the CONGRESSIONAL RECORD that would make our intent clear.

Mr. ROTH. I, too, support restating within the CONGRESSIONAL RECORD our intent with regard to last year's Medicare bill.

LABOR-HHS-EDUCATION FUNDING BILL

Mr. KENNEDY. Mr. President, in every area of public policy, we have to make choices and set priorities.

How much do we spend on defense? And how much do we spend on domestic priorities?

How much do we protect our forests and natural resources? How much do we allocate to health care, education, law enforcement, and other obvious priorities?

How heavy should the tax burden be? How much do we need to do to protect Medicare and Social Security for the future generations?

Often, we have to make difficult choices.

But when it comes to protecting workers from injuries in the modern workplace and increased investments in education, I say there is no choice. It's not one or the other. We must do both.

But I'm convinced that our Republican friends want to do neither.

They don't want to protect workers from the dangers of the modern workplace. They don't want to protect them from repetitive motion injuries in their offices. Or from eyestrain at their computer screens.

But they also don't want to make the targeted investments in education that we need for smaller class sizes, quality teachers, and modern schools.

On Sunday night, Republican and Democratic House and Senate appropriators and the White House came to a bipartisan agreement on increasing funding for the nation's schools and communities.

On Monday, the Republican leadership rejected that agreement, jeopardizing critical support for the nation's public schools, college students, families, and workers.

Once again, the GOP Congress has earned the name the ''Anti-Education Congress.''

Once again, the GOP Congress is putting special interests ahead of education.

They failed to reauthorize the Elementary and Secondary Education Act for the first time in 35 years. Last May, we considered only eight amendments to the bill over six different days, when Senator LOTT suddenly abandoned the debate and moved to other legislation. The bill has never seen the light of day again.

By contrast when the bankruptcy bill was debated, our Republican colleagues did everything they could to satisfy the credit card companies. That bill was debated for 16 days, and 55 amendments were considered.

Now, while schools and parents wait to see whether Congress will increase its investment in education, Republicans find time to bring up the bankruptcy bill again.

Obviously, when the credit card companies want a bill, our Republican friends put everything else aside to get it done. But when it comes to education, the voices of parents and children and schools and communities always go unheard.

Every year since they have been in the majority, Republicans have left education funding until the very end. As we've had to do every year since the GOP took over the majority in Congress in 1995, we must be especially vigilant on education funding. Over and over, we've heard the Republican rhetoric of support, but the reality is just the opposite.

They say education is a priority. We thought the Republicans might finally put aside their opposition to education. But it's all talk and no action.

At the beginning of this Congress, on January 6, 1999, Senator LOTT said, ''Education is going to be a central issue this year . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.''

As recently as July 25, Senator LOTT said, ''We will keep trying to find a way to go back to this legislation this year and get it completed.''

They say they want to invest in education, but their record shows they won't and don't. Year after year, it's the same sad story.

In 1995, they tried to abolish the Department of Education and slash $1.7 billion of education funds.

In FY96, they proposed to cut discretionary funds for education by $3.9 billion, and to cut for student loans by $14 billion.

In FY97, they proposed to cut education by $3.1 billion. In FY98, they tried to cut education by $200 million below the President's request, and in FY99 they tried to cut education by $2.8 billion below the President's request.

With the strong leadership of President Clinton, all of these reactionary GOP anti-education schemes were defeated, and federal funding for education steadily increased.

Nevertheless, the anti-education Republicans in Congress continue to give education the lowest priority. They say they want to make education a high priority—but their rhetoric never matches the reality. It's four weeks after the fiscal year began, and the Republicans have just rejected a strong bipartisan education funding agreement. And now, for the GOP, the education funding bill is MIA—missing in action.

The House Republican majority did break their word when they rejected the bipartisan education funding agreement. They broke their word to the appropriators and the White House who negotiated the agreement. And, they broke their promise to the American people that they would do something for education across the country.

I want to be sure that my colleagues on both sides of the aisle understand what was at stake in the agreement.

By rejecting the agreement, the Republican leadership is rejecting $1.75 billion to reduce class size. That's an increase of $450 million over last year, to help communities hire an additional qualified teachers to reduce class size in the early grades to 18.

By rejecting the agreement, the Republican leadership is rejecting $1 billion for after-school activities—an increase of $547 million over last year.

Each day, 5 million children, many as young as 8 or 9 years old, are home alone after school. Juvenile delinquent crime peaks in the hours between 3 p.m. and 6 p.m. Children left unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

Under the successful 21st Century Community Learning program, students are able to have expanded learning opportunities in school facilities, in cooperation with community organizations and other educational and youth development agencies.

Massachusetts has greatly benefitted from this successful program. Worcester Public Schools received a $1.2 million federal grant recently to expand after-school opportunities. Boston received $306,000, so that three middle schools in high need areas can create high-quality learning centers that meet the needs of their communities. Chelsea, Holyoke, and Springfield have also received grants under this vital program. We should help more communities increase after-school opportunities for children.

By rejecting the agreement, the Republican leadership is also rejecting $585 million for teacher quality programs, an increase of $250 million over last year. That means denying millions of teachers access to high quality professional development and mentoring. With training in proven effective teaching practices and the newest technologies, teachers can help all children meet high academic standards and graduate from school prepared for the 21st century workplace.

By rejecting the agreement, the Republican leadership is rejecting $6.6 billion for IDEA, an increase of $1.7 billion over last year. That means undermining local efforts to help children with disabilities get a good education.

By rejecting the agreement, the Republican leadership is rejecting $250 million for states to help failing schools, an increase of $116 million over last year. That means denying help needed to turn around thousands of low-performing schools.

By rejecting the agreement, the Republican leadership is rejecting a maximum Pell grant of $3,800, an increase of $500 over last year. That means denying many needy college students a much-needed increase in their Pell grants.

By rejecting the agreement, the Republican leadership is rejecting $325 million for GEAR UP, an increase of $125 million over last year. That means denying low-income middle and high school students the extra mentoring and financial assistance they make college a reality for their future.

By rejecting the agreement, the Republican leadership is rejecting a new program to provide $1.333 billion for school repair and renovation. That means denying schools the support they need to meet their most urgent repair and renovation needs.

Elementary and secondary schools are in urgent need of repair and renovations, so that students can learn

and teachers can teach in safe and up-to-date facilities. It's estimated that $112 billion is needed, just to repair existing schools across the nation in poor condition. Nearly one third of all public schools are more than 50 years old. 14 million children in a third of the nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition. The problems with ailing school buildings aren't the problems of the inner city alone. They exist in almost every community—urban, rural, or suburban.

Sending children to learn and teachers to teach in dilapidated, overcrowded facilities sends a message to these students and their teachers. It tells them they don't matter. No CEO would tolerate a leaky ceiling in the board room, and no teacher should have to tolerate it in the classroom. We need to do all we can to ensure that children are learning in safe, modern buildings.

Republicans have also rejected the Administration's proposal to provide $25 billion in interest-free bonds to help communities build and modernize 6,000 new schools to alleviate overcrowding and repair crumbling and dilapidated buildings.

The President's proposal is the right approach because it maintains Davis-Bacon protections for workers. The Davis-Bacon Act requires contractors to pay construction workers locally prevailing wages, thereby ensuring that federally assisted construction projects are not used to undermine local wages. Paying prevailing wages ensures that taxpayers have quality construction work performed by well trained, highly skilled, efficient workers. It is short-sighted and unacceptable to build new schools for children to improve their learning, and then allow construction workers to be paid sub-standard wages.

Republicans opposed to Davis-Bacon continue to repeat the myth that the Davis-Bacon Act increases the cost of school construction. Study after study shows that it does not. Recent studies of prevailing wage laws in Michigan, in Maryland and other Mid-Atlantic states, and in New Mexico and other western states, show that prevailing wage laws do not increase the cost of school construction.

Congress has given strong bipartisan support to the Davis-Bacon Act ever since it was first passed in 1931. Paying prevailing wages makes good policy sense. It enhances productivity and quality. It strengthens skills training in the construction industry. It protects the wages and benefits of local construction workers. Even Ronald Reagan promised to support Davis-Bacon.

Republican leaders should be ashamed of themselves for denying this urgently needed help for schools, communities, and families across the country.

The Republican Congress has put education last too many times, and it should be held accountable in the voting booths on November 7.

Voters should also recognize that the Republican candidate for President, Governor Bush, has a track record that is no better on education, and he should be held accountable, too.

If Governor Bush's record in Texas is any indication, average Americans—who work day after day to make ends meet—will be an after-thought in a Bush Administration.

The Republican Congress says he has the answers on education. He calls his record in Texas an ''education miracle.'' But if you look at the record, it is more of an ''education mirage'' than an ''education miracle.''

Under Governor Bush, in 1998, according to the National Center for Education Statistics, Texas ranked 45th in the nation in high school completion rates. 71 percent of high school dropouts in Texas are minorities. Hispanic students in Texas drop out at more than twice the rate of white students in the state.

So if education is the biggest civil rights issue in America, as Governor Bush claimed in the Presidential debates, he flunked the test in Texas.

Last August, the College Board reported that nationally, from 1997 to the year 2000, SAT scores have increased—but in Texas, they have decreased. In 1997, Texas was 21 points below the SAT national average—and by 2000, the gap had widened to 26 points.

Then, last Thursday, Governor Bush heard more bad news. The RAND Corporation released an education bombshell that raises serious questions about the validity of even the gains in student achievement in Texas claimed by the Governor.

The RAND bombshell was all the more embarrassing, because in August, Governor Bush said, ''Our state . . . has done the best . . . not measured by us but measured by the RAND Corporation, who take an objective look as to how states are doing when it comes to educating children.''

Clearly, at that time, Governor Bush trusted the conclusions made by the RAND Corporation. He was referring to a RAND report that looked at scores in Texas from 1990 to 1996. In fact, Senator HUTCHISON cited those findings on the floor of the Senate on Thursday.

But most of the years covered by the earlier RAND report were before Bush became Governor. The new RAND report, released earlier this week, analyzes scores from 1994 to 1998, when George W. Bush was the Governor.

The achievement gap in Texas is not closing—it is widening. And what is the Governor's solution? Tests, tests, and more tests. In August, Governor Bush said, ''Without comprehensive regular testing, without knowing if children are really learning, accountability is a myth, and standards are just slogans.''

We all know that tests are an important indication of student achievement. But the RAND study questions the validity of the Texas state test, because Governor Bush's education program was ''teaching to the test,'' instead of genuinely helping children to learn.

If we want a true solution, we should look at the success of states such as North Carolina, which is improving education the right way—investing in schools, improving teacher quality, and expanding after-school programs—all in order to produce better results for students. SAT scores went up in North Carolina by 10 points between 1997 and 2000.

The Bush Plan mandates tests and more tests for children—but it does nothing to ensure that schools actually improve and children actually learn.

We know that immediate help for low-performing schools is essential. We know that we can turn around failing schools, when the federal government and states and parents and local schools work together as partners to provide the needed investments.

In North Carolina, low-performing schools are given technical assistance from special state teams that provide targeted support to turn around low-performing schools. In the 1997–98 school year, 15 North Carolina schools received intensive help from these state assistance teams. In August 1998, the state reported that most of these schools achieved ''exemplary'' growth—and not one of the schools remained in the ''low-performing'' category. Last year, 11 North Carolina schools received similar help. Nine met or exceeded their targets.

That's the kind of aid to education that works—not just tests, but realistic action to bring about realistic change for students' education.

Instead of taking steps that work, Governor Bush abandons low-performing schools. He proposes a private school voucher plan that drains needed resources from troubled schools and traps low-income children in them.

In the Vietnam War, it was said that we had to destroy some villages in order to save them. That's what Governor Bush has in store for failing schools—a Vietnam War strategy that will destroy schools instead of saving them.

Parents want smaller class sizes, where teachers can maintain order and give children the one-on-one attention they need to learn.

Parents want qualified teachers for their children—a qualified teacher in all of their classes.

Parents want schools that are safe and modern learning environments for their children.

Parents and students alike want an increase in Pell Grants, to help students afford the college education they

need in order to have successful careers in the new economy.

The vast majority of Americans want us to address these challenges. And AL GORE and Democrats in Congress will do just that. They will continue to fight hard and well for the education priorities that parents and local schools are demanding.

EDUCATION PRIORITIES

Mr. VOINOVICH. Mr. President, today is November 1st, one month after the beginning of the new fiscal year and less than one week before the 2000 elections. Most of us in this body had anticipated that by now, we would be home in our respective states instead of here in Washington. However, we are once again in the midst of gridlock with a President who, despite his eight years in office, still does not understand how to delineate the proper role of government at the federal, state and local level.

Our forefathers referred to this differentiation as federalism, and outlined this relationship in the 10th Amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Just the other day, in response to his veto of the Treasury-Postal appropriations bill, the President made the claim that we in Congress were taking care of ourselves first before we take care of education, and that he could not ''in good conscience'' sign a bill that would do so.

I would say to the Chair that I am as committed to the need to provide our children with a quality education as any member of this body—Democrat or Republican—and just as committed as the President.

But what the President and my friends on the other side want to do with respect to education is all wrong and it smacks of election year politics.

The reality is that the President has his priorities all mixed up. Over the last eight years, he has missed a fundamental opportunity to reform Social Security. Over the last eight years, he has missed the opportunity to reform Medicare. Over the last eight years, he has missed the opportunity to revamp and upgrade our military.

As my colleagues know, both Governor Bush and Vice President GORE have made education among their top priorities in their campaigns. As such, I believe in a few short months from now, Congress and the new President will work together to craft an ESEA reauthorization bill, which I am confident will pass quickly and be signed into law.

However, instead of waiting a few months to allow his successor the opportunity to reauthorize the Elementary and Secondary Education Act, ESEA, this President seems consumed with constructing education policy through the appropriations process.

In this appropriation cycle, the President has demanded more than $4 billion in new education spending primarily for additional teachers, after school programs and school facilities, plus billions of additional dollars for school construction bonds.

Let me state emphatically to my colleagues: these activities are not federal responsibilities.

What is a federal responsibility is giving state and local leaders the flexibility to spend funds the way that makes the most sense for their particular school districts.

On this side of the aisle, we are saying, ''we trust our teachers, and principals and school superintendents to make decisions on education spending.'' We are saying we will give you education funds and if you want to spend them on hiring teachers or building schools you can, but if your needs are new technology or books or training or special education, you ought to be able to spend the money on those programs. This is the right approach.

Throughout American history, the federal government's role in educating America's youth has traditionally been relatively minor. The U.S. Constitution and the Federalist Papers affirm that the primary responsibility for education lies with those closest to our students in our states and localities.

It is parents, teachers, local school districts and states who have done the lion's share with respect to educating our children, not Washington. And the numbers back up this fact.

Right now in America, the Federal Government only provides 7 percent of the funds for education.

Let me repeat that because that fact is hardly ever discussed: the Federal Government only provides 7 percent of the funds for education in this nation.

That means 93 percent of each dollar that is spent on education comes from state taxes or local taxes or some other non-federal source.

Yet, this Administration would have the American people believe that all good things spring from Washington and that ''top down'' command-and-control policies from the White House work best.

To them, the local school districts in America—the parents and teachers and administrators across this nation—have no earthly idea how to educate their own children, nor do they know what their needs are.

Believe it or not, most states are already investing in teachers and in school construction and in technology and after school programs.

Most States have the money to pay for education—for teachers, for classroom materials, and for school construction.

The National Governors Association reports that 46 states have a budget surplus and at least 36 states have a comfortable surplus. As a result, many states have been able to increase spending on education while cutting taxes.

Does it make sense, then, for the White House to dangle a $4 billion carrot in front of America's school districts when so many states are reporting budget surpluses and are cutting taxes?

The federal government has billions of dollars of unmet needs.

We have a national debt of $5.7 trillion—a debt that is costing us $224 billion in interest payments a year, and $600 million per day just to pay the interest.

Out of every federal dollar that is spent, 13 cents will go to pay the interest on the national debt. In comparison, 16 cents will go for national defense; 18 cents will go for non-defense discretionary spending; and 53 cents will go for entitlement spending. Right now, we spend more federal tax dollars on debt interest than we do on the entire Medicare program.

Yet the President is willing to spend billions of dollars on what are state and local government responsibilities instead of targeting those funds on what are true federal needs.

Clearly, states are the ones with the resources for school construction, and they are, in fact, using them for that purpose.

When I was Governor, I felt so strongly about the importance of building new schools that I started the Ohio School Facilities Commission. Because of what we were able to do in Ohio, the General Accounting Office reported earlier this year that Ohio's increase in school construction spending from 1990–1997 was the ninth greatest in the nation in percentage terms, and the eighth greatest in terms of dollar amount.

In addition, thanks to the settlement our states have negotiated with the tobacco industry—something I fought hard to achieve—Ohio has more than $10 billion in additional revenues.

Governor Taft has pledged to fully address the facility needs of every Ohio school district within the next 12 years. His proposal for allocating $23 billion in state and local resources included a plan to fund the building needs of Ohio's 49 vocational school districts, accelerate the pace of work for our largest urban school districts, and in short give all districts an opportunity to address their immediate facility needs.

And in New Jersey, Governor Christine Todd Whitman announced recently that her state has begun spending money on a plan to build $12 billion worth of classrooms over the next 10 years.

States have invested in teachers as well. In Ohio, we realized that young teachers needed mentors to show the

way. So we started a program that pays teachers $1,500 to serve as mentors to younger teachers.

And because professional development is important, I initiated Ohio's participation in the National Board of Professional Teaching Standards.

I felt it was so important for us to prepare our teachers that we began encouraging teachers in Ohio to participate by paying their application fees and the cost to take the test. Teachers who passed the National Board of Professional Teaching Standards certification process were rewarded with a bonus of $2,500 for 10 years.

As a result of these commitments, Ohio has ranked fourth in the nation in professional development by the National Commission on Teaching and America's Future. And Congress continues to recognize the value of this organization.

In short, like most states, Ohio is getting it done for education. But what really upsets me is the fact that the President is calling on Ohio taxpayers to send money to Washington so that the federal government can turn around and send it to states that are not meeting their responsibilities—responsibilities that are totally and absolutely state or local obligations.

Right now, the President is pushing to spend $1.75 billion on a school class size reduction program, but, with 120,000 teachers already in Ohio, this program at best yields only 1.5% increase in the number of teachers in my state.

In fact, even if the President gets all the money he wants, 47% of Ohio's public school districts and community schools will not even receive enough money from the President's program to hire a single teacher. Not a single one.

The Clinton class size reduction proposal undermines local control and the ability of school districts to spend money where it is needed most. But it goes to the point that the Clinton-Gore administration wants to be all things to all people.

I say to my colleagues, if we really want to do something for education, then we should live up to the federal commitment to IDEA.

In 1975, Congress passed the Individuals with Disabilities Education Act (IDEA), a program designed to help mainstream young men and women with disabilities so they could obtain a quality education. Congress thought it was such a national priority, that it promised that the Federal Government would pay up to 40 percent of the cost of this program.

However, through fiscal year 2000, the most that Washington provided to our school districts under IDEA is 12.6 percent of the educational costs for each handicapped child. The remainder of the cost for IDEA falls on State and local governments.

Earlier this year, the Senate passed two amendments that I offered regarding IDEA. The first said that Washington should live up to its commitment to fund IDEA at the 40% level before it allocates new education money.

The second would allow school districts to use federal money for IDEA. Or, if the district wanted to spend the money on new teachers or new facilities, they could do so.

If the Federal Government was fully funding IDEA, most of the education initiatives the President and my colleagues are proposing—school construction, after-school programs, and new teachers—could be and likely would be taken care of at the State and local level.

The Federal Government does have important responsibilities like national defense, infrastructure, Medicare and Social Security and we must also look at real federal priorities such as prescription drugs and responding to the cries of our health care system that has been short changed by the 1997 Balanced Budget Act. However, Washington must figure out how to sustain paying for its responsibilities before making new commitments.

Because of the President's spending programs, the Labor HHS appropriations bill is, at last count, already at $113 billion. Last year, we spent $96 billion for the same bill. That's nearly an 18 percent increase.

This appropriations bill contains more than $43 billion for the Department of Education. In the President's own budget, he asked for only $40 billion. Still, that is almost double the $21.1 billion in discretionary education spending allocated by the Federal Government just 10 years ago in fiscal year 1991, and nearly 5 times the $8.2 billion spent on discretionary education spending 25 years ago in 1976.

The President and my colleagues across the aisle must stop acting as if they are the Nation's school board, trying to fund every education program possible.

I believe our State and local leaders should be given the flexibility they need to spend their Federal education dollars to live up to our obligations with respect to IDEA, freeing them to address state and local education needs that have not yet been met.

It is my hope that in the waning days of this Congress, we will find the strength to recognize what is a federal responsibility and what is not and act accordingly. We can no longer count on the President to do so: it is up to us.

OBJECTION TO PROCEEDING TO H.R. 4020

Mr. WYDEN. Mr. President, I rise today to state my objection to any unanimous consent request for the Senate to proceed to or adopt H.R. 4020, authorizing the expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove, unless or until S. 2691, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, is discharged, unamended, from the House of Representatives Resources Committee and passed, unamended, by the House of Representatives. I do so consistent with the commitment I have made to explain publicly any so-called ''holds'' that I may place on legislation.

S. 2691 is a bipartisan bill, authored by myself and Senator SMITH of Oregon, and supported by all the members of Oregon's congressional delegation. It passed the Senate Energy and Natural Resources Committee, as well as the entire Senate, unanimously. This legislation protects the current and future drinking water source for the city of Portland, home to one in four Oregonians.

Despite its broad support, and my personal appeal to the Resources Committee, that committee has failed to act on it. Oregonians expect their elected representatives will act responsibly to protect Portland's drinking water source. As a result, I cannot agree to H.R. 4020 until S. 2691 clears the House of Representatives unamended.

THE BANKRUPTCY REFORM BILL

Mr. KERRY. Mr. President, I strongly believe that reform of our bankruptcy laws is necessary. During the 105th and 106th Congress, I have supported legislation to reform bankruptcy laws and end the abuse of the system. However, I am very disappointed that I am unable to support the conference report of the Bankruptcy Reform Bill because I believe it is unfair and unbalanced, was completed without appropriate consideration by the Minority party, includes an inequitable homestead provision and is unfair to many working families.

I am very concerned that the decision to file for bankruptcy is too often used as an economic tool to avoid responsibility for unsound business decisions and reckless acts by both individuals and businesses. There has been a decline in the stigma of filing for bankruptcy and appropriate changes are necessary to ensure that bankruptcy is no longer considered a lifestyle choice.

This legislation includes a number of important reforms which I support. I am pleased that the small business provisions originally included in the Senate bill have been changed to give small businesses adequate time to develop a reorganization plan during bankruptcy proceedings. I had previously included an amendment to the Senate bill that increased this time for small businesses. I am also pleased that the conference report includes my amendment to expand the credit committee membership under Chapter 11

bankruptcies to include small businesses. I believe this will ensure better access and information for small businesses creditors. Unfortunately, reasonable and necessary reforms were included in a bill that on the whole fails to take a balanced approach to bankruptcy reform. I had hoped that through a legitimate legislative process we would arrive at a compromise that would have ended the abuses but still provided our most vulnerable citizens with adequate protections. Instead, I believe that the conference report protects wealthy debtors by allowing them to use overly broad homestead exemptions to shield assets from their creditors. The Senate passed, by a bipartisan vote of 76–22, an amendment to create a $100,000 nationwide cap on any homestead exemption. However, this provision was not included in the Conference Report. Instead, the conferees included a meaningless cap with a two-year residency requirement that wealthy debtors could easily avoid. Moreover, the bill's safe harbor is illusory and will not benefit individuals in most need of help. Because the safe harbor is based on the combined income of the debtor and the debtor's spouse, many single mothers who are separated from their husbands and who are not receiving child support will not be able to take advantage of the safe harbor provision.

I am also very disappointed that the conference report does not include an amendment offered by Senator COLLINS and myself, which was included in the Senate bill, that would make Chapter 12 of the Bankruptcy Code, which now applies to family farmers, applicable for fishermen. I believe that this provision would have made bankruptcy a more effective tool to help fishermen reorganize effectively and allow them to keep fishing while they do so.

In addition to its failure to protect many consumers, the bill fails to require that the credit industry share responsibility for reducing the number of bankruptcy cases. It does not require specific disclosures on monthly credit card statements that would show the time it would take to pay off a balance and the cost of credit if only minimum payments are made. It also does nothing to discourage lenders from further increasing the debt of consumers who are already overburdened with debt.

Finally, this bill is the result of a conference process that violated and deprived the rights of Senators. In October, the House appointed conferees for the Bankruptcy Reform Act and without holding a conference meeting, the Majority filed a conference report striking international security legislation and replacing with a reference to a bankruptcy reform bill introduced earlier that same day. This makes a mockery of the legislative process and demeans the United States Senate.

I am hopeful that during the 107th Congress, we can develop bipartisan legislation that would encourage responsibility and reduce abuses of the bankruptcy system.

BBA CUTS TO MEDICARE PROVIDERS

Mr. BAUCUS. Mr. President, I rise today to bring attention to the important issue of the Balanced Budget Act, BBA, of 1997, its revision in 1999, and the importance of providing further relief to the many patients and providers who have been negatively affected by its implementation.

The BBA included a series of cuts to Medicare providers, including hospitals, nursing homes, and home health agencies. Though intended to cut about $112 billion from Medicare over the five-year period from 1998 to 2001, recent estimates indicate that over twice that amount will be cut by the BBA. And although Congress restored about $16 billion in funding to Medicare in 1999, much work remains to be done. Particularly in rural America, Congress should restore funding to Medicare programs for telehealth, hospital and home health care, among others.

Nationwide, 25 percent of seniors live in rural areas. And though the BBA has hit all hospitals hard, rural facilities have suffered disproportionately from the 1997 legislation. According to a June report by the Medicare Payment Advisory Commission, small rural hospitals have significantly lower operating margins than rural facilities, on average 0.4 and 3.8 percent, respectively. Congress will do America's rural hospitals a great disservice by not enacting further BBA relief this year.

With respect to telemedicine, a means of providing care for Medicare beneficiaries with the use of advanced telecommunications equipment, Congress can act this year to further the use of this important tool. Mr. President, in my state of Montana, where over 75 percent of seniors live in rural areas, there is no psychiatrist east of Billings—an area the size of the State of Florida. Telemedicine could work wonders toward providing rural beneficiaries with access to specialty care, including psychiatric care. Although Congress mandated telehealth reimbursement as part of the BBA, the scope of that reimbursement is very limited.

We should also provide relief for home health care, one of the areas hit hardest by the BBA. Originally scheduled for a $16 billion cut, home health payments under Medicare were actually reduced by more than $68 billion, over four times the original amount intended. We need to preserve access to home care services by eliminating the scheduled 15 percent additional reduction in Medicare reimbursement. We should also provide 10 percent bonus payments to rural home care agencies, a provision that was included in both the Senate Finance and House Ways and Means BBA relief bills this year.

Mr. President, Congress should not let politics and partisan priorities to interfere with providing a basic human need to the people of our country. I urge my colleagues join me by acting on further BBA relief this year.

ERGONOMICS

Mr. KENNEDY. Mr. President, OSHA has been attempting to implement an ergonomics standard for the past ten years. But each year, Congress has delayed the standard. And now, even though a bipartisan group of appropriators agreed to a reasonable compromise on this issue late Sunday night, the Republican leadership rejected it—because the business lobbyists demanded it and insisted that millions of workers wait even longer for a safe and healthy workplace.

Each year, 1.7 million workers suffer from ergonomic injuries, and nearly 600,000 workers lose a day or more of work because of these injuries suffered on the job. Ergonomic injuries account for over one-third of all serious job-related injuries.

These injuries are painful and often crippling. They range from carpal tunnel syndrome, to severe back injuries, to disorders of the muscles and nerves. Carpal tunnel syndrome keeps workers off the job longer than any other workplace injury. This injury alone causes workers to lose an average of more than 25 days, compared to 17 days for fractures and 20 days for amputations.

The ergonomics issue is also a women's issue, because women workers are disproportionately affected by these injuries. Women make up 46 percent of the overall workforce—but in 1998 they accounted for 64 percent of repetitive motion injuries and 71 percent of carpal tunnel cases.

The good news is that these injuries are preventable. The National Academy of Sciences and the National Institute of Occupational Safety and Health have both found that obvious adjustments in the workplace can prevent workers from suffering ergonomic injuries and illnesses.

Congress has a responsibility to ensure that the nation's worker protection laws keep pace with changes in the workforce. Early in this century, the industrial age created deadly new conditions for large numbers of the nation's workers. When miners were killed or maimed in explosion after explosion, we enacted the Federal Coal Mine Safety and Health Act. As workplace hazards became more subtle, but no less dangerous, we responded by passing the Occupational Safety and Health Act to address hazards such as asbestos and cotton dust.

Now, as the workplace moves from the industrial to the information age,

our laws must evolve again to address the emerging dangers to American workers. Ergonomic injuries are one of the principal hazards of the modern American workplace—and we owe it to the 600,000 workers who suffer serious ergonomic injuries each year to address this problem now.

Ergonomic injuries affect the lives of working men and women across the country. They injure nurses who regularly lift and move patients. They injure construction workers who lift heavy objects. They harm assembly-line workers whose tasks consist of constant repetitive motions. They injure data entry workers who type on computer keyboards all day. Even if we are not doing these jobs ourselves, we all know people who do. They are mothers and fathers, brothers and sisters, sons and daughters, friends and neighbors—and they deserve our help.

We need to help workers like Beth Piknick of Hyannis, Massachusetts, who was an intensive care nurse for 21 years, before a preventable back injury required her to have a spinal fusion operation and spend two years in rehabilitation. Although she wants to work, she can no longer do so. In her own words, ''The loss of my ability to take care of patients led to a clinical depression. . . . My ability to take care of patients—the reason I became a nurse—is gone. My injury—and all the losses it has entailed—were preventable.''

We need to help workers like Elly Leary, an auto assembler at the now-closed General Motors Assembly plant in Framingham, Massachusetts. Like many, many of her co-workers, she suffered a series of ergonomic injuries—including carpal tunnel syndrome and tendinitis. Like others, she tried switching hands to do her job. She tried varying the sequence of her routine. She even bid on other jobs. But nothing helped. Today, years after her injuries, when she wakes up in the morning, her hands are in a claw-like shape. To get them to open, she has to run hot water on them.

We need to help workers like Charley Richardson, a shipfitter at General Dynamics in Quincy, Massachusetts in the mid-1980's. He suffered a career-ending back injury when he was told to lift a 75 pound piece of steel to reinforce a deck. Although he continued to try to work, he found that on many days, he could not perform the lifting and the use of heavy tools. For years afterwards, his injury prevented him from participating in basic activities. But the loss that hurt the most was having to tell his children that they couldn't sit on his lap for more than a few minutes, because it was too painful. To this day, he cannot sit for long without pain.

We need to protect workers like Wendy Scheinfeld of Brighton, Massachusetts, a model employee in the insurance industry. Colleagues say she often put in extra hours at work to ''get the job done.'' She developed carpal tunnel syndrome, using a computer at work. As a result, Wendy lost the use of her hands, and is now permanently unable to do her job, drive a car, play the cello, or shop for groceries.

Even though it may be too late to help Beth, Elly, Charley and Wendy, workers just like them deserve an ergonomics standard to protect them from such debilitating injuries.

As long ago as 1990, Secretary of Labor Elizabeth Dole in the Bush Administration called ergonomic injuries ''one of the nation's most debilitating across-the-board worker safety and health illnesses.'' Since that time, over 2,000 scientific studies have examined the issue, including a comprehensive review by the National Academy of Sciences. All of these studies tell us the same thing—it's long past time to enact an ergonomics standard to protect the health of American workers and prevent these debilitating injuries in the workplace.

Last fall, when we considered the Labor-HHS appropriations bill, opponents of an ergonomics standard wanted us to wait for the National Academy of Sciences to complete a further study before OSHA establishes a standard. But it was just another delaying tactic. As we said then, over 2,000 studies on ergonomics have already been carried out.

In 1997, the National Institute for Occupational Safety and Health reviewed 600 of the most important of those studies. In 1998, the National Academy of Sciences reviewed the studies again. Congress even asked the General Accounting Office to conduct its own study.

The National Academy of Sciences found that work clearly causes ergonomic injuries. They concluded that ''the positive relationship between the occurrence of musculoskeletal disorders and the conduct of work is clear.'' The National Institute for Occupational Safety and Health agreed. They found ''strong evidence of an association between MSDs and certain work-related physical factors.''

The Academy also found that ergonomics programs are effective. As the Academy found, ''Research clearly demonstrates that specific interventions can reduce the reported rate of musculoskeltal disorders for workers who perform high-risk tasks.'' The GAO has concluded that good ergonomics practices are good business. Its report declared, ''Officials at all the facilities we visited believed their ergonomics programs yielded benefits, including reductions in workers' compensation costs.''

The truth is that the Labor Department's ergonomics rule is based on sound science. In addition to the National Academy of Sciences and the National Institute of Occupational Safety and Health, medical and scientific groups have expressed widespread support for moving forward with an ergonomics rule. The American College of Occupational and Environmental Medicine, representing over 7,000 physicians, has stated that ''there is . . . no reason for OSHA to delay the rule-making process while the NAS panel conducts its review.'' The American Academy of Orthopedic Surgeons, representing 16,000 surgeons, the American Association of Occupational Health Nurses, representing 13,000 nurses, and the American Public Health Association, representing 50,000 members, all agree that an ergonomics rule is necessary and based on sound science.

Many members of the business community support ergonomics protections, because they agree that good ergonomics practices are good business. Currently, businesses spend $15 to 20 billion each year in workers' compensation costs related to these disorders. Ergonomic injuries account for one dollar of every three dollars spent for workers' compensation. If businesses reduce these injuries, they will reap the benefits of lower costs, greater productivity, and less absenteeism.

That's certainly true for Tom Albin of Minnesota Mining and Manufacturing, who said, ''Our experience has shown that incorporating good ergonomics into our manufacturing and administrative processes can be effective in reducing the number and severity of work-related musculoskeletal disorders, which not only benefits our employees, but also makes good business sense.''

Similarly, Peter Meyer of Sequins International Quality Braid has said, ''We have reduced our compensation claims for carpal tunnel syndrome through an effective ergonomics program. Our productivity has increased dramatically, and our absenteeism has decreased drastically.''

This ergonomics rule is necessary, because only one-third of employers currently have effective ergonomics programs. Further delay is unacceptable, because it leaves too many workers unprotected and open to career-ending injuries. Ten years is long enough. Since OSHA began working on this standard in 1990, more than 6.1 million workers have suffered serious injuries from workplace ergonomic hazards.

It is time to end these injuries—and end all the misinformation too. The current attack on OSHA's ergonomics standard is just the latest in a long series of mindless attacks by business against needed worker protections for worker's health and safety. Whose side is this Congress on? American employees deserve greater protection, not further delay. It's time to stop breaking the promise made to workers, and start supporting this long overdue ergonomics standard now.

WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. TORRICELLI. Mr. President, I applaud the Senate's passage of the Water Resources Development Act of 2000, WRDA, S. 2796. This legislation is critical to my State of New Jersey, which is so dependent upon its rivers, estuaries, and coasts for its livelihood. New Jersey relies on these unique resources as avenues for freight and business, recreational and harvest fishing, and a vibrant tourism industry. Indeed, it is imperative that these resources be kept environmentally and economically viable.

Along these lines, I am pleased that the Senate has agreed to pursue environmentally responsible alternatives for addressing flooding along the Passaic River. I originally introduced language to address this issue, which represents a new era in flood control, in 1998. S. 2796 authorizes the U.S. Army Corps of Engineers (Corps) to use up-to-date criteria in developing a new environmentally and economically responsible alternative. Such an alternative will take into account non-structural options, such as land buyouts and wetlands preservation. The bill also directs the Corps to study the possible acquisition of open space in the Highlands region of New Jersey as a way of reducing low-land flooding.

I also applaud the Senate's authorization of more than $1.7 billion to bring the channels of the New York and New Jersey Harbor to a depth of 50 feet. This authorization is based on the findings of the New York-New Jersey Harbor Navigation Study which was designed to evaluate the navigational needs of the Port of New York and New Jersey over the next 50 years. The results of the study have made clear the need for deepening the channels of Port Jersey, Kill Van Kull, Newark Bay, Arthur Kill, and Bay Ridge Channels to a depth of 50 feet.

While the region has relied on the maritime industry for over two hundred years, the port lacks the capacity to accommodate new deep draft shipping vessels. More than a decade ago, Congress authorized the deepening of these channels to 45 feet which has begun and is on track to be completed in the next few years. But this is only the beginning. In order to maintain the 165,000 jobs and $22 billion in annual economic activity port commerce generates, these channels must go to 50 feet.

Once clean materials from these deepening projects, and other projects from around the nation, have been dredged we should not neglect possible beneficial uses. Within WRDA, there is a $2 million annual authorization for the Corps to develop a program that will allow all eight of its regional offices to market eligible dredged material to public agencies and private entities for beneficial reuse.

I want to thank my colleagues, particularly Senators SMITH, BAUCUS, and VOINOVICH for their assistance and cooperation in developing this legislation. My colleagues have been remarkably helpful in this matter, having worked closely with me to ensure that the final bill incorporated language based on my legislation S. 2385, the Dredged Material Reuse Act, which I introduced earlier this year. They have understood the need, and I am grateful that they have agreed to include it in this legislation.

Beneficial reuse is a largely underutilized concept. As a result, unwanted dredged material is often dumped on the shorelines of local communities. Through a program of beneficial reuse the dredged material would be sold to construction companies and other developers who would be eager to have this material available.

Mr. President, the people of Southern New Jersey are all too familiar with this situation. Current plans by the Corps calls for more than 20 million cubic yards of unwanted material dredged from the Delaware River to be placed on prime waterfront property along the Southern New Jersey shoreline. However, with some effort and encouragement, the Corps has recently identified nearly 13 million cubic yards of that material for beneficial reuse in transportation and construction projects.

We should learn from beneficial reuse that contracting companies, land development companies, and major corporations want this material. This means we need to encourage the Corps to market dredged material for beneficial reuse up-front so that communities will not be confronted with the same problems faced by the citizens of Southern New Jersey.

The program created by this legislation will give the Army Corps the authority and the funding they require to begin actively marketing dredged material from projects all across the United States. It recognizes the need to keep our nation's rivers and channels efficient and available to maritime traffic while ensuring that communities are treated fairly.

Of equal, if not greater importance, to the small businesses and shore communities of New Jersey is the protection of our beaches. Recreational activity at our beaches is extremely important to NJ, supporting an annual tourist economy of $17 billion.

However, due to beach erosion, many of our shore communities have lost revenue on which they depend. This lost revenue affects the local tax base, property values, results in lost jobs and diminished quality of life in coastal regions.

Rebuilding and protecting our beaches is vital to the health of our economy. With 127 miles of shoreline and a booming tourist industry, simply watching the beaches erode is not an alternative. From commercial and recreational fishermen, to bait and tackle shops and restaurants, our shore communities depend on healthy coastlines.

With this in mind, I applaud the Senate for authorizing in WRDA several Corps projects to protect and re-nourish New Jersey beaches.

One project authorizes the Corps to re-nourish beaches along the entire stretch of Long Beach Island, from Barnegat Inlet to Little Egg Inlet, in Ocean County, New Jersey. This $51.2 million project authorizes the Corps to create dunes and beaches along the coastline municipalities of Long Beach Island, including: Harvey Cedars, Surf City, Ship Bottom, Beach Haven and Long Beach Township.

Another project for shore protection authorizes the Corps, at a total cost of $30 million, to re-nourish beaches on the 1.8 mile stretch in Port Monmouth along the Raritan Bay and Sandy Hook Bay Shoreline, by constructing floodwalls, levees, dunes, dune grass, dune fencing, dune walk-overs, and suitable beachfill.

Finally, I commend the Senate for including language I supported that would direct the Secretary of the Army to develop and implement procedures to give recreational benefits the same budgetary priority as storm damage reduction and environmental protection in cost-benefit analysis for Corps beach replenishment projects. Currently, the Corps is not required to list recreation benefits in its cost-benefit analysis of beach projects. This language is similar to legislation I introduced earlier this year, and I am pleased that this initiative has been passed in the Senate's WRDA Conference Report.

Prior to the 1986 Water Resources Development Act, the Corps viewed recreation as an equally important component of its cost-benefit analysis. However, the 1986 bill omitted recreation as a benefit to be considered, and New Jersey coastal communities have suffered.

It is imperative that federal policy base beach nourishment assistance on the entirety of the economic benefits it provides. Beach replenishment efforts ensure that our beaches are protected, property is not damaged, dunes are not washed away, and the resources that coastal towns rely on for their lifeblood are preserved.

Mr. President, it is for these reasons that I support the passage of WRDA. New Jersey relies on its unique water resources and this legislation will go a long way towards maintaining our economic and environmental health.

SPACE AND THE CHALLENGES AHEAD

Mr. AKAKA. Mr. President, this past week Washington, DC was the site of a global meeting of space faring nations

at the International Space Symposium. A question raised at this event was how the United States' position, as a leader in both government sponsored and commercial space industry and exploration, is to be maintained in the future in light of emerging competitors and markets around the world.

As a partner in the construction of the International Space Station, we have entered into the greatest example of international cooperation to date. As NASA director Dan Goldin remarked at the Symposium, the Space Station will be a partnership of 16 countries, including the U.S., Russia, Japan, the eleven members of the European Union, and Brazil. The Expedition 1 crew left for the Space Station at 1:53 AM, Tuesday morning, marking October 31, 2000, as the date that humanity began its permanent residence in space. American astronaut Bill Shepherd and Russian cosmonauts Yuri Gidzenko and Sergei Krikalev will dock with the Space Station on Thursday and begin assembly tasks as new elements are added to the orbiting outpost. At completion, the Space Station will have a pressurized volume larger than the cabin and cargo hold of a 747 airliner. Of the seven modules, six will house laboratories. With these, the United States and the nations of the world will have the opportunity to use the resources and capabilities of the Space Station for scientific and technological research. The U.S. laboratory module will have racks, or lab space, for individual experiments, as well as sites where independent research payload can be attached. Some portion of each will be dedicated to commercial use.

As expected, a host of physical science experiments will use the research racks, payload sites, and Earth-viewing windows. Platforms will also be available to test communications systems. Exciting experiments are proposed in the life sciences and other fields only now recognizing the opportunities that exist in space. Studies in porous-ceramic bone replacement, gene transformation, and drug design will all benefit from extended experiments in the weightless environment of the Space Station. The ISS also provides an avenue for other countries to have access to space, for experimentation and exploration, thereby diminishing the need for their own space launch vehicle and potential missile capabilities. We must seize this opportunity for international cooperation, fair access to space, and limitless scientific and technological advancement.

As the International Space Station demonstrates, the future poses many opportunities for the Unites States in space. However, it likewise presents several risks. Also discussed at the International Space Symposium were the threats facing the U.S. space industry. One of the largest and most worrisome for our long-term health and viability is a lack of trained, competent, technically skilled workers. The space sector employs between 400,000 and 1,000,000 people. Assuming a 25 year career span, this indicates a need for about 150,000 new employees a year. This does not take into account the fact that the space industry workforce is aging and that the skills used in the space sector, such as system level engineering, problem solving and trouble shooting, and general technical aptitude, are needed in other industries as well. A recent study found that the space sector dropped from being the third most popular field for young people to enter in 1990 to seventh in 1999. The space industry is finding it harder to both recruit and retain technically skilled workers.

I bring this to our colleagues' attention, Mr. President, because the federal government is facing a similar threat. Shortages in workers with scientific and technical training are being faced by many Executive agencies and government labs, as well as the federal space community. As difficult as it is for the commercial space industry to recruit and retain qualified employees, it is even harder for the federal government. Now, and for the foreseeable future, the federal government will continue to be the biggest client for the space industry with its civil and military space ventures. The federal government needs to be able to make decisions regarding selection of products, services and systems and have the personnel to use them. It must also have the personnel to advise Congress and federal regulatory agencies in making intelligent, informed and prudent decisions that will encourage competition and success in the commercial space industry.

The Federal and commercial space industry recognize the risk the shortage of technically skilled workers present to the nation's long-term prosperity and viability. As the ranking member of the Subcommittee on International Security, Proliferation and Federal Services, I am interested in how we can avert what most certainly poses a threat to our national security and economic well-being. The Federal Government is attempting to address those factors in its work environment that make it less attractive to technically skilled workers, while emphasizing the rewarding and fulfilling public service careers available. A way for the Federal Government to increase the number of qualified workers could be a partnership with universities to encourage the skills and training needed to enter the field. The Federal Government should aggressively promote its student loan repayment program to attract young college graduates who may turn away from Federal service because they are burdened with school debts. This program, which has been authorized since 1991, was never implemented due to budget cuts, hiring freezes, and downsizing over the past decade. Since last March, Senators DURBIN, VOINOVICH, and I have urged the Office of Personnel Management to implement the loan repayment program because we viewed it as an opportunity to encourage young people to join the Federal Government. We were successful in expanding the benefit beyond the scope of the initial authorization through an amendment to the FY01 DoD Authorization Act, which was signed by the President on October 30, 2000.

The loan repayment program will be a critical component for the Federal Government in its effort to recruit and retain highly qualified professional, technical, or administrative personnel by allowing Federal agencies to repay up to $40,000 of an employee's student loans. In addition to attracting recent college graduates, efforts to retain experienced federal employees will include loan repayment programs for those who pursue additional academic training. We stand at the threshold of an age of opportunity and challenge. Our future as a global leader in space depends on having the people to meet this challenge. I urge my colleagues to join me in fostering an interest in public service among our nation's youth so that they will pursue careers that further our nation's federal space programs.

THE SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE ACT

Mr. JOHNSON. Mr. President, I am deeply concerned that important efforts to support small businesses are jeopardized by the many unrelated amendments that have been added to H.R. 2614 the Small Business, Health, Tax, and Minimum Wage Act. I ask my colleagues to join me in working to pass important legislation vital to preserve the Certified Development Company Program, the Small Business Innovation Research Program, and the reauthorization of the Small Businesses Administration. As Congress prepares to adjourn, it is irresponsible to prevent action on these important issues.

I am very concerned that innocent provisions that support small businesses and job creation are being held hostage in a debate over unrelated issues. H.R. 2614 was introduced as a bill to amend the Small Business Investment Act to make improvements to the certified development company program. This program provides gap financing which is vital to foster entrepreneurship and create economic opportunities. In recent days, however, this bill has been loaded down with numerous provisions that completely overshadow this program and threaten to shatter our chance to authorize

these programs before Congress adjourns.

I am proud to speak out on behalf of the real intent of H.R. 2614 which would help small businesses succeed. There is an old proverb used in my state of South Dakota which advises; ''Don't put off until tomorrow what can be done today.'' Today, we should strip out the politically charged amendments that have been tacked onto this bill and pass legislation both parties agree is important to our economy, our local communities, and many businesses and families across the country.

It is careless not to reauthorize these important programs because of election year politics which bogged down the legislation with unrelated issues. Congress should vote on the genuine issues with regard to small business programs. We must not let certain partisan differences cause us to turn away from our opportunity to promote the entrepreneurial spirit of our country.

There are many issues before this body which evoke strong differences of opinion, however, authorizing these important small business programs are not among them. I urge my colleagues to join me in securing the passage of this important legislation and not allow these widely supported initiatives to fall victim to nonrelated amendments thrown together in the closing days of Congress.

DIRECT-TO-CONSUMER ADVERTISING AND RISING PRESCRIPTION DRUG PRICES

Mr. JOHNSON. Mr. President, anyone who has lived or visited in the United States during the last few years has been exposed to a phenomenon which is uniquely American. I speak of the direct-to-consumer advertising of prescription medicines.

U.S. pharmaceutical manufacturers will spend an amount this year very close to $2 billion on advertising to the general public. This can be compared to about just $150 million in 1993—which explains why no one can avoid these advertisements even if they wanted to. They are ubiquitous—TV, radio, newspapers, and magazines are all replete with prescription drug ads.

Typically, the drugs that are most heavily advertised are among those that ultimately are the most heavily prescribed. According to a recently released National Institute for Health Care Management study, for example, the seven drugs in 1999 which had more than $1 billion in sales were advertised an average of $58.5 million each. Together, they contributed an estimated 24.3 percent toward the increases in total expenditures of prescription drugs during 1999.

Clearly, advertising works, just as it always has.

Advocates of this relatively new technique to increase name brand prescription sales will say that consumers become more aware of treatment possibilities and may have a better starting point for discussion with their physicians. Other observers believe this practice artificially increases demand from consumers who are still not fully educated enough to know about less expensive, or maybe even safer, alternatives. Certainly, the advertising costs are passed along to the consumer.

Is the information value worth the yearly increases in drug costs that advertising inevitably causes? Are patients getting the best individualized choices of medicines or the just best advertised ones? Are generic drugs, often an excellent cost-effective alternative, getting equal consideration?

Frankly, I have my concerns about this practice. Many professional organizations have gone on record as opposing the kinds of direct-to-consumer advertising that goes on today. I believe it bears very close watching and we all need to closely scrutinize its value and its place within the health care system.

NEW JERSEY STORMWATER MANAGEMENT PROJECT

Mr. TORRICELLI. Mr. President, I rise today regarding a matter of great importance to the entire State of New Jersey. My home state is confronted with an array of complex challenges related to the environment and economic development. However, one issue in particular, the over development of land and stormwater management, has become especially concerning because of the impact it is having on our watersheds and floodplains.

As you may know, this past August vast parts of northern New Jersey were devastated by flooding caused by severe rainfall. The resulting natural disaster threatened countless homes, bridges and roads, not to mention the health, safety and welfare of area residents. The total figure for damages in Sussex and Morris Counties alone has been estimated at over $50 million, and area residents are still fighting to restore some degree of normalcy to their lives. According to the Federal Emergency Management Agency, in just those two counties, 34 dams were damaged, 6 bridges were damaged and 4 were destroyed, and 10 municipal buildings were damaged.

While the threat of future floods continues to plague the region, one New Jersey institution is taking concrete steps to prevent another flooding catastrophe. The New Jersey Institute of Technology, NJIT, has been studying the challenges posed by flooding and stormwater flows for some time, and is ready to create a multi-agency federal partnership to continue this important research.

NJIT is one of New Jersey's premier research institutions and is uniquely equipped to carry out this critical stormwater research. The university has a long and distinguished tradition of responding to difficult public-policy challenges such as environmental emissions standards, aircraft noise, traffic congestion and alternative energy. More broadly, NJIT has demonstrated an institutional ability to direct its intellectual resources to the examination of problems beyond academia, and its commitment to research allows it to serve as a resource for unbiased technological information and analysis. Indeed, I originally requested that NJIT be given the funds to take on this Stormwater flood control and management project.

Despite that, the 2000 Water Resources Development Act, WRDA, still presents an excellent opportunity for NJIT to partner with the federal government and solve the difficult problem of flood control. At my request, and in close coordination with my House colleagues from the state delegation, the final version of this important legislation includes a provision directing the U.S. Army Corps of Engineers to develop and implement a stormwater flood control project in New Jersey and report back to Congress within three years on its progress. While the Corps of Engineers is familiar with this problem at the national level, it does not have the firsthand knowledge and experience in New Jersey that NJIT has accrued in its 119 years of service to New Jersey. Including NJIT's expertise and experience in this research effort is a logical step and would greatly benefit the Army Corps, as well as significantly improve the project's chances of success.

Therefore, I urge the New York District of the Corps of Engineers to work closely with my office and NJIT to ensure the universities full participation in this study. By working together, we can create a nexus between the considerable flood control expertise of the Army Corps and NJIT, and finally solve this difficult problem for the people of New Jersey. I hope my colleagues will support my efforts in this regard.

SENATE'S FAILURE ON JUDICIAL NOMINATIONS IN 106TH CONGRESS

• Mr. LEAHY. Mr. President, of the 105 judicial vacancies that have occurred so far this year, the Senate has acted to fill only 39. The last year of the Bush Administration, a presidential year in which we had the reverse situation with a Republican President and a Democratic Senate, the Senate confirmed 66 judges—70 percent more than the number confirmed this year. Over the 2-year span of this Congress, the Senate will have confirmed only 73 judges. By contrast, the Democratic Senate in the last two years of President Bush's Administration confirmed 124 judges—70 percent more judges than

the number confirmed by this Congress. Indeed, in the last eleven weeks of Congress in 1992, a Democratic Senate held four judicial nominations hearings and confirmed 29 judges. In the last eleven weeks of this Congress, Republicans will have managed to hold no hearings and confirm no judges.

President Clinton has tried to make progress on bringing greater diversity to our federal courts. He has been successful to some extent. With our help, he could have done so much more. We will end this Congress without having acted on any of the African American nominees sent to us to fill vacancies on the Fourth Circuit and finally integrate the Circuit with the highest percentage of African American population in the country, but the one Circuit that has never had an African American judge. We could have acted on the nomination of Kathleen McCree Lewis and confirmed her to the Sixth Circuit to be the first African American woman to sit on that Court. Instead, we will end the year without having acted on any of the outstanding nominees to the Sixth Circuit pending before us.

This Judiciary Committee reported only three nominees to the Courts of Appeals all year. We held hearings without even including a nominee to the Courts of Appeals and denied a Committee vote to two outstanding nominees who succeeded in getting hearings. I certainly understand the frustration of those Senators who know that Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, as well as Judge Helene White, Bonnie Campbell and others should have been considered by this Committee and voted on by the Senate this year.

There continue to be multiple vacancies on the Third, Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 24 current vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I note that the vacancy rate for our Courts of Appeals is more than 12 percent nationwide. If we were to take into account the additional appellate judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, S. 3071, a bill that was requested by the Judicial Conference to handle current workloads, the vacancy rate on our federal courts of appeals would be more than 17 percent.

The Chairman declares that ''there is and has been no judicial vacancy crisis'' and that he calculates vacancies at ''less than zero.'' The extraordinary service that has been provided by our corps of senior judges does not mean there are no vacancies. In the federal courts around the country there remain 66 current vacancies and 12 more on the horizon. With the judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, there would be over 135 vacancies across the country. That is the truer measure of vacancies, many of which have been long-standing judicial emergency vacancies in our southwest border states. The Chief Judges of both the Fifth and Sixth Circuits have had to declare their entire courts in emergencies since there are too many vacancies and too few Circuit judges to handle their workload.

After creating 85 additional judgeships in 1990, Congress reduced the vacancies from 131 in 1991, to 103 in 1992, to 112 in 1993, to 63 in 1994. Vacancies were going down and we were acting with Republican and Democratic Presidents to fill the 85 judgeships created by a Democratic Congress under a Republican President in 1990. We will end this session with more vacancies than at the end of the session in 1994, without having added the judgeships requested by the Judicial Conference. Since Republicans assumed control of the Senate in the 1994 election, the Senate has not closed the vacancy gap at all and the workloads in many of our courts have gotten significantly worse. More vacancies are continuing longer, and it has taken longer to confirm nominees to existing vacancies. We have lost ground and squandered opportunities for progress in the past six years.

As I have pointed out, the vacancies are most acute among our Courts of Appeals and in our southwest border States. We have not acted to add the judgeships requested by the Judicial Conference to meet increased workloads over the last decade. According to the Chief Justice's 1999 year-end report, the filings of cases in our Federal courts have reached record heights. In fact, the filings of criminal cases and defendants reached their highest levels since the Prohibition Amendment was repealed in 1933. Also in 1999, there were 54,693 filings in the 12 regional Courts of Appeals. Overall growth in appellate court caseload last year was due to a 349 percent upsurge in original proceedings. This sudden expansion resulted from newly implemented reporting procedures, which more accurately measure the increased judicial workload generated by the Prisoner Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act, both passed in 1996.

I regret to report again today that the last confirmation hearing for federal judges held by the Judiciary Committee was in July, as was the last time the Judiciary Committee reported any nominees to the full Senate. Throughout August, September, October, and now into November, there were no additional hearings held or even noticed, and no executive business meetings included any judicial nominees on the agenda. By contrast, in 1992, the last year of the Bush Administration, a Democratic majority in the Senate held three confirmation hearings in August and September and continued to work to confirm judges up to and including the last day of the session. During that presidential election year the Senate confirmed 66 judges; this year the Senate will not reach 40.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should have joined with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the federal courts around the country.

I regret that the Judiciary Committee did not hold additional hearings after July, that the Senate only acted on 39 nominees all year, and that we took so long on so many of them. I deeply regret the lack of a hearing and a vote on so many qualified nominees, including Roger Gregory, Judge James Wynn, Judge Helene White, Bonnie Campbell, Enrique Moreno and Allen Snyder. The Senate squandered a number of important opportunities to help our courts and should have accorded these qualified and outstanding nominees fair up or down votes.●

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

● Mrs. FEINSTEIN. Mr. President, I am pleased to have worked with Senator COLLINS on Senate passage of S. 2924, the ''Internet False Identification Prevention Act of 2000.'' This legislation is an important step forward in the fight against identity theft.

''The Internet False Identification Prevention Act of 2000'' recognizes that the crime of identity theft has entered the Internet age, and that the Federal government has a responsibility to bring our identity theft laws up to speed. The primary law governing false identification documents was enacted in 1982, well before the advent of websites and e-mail.

Specifically, this legislation prohibits individuals from knowingly producing, distributing, or offering for download from the Internet computer files or templates that are designed to make counterfeit identification documents.

While the total number of false identification documents sold on the Internet is unknown, purveyors of false identification documents have used the Internet to sell their wares to a much broader market, and to distribute these documents as quickly as they can be downloaded from a website. According to a study by the Senate Committee of Government Affairs, one web site operator reported that he sold 1,000 fake IDs a month yielding $600,000 in annual sales.

The ''Internet False Identification Prevention Act of 2000'' also closes a loophole in current law that permitted

manufacturers of false identification documents to escape liability by displaying a disclaimer, ''Not a Government Document.'' These disclaimers, however, can be easily removed. The bill also directs the Attorney General and the Secretary of the Treasury to coordinate efforts to investigate and prosecute the distribution of false identification documents on the Internet.

I would note that this bill contains an exemption from criminal liability for certain ''interactive computer services.'' This language reflects a narrow, one-time solution and I want it to be clear that this should not be considered as a precedent.

Congress has debated the issue of whether the liability of certain Internet service providers should be limited with respect to particular activities of their subscribers or users of their services. This is a complicated question, requiring careful deliberation and evaluation of the short- and long-term consequences. A full debate on this issue is needed in the 107th Congress.●

ADDITIONAL STATEMENTS

RECOGNIZING THE ROLE OF PHARMACISTS

● Mr. JOHNSON. Mr. President, every year in October there is recognition made of our nation's pharmacists in the form of National Pharmacy Week. This year's designation was October 22–28, 2000. I would like to take a few minutes to talk about that profession and its role in the safe, cost-effective delivery of medication to American citizens.

I have great respect for the innovation that this nation's scientists have demonstrated to continually produce new and better ''wonder drugs'' that have played a major role in the prevention and treatment of disease. Farther down the line within the drug delivery system are pharmacists, using those same drugs every day, getting them to patients along with information for their safe use.

The role of the pharmacist is changing. In addition to the traditional role of accurately dispensing prescription drugs, today's pharmacists are successfully involved in all areas of the drug use process. The result of this involvement, often termed ''pharmacy care'' has made a huge positive difference in many studies within the areas of anticoagulation, asthma and diabetes treatment, pain control and many others. When pharmacists are proactively involved, there have been demonstrations of not only increased effectiveness and fewer adverse reactions, but cost savings as well.

Within the startling report issued earlier this year by the Institute of Medicine, which pointed out that tens of thousands of American die every year from medical errors, was a recommendation to increase the utilization of pharmacists and pharmacy care.

So today I would like to congratulate the pharmacy profession for its accomplishments in improving patient care. During this Congress several bills have included provisions to encourage and support pharmacy care. I believe this is a fascinating approach that we should strongly consider as we continue to work toward optimizing the safe and cost-effective use of prescription drugs.●

TRIBUTE TO MARY JANE COLTON ON HER RETIREMENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mary Jane Colton, who will retire from my staff next week after 20 years of service to the people of New Hampshire as an employee of the U.S. Senate.

Mary Jane is known throughout the state for her compassion and success in helping New Hampshire citizens with problems they may be having with the federal government. As a chief caseworker on my staff, and as State Office Director for Senator Gordon Humphrey before me, she was critical in managing a constituent service operation that was second to none. Mary Jane helped many senior citizens, veterans, parents, and communities with problems they had with the federal government. From assisting a small community in its battle to receive its own zip code, to helping a local veteran get a long-awaited service medal, Mary Jane's legacy has had a great impact on the Granite State.

Mary Jane's compassion is also evident in her home and personal life. For many years she has cared for her elderly and infirm parents in her home, so they would not be separated by being placed in a state nursing home.

As Mary Jane leaves public service, I wish her the best in all of her future endeavors. I know she will be working full-time on her passion: Antiques. She will now be able to focus on her on-line antiques business—an enjoyable and hopefully lucrative second career.

Good luck, Mary Jane. Thank you for all that you have done for me and for the people of New Hampshire. It is an honor to represent you in the U.S. Senate.●

TRIBUTE TO ERIC KINGSLEY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Eric Kingsley as he leaves his position as Executive Director of the New Hampshire Timberland Owners Association, NHTOA.

Eric's five year tenure at NHTOA has been marked by progress and success. The organization's programs and services have grown to meet the needs and concerns of its members, and have established a strong, stable foundation for the association's future.

Through the years, I have grown to value Eric's input on the many issues that significantly impact New Hampshire's timberlands. Eric has done an outstanding job of keeping me, and other policymakers, informed on the issues and has been a true leader in making sure the voice of NHTOA was heard throughout the country.

Of all of Eric's achievements at NHTOA, perhaps his most important success came this past spring. Eric helped lead the charge to defeat the Environmental Protection Agency's ill-considered proposal to treat some forestry activities as ''point source pollution'' under the Clean Water Act. These rules, known as the Total Maximum Daily Loads—TMDL Rule—would have required landowners, foresters, and homeowners to obtain federal permits before conducting a timber harvest and could have exposed them to lengthy bureaucratic delays and costly citizen lawsuits.

This past May, I held a field hearing in Whitefield, New Hampshire, on the TMDL rule. Eric was a persuasive witness, providing thoughtful and compelling testimony. He also organized hundreds of foresters to ensure their message was heard loud and clear in Washington. Thanks in large part to Eric's leadership on this issue, EPA withdrew the section of the TMDL rules that adversely affected forestry.

My staff and I have also worked closely with Eric on issues of importance to the White Mountain National Forest. When the President issued his ''roadless'' initiative stripping the people of New Hampshire and New England of the opportunity to have a meaningful voice in the management of their public lands, Eric was there to ensure we took this Administration to task.

Eric also rose to the occasion in the face of destruction from Mother Nature's wrath. The Ice Storm in January 1998 brought unprecedented challenges to New Hampshire's forest lands. Hundreds of thousands of acres were significantly damaged. Eric worked closely with me and my colleagues to help us turn this tragedy into an opportunity. Today, not only has the federal government provided resources to help recover from the storm, but we have a record number of acres under forest stewardship plans.

My staff and I have worked with Eric on a wide variety of other issues during his time at NHTOA. I have always been impressed with his dedication and the depth of knowledge he displayed on issues ranging from estate tax reform to rural economic development. Eric has always been an effective and honest advocate for the causes he holds close to his heart. I know he will be greatly missed by NHTOA's 1,500 members.

I wish Eric well in all his future endeavors, and am confident he will succeed in whatever pursuits he chooses. It is an honor to represent him in the Senate.●

MESSAGE FROM THE PRESIDENT

REPORT ON THE CONTINUATION OF THE SUDAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 137

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudan emergency is to continue in effect beyond November 3, 2000, to the *Federal Register* for publication.

The crisis between the United States and Sudan that led to the declaration on November 3, 1997, of a national emergency has not been resolved. The Government of Sudan has continued its activities hostile to United States interests. Such Sudanese actions and policies pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Sudan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 31, 2000.*

CONTINUATION OF SUDAN EMERGENCY

On November 3, 1997, by Executive Order 13067, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Sudan. By Executive Order 13067, I imposed trade sanctions on Sudan and blocked Sudanese government assets. Because the Government of Sudan has continued its activities hostile to United States interests, the national emergency declared on November 3, 1997, and the measures adopted on that date to deal with that emergency must continue in effect beyond November 3, 2000. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency for 1 year with respect to Sudan.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 31, 2000.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The following bills, previously signed by the Speaker of the House, were signed on today, November 1, 2000, by the President pro tempore (Mr. THURMOND):

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 the 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 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 Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

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 Meridian Irrigation District.

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 the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act.

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.

At 11:25 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1880. An act to amend the Public Health Service Act to improve the health of minority individuals.

S. 2020. An act to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2789. An act to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 3239. An act to amend the Immigration and Nationality Act to provide special immigration status for certain United States international broadcasting employees.

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

H.R. 207. An act to amend title 5, United States Code, to make permanent the authority under which comparability allowances

may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes.

H.R. 1653. An act to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

H.R. 2903. An act to reauthorize the Striped Bass Conservation Act, and for other purposes.

H.R. 4020. An act to authorize the addition of land to Sequoia National Park, and for other purposes.

H.R. 5540. An act to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to provide for additional temporary bankruptcy judges; and for other purposes.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 782. An act to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for olders individuals, and for other purposes.

H.R. 4864. An act to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution:

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 3:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 397. Concurrent resolution 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.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 1, 2000, he had presented to the President of the United States the following enrolled bills:

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 the 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 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-Gaudes Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 3267: An original bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Health Benefit Act of 1992 and adjust inequities related to the United Mine Workers of America Combined Benefit Fund (Rept. No. 106–512).

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. ROTH:

S. 3267. An original bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Health Benefit Act of 1992 and adjust inequities related to the United Mine Workers of America Combined Benefit Fund; from the Committee on Finance; placed on the calendar.

By Mr. SMITH of Oregon:

S. 3268. A bill to amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Con. Res. 159. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. SMITH of Oregon:

S. 3268. A bill to amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills; to the Committee on Environment and Public Works.

FISHERMEN AND AQUACULTURE OIL SPILL ASSISTANCE ACT

Mr. SMITH of Oregon. Mr. President, today I am introducing legislation to address concerns raised by a number of my constituents with respect to the Oil Pollution Act in the aftermath of the New Carissa incident. This legislation, the Fishermen and Aquaculture Oil Spill Assistance Act, is the first step toward ensuring that small businesses, such as the fishermen and shellfish producers in my state, who are impacted by these oil spills, are not victimized a second time by a lengthy claims procedure under the OPA.

For the benefit of my colleagues who are not aware of this incident, the New Carissa was a large wood-chip freighter that ran aground near Coos Bay, Oregon last year and leaked 60,000 gallons of oil. This devastated the coastal environment in that area, and temporarily damaged some of the important oyster beds for which Coos Bay is well-known in the seafood industry. In fact, we still have the ship's stern section sitting off-shore, marring the natural beauty of the Oregon coast.

Over the last several months I have heard from my constituents from that

part of the Oregon coast, who are extremely dissatisfied with both the emergency response planning and the claims process under the Oil Pollution Act as it applies to aquaculture producers. With respect to the emergency response plans, the complaint has been that the concerns of shellfish producers are not necessarily taken into account in the development of these plans and that quick action in the early hours of a spill could protect the areas where the oyster beds are present. On the matter of the claims process, the complaint has been that there is little small businesses can do in the immediate term if the responsible party fails to make the interim payments to claimants required under the OPA.

This legislation addresses the concerns by authorizing the President to offer loans to fishermen and aquaculture producers who are mired in the claims process, but have not been receiving the required interim payments. This would help these small, often family-owned, businesses meet their most pressing expenses should the claims procedure become a drawn out affair. Secondly, this legislation calls upon the Secretary of Commerce and the Administrator of the Environmental Protection Agency to study the claims process and the emergency response plans to determine if they adequately protect the interests of seafood producers and submit any recommendations to the Congress. Ultimately, my aim is to ensure that future oil spill incidents do not cause the same problems to others that oyster producers in Oregon have suffered following the New Carissa spill.

I am pleased that my friend from the Oregon delegation, Mr. DEFAZIO, intends to introduce a companion measure today in the House of Representatives. Over the upcoming holidays we intend to look over this matter again and reintroduce this legislation, after receiving further feedback from our constituents, early in the 107th Congress.

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

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

S. 3268

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 ''Fishery and Aquaculture Oil Spill Assistance Act''.

SEC. 2. INTEREST; PARTIAL PAYMENT OF CLAIMS.

Section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705) is amended by adding at the end the following:

''(c) LOAN PROGRAM.—

''(1) IN GENERAL.—The President shall establish a loan program to assist injured parties in meeting financial obligations during the claims procedure described in section 1013.

''(2) CONDITION FOR LOAN.—A loan may be awarded under paragraph (1) only to a fisherman or aquaculture producer to whom a responsible party has failed to provide an interim payment under subsection (a).''.

SEC. 3. USES OF THE FUND.

Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

(1) in paragraph (5)(C), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(6) the making of loans to assist any injured party in paying financial obligations during the claims procedure described in section 1013.''.

SEC. 4. STUDY.

Not later than 270 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a study that contains—

(1) an assessment of the effectiveness of the claims procedures and emergency response programs under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) concerning claims filed by, and emergency responses carried out to protect the interests of, fishermen and aquaculture producers; and

(2) any legislative or other recommendations to improve the procedures and programs referred to in paragraph (1).

Mr. DURBIN:

S.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

THE ELECTORAL COLLEGE

Mr. DURBIN. Mr. President, earlier this morning I held a press conference with a colleague of mine from the State of Illinois, RAY LAHOOD. RAY LAHOOD is a Congressman from the city of Peoria, and a Republican. It was interesting to see a bipartisan press conference at this point in the congressional session.

Congressman LAHOOD and I agree on an issue which could become supremely important in just a few days. Given the tight Presidential race this year, we have the possibility that the winning candidate for President might not win the popular vote in our country. This potential outcome highlights a serious and persistent flaw in our current system of electing a Chief Executive of the United States.

I am introducing a joint resolution to amend the Constitution to replace the electoral college with the direct election of the President and Vice President.

I introduced a similar measure in 1993 with Congressman GERALD KLECZKA of Wisconsin in the House. I will be doing the same in the Senate. But I hope to attract the support of colleagues on both sides of the aisle regardless of the outcome on November 7.

The electoral college is an antiquated institution that has outlived its purpose. It was the product of contentious debate and a great deal of controversy. Most of the delegates to the Constitutional Convention in 1787 felt that the process of selecting a President should not be left up to a direct vote of the people. And most agreed with the sentiments of George Mason of Virginia, who said, ''it were as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would be to refer a trial of colors to a blind man.''

After a prolonged debate, an indirect method of electing the President was adopted. This compromise plan, known as the Electoral College Method, provided for the election of the President and Vice President by State appointed electors. Under Article II, Section 1, Clause 2 of the Constitution as amended by the 12th Amendment in 1804, each state is required to appoint in a manner determined by the state legislature a number of electors equal in number to its congressional representation. If no candidate receives a simple majority of electoral votes, then the House of Representatives chooses the President from the three candidates with the greatest number of votes and the Senate similarly chooses a Vice President from the top two contenders for that office.

The commonly held opinion among the delegates in 1787 was that matters of such gravity should not be left up to the average citizen. Moreover, the discussions of the convention reveal that the delegates questioned whether voters in one State could have enough relevant knowledge regarding the character of public men living hundreds of miles away. In addition, the delegates from the less populous States were concerned that a direct election of the President would enhance the power and prestige of the more populous states.

But today, these concerns are no longer compelling—if they ever were.

The 17th amendment to the Constitution was ratified in 1913 and provided for the direct popular election of U.S. Senators. Before that, Senators were chosen by State legislatures. But come 1913, we decided to trust the people to choose the Senators. I don't believe our Nation suffered by that decision. I think the Senate as an institution has been enhanced by that decision. It is no longer a back-room deal in a State capitol that sends a Senator to Washington, it is a decision made by the people of each State in an open and free election.

The incredible advances in communication technologies since the 18th Century render moot the concerns that citizens do not have enough information to make an informed decision about a President. Clearly potential voters today have more information about presidential candidates than their counterparts had 200 years ago regarding their directly elected Representatives to Congress.

It has been argued that smaller States have a slight advantage in the current system, because states receive a minimum of three electoral votes, regardless of their population. However, any serious study of presidential campaigns would demonstrate that the more populous states, with their large electoral prizes, as well as medium sized swing states, have the true advantage. The winner-take-all aspect in each State motivates presidential candidates to focus on States with a moderate or large number of electoral votes, assuming the candidates believe they have a chance to win the popular vote there. Less populous States with only a few electoral votes are largely ignored. Also States that are heavily leaning toward one of the presidential candidates are similarly ignored.

You do not see AL GORE and JOE LIEBERMAN spend that much time in the State of Texas, nor do you find George W. Bush visiting the State of New York very often. Most campaigns have written off certain States. So the people in that State do not see much of the Presidential campaign except for national coverage.

Clearly, there is a reason why there have been more congressionally proposed constitutional amendments on this subject than any other. The electoral college system, as it stands today, has several major defects. The most significant of these are the result of voting schemes other than a direct popular vote. The most prevalent example is the unit vote or so-called winner-take-all formula. The unit vote is the practice of awarding all of a State's electoral votes to the candidate with a popular vote plurality in the State, regardless of whether the plurality is one vote or one million votes. All States and the District of Columbia with the exception of the States of Maine and Nebraska have adopted this method.

In doing my research on this isue, I learned that Maine and Nebraska vote by congressional district and allocate their Presidential electors accordingly.

The first problem with the electoral college system is that it is inherently unfair and may disenfranchise voters. Senator Birch Bayh—father of our colleague, Senator EVAN BAYH—discussed this problem on the floor of the Senate when he introduced a resolution to abolish the electoral college on January 15, 1969. During his floor statement he said:

> As a result, the popular vote totals of the losing candidate at the State level are completely discounted in the final electoral tabulation. In effect, millions of voters are disenfranchised if they happen to vote for the losing candidate in their State.

The famous Missouri Senator Thomas Hart Benton, who was the first Senator to serve in the Senate for 30 years, further pointed out the injustice of this system when he said:

> To lose votes is the fate of all minorities, and it is their duty to submit; but this is not the case of votes lost, but of votes taken away, added to those of the majority and given to a person to whom the minority is opposed.

Another problem with the electoral college system is that it often leads to wide disparities between the popular vote and the electoral vote. For example, since 1824, when the popular vote first began to be recorded along with the electoral vote, winners of presidential elections have averaged 51 percent of the popular vote as compared to an average of 71 percent of the electoral vote. In comparison, the losing main opponents have averaged 42 percent of the popular vote, but just 27 percent of the electoral vote. Year to year statistics vary greatly.

A more serious problem is that the electoral college system can lead to Presidents who received fewer popular votes than their main opponent. In fact, this has happened 3 times out of the 42 presidential elections since 1824.

Another indication as to the likelihood of a non-majority President can be seen in the elections of 1844, 1880, 1884, 1960, and 1968, in which the main opponent lost the popular vote by an average of only 0.3 percent. This is in stark contrast to the winning margin in electoral votes for these elections, which averaged 17 percent. Other close presidential elections occurred in 1916, 1948, and 1976. In those years, if a mere few thousand votes had been switched in a few key states where the vote was close, a different candidate would have won the White House. In 1916, for example, a shift of only 2,000 votes in California would have made Charles Evans Hughes President, despite Woodrow Wilson's half-million popular vote advantage. And in 1976, a 6,000 vote shift in Ohio and a 4,000 vote shift in Hawaii would have elected Gerald Ford, even though Jimmy Carter won the popular vote by 1.6 million ballots.

One can conclude that approximately one in fourteen presidential elections have resulted in a non-majority President, while one in five have nearly resulted in one.

Senator Birch Bayh eloquently pointed out the risk of this system in his floor statement on January 15, 1969:

> The present electoral vote system has in the past, and may in the future, produce a President who has received fewer popular votes than his opponent. I cannot see how such a system can be beneficial to the American people. I see, instead, only grave dangers that could divide this Nation at a critical hour if the President-elect lacked a popular mandate.

The third pernicious flaw in the electoral college system is that it produces artificial distortions in the political process. The fact that presidential candidates cater to the larger and swing states often gives undue influence to a limited number of contested States. So-called safe States are given scant or no attention by candidates—who have limited time, energy, and resources. Senator Thomas J. Dodd, the distinguished Senator from Connecticut who was known as an ardent crusader and civil rights advocate, argued convincingly on this subject soon after President Kennedy's narrow victory in 1960. He said:

> The shift of a few thousand votes in these States would have elected Dewey in 1948. The shift of a few thousand votes in Illinois and New Jersey could have changed the result of an election as close as this past one. There is something wrong with an election system which hinges, not on the vote of 70 million, but on the vote of several thousand in a few key States.

The issue isn't simply that every vote matters in a close election. The issue is the injustice of a few thousand votes in just a few states having a disproportional impact on a National election. Why should a vote in Missouri or Florida be worth more to a presidential candidate than one in Wyoming, Mississippi, or Rhode Island?

The fourth and last major flaw in the electoral college system is that electors, in general, are not bound to cast their vote in accordance with the popular vote results from their State. While some States require a binding oath or pledge under penalty of law, the majority of States have no or an insignificant penalty. This leads to the disturbing possibility that a President, in an election with a close electoral vote, could win through subterfuge. Instances of rogue electors casting votes contrary to the results in their State have occurred in the following years: 1948, 1956, 1960, 1968, 1972, 1976, and 1988.

Since 1797, when Representative William L. Smith of South Carolina offered the first Constitutional amendment proposing to reform our procedure for electing the President, hardly a session of Congress has passed without the introduction of one or more similar proposals. According to the Congressional Research Service, approximately 109 constitutional amendments on electoral college reform were introduced in Congress between 1889 and 1946. Another 265 were introduced between 1947 and 1968. The distinguished Senator from South Carolina Olin Johnston summed up the sentiments of many of the critics of the electoral college system when he said on the floor of the Senate on January 5, 1961:

> All of these proposals recognized . . . that the so-called electoral college system has never functioned as contemplated by the framers of the Constitution.

While all of these attempts failed, the most successful effort took place after the 1968 presidential election when third party candidate George Wallace received 46 electoral votes. In that election, there was considerable concern that no candidate would receive a majority of electoral votes and that the new President would be selected by the House of Representatives. As a result, H.J. Res. 681 was introduced by Representative Emanuel

Celler in the 91st Congress, proposing to abolish the electoral college and replace it with the direct popular election of the President and Vice President. Included in H.J. Res. 681 was a provision for a runoff election if no candidate received at least 40 percent of the popular vote. While this joint resolution passed the House on September 18, 1969, by a vote of 338–70, it died in the Senate because of a filibuster by Senators from small States and southern States.

The joint resolution I am introducing today is similar to H.J. Res. 681, in that it calls for the direct election of the President and Vice President and includes a provision for a runoff election. More specifically, in the event that no candidate receives at least 40 percent of the popular vote, a runoff would be held 21 days after the general election between the two candidates with the greatest number of popular votes. This resolution builds upon a proposal I offered with Representative GERALD KLECZKA in 1993 and other resolutions introduced in the current Congress by Representatives RAY LAHOOD and JAMES LEACH.

Every public opinion poll indicates that an overwhelming majority of Americans want to elect their President directly by popular vote. Direct popular election has been endorsed in the past by a large number of civic-minded groups including the American Bar Association, the AFL–CIO, the UAW, U.S. Chamber of Commerce, the National Federation of Independent Business, and the NAACP.

If we believe that the President represents and speaks for the people of this great country, then we have an obligation to allow the people to have their voices heard. Abraham Lincoln once said, ''Public opinion is everything. With it, nothing can fail. Without it, nothing can succeed.''

Mr. President, to reiterate, as Congressman LAHOOD and I said in our bipartisan press conference, although this is an issue which apparently seems so rational and so easy to argue, it is one that has run into a lot of debate on the floor of the Senate. I spoke to one of my colleagues from a smaller State and told him what I was doing. He said: I'll oppose you all the way because my tiny State has three electoral votes, and the Presidental candidate has been spending a lot of time in my State and would spend no time there if we had to rely on a popular vote.

But it seems strange to me we rely on a popular vote for virtually every other election in America but not the Presidential election. If we have a disparity between the popular vote for President and the electoral vote for President, if we have someone elected President who does not receive a majority of the votes of the American people, it will create a problem for that administration. It is tough enough to lead in this great Nation, tough enough for a President to muster popular support for difficult decisions to be made. But if that President does not bring a mandate from the people to the office, his power will be diminished.

I sincerely hope that does not occur. But whether or not, I hope my colleagues will join me supporting this effort to abolish the electoral college and say we trust the people in this country. The arguments made over 200 years ago do not apply today. The people of this country should choose the President as they choose Members of Congress as well as U.S. Senators.

I ask unanimous consent a copy of the legislation be printed in the CONGRESSIONAL RECORD.

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

S.J. RES. 56

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE—

''SECTION 1. The President and Vice President shall be elected by the people of the several States and the district constituting the seat of government of the United States.

''SECTION 2. The electors in each State shall have the qualifications requisite for electors of Representatives in Congress from that State, except that the legislature of any State may prescribe less restrictive qualifications with respect to residence and Congress may establish uniform residence and age qualifications. Congress shall establish qualifications for electors in the district constituting the seat of government of the United States.

''SECTION 3. The persons having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 per centum of the whole number of votes cast for such offices in the general election. If no persons have such number, a runoff election shall be held 21 days after the general election. In the runoff election, the choice of President and Vice President shall be made from the persons who received the two highest numbers of votes for each office in the general election.

''SECTION 4. The times, places, and manner of holding such elections, and entitlement to inclusion on the ballot for the general election, shall be prescribed in each State by the legislature thereof; but Congress may at any time by law make or alter such regulations. Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

''SECTION 5. Each elector shall cast a single vote jointly applicable to President and Vice President in any such election. Names of candidates shall not be joined unless they shall have consented thereto and no candidate shall consent to his or her name's being joined with that of more than one other person.

''SECTION 6. Congress may by law provide for the case of the death of any candidate for President or Vice President before the day on which the President-elect or the Vice President-elect has been chosen; and for the case of a tie in any such election.

''SECTION 7. Congress shall have the power to implement and enforce this article by appropriate legislation.

''SECTION 8. This article shall take effect one year after the twenty-first day of January following ratification.''.

ADDITIONAL COSPONSORS

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

SENATE CONCURRENT RESOLUTION 159—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 159

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 14, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Monday, November 13, 2000, at 2 p.m., or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED

FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000

LOTT AMENDMENT NO. 4356

Mr. LOTT proposed an amendment to the bill (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''FSC Repeal and Extraterritorial Income Exclusion Act of 2000''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed.

SEC. 3. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

''SEC. 114. EXTRATERRITORIAL INCOME.

''(a) EXCLUSION.—Gross income does not include extraterritorial income.

''(b) EXCEPTION.—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

''(c) DISALLOWANCE OF DEDUCTIONS.—

''(1) IN GENERAL.—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

''(2) ALLOCATION.—Any deduction of the taxpayer properly apportioned and allocated to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

''(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

''(B) the extraterritorial income derived from such transaction which is not so excluded.

''(d) DENIAL OF CREDITS FOR CERTAIN FOREIGN TAXES.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

''(e) EXTRATERRITORIAL INCOME.—For purposes of this section, the term 'extraterritorial income' means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer.''.

(b) QUALIFYING FOREIGN TRADE INCOME.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

''Subpart E—Qualifying Foreign Trade Income

''Sec. 941. Qualifying foreign trade income.

''Sec. 942. Foreign trading gross receipts.

''Sec. 943. Other definitions and special rules.

''SEC. 941. QUALIFYING FOREIGN TRADE INCOME.

''(a) QUALIFYING FOREIGN TRADE INCOME.—For purposes of this subpart and section 114—

''(1) IN GENERAL.—The term 'qualifying foreign trade income' means, with respect to any transaction, the amount of gross income which, if excluded, will result in a reduction of the taxable income of the taxpayer from such transaction equal to the greatest of—

''(A) 30 percent of the foreign sale and leasing income derived by the taxpayer from such transaction,

''(B) 1.2 percent of the foreign trading gross receipts derived by the taxpayer from the transaction, or

''(C) 15 percent of the foreign trade income derived by the taxpayer from the transaction.

In no event shall the amount determined under subparagraph (B) exceed 200 percent of the amount determined under subparagraph (C).

''(2) ALTERNATIVE COMPUTATION.—A taxpayer may compute its qualifying foreign trade income under a subparagraph of paragraph (1) other than the subparagraph which results in the greatest amount of such income.

''(3) LIMITATION ON USE OF FOREIGN TRADING GROSS RECEIPTS METHOD.—If any person computes its qualifying foreign trade income from any transaction with respect to any property under paragraph (1)(B), the qualifying foreign trade income of such person (or any related person) with respect to any other transaction involving such property shall be zero.

''(4) RULES FOR MARGINAL COSTING.—The Secretary shall prescribe regulations setting forth rules for the allocation of expenditures in computing foreign trade income under paragraph (1)(C) in those cases where a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

''(5) PARTICIPATION IN INTERNATIONAL BOYCOTTS, ETC.—Under regulations prescribed by the Secretary, the qualifying foreign trade income of a taxpayer for any taxable year shall be reduced (but not below zero) by the sum of—

''(A) an amount equal to such income multiplied by the international boycott factor determined under section 999, and

''(B) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the taxpayer directly or indirectly to an official, employee, or agent in fact of a government.

''(b) FOREIGN TRADE INCOME.—For purposes of this subpart—

''(1) IN GENERAL.—The term 'foreign trade income' means the taxable income of the taxpayer attributable to foreign trading gross receipts of the taxpayer.

''(2) SPECIAL RULE FOR COOPERATIVES.—In any case in which an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products sells qualifying foreign trade property, in computing the taxable income of such cooperative, there shall not be taken into account any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

''(c) FOREIGN SALE AND LEASING INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'foreign sale and leasing income' means, with respect to any transaction—

''(A) foreign trade income properly allocable to activities which—

''(i) are described in paragraph (2)(A)(i) or (3) of section 942(b), and

''(ii) are performed by the taxpayer (or any person acting under a contract with such taxpayer) outside the United States, or

''(B) foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside the United States.

''(2) SPECIAL RULES FOR LEASED PROPERTY.—

''(A) SALES INCOME.—The term 'foreign sale and leasing income' includes any foreign trade income derived by the taxpayer from the sale of property described in paragraph (1)(B).

''(B) LIMITATION IN CERTAIN CASES.—Except as provided in regulations, in the case of property which—

''(i) was manufactured, produced, grown, or extracted by the taxpayer, or

''(ii) was acquired by the taxpayer from a related person for a price which was not determined in accordance with the rules of section 482,

the amount of foreign trade income which may be treated as foreign sale and leasing income under paragraph (1)(B) or subparagraph (A) of this paragraph with respect to any transaction involving such property shall not exceed the amount which would have been determined if the taxpayer had acquired such property for the price determined in accordance with the rules of section 482.

''(3) SPECIAL RULES.—

''(A) EXCLUDED PROPERTY.—Foreign sale and leasing income shall not include any income properly allocable to excluded property described in subparagraph (B) of section 943(a)(3) (relating to intangibles).

''(B) ONLY DIRECT EXPENSES TAKEN INTO ACCOUNT.—For purposes of this subsection, any expense other than a directly allocable expense shall not be taken into account in computing foreign trade income.

''SEC. 942. FOREIGN TRADING GROSS RECEIPTS.

''(a) FOREIGN TRADING GROSS RECEIPTS.—

''(1) IN GENERAL.—Except as otherwise provided in this section, for purposes of this subpart, the term 'foreign trading gross receipts' means the gross receipts of the taxpayer which are—

''(A) from the sale, exchange, or other disposition of qualifying foreign trade property,

''(B) from the lease or rental of qualifying foreign trade property for use by the lessee outside the United States,

''(C) for services which are related and subsidiary to—

''(i) any sale, exchange, or other disposition of qualifying foreign trade property by such taxpayer, or

''(ii) any lease or rental of qualifying foreign trade property described in subparagraph (B) by such taxpayer,

''(D) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

''(E) for the performance of managerial services for a person other than a related person in furtherance of the production of

foreign trading gross receipts described in subparagraph (A), (B), or (C).

Subparagraph (E) shall not apply to a taxpayer for any taxable year unless at least 50 percent of its foreign trading gross receipts (determined without regard to this sentence) for such taxable year is derived from activities described in subparagraph (A), (B), or (C).

''(2) CERTAIN RECEIPTS EXCLUDED ON BASIS OF USE; SUBSIDIZED RECEIPTS EXCLUDED.—The term 'foreign trading gross receipts' shall not include receipts of a taxpayer from a transaction if—

''(A) the qualifying foreign trade property or services—

''(i) are for ultimate use in the United States, or

''(ii) are for use by the United States or any instrumentality thereof and such use of qualifying foreign trade property or services is required by law or regulation, or

''(B) such transaction is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured, produced, grown, or extracted.

''(3) ELECTION TO EXCLUDE CERTAIN RECEIPTS.—The term 'foreign trading gross receipts' shall not include gross receipts of a taxpayer from a transaction if the taxpayer elects not to have such receipts taken into account for purposes of this subpart.

''(b) FOREIGN ECONOMIC PROCESS REQUIREMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (c), a taxpayer shall be treated as having foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by paragraph (2).

''(2) REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met with respect to the gross receipts of a taxpayer derived from any transaction if—

''(i) such taxpayer (or any person acting under a contract with such taxpayer) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

''(ii) the foreign direct costs incurred by the taxpayer attributable to the transaction equal or exceed 50 percent of the total direct costs attributable to the transaction.

''(B) ALTERNATIVE 85-PERCENT TEST.—A taxpayer shall be treated as satisfying the requirements of subparagraph (A)(ii) with respect to any transaction if, with respect to each of at least 2 subparagraphs of paragraph (3), the foreign direct costs incurred by such taxpayer attributable to activities described in such subparagraph equal or exceed 85 percent of the total direct costs attributable to activities described in such subparagraph.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) TOTAL DIRECT COSTS.—The term 'total direct costs' means, with respect to any transaction, the total direct costs incurred by the taxpayer attributable to activities described in paragraph (3) performed at any location by the taxpayer or any person acting under a contract with such taxpayer.

''(ii) FOREIGN DIRECT COSTS.—The term 'foreign direct costs' means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

''(3) ACTIVITIES RELATING TO QUALIFYING FOREIGN TRADE PROPERTY.—The activities described in this paragraph are any of the following with respect to qualifying foreign trade property—

''(A) advertising and sales promotion,

''(B) the processing of customer orders and the arranging for delivery,

''(C) transportation outside the United States in connection with delivery to the customer,

''(D) the determination and transmittal of a final invoice or statement of account or the receipt of payment, and

''(E) the assumption of credit risk.

''(4) ECONOMIC PROCESSES PERFORMED BY RELATED PERSONS.—A taxpayer shall be treated as meeting the requirements of this subsection with respect to any sales transaction involving any property if any related person has met such requirements in such transaction or any other sales transaction involving such property.

''(c) EXCEPTION FROM FOREIGN ECONOMIC PROCESS REQUIREMENT.—

''(1) IN GENERAL.—The requirements of subsection (b) shall be treated as met for any taxable year if the foreign trading gross receipts of the taxpayer for such year do not exceed $5,000,000.

''(2) RECEIPTS OF RELATED PERSONS AGGREGATED.—All related persons shall be treated as one person for purposes of paragraph (1), and the limitation under paragraph (1) shall be allocated among such persons in a manner provided in regulations prescribed by the Secretary.

''(3) SPECIAL RULE FOR PASS-THRU ENTITIES.—In the case of a partnership, S corporation, or other pass-thru entity, the limitation under paragraph (1) shall apply with respect to the partnership, S corporation, or entity and with respect to each partner, shareholder, or other owner.

''SEC. 943. OTHER DEFINITIONS AND SPECIAL RULES.

''(a) QUALIFYING FOREIGN TRADE PROPERTY.—For purposes of this subpart—

''(1) IN GENERAL.—The term 'qualifying foreign trade property' means property—

''(A) manufactured, produced, grown, or extracted within or outside the United States,

''(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business for direct use, consumption, or disposition outside the United States, and

''(C) not more than 50 percent of the fair market value of which is attributable to—

''(i) articles manufactured, produced, grown, or extracted outside the United States, and

''(ii) direct costs for labor (determined under the principles of section 263A) performed outside the United States.

For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation, and the direct costs for labor under clause (ii) do not include costs that would be treated under the principles of section 263A as direct labor costs attributable to articles described in clause (i).

''(2) U.S. TAXATION TO ENSURE CONSISTENT TREATMENT.—Property which (without regard to this paragraph) is qualifying foreign trade property and which is manufactured, produced, grown, or extracted outside the United States shall be treated as qualifying foreign trade property only if it is manufactured, produced, grown, or extracted by—

''(A) a domestic corporation,

''(B) an individual who is a citizen or resident of the United States,

''(C) a foreign corporation with respect to which an election under subsection (e) (relating to foreign corporations electing to be subject to United States taxation) is in effect, or

''(D) a partnership or other pass-thru entity all of the partners or owners of which are described in subparagraph (A), (B), or (C).

Except as otherwise provided by the Secretary, tiered partnerships or pass-thru entities shall be treated as described in subparagraph (D) if each of the partnerships or entities is directly or indirectly wholly owned by persons described in subparagraph (A), (B), or (C).

''(3) EXCLUDED PROPERTY.—The term 'qualifying foreign trade property' shall not include—

''(A) property leased or rented by the taxpayer for use by any related person,

''(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not patented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property,

''(C) oil or gas (or any primary product thereof),

''(D) products the transfer of which is prohibited or curtailed to effectuate the policy set forth in paragraph (2)(C) of section 3 of Public Law 96–72, or

''(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

''(4) PROPERTY IN SHORT SUPPLY.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, the President may by Executive order designate the property as in short supply. Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President's determination that the property is no longer in short supply.

''(b) OTHER DEFINITIONS AND RULES.—For purposes of this subpart—

''(1) TRANSACTION.—

''(A) IN GENERAL.—The term 'transaction' means—

''(i) any sale, exchange, or other disposition,

''(ii) any lease or rental, and

''(iii) any furnishing of services.

''(B) GROUPING OF TRANSACTIONS.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

''(2) UNITED STATES DEFINED.—The term 'United States' includes the Commonwealth of Puerto Rico. The preceding sentence shall not apply for purposes of determining whether a corporation is a domestic corporation.

''(3) RELATED PERSON.—A person shall be related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

''(4) GROSS AND TAXABLE INCOME.—Section 114 shall not be taken into account in determining the amount of gross income or foreign trade income from any transaction.

''(c) SOURCE RULE.—Under regulations, in the case of qualifying foreign trade property manufactured, produced, grown, or extracted within the United States, the amount of income of a taxpayer from any sales transaction with respect to such property which is treated as from sources without the United States shall not exceed—

''(1) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(B), the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States if the foreign trade income were reduced by an amount equal to 4 percent of the foreign trading gross receipts with respect to the transaction, and

''(2) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(C), 50 percent of the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States.

''(d) TREATMENT OF WITHHOLDING TAXES.—

''(1) IN GENERAL.—For purposes of section 114(d), any withholding tax shall not be treated as paid or accrued with respect to extraterritorial income which is excluded from gross income under section 114(a). For purposes of this paragraph, the term 'withholding tax' means any tax which is imposed on a basis other than residence and for which credit is allowable under section 901 or 903.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any taxpayer with respect to extraterritorial income from any transaction if the taxpayer computes its qualifying foreign trade income with respect to the transaction under section 941(a)(1)(A).

''(e) ELECTION TO BE TREATED AS DOMESTIC CORPORATION.—

''(1) IN GENERAL.—An applicable foreign corporation may elect to be treated as a domestic corporation for all purposes of this title if such corporation waives all benefits to such corporation granted by the United States under any treaty. No election under section 1362(a) may be made with respect to such corporation.

''(2) APPLICABLE FOREIGN CORPORATION.—For purposes of paragraph (1), the term 'applicable foreign corporation' means any foreign corporation if—

''(A) such corporation manufactures, produces, grows, or extracts property in the ordinary course of such corporation's trade or business, or

''(B) substantially all of the gross receipts of such corporation are foreign trading gross receipts.

''(3) PERIOD OF ELECTION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked by the taxpayer. Any revocation of such election shall apply to taxable years beginning after such revocation.

''(B) TERMINATION.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (A) or (B) of paragraph (2) for any subsequent taxable year, such election shall not apply to any taxable year beginning after such subsequent taxable year.

''(C) EFFECT OF REVOCATION OR TERMINATION.—If a corporation which made an election under paragraph (1) revokes such election or such election is terminated under subparagraph (B), such corporation (and any successor corporation) may not make such election for any of the 5 taxable years beginning with the first taxable year for which such election is not in effect as a result of such revocation or termination.

''(4) SPECIAL RULES.—

''(A) REQUIREMENTS.—This subsection shall not apply to an applicable foreign corporation if such corporation fails to meet the requirements (if any) which the Secretary may prescribe to ensure that the taxes imposed by this chapter on such corporation are paid.

''(B) EFFECT OF ELECTION, REVOCATION, AND TERMINATION.—

''(i) ELECTION.—For purposes of section 367, a foreign corporation making an election under this subsection shall be treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

''(ii) REVOCATION AND TERMINATION.—For purposes of section 367, if—

''(I) an election is made by a corporation under paragraph (1) for any taxable year, and

''(II) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of the first such subsequent taxable year to which such election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

''(C) ELIGIBILITY FOR ELECTION.—The Secretary may by regulation designate one or more classes of corporations which may not make the election under this subsection.

''(f) RULES RELATING TO ALLOCATIONS OF QUALIFYING FOREIGN TRADE INCOME FROM SHARED PARTNERSHIPS.—

''(1) IN GENERAL.—If—

''(A) a partnership maintains a separate account for transactions (to which this subpart applies) with each partner,

''(B) distributions to each partner with respect to such transactions are based on the amounts in the separate account maintained with respect to such partner, and

''(C) such partnership meets such other requirements as the Secretary may by regulations prescribe,

then such partnership shall allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from any transaction to which this subpart applies on the basis of such separate account.

''(2) SPECIAL RULES.—For purposes of this subpart, in the case of a partnership to which paragraph (1) applies—

''(A) any partner's interest in the partnership shall not be taken into account in determining whether such partner is a related person with respect to any other partner, and

''(B) the election under section 942(a)(3) shall be made separately by each partner with respect to any transaction for which the partnership maintains separate accounts for each partner.

''(g) EXCLUSION FOR PATRONS OF AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—Any amount described in paragraph (1) or (3) of section 1385(a)—

''(1) which is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

''(2) which is allocable to qualifying foreign trade income and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(d),

shall be treated as qualifying foreign trade income of such person for purposes of section 114. The taxable income of the organization shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.

''(h) SPECIAL RULE FOR DISCS.—Section 114 shall not apply to any taxpayer for any taxable year if, at any time during the taxable year, the taxpayer is a member of any controlled group of corporations (as defined in section 927(d)(4), as in effect before the date of the enactment of this subsection) of which a DISC is a member.''

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(1) The second sentence of section 56(g)(4)(B)(i) is amended by inserting before the period ''or under section 114''.

(2) Section 275(a) is amended—

(A) by striking ''or'' at the end of paragraph (4)(A), by striking the period at the end of paragraph (4)(B) and inserting '', or'', and by adding at the end of paragraph (4) the following new subparagraph:

''(C) such taxes are paid or accrued with respect to qualifying foreign trade income (as defined in section 941).''; and

(B) by adding at the end the following the following new sentence: ''A rule similar to the rule of section 943(d) shall apply for purposes of paragraph (4)(C).''.

(3) Paragraph (3) of section 864(e) is amended—

(A) by striking ''For purposes of'' and inserting:

''(A) IN GENERAL.—For purposes of''; and

(B) by adding at the end the following new subparagraph:

''(B) ASSETS PRODUCING EXEMPT EXTRATERRITORIAL INCOME.—For purposes of allocating and apportioning any interest expense, there shall not be taken into account any qualifying foreign trade property (as defined in section 943(a)) which is held by the taxpayer for lease or rental in the ordinary course of trade or business for use by the lessee outside the United States (as defined in section 943(b)(2)).''.

(4) Section 903 is amended by striking ''164(a)'' and inserting ''114, 164(a),''.

(5) Section 999(c)(1) is amended by inserting ''941(a)(5),'' after ''908(a),''.

(6) The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 115 the following new item:

''Sec. 114. Extraterritorial income.''.

(7) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart E and inserting the following new item:

''Subpart E. Qualifying foreign trade income.''.

(8) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart C.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply to transactions after September 30, 2000.

(b) NO NEW FSCS; TERMINATION OF INACTIVE FSCS.—

(1) NO NEW FSCS.—No corporation may elect after September 30, 2000, to be a FSC (as defined in section 922 of the Internal Revenue Code of 1986, as in effect before the amendments made by this Act).

(2) TERMINATION OF INACTIVE FSCS.—If a FSC has no foreign trade income (as defined

in section 923(b) of such Code, as so in effect) for any period of 5 consecutive taxable years beginning after December 31, 2001, such FSC shall cease to be treated as a FSC for purposes of such Code for any taxable year beginning after such period.

(c) TRANSITION PERIOD FOR EXISTING FOREIGN SALES CORPORATIONS.—

(1) IN GENERAL.—In the case of a FSC (as so defined) in existence on September 30, 2000, and at all times thereafter, the amendments made by this Act shall not apply to any transaction in the ordinary course of trade or business involving a FSC which occurs—

(A) before January 1, 2002; or

(B) after December 31, 2001, pursuant to a binding contract—

(i) which is between the FSC (or any related person) and any person which is not a related person; and

(ii) which is in effect on September 30, 2000, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

(2) ELECTION TO HAVE AMENDMENTS APPLY EARLIER.—A taxpayer may elect to have the amendments made by this Act apply to any transaction by a FSC or any related person to which such amendments would apply but for the application of paragraph (1). Such election shall be effective for the taxable year for which made and all subsequent taxable years, and, once made, may be revoked only with the consent of the Secretary of the Treasury.

(3) EXCEPTION FOR OLD EARNINGS AND PROFITS OF CERTAIN CORPORATIONS.—

(A) IN GENERAL.—In the case of a foreign corporation to which this paragraph applies—

(i) earnings and profits of such corporation accumulated in taxable years ending before October 1, 2000, shall not be included in the gross income of the persons holding stock in such corporation by reason of section 943(e)(4)(B)(i), and

(ii) rules similar to the rules of clauses (ii), (iii), and (iv) of section 953(d)(4)(B) shall apply with respect to such earnings and profits.

The preceding sentence shall not apply to earnings and profits acquired in a transaction after September 30, 2000, to which section 381 applies unless the distributor or transferor corporation was immediately before the transaction a foreign corporation to which this paragraph applies.

(B) EXISTING FSCS.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957) if—

(i) such corporation is a FSC (as so defined) in existence on September 30, 2000,

(ii) such corporation is eligible to make the election under section 943(e) by reason of being described in paragraph (2)(B) of such section, and

(iii) such corporation makes such election not later than for its first taxable year beginning after December 31, 2001.

(C) OTHER CORPORATIONS.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957), and such corporation shall (notwithstanding any provision of section 943(e)) be treated as an applicable foreign corporation for purposes of section 943(e), if—

(i) such corporation is in existence on September 30, 2000,

(ii) as of such date, such corporation is wholly owned (directly or indirectly) by a domestic corporation (determined without regard to any election under section 943(e)),

(iii) for each of the 3 taxable years preceding the first taxable year to which the election under section 943(e) by such controlled foreign corporation applies—

(I) all of the gross income of such corporation is subpart F income (as defined in section 952), including by reason of section 954(b)(3)(B), and

(II) in the ordinary course of such corporation's trade or business, such corporation regularly sold (or paid commissions) to a FSC which on September 30, 2000, was a related person to such corporation,

(iv) such corporation has never made an election under section 922(a)(2) (as in effect before the date of the enactment of this paragraph) to be treated as a FSC, and

(v) such corporation makes the election under section 943(e) not later than for its first taxable year beginning after December 31, 2001.

The preceding sentence shall cease to apply as of the date that the domestic corporation referred to in clause (ii) ceases to wholly own (directly or indirectly) such controlled foreign corporation.

(4) RELATED PERSON.—For purposes of this subsection, the term ''related person'' has the meaning given to such term by section 943(b)(3).

(5) SECTION REFERENCES.—Except as otherwise expressly provided, any reference in this subsection to a section or other provision shall be considered to be a reference to a section or other provision of the Internal Revenue Code of 1986, as amended by this Act.

(d) SPECIAL RULES RELATING TO LEASING TRANSACTIONS.—

(1) SALES INCOME.—If foreign trade income in connection with the lease or rental of property described in section 927(a)(1)(B) of such Code (as in effect before the amendments made by this Act) is treated as exempt foreign trade income for purposes of section 921(a) of such Code (as so in effect), such property shall be treated as property described in section 941(c)(1)(B) of such Code (as added by this Act) for purposes of applying section 941(c)(2) of such Code (as so added) to any subsequent transaction involving such property to which the amendments made by this Act apply.

(2) LIMITATION ON USE OF GROSS RECEIPTS METHOD.—If any person computed its foreign trade income from any transaction with respect to any property on the basis of a transfer price determined under the method described in section 925(a)(1) of such Code (as in effect before the amendments made by this Act), then the qualifying foreign trade income (as defined in section 941(a) of such Code, as in effect after such amendment) of such person (or any related person) with respect to any other transaction involving such property (and to which the amendments made by this Act apply) shall be zero.

CONTINUING APPROPRIATIONS FY 2000

LOTT AMENDMENT NO. 4357

Mr. LOTT proposed an amendment to the bill (H.J. Res. 84) making further continuing appropriations for the fiscal year 2000, and for other purposes; as follows:

Strike all after the resolving clause and insert the following:

That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting ''November 14, 2000''.

Amend the title so as to read: ''Making further continuing appropriations for the fiscal year 2001, and for other purposes.''

WILLIAM KENZO NAKAMURA UNITED STATES COURTHOUSE

HERBERT H. BATEMAN EDUCATIONAL AND ADMINISTRATIVE CENTER

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following bills which are at the desk: H.R. 5302; and, H.R. 5388.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 5302) to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington as the ''William Kenzo Nakamura United States Courthouse.''

A bill (H.R. 5388) to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuse as the ''Herbert H. Bateman Educational and Administrative Center.''

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. MURKOWSKI. Mr. President, I further ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to any of these bills be printed in the RECORD, with the above occurring en bloc.

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

The bills (H.R. 5302 and H.R. 5388) were read the third time and passed.

GEORGE E. BROWN, JR., U.S. COURTHOUSE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5110, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5110) to designate the U.S. Courthouse located at 3470 12th Street, Riverside, California as the ''George E. Brown, Jr., U.S. Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (H.R. 5110) was read three times and passed.

NATIONAL RECORDING REGISTRY IN THE LIBRARY OF CONGRESS

Mr. MURKOWSKI. Mr. President, I ask the Chair lay before the Senate a

message from the House of Representatives on the bill (H.R. 4846)

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 4846) entitled ''An Act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.''.

Mr. MURKOWSKI. I ask unanimous consent the Senate recede from its amendment.

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

ORDERS FOR NOVEMBER 2, 2000, AND NOVEMBER 14, 2000

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Tuesday, November 14, under the provisions of S. Con. Res. 159.

I further ask unanimous consent that if the House of Representatives does not pass H.J. Res. 84 as passed by the Senate, the Senate reconvene at 8:30 p.m. on Thursday, November 2. I further ask unanimous consent that on Tuesday, November 14, 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 that the Senate then proceed to a period of morning business until 12:30 p.m., with the time equally divided between Senator LOTT and Senator DASCHLE.

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

Mr. MURKOWSKI. Mr. President, I further ask unanimous consent that the Senate stand in recess from the hour of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

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

PROGRAM

Mr. MURKOWSKI. Mr. President, for the information of all Senators, the Senate, therefore, will convene on Tuesday, November 14, at 12 noon, or at 8:30 p.m. tomorrow if a problem arises with the long-term continuing resolution. The Senate will be in a period of morning business on Tuesday, November 14 until the Senate recesses for the weekly party conferences at 12:30. Negotiations will continue during this short break, and therefore Senators should be aware that votes are expected to occur on November 14.

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.

The PRESIDING OFFICER. In my capacity as the Senator from the State of Idaho, I ask unanimous consent that the quorum call be rescinded.

Without objection, it is so ordered.

RECESS UNTIL TUESDAY, NOVEMBER 14, 2000

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess under the provisions of S. Con. Res. 159.

Thereupon, the Senate, at 3:33 p.m., recessed until Tuesday, November 14, 2000, at 12 noon.

HOUSE OF REPRESENTATIVES—*Wednesday, November 1, 2000*

The House met at 10 a.m.

PRAYER

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

Come let us worship God together.

We rejoice and give thanks to our God who has raised up heroic people in every age.

The Lord is true to His name and faithful to His promises. The Lord rewards the just and is compassionate to the brokenhearted.

May we be inspired by those who have gone before us and are remembered to this very day for their noble deeds and their lives of dedication to establish this Nation in a oneness that brings justice to all.

May God be blessed again today in us and in our common endeavors to serve God's people.

Blessed be God now and forever.

Amen.

THE JOURNAL

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

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker'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 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 a point of order that a quorum is not present.

The SPEAKER. 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 313, nays 58, answered ''present'' 1, not voting 60, as follows:

[Roll No. 586]

YEAS—313

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Combest
Cooksey
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Hall (TX)
Hastings (WA)
Hayworth
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wilson
Wolf
Woolsey
Young (FL)

NAYS—58

Baird
Becerra
Borski
Brady (PA)
Capuano
Clay
Condit
Costello
Crane
DeFazio
English
Filner
Gejdenson
Green (TX)
Gutierrez
Gutknecht
Hayes
Hefley
Hilliard
Holt
Hooley
Hulshof
Kucinich
LaFalce
Latham
LoBiondo
McDermott
McGovern
McNulty
Menendez
Miller, George
Moran (KS)
Neal
Oberstar
Obey
Olver
Pallone
Pickett
Ramstad
Rothman
Sabo
Sanchez
Schaffer
Slaughter
Stark
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Weller
Wicker
Wu
Wynn

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—60

Archer
Barcia
Bilbray
Boucher
Brown (FL)
Brown (OH)
Burton
Campbell
Canady
Coburn
Collins
Conyers
Cook
Cox
Danner
Dickey
Dicks
Dingell
Dooley
Dunn
Fowler
Franks (NJ)
Greenwood
Hall (OH)
Hansen
Hastings (FL)
Hill (MT)
Hunter
Jackson-Lee (TX)
Kasich
Kennedy
Klink
Lantos
Lazio
Martinez
McCollum
McCrery
McIntosh
Metcalf
Mica
Mollohan
Ose
Peterson (MN)
Pomeroy
Reyes
Salmon
Scarborough
Scott
Shaw
Shays
Smith (NJ)
Stabenow
Talent
Turner
Waters
Watts (OK)
Waxman
Wexler
Wise
Young (AK)

□ 1025

Mr. KUCINICH and Mr. HILLIARD changed their vote from ''yea'' to ''nay''.

Mrs. KELLY changed her vote from ''nay'' to ''yea''.

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

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

Mr. KILDEE 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.

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. 122, and that I might include tabular and extraneous material.

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 662, I call up the joint resolution (H.J. Res. 122) 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 joint resolution.

The text of the House Joint Resolution 122 is as follows:

H.J. RES. 122

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 ''November 2, 2000''.

The SPEAKER pro tempore. Pursuant to House Resolution 662, 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 one of those 1-day continuing resolutions. Since the President of the United States refuses to sign more than a 1-day continuing resolution, this is something that we have to do. It is pure and simple. It is no different than what we did yesterday and the day before and the day before and the day before and the day before.

Mr. Speaker, as I have said so many times on so many of these CRs that I am basically through with presenting this continuing resolution. I will be prepared to reserve the balance of my time unless there is some reason that I need to respond to a situation that we did not anticipate.

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

Mr. OBEY. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, as my colleagues know, we are stuck here because the major appropriation bill that is yet to be resolved had been brought to a compromised conclusion by the conferees Sunday night; and then when the majority party leadership reviewed that compromise on Monday morning, they said ''No way baby''.

What blew up the agreement was the objection of the majority party leadership to the language in the conference report that would have, after a 10-year struggle, finally allowed, after yet one more 6-month delay, for the enforcement of a rule by OSHA to protect workers from debilitating, career ending workplace injuries caused by repetitive motion.

□ 1030

I want to review for my colleagues the history of OSHA for those of my friends on the Republican side who were not here when OSHA was created. I was. I want you to know who the sponsor of the OSHA legislation was. It was a man by the name of Bill Steiger, who was my best friend in the House, a Republican from Wisconsin. We went to college together. We were in the legislature together. We served here together. And then he, unfortunately, died at age 40.

It was always my belief that, if he had lived, he would have been the first Republican Speaker. He was a wonderful human being and a very balanced one, a strong conservative. But he was the sponsor of the OSHA legislation. He was the first employer in Washington for a fellow by the name of Dick Cheney. So that ought to give you some idea of Bill's political philosophy. I think the gentleman from Illinois (Mr. HYDE) served with him. Some of you will remember Bill.

When OSHA was adopted, the Chamber of Commerce insisted that the standards that were used by OSHA be the consensus standards which had been developed by business advisory committees and OSHA simply took those standards and enforced them as their own.

An article on the business page of ''The Washington Post'' this morning points out that ''80 percent of all current OSHA health and safety standards are the same voluntary standards U.S. businesses were using in the late 1960s reflecting a long history of business and political opposition to new OSHA standards.'' And that is the case.

The history on this floor after OSHA was established has been a 2-decade long effort on the part of the majority party to resist new protections for workers. The cotton dust standard. You fought that for 4½ years and tried to have it delayed twice by legislative limitations. The methychloride standard to prevent leukemia. My brother-in-law died of leukemia and was always convinced it was workplace related. The standard to prevent that exposure in the workplace was resisted, and several times the majority tried to offer legislative language forbidding OSHA from proceeding with this standard.

The lead standard. We know what lead does to brain development. We know what it does for brain damage. The majority party tried to stop that standard. And for a decade they have been trying to stop the standard on repetitive motion injuries so that human beings do not go around with this kind of problem.

At first the actions taken by the majority party in the Committee on Appropriations in the form of an amendment by the gentleman from Texas (Mr. BONILLA) centered around denying OSHA the opportunity to even gather information about the occurrence and incidence of repetitive motion damage in the workplace.

Then after they failed to stop the gathering of information, then they switched rationales and said, ''Oh, we do not have enough information.'' And so, no matter how much information was developed by OSHA, they still said, ''Oh, we need more. We need more. Do not know enough. Do not know enough.'' And so that standard has been delayed for years and years.

Now, we finally reached, after four successive delays imposed by this House and after a promise a year and a half ago that you would impose no more delays, the majority leadership is once again trying to promote delay of both the implementation and the promulgation of the standard to protect people like the woman in this picture.

And so, what happened? We finally reached agreement after 4 hours of going word by word over language. Both sides left the room numerous times to consult their lawyers. Senator STEVENS did. The White House people in the room did. It was scrubbed by lots of lawyers who were outside the room, but it was checked repeatedly. We finally had a deal. As I said last night, it was even sealed with toasts of Merlot.

And then what happened? Well, what ''The Washington Post'' reports this morning that ''Fierce lobbying by powerful corporate groups with considerable sway among the GOP leadership helped kill a deal sealed with the Republican negotiators early Monday. Led by the U.S. Chamber of Commerce and the National Association of Manufacturers, the industries include groups representing trucking companies, bakeries, soft drink makers, and parcel delivery companies.''

And then it goes on to say, ''Business leaders have also bankrolled political ads over the workplace rules. In recent weeks, the National Association of Manufacturers has been running radio ads in key congressional districts.'' So on and so forth.

The article ends by quoting a 32-year-old woman, Heidi Eberhardt, who said,

''I do not know if I will ever be able to type again. I will always have to be careful with my hands. If I had had any kind of ergonomic knowledge back then, I would not be injured today.''

What we are trying to do is to prevent that from happening to other Heidi Eberhardts in the future.

Now, in my view, there is only one reason for what happened that night. It was my position, and in that conference, I opposed the conference deal that the White House cut with the Republican majority because I felt that after all these years there should be no further delay, none whatsoever. The compromise that was cut is that it was finally agreed to allow a standard to be promulgated but it could not be enforced in any way until after July. So that, if a new President was elected who disagreed with that standard, he would have time to go through the Administrative Procedures Act and repeal it; and he could, incidentally, suspend it the day he walked into office. We feel that within 45 days, certainly within 60, he could shut it off.

I am convinced that the only reason the majority party leadership is doing this is because, if their party leader wins the White House, they want him to be able to stop that regulation without ever having to publicly stand up and oppose it.

Now, as we used to hear when there was a Republican President, we used to hear there is only one President at a time. Well, there is only one President at a time; and in my view, this President, after over 10 years of analysis and study and review, he has the right to impose a standard which was called for for the first time by a Secretary of Labor by the name of Libby Dole. She is the one who started this process, and she is the one who initially said that this was needed and crucial for the safety of people in the workplace. I would urge you to remember, that is why we are stuck here on the CR.

If the majority party leadership wants to get out of town, there is only one thing they have to do. All they have to do is take the D.C. bill, the Treasury-Post Office, and the Legislative appropriations bill and, by reference in the Labor, HHS bill, put it together, stick to the original deal on Labor, HHS, and so far as appropriations are concerned, we could be out of here in one day. That would leave only the Commerce, Justice State bill remaining.

For the life of me, I do not see how those differences are going to be bridged in this short period of time. But all other appropriations work could be done. That is what the leadership could do. All it has to do is to honor the agreement that was reached, reference those other four bills, and we could be out of here in a day and a half going back and reintroducing ourselves to our constituents.

So that is what I would hope the majority leadership would do in the interest of ending this session with some degree of comity. But I am afraid that the same principle that is operating here to prevent helping this woman in the picture is the same principle that had been operating here for months on other issues. We have been trying to get prescription drug coverage all year long. But in the end, the majority party has decided that a tax cut that primarily benefits the top 2 percent of people in this country outweighs the need for millions of Americans to have prescription drug coverage. The same principle.

Who wins in the end? Money. That is what this is about. It is about money.

Shame.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say to my friend who just spoke in the well in reference to his statement that the majority party wants to get out of town, well, we would all like to get home. But I want him to know and I want everybody to know we are here for the long haul, we are here to get the job done, we are here to do the people's business however long it takes.

And these 1-day CRs, one after the other after the other after the other, use up a lot of time. We could be productive in other ways. We are not anxious to get out of town and leave the business undone. We are anxious to get out of town when the business is complete, and we are not going until we are finished and we have done it in a responsible way.

Now, the gentleman has made a substantial case about this agreement on ergonomics. I want to remind the Members what I have reminded them of before when the gentleman makes that argument. We reached an agreement. We started Sunday about 4 o'clock and we finally ended up about 1 o'clock Monday morning.

The gentleman from Wisconsin (Mr. OBEY) was there and I was there, Senator STEVENS and Senator BYRD were there. Senator HARKIN was there. Jack Lew from the White House was there. We negotiated in good faith and we reached an agreement, and we have not gone back on that agreement.

Now, the agreement was to allow the new President adequate time to make a decision. We do not know for sure how it is going to go either way regardless of which Presidential candidate is elected. But that was the agreement we reached, and nobody has gone back on that agreement.

Here is where the difference is. The difference is the language that was written that was checked by the White House lawyers. I do not know that we left the room. I did not leave the room to consult with any lawyers. But we took the word of the White House that that language did what they said it did.

Now, Senator STEVENS is a lawyer. The gentleman from Illinois (Chairman PORTER), the chairman of the subcommittee, is a lawyer. We wrote the language at least eight or nine times to try to make sure that it did what the agreement said.

Now for someone to suggest that we are going back on our agreement just is not accurate. We are not trying to change the agreement with you one iota. All we are trying to do is make sure that the language that is finally written actually does what the agreement was supposed to do.

Now, what is wrong with that? That, in my opinion, is being responsible to make sure that our actions and our words are the same. Actions speak louder than words.

□ 1045

Actions speak louder than words, and action should at least be the same as the words. That is where we have the disagreement. We are trying to work it out.

Mr. Speaker, I yield 6 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is my hope that they will be able to work out the language to reflect the agreement that they came to so that this House could move forward. But I think it is very important, too, for the body to think carefully about what is at stake in these ergonomic regulations because this controversy does go to very fundamental principles and it is true. Those fundamental principles are part of the Presidential election going on around us. I do not believe as a Republican, and I am proud of this but I also know that there are many Democrat friends of mine who agree with me, that the Federal Government should mandate on State governments that somebody injured as a result of an ergonomics injury should get 90 percent of wage replacement and full benefits when someone working right beside them but injured by a piece of steel falling on their foot and crushing all the bones in that foot gets the State compensation under workmen's comp rules, usually about 75 percent, I believe, in Connecticut. Why would we mandate inequitable compensation rules? Why would we mandate compensation rules that depend on what kind of injury you got?

I have had ergonomic problems. I have had carpal tunnel syndrome in both my wrists, and I have had operations on both my wrists and, thank you, it worked beautifully. But why when I was home recovering should I get 90 percent of wage replacement when my friend severely injured in a fall at a construction site would get the State's rate which is always in every case at least below that 90 percent? Why would we mandate inequity on working people? Why would we do that?

Furthermore, one of the plants in my district was a research site for these ergonomic regulations, and the researchers from the government as well as the workers as well as the management found certain repetitive motion problems that they could not find a solution for. Yet under these regulations you do not even have to have a pattern of problems. You can have one single incident and then you are mandated by law to adopt an incredibly costly and burdensome administrative process and fix the problem. Now, if we have already seen problems in the research process that we do not know the answer to, why would we penalize every small business in America?

This is going to be extraordinarily costly, extraordinarily burdensome to small business. This is not only a very good example of the difference between the parties on the issue of local control and respect for State and local government but it is a very good example of the difference between the parties on the issue of small business. Small business is the engine of America's economy. It is the job creator. It is the inventor. It is our strength. Yet we would lay over it this program that would begin to suffocate it. I have to say that this President has been absolutely blind to the value of small business. He wanted to go in and inspect your home office, have the government come in and inspect your home office to be sure that you had a correct chair. He has no respect for privacy, no respect for small business, and these ergonomic regulations are about fundamental principles of the role of the Federal Government and fairness to working people in America. They are a big issue.

Ironically, this President has fought against riders on appropriations bills. Riders are legislating on appropriations bills. Often I have agreed with him on those riders and said, Let's get the riders off the appropriations bills. This is a big issue in environmental areas. This is a big issue in choice areas. But now in your areas you want riders. You not only want this rider, you want a mammoth health program that has received not one single hearing and that is going to knock the stilts out from under private sector health insurance. Mark my words. Already employers in my district are beginning to drop family coverage because now it is $7,000 a year because their kids can go into our Huskie program under CHIP. That is not a bad solution. But not even to have a hearing on whether your big expansion of CHIP to all families in all situations, what impact that is going to have on the private insurance system, how much weight that is going to transfer from the private sector to a taxpayer-funded program is grossly irresponsible.

Mr. Speaker, this is about principle. It is about the principle of local control and State responsibility in our society. It is about the principle of a sound legislative practice governing authorizing of major programs. It is about the principle that a free market depends on that allows small business to be inventive, nimble and strong. I stand firmly behind our leadership in negotiating appropriations bills and not legislating new programs and creating standards that vary and treat working people unfairly.

I would call on all of us to move forward. We should have overridden the President's veto. We should resolve the issues on HHS, and we should move forward and go back home and campaign and let this be fought out on the level that it should be fought out, on the Presidential level.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Let me say, first of all, I do not believe it is the role of the Congress to debate the substance of a rule which is not yet promulgated, because I think that this body is primarily influenced by political decisions rather than on the basis of merit. It is a political institution. OSHA does not get campaign contributions based on how they rule. A lot of Members of Congress do get campaign contributions on the basis of how they vote.

The gentlewoman is mixing apples and oranges. The fact is that States, different States have different standards. Some of them use 75 percent of gross pay and others use 90 percent of net pay. The fact is when OSHA comes down on the side of using 90 percent of net pay, that is virtually the same as using 75 percent of gross pay. The gentlewoman in my view is simply confusing the issue when she tries to suggest that there is a great variance here.

But what is really at question is this: in the Washington Post article this morning, we have a very interesting quote that answers what the gentlewoman just said. She said the issue is whether State or Fed should rule. That is not the issue here. I want to read what Harley Shaiken, labor relations specialist at the University of California said. He said,

> The question is whether the best role in this field is to have the government essentially set the rules of the game in some circumstances versus putting a much heavier reliance on corporations to police themselves in an increasingly competitive globalized economy.

Now, we all know what will happen to workers if the government does not serve as an umpire to protect the weak from the powerful. With all of the pressure that globalization brings on corporations for a profit, with all due respect to my friends on the majority side of the aisle, I am not about to trust the self-policing of some of these industries given the fact that their self-policing for years has led us to a situation where we have 600,000 Americans who suffer from these injuries every year.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. I thank the gentleman from Florida for yielding me this time.

I also appreciate the passion and the sincerity of the Democratic and the Republican leadership and the appropriators in trying to work out this situation. I know that you have been hard at it, and I know that you have worked hard over the weekend. But as I sat there listening to you, it was curious to me. I kept hearing about some unelected guy, Jack Lew or somebody, and I kept hearing this vague generic reference to the White House, but I did not hear about the President, and I am concerned. Maybe the gentleman from Florida could tell me. Was the President of the United States negotiating with you or not? I will be glad to yield to the gentleman from Florida or maybe somebody could help me from the Democrat side in these very, very important, high-level negotiations which the President is keeping Congress in town at the cost of millions of dollars to the taxpayers that of course could be going to health care or education or worker safety.

What was the President doing? Was he there Saturday night? He was not there, was he? Was he there Sunday night? He was not there again, was he? Was he there Monday night? He was not there Monday night. Well, surely he showed up Tuesday night. No, wait. He was in Kentucky.

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

Mr. KINGSTON. I yield to the gentleman from Maryland.

Mr. HOYER. This President, I will tell you, and I have been here for a long period of time, has been more engaged in working with Congress than any of his predecessors. Period. The gentleman has not been here as long as some of the rest of us have been, but this President is more engaged in the legislative process than any President I have had the experience of serving with.

I will tell you further in response to your observations that the principals were not in the room. The gentleman from Texas (Mr. DELAY) apparently was not in the room. That was one of the problems because he is the one that after an agreement was reached apparently took the deal back and said, ''I won't agree.''

Mr. KINGSTON. Let me reclaim my time. The gentleman is right. I have not been here as long as some of these in-town government people. I know, for

example, the Vice President is very proud he has been here 24 years. He came straight from the hotel room to the floor of the Congress. But to a lot of us being in the private sector is a badge of honor, and I am glad I have not been here all my life because I am proud that I have had private sector experience.

My question was, is the President who is so engaged, was he here for these negotiations Saturday, Sunday, Monday, Tuesday?

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

Mr. KINGSTON. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, yesterday after this deal fell apart and we were trying to get it back together, and clearly the President's help would have been very essential, the President was unfortunately engaged in campaigning in Kentucky in a congressional race and then in New York. I believe there is a Senate race there he has some interest in that he was fundraising for. So the President has not been available throughout this time for these negotiations.

Mr. KINGSTON. Of course I am saying that I know where the President was. He was out campaigning. He was out fundraising. But this is a legitimate question. If it is worth the taxpayers to pay millions of dollars to keep the Congress, 435 Members and 100 Members of the Senate, in town to negotiate, then certainly it is worth his time to be here. I do not think you are negotiating in good faith when you are not here, when everybody else is coming to the bargaining table to try to work something out but the President is in New York campaigning, he is in Kentucky campaigning, he is, I understand, on his way to California campaigning. Now, if he were in the Middle East, I would say that is understandable. If he was in North Korea, I understand that. But, instead, he is campaigning.

Here is where we are on all our bills. This is the appropriations rundown. We have come up with levels of spending for Agriculture, for Commerce, State and Justice, for Defense, Energy and Water, Foreign Operations, Interior, VA–HUD, and we are pretty much where the President is. I will say sometimes we are up and sometimes we are down, but this is the chart. It is open for public record. We are trying to work things out. But it is not enough. It is never enough with this President.

I want to quote and close with a question by 16-year-old Sarah Schleck from Albert Lea, Minnesota, to why are we still in town because the President wants to spend more money. She said, the 16-year-old wisdom, ''Isn't our government big enough already?'' Must we really stay in town so that we can spend a couple of more billion to pay off one constituency group or another? I do not think we should do that. I think that this House, the Democrat and the Republican leadership, ought to come to its own conclusion, give it to the President, and then maybe we can go back home and tell the folks what we are up to.

□ 1100

Mr. OBEY. Mr. Speaker, I yield myself a minute and a half.

Mr. Speaker, the previous gentlemen has given the most off point speech that I have heard on this floor since the last time he addressed this body.

Let me simply say, Mr. Speaker, that the reason the President was not in the room is because since the President stole Mr. Gingrich's socks the last time they negotiated together, your leadership has refused to sit down in an omnibus meeting with him and put it together. That is why he was not there. You very well know you would not even let the President's representative come into the room until 10:00 at night. You first insisted we negotiate all other remaining items. The gentleman from Georgia (Mr. KINGSTON) further ought to know, even if you do not, you ought to know there is not a single dollar difference remaining in this issue. This has nothing to do with how much we spend. The issue is who we spend it on and which side are we on. Big business, big business or the working people of America?

We ought to have a decent balance between the interests of both, but you want it all one way for the top dogs in this society. No way. No way.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, ''The New York Times,'' considered one of the most authoritative papers in the country, even in the entire world, and the gentleman over here said oh, right, and laughed, well, I just want to remind the gentleman that earlier this year the Vice Presidential nominee, Mr. Cheney, even described one of ''The New York Times'' reporters as big time.

Well, today that big time newspaper has offered its opinion of this Congress, and I quote, ''the 106th Congress, with little to show for its 2-year existence, has all but vanished from public discourse on almost every matter of importance: Gun control, patients' bill of rights, energy deregulation, Social Security, Congress has done little or nothing.''

Mr. Speaker, it goes on to say, ''if Congress has done a lousy job for the public at large, it is doing a fabulous job feathering its own nest and rewarding commercial interests and favored constituencies with last minute legislative surprises that neither the public nor most Members of Congress have digested,'' end of quote.

But, Mr. Speaker, if one asks me, the story of this Republican Congress is not only being written by The New York Times editorial page, listen to what others are saying around the country. The Baltimore Sun, ''The Republicans in Congress still cannot get their act together.'' Roll Call, ''What a mess. House leaders have been utterly uninterested in working with House Democrats.'' The Washington Post, ''Gagging the Senate. It has been a time-serving Congress in which the majority, having lost control of the agenda, has mainly tried to give the impression of dealing with issues that it systematically has finessed.''

''The un-Congress,'' The Washington Post, ''the un-Congress continues neither to work or adjourn. For 2 years, it has mainly pretended to deal with the issues that it has systematically avoided.''

The Baltimore Sun, ''Republican Gridlock Again in Congress. Whatever happened to the fine art of compromise,'' they say. ''It seems to have vanished from the lexicon of the Republicans on Capitol Hill.''

The USA Today, just a couple of days ago, ''This Congress is a monument to fiscal irresponsibility.''

The Los Angeles Times today, ''A Sputtering Finale. It is fitting that as it sputters toward an end, this Congress is engaged in an unproductive game of political brinkmanship with the President. This 106th Congress will not be missed.''

Well, those are people who are looking from the outside and judging the catastrophe that has befallen all of us here in this Chamber in this Republican-led Congress. If you want the real story of the 106th Congress, just talk to the millions of families that the Republican leadership has turned its back on. Talk to the older people who desperately need prescription drugs. Talk to young parents who want to send their kids to safe, modern public schools. Talk to the men and working women of this country who work in restaurants and child care centers and work to take care of our elderly and our sick; and the janitorial crews, all of those folks struggling to earn a decent wage.

Talk to the patients and doctors and families battling against HMO executives for their right to quality health care. That is who is paying the true price for the failure and the indifference of this Republican Congress; not the K Street lobbyists or the crowd down at the country club. It is the American working families, Mr. Speaker. That is who we are here to serve, and I would tell my friends on this side of the aisle, if the Republican leaders cannot understand that, it is high time they step out of the way in favor of us who do understand it.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, what I am hearing today is a lot of political campaigning.

The problem is the minority does not like the majority. We love them in the minority, and we hope that they stay the minority for many, many years.

There is a difference between the parties. There is a reason that one party is a majority and the other party is a minority, but here is an interesting point. We have come together. There are arguments about whether the President was in the room or not. He was represented but he was not in the room. He was busy doing other things. We understand that. The President is looking for whatever he is looking for out there around the country, mostly money for campaigns, but let me say what the President thinks about this Congress.

Some heard me read this last night. I am going to read it again today, in view of some of the rather strong diatribes that I have heard here. The President said on Monday in his press conference, he said, ''Again we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions.'' Now, if only we could get to the bipartisanship that he talks about here. I am glad he feels that way because on the majority side we have tried to be bipartisan. We get really excited when the minority leader comes to the floor and says, come on guys, we have to get together. We have to be bipartisan and get the work done. But speaker after speaker after speaker who followed the minority leader's admonition brought out their vicious partisan attacks on the majority party.

Well, Mr. Speaker, we are the majority; and we have made a decision on what we believe is the right thing to do, and we are satisfied that we agreed with President Clinton when he said the era of big government is over, standing right there in the well of the House.

The era of big government is over. We are tired of the government being everything. There is a responsible role for the government, but it is not to run everybody's life. Whatever the government does should be done in a responsible fashion, and not one that meets the whims of somebody's political campaign. Political campaigns ought to be back home on the campaign trail, not here in the people's House. It is our job to get the people's work done and put their work ahead of politics. People above politics, and that is what we are going to stand for every day. We are not going to be stampeded by the political rhetoric that comes out of the minority party who is so anxious to become the majority party again.

Well, people of America are going to make that decision. They are going to decide whether they want to go back to the old days of decades of deficit spending, interest payments on the national debt that almost exceed the investment in our national defense; whether they want to go back to the days of raiding the Social Security trust fund to spend for their big spending programs. We have stopped that. Our majority party, the Republican Party, has stopped that. We are not spending money out of the Social Security trust fund. We are paying down the debt. We have balanced the budget, and, oh, we had a lot of opposition to what we had to do to accomplish all of these things, but we stood fast. We are going to continue to stand fast for what we believe in, and the ideals that the American people agreed with when they made us the majority party.

Mr. Speaker, I yield 3 minutes to my friend, the gentleman from California (Mr. THOMAS), who has an interesting chart that I think will demonstrate this.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time.

Mr. Speaker, in an attempt to improve the atmosphere here, I do want to reach out in a bipartisan way and indicate to the gentleman from Maryland (Mr. HOYER) that he has had extensive legislative experience here in this body. He has seen a number of Presidents in terms of the way they have performed. He has indicated that this current President has been more active, more involved than any other President that he is aware of. So I guess I am a little confused, and I would like to reach out because why would quotes from third parties then be relied on, the liberal fourth estate newspaper folk who have not been in the room, to try to characterize the way in which we have operated? Why would the quote from the gentleman who has been most involved of any Presidents be relied on?

So instead of looking at what some editorial writer writes, who has never been in the room, let us take a look again at what this President, who has been the most active President working with Congress in the minds of people who have been here a long time, and he said, quote, President Clinton, on October 30, just a couple of days ago, ''we,'' we, kind of an encompassing word, the government, the executive branch, the legislative branch, ''we have accomplished so much in this session of Congress in a bipartisan fashion.''

Now I take him at his word, the guy who has been more involved than any other President, we have accomplished so much in this session of Congress in a bipartisan fashion.

''It,'' this Congress, ''has been one of the most productive sessions.''

Now I know he has only been around 8 years, and others who have been around longer can grade how productive the sessions are, but if this President has been the most active of any President we have seen, I will accept his judgment. His judgment is, we have done a lot in a bipartisan fashion. This has been one of the most productive sessions ever. Why rely on third parties? Go to the horse's mouth.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I simply want to congratulate the gentleman from California (Mr. THOMAS), because that is the largest stretch I have ever seen. I want to congratulate them. They have been so desperate to find any way to suggest that they have accomplished anything of significance in this session of Congress that they even have stretched to rely on their old reliable friend, President Clinton, the man to whom they have given so much substantive support when in a moment of conciliatory weakness he engaged in a little bit of rhetorical hyperbole to say something nice about the majority.

If that is the best that you can find, be my guest. The people who serve in this Chamber know what you have accomplished. The people waiting for prescription drugs know what you have accomplished. The people waiting for a patients' bill of rights know what you have accomplished. The people waiting for a minimum wage bill know what you have accomplished. On the big stuff, the result unfortunately is zip. You passed a lot of stuff through here that would help the very wealthiest 2 percent on the Tax Code. Outside of that, you are still dragging behind about 8-to-0 in terms of meeting your major responsibilities.

Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT).

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise in support of this continuing resolution, our twelfth in 5 weeks, to keep the government operating; but I deeply regret that we have reached this point and I am deeply disappointed by what has happened to America's education priorities in the last 72 hours.

On Sunday night, after 3 days of no negotiations, Republicans met face-to-face with Democrats on a good faith basis to resolve our differences on education. Democrats asked Republicans whether they had full authority to negotiate a final deal and they answered, yes. In an example of bipartisan compromise, both sides came together and both sides sought common ground. Negotiators toiled late into the evening. Each side made concessions, as must be done in a bipartisan compromise, and consensus was reached through sensible dialogue. I give great credit to the gentleman from Florida (Mr. YOUNG), and I give great credit to the gentleman from Wisconsin (Mr. OBEY), and the Senators who were involved. The bill that came out of that room was a bipartisan bill that would have lifted up every community and every school in this country. This bill included full funding for 100,000 new

teachers, teacher training, after-school programs and a billion dollars for school repair and school modernization.

Less than 12 hours after the agreement was reached, the leaders of the Republican Party ripped this deal apart as a favor to a business lobby.

□ 1115

The Republican leadership bowed to business lobbyists who, according to the Washington Post, were making, and I quote, ''urgent calls to the Hill to try to block this compromise,'' simply because they did not like worker safety provisions that protected workers from repetitive stress injuries. This Republican-led Congress scuttled a bipartisan agreement that would have provided local districts with the means to hire new teachers and build new classrooms so that we could get smaller classroom sizes, so that our children could be better educated.

Mr. Speaker, I guess it is not a surprise, because Republican leaders have spent the last 6 years frustrating America's agenda, a bipartisan agenda, by giving in to special interests. On every one of these issues, the Republican leadership has taken the side of the special interests over America's agenda.

We tried to get an affordable, effective prescription medicine program; we forced it on to the agenda with the help of Republican members, and it was scuttled in conference; and it is not going anywhere, because I guess the pharmaceutical companies did not want it.

We worked with Republicans to force on to the agenda of this House an effective and enforceable Patients' Bill of Rights, and it has been stifled in a conference committee because I guess the insurance companies did not want it.

We could have had targeted tax cuts for college and long-term care and child care, but instead we passed huge tax cuts for the top 1 percent of Americans instead of getting something done in a bipartisan way that we could have gotten done.

We fought for sensible gun safety legislation, but it is stifled in a conference committee, I guess as a favor to the National Rifle Association.

We have tried to get a sensible increase in the minimum wage; but it too is stifled, even though it has strong bipartisan support.

We forced on to the agenda of this House campaign finance reform, which is desperately desired by the people of this country, and it too passed by a bipartisan vote in this House, and it has been stifled in a conference committee.

There is a pattern here, Mr. Speaker. There is a pattern. Bipartisan efforts, which even passed by bipartisan votes on the floor, are being held hostage by the special interests of this country and by the Republican leadership that is running this Congress.

The Speaker said 2 years ago that the trains were going to run on time and that we would finish our budget in regular order. Well, it is 4 weeks into the fiscal year, we are 6 days away from a general election, and we have not gotten the work done that we could have gotten done if the leadership of this Congress would have simply let the bipartisan majority that was trying to break out and do these things to be able to do them. And as a result, we have a dysfunctional Congress; we have an ineffectual Congress.

Education is our most important priority. We have schools with cracked walls and no air-conditioning and leaky windows. We have cornices falling off of buildings. We have kids in temporary structures, in movable classrooms, in inadequate facilities in the wealthiest Nation on Earth. Our children deserve our help in getting them the world-class education that every child in this country deserves.

Let us pass this resolution, let us stay here in these next days, and let us get the job done for America's children. We may not be able to do the health issues, campaign reform, gun safety or the minimum wage; but in the name of common sense, let us get done something in these last 2 or 3 days for the children of this country. Let us get them better classrooms, let us get them more teachers, let us get them a better education.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would just like Members to know that I have a great respect for the minority leader who just spoke, but some of the things that he said I do not disagree with. I think there is either a misunderstanding about what the situation is, or there is misrepresentation of the situation. Now, the items that the minority leader just talked about that were in this package that we negotiated until the wee hours of Monday morning, the good things that were in that package, they are still there. To try to imply that they are not there is just not accurate, and it is not fair, because the good things that he said were in there are still there.

What is the major change? We have gone over it and over it and over it. We will go over it again. The major change was on the ergonomics language. We reached an agreement. We continue to this minute to have that same agreement. The difference is, we are trying to make sure that the language actually does what the agreement says. But as far as the other items that the minority leader said got blown apart, that is not true. They did not get blown apart. They are still in the package. So either it is being misunderstood, or it is being misrepresented. Misunderstanding, we can understand that; but misrepresenting, we are not prepared to accept that.

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

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

Mr. TIERNEY. Mr. Speaker, maybe the gentleman can help me understand something.

Sunday night, you ostensibly had an agreement, and now the gentleman tells me it is just some legal language. I practiced for about 22 years, most of it in business law, contracts, things of that nature, as well as others. So I guess what the gentleman is telling us is that all night Monday, all day Tuesday, all night Tuesday, and then on Wednesday, the gentleman's lawyers have yet to come up with language that would be acceptable to accomplish the purposes that are wanted, so therefore, we are still here, and we are going on and on. Is that what I understand to be the case?

Mr. YOUNG of Florida. Mr. Speaker, let me suggest to the gentleman that their own lawyers at the White House either misunderstood or misrepresented. The lawyers from the White House that were checking, because Jack Lew called his lawyers, at least he told us he called his lawyers, and they said, yes, this language does what the agreement says. Now, if their lawyers cannot figure it out, and our lawyers did not figure it out, maybe we ought to take a little bit of time to do it and to do it right.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, this is an interesting debate today. The gentleman from Georgia, a good friend of mine, stood up and asked a simple question: Was the President of the United States in the meeting, and he was attacked when he left the podium, because that is an unreasonable question to ask. Then the gentleman from California, good friend of mine, comes before this honorable body and puts a quote before us about what the President of the United States said, and he was attacked. I would never stand on this floor and accuse the President of the United States of being a liar. Yet, members of his own party did that, because they said he did not mean what he said. Obviously, we would never impugn what the President said in that fashion.

Then, the Republican leadership was attacked because they are running this House. Well, let me read to my colleagues from the Hill newspaper, what the Hill newspaper says today: ''Despite President Clinton's pledge to stay here with you and fight for his legislative priorities, not one House Democrat leader was present last weekend for all 7 votes taken on session-ending procedural matters.''

My Democrat colleagues might attack the Republican leadership, they

might impugn the Republican leadership; but if it were not for the Republican leadership on this floor, there would be no leadership at all.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I would like to lower the tenor of the debate and accept a couple of offers, correct one statement, and accept one offer today to see if we might find a way to take this restless herd and not start a stampede, but start it in a slow walk to a solution.

The first thing I hope everybody will understand and stop bringing the posters to the floor saying how much is enough when we all should know by now, $645 billion is enough. We are not talking about money. Anybody that proposes spending more money is going to have to find it somewhere else, because the appropriators have got their orders. I think the gentleman from Florida (Mr. YOUNG), as chairman of the Committee on Appropriations, is doing a good job. My fuss is not with him, but it is with the leadership of the House that seems to not be willing to bring this thing to a culmination.

Now, it seems to me, and I have listened today, there is an agreement within reach on ergonomics, there is an agreement within reach on school construction, in the appropriate places by the appropriate leaders. There is an agreement in place on immigration, if we can just find that appropriate place. The one area that we do not have an agreement though, and it seems from what I have heard said, is in the area of Medicare and the BBA fix. That is what we are saying.

To the gentleman from California, the chairman of the committee that made the speech a moment ago, there is a willingness on this side to reopen that particular part of the tax bill and do a little better job for our hospitals, our rural hospitals, our nursing homes, and others. There is some additional knowledge in this House, other than the chairman of the committee, the same man that wrote the BBA fix in the first place in 1997, that had to be convinced to do more at that time, and I see the gentleman from Iowa (Mr. NUSSLE) on the floor who has been a tremendous leader in the Rural Health Care Coalition. We know this. We can have a better agreement, and that is one that we must get done, or we will not finish by the election, or by January 1, unless we can do more.

So in the spirit of bipartisanship, there is a large number of Democrats; in fact, there are 137 on my side of the aisle that said we should not spend $645 billion this year, we should only spend $633 billion.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time for a closing statement.

Mr. OBEY. I yield myself the remaining time.

Mr. Speaker, when we are in negotiations, the only way that we can reach agreement is to reduce those agreements to writing, and that is what we did. It took 4 hours to get the language right for both sides, because the lawyers who were in and out of the room talked to each other, and this was the language that they came up with. The only thing that changed was the amount of heat that the majority party leadership took from the big business lobbyists in this country. That is the only thing that changed.

It has been clear to me from the beginning that the majority leadership did not ever want us to conclude action on this bill, and what is going on now to me is very clear. This session is over. This session is over. The leadership is going through the pretense that something else is likely to happen, but behind the scenes, what they are trying to do is to get negotiated a longer-term CR so that they can get out of here, leaving undone this issue, so that they do not have to face the issue of education funding before the election, and they do not have to ever vote on scuttling the deal on protecting workers' health, which we had in this bill.

So what they may do is to send up some meaningless let-us-pretend compromise language to the White House, language that has probably already been rejected. But the fact is, they want to slip out of town. If they cannot do that, then the next best thing to do is to pretend that they expect something to happen in the future. It is clear to me that the majority party leadership will not let anything further happen on this bill if it means antagonizing their big business lobbyist friends. That is the problem.

The solution on this issue that we had in the conference was a balanced one. It said, the rule could be promulgated to protect workers from repetitive motion injury, but that the future President, if he wanted, would have 6 months to repeal it. That was the balance between the interests of business and the interests of workers who have no one to rely upon but us. It is clear the leadership pulled the plug on the deal because they do not want that, and they do not want this bill to go forward. That is sad.

□ 1130

So we will wind up not only with the workers not being protected, but we will wind up without the education achievements that we could have had in this bill, without the health research achievements we could have had in this bill, without the worker protections we could have had in this bill.

This could have been a bipartisan closure for the Congress. Thanks to the leadership's genuflecting to special interests, it will now not be. That is the saddest thing of all about this session.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all of the rhetoric we have heard here this morning, the truth of the matter is that it all revolved around one issue. That is the issue of the language trying to comply with the agreement that we reached early Monday morning, on the issue of the language relative to ergonomics.

Now, the only reference in that negotiating session to having checked with a lawyer is from the Office of Management and Budget. They are representing the President, who suggested that he had checked with his lawyers and that they decided that the language actually did what the agreement supposedly did.

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

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

Mr. OBEY. Mr. Speaker, I would tell the gentleman, I am sorry but that is just not true. Both Mr. STEVENS and the White House left the room on at least two occasions to check the language with their legal experts. The gentleman knows that.

Mr. YOUNG of Florida. I do not know that. I do not know that the Senator checked with his lawyers. I do not know that.

Mr. OBEY. Mr. STEVENS said he did. I take his word for it.

Mr. YOUNG of Florida. Mr. Speaker, I might have been talking to the gentleman at the time. I did not hear him say that.

I did hear the Director of OMB say that he checked with his lawyers and that this was their understanding. Misunderstanding is one thing and misrepresenting is something entirely different.

On the issue of ergonomics, just let me suggest one thing. I asked the staff of the Committee to give me a dictionary description of the word ''ergonomics.'' It goes something like this: ''The science of doing the same thing over and over until the simple act of repetition causes bodily harm.''

That is what we have been doing here in the House for the last couple of weeks, over and over again, continuing resolution after continuing resolution, the same arguments over and over again, most of which do not have anything at all to do with this continuing resolution.

Mr. OBEY. Mr. Speaker, if the gentleman will yield for the last time on that, that is a great line. The difference is that, for the workers we are trying to protect, it is no laughing matter because it is their livelihood.

Mr. YOUNG of Florida. The gentleman and I, as he knows, while we tend to be good friends and I have every confidence in his trustworthiness, when he tells me something I know that I can believe it, and

I think that he feels that he can believe what I say to him, but we have some strong disagreements, general philosophical disagreements.

He knows that and I know that. That is why we have the two political parties, rather than just one.

But anyway, the deal, as the minority leader referred to it as ''the deal,'' and I refer to it as a conference report, the conference report continues to contain all of the items that the minority leader talked about that were in that deal that were so good that fell apart. They did not fall apart, they are still there. They are still in the package. They are still part of the conference report.

Mr. Speaker, I have just 2 minutes left, and I do not know if we are going to have this argument again tomorrow, though we probably will. But something offended me yesterday that I did not really have the time to respond to in the way that I wanted to. That was when one of the speakers on the minority side accused and referred to our leadership as legislative terrorists.

I thought about that overnight and I really got upset about that, Mr. Speaker. Our leadership are not legislative terrorists. They are firm, they are strong, they have their commitments, and they have their convictions.

I want to tell Members about the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). He is a very strong man of great integrity. He leads this House the best that he can, realizing that he has one of the smallest majorities that has ever existed in this House in its entire history.

The gentleman from Illinois (Mr. HASTERT) is not a legislative terrorist, by any means. The gentleman from Illinois has done everything that he could to keep this House together, to keep it moving, to get our job done, while remaining true to the principles upon which the majority of this House was elected.

So I did take offense at that. I try to ignore most of the offensive things that I hear in these debates, but I could not let this go without having made some comment about this suggestion that our leaders were legislative terrorists.

They are strong and they are determined. They have tremendous conviction. They are committed. They are going to do their job regardless of the accusations and the rhetoric that comes from their opposition.

I say amen to that, because that is why we are here. We are here to do a job for the people of America. We are here to put people above politics. We are here to do our job and then go home and do our campaigning on the campaign trail, not in the House of Representatives, where all of the people should be represented here.

So Mr. Speaker, I just hope that the House will pass this continuing resolution. I hope that we can find a way to get this business completed without having to spend hours and hours every day just on one more CR because the President of the United States refuses to be realistic and sign more than a 1-day continuing resolution.

Mr. Speaker, we are here to cooperate, we are here to serve in a bipartisan fashion, but we are not here to yield or compromise on our principles.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 662, 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 371, nays 13, not voting 49, as follows:

[Roll No. 587]

YEAS—371

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
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
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Baird
Barton
Capuano
Costello
DeFazio
Ford
Hilliard
LaFalce
Miller, George
Phelps
Stupak
Thompson (MS)
Visclosky

NOT VOTING—49

Archer
Bilbray
Boucher
Brown (FL)
Brown (OH)
Campbell

Canady
Collins
Conyers
Danner
Delahunt
Dickey
Dicks
Dingell
Dooley
Dunn
Evans
Fowler
Franks (NJ)
Greenwood
Hansen
Hastings (FL)
Hill (MT)
Jackson-Lee (TX)
Kasich
Kennedy
Klink
Lantos
Lazio
McCollum
McCrery
McIntosh
Mica
Mollohan
Moore
Neal
Ose
Salmon
Scarborough
Scott
Shaw
Shays
Talent
Turner
Waters
Watts (OK)
Waxman
Wexler
Wise

□ 1159

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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

H.J. Res. 84. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, I was unavoidably detained on rollcall vote 580 and rollcall vote 581.

Mr. Speaker, had I been present, I would have voted no on rollcall vote 580 and no on rollcall vote 581.

□ 1200

''THE LONG PARLIAMENT''

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

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes we can get wisdom from the ages. I am not a fan of Oliver Cromwell. His semi-genocidal attacks on the Irish was certainly one of the low points in history. But even he occasionally got something right.

During the 1650s, there was a Parliament in England which could not seem to find a way to leave London. Oliver Cromwell decided they needed some encouragement. Some of what he said in his gentle way, waiving a sword seems to me to be not entirely inappropriate. So I would, therefore, like to read some excerpts from Oliver Cromwell's speech to what was called ''The Long Parliament.''

It is high time for me to put an end to your sitting in this place . . .

''Ye are grown intolerably odious to the whole nation. You were deputed here to get grievances redressed; are not yourselves become the greatest the grievance? Your country therefore calls upon me to cleanse the Augean stable by putting a final period to your . . . proceedings in this house and which by God's help and the strength he has given me I am now come to do. I commend ye therefore upon the peril of your lives to depart immediately out of this place. . . Go and get out, make haste ye venal slaves be gone. So take away that shining bauble there and lock up the doors.

HOUR OF MEETING ON THURSDAY, NOVEMBER 2, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 6 p.m. tomorrow.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG).

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

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. 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 239, nays 130, not voting 63, as follows:

[Roll No. 588]

YEAS—239

Abercrombie
Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Cubin
Davis (IL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dixon
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoeffel
Hoekstra
Holt
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McHugh
McInnis
McKinney
Meehan
Meeks (NY)
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oxley
Packard
Paul
Pease
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanford
Sawyer
Saxton
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—130

Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berry
Blumenauer
Bonior
Capuano
Carson
Clay
Clayton
Clyburn
Costello
Coyne
Crowley
Cummings
Cunningham
DeFazio
DeGette
DeLauro
Deutsch
Doggett
Doyle
Edwards
Evans
Farr
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Holden
Hooley
Hoyer
Inslee
Jefferson
Johnson, E. B.
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Larson
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Sherman
Slaughter
Spratt
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velázquez

Visclosky	Weiner	Woolsey
Watt (NC)	Weygand	Wynn

NOT VOTING—63

Archer	Fowler	Meek (FL)
Baird	Franks (NJ)	Mica
Bilbray	Greenwood	Mollohan
Boucher	Hansen	Neal
Brown (FL)	Hastings (FL)	Nussle
Brown (OH)	Hill (MT)	Ose
Burton	Hinojosa	Peterson (PA)
Campbell	Hulshof	Salmon
Canady	Jackson-Lee (TX)	Scarborough
Collins	Jenkins	Scott
Conyers	Jones (OH)	Shaw
Cox	Kasich	Shays
Danner	Kennedy	Smith (WA)
Davis (FL)	Klink	Talent
Delahunt	Lantos	Turner
Dickey	Lazio	Waters
Dicks	Markey	Watts (OK)
Dingell	McCollum	Waxman
Dooley	McCrery	Wexler
Dunn	McIntosh	Wise
Emerson	McKeon	
Forbes		

□ 1220

Messrs. MORAN of Virginia, OLVER, DEUTSCH, OWENS, and FARR of California changed their vote from ''yea'' to ''nay.''

Mr. WU changed his vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMITTEE ON RESOURCES CONTEMPT RESOLUTION

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise again in strong opposition to this Contempt of Congress resolution.

When there are so many important issues such as energy and health care and education policy which have languished in this Congress, it is ridiculous that this vendetta is taking the time of the House.

The crime charged in this resolution is the refusal of three witnesses to answer certain questions from Republican members of the Committee on Resources.

Let's be clear: these three individuals have worked to assure that the taxpayers receive a fair share of the royalties from oil companies drilling on public lands.

Those same oil companies, who have never received a Republican subpoena, have short-changed the taxpayers by billions of dollars in royalty under payments, as most recently evidenced by a total of $438 million in settlement payments in litigation which inspired the committee's investigation.

We should be spending our time and resources in Congress on issues that really matter to the American people.

We should not use the vast powers of Congress to punish those who helped to blow the whistle on the oil company rip-offs and who, understandably, refused to cooperate with a rogue committee operating without regard to the House rules.

And we should not be burdening the U.S. Attorney, who has plenty of work to do combating serious crimes, with an ill-conceived contempt resolution based on an investigation so procedurally flawed that the criminal charges would not survive judicial review.

Let's start by making it clear what this contempt resolution is not about.

The question before the House is not whether the arrangement between the project on Government Oversight and two Federal employees to share royalty underpayment litigation awards was illegal or even improper.

Federal employees have been allowed, under certain circumstances, to participate as whistle blowers in False Claims Act litigation. In this case, the POGO arrangement is under active investigation by the Department of Justice.

But no one has been indicted, no one has been tried, and certainly no one has been convicted. For Congress to prejudice that process with premature conclusions of illegality would be irresponsible.

So, let us be clear what this resolution is about.

The real question before the House is whether three individuals who were subpoenaed as witnesses by the Committee on Resources should serve up to a year in prison for violating a Federal criminal statute.

As is the case with all criminal statutes, the three individuals cannot be convicted of Contempt of Congress unless guilt is proven beyond a reasonable doubt in a court of law.

Before we consider a resolution that could subject three citizens to criminal jeopardy, let's look carefully at the case the committee has brought before the House.

The courts have held the congressional process in strict scrutiny, and in 1983 acquitted the last person charged by the House with contempt.

In this investigation, the Committee Republicans have repeatedly failed to follow the House Rules. For over a year, they ignored House Rule XI governing investigations despite Democratic objections. They further violated House Rules by curbing the rights of Democratic members to question witnesses at hearings.

They abused those witnesses by, among other things, not allowing them to make opening statements at hearings, despite Democratic objections.

One Republican member called the Department of the Interior employee a ''common thief'' prior to his appearance before the committee.

In short, as we detail in the Dissenting Views, this partisan investigation has been biased, unfair, and was a rogue operation that violated the Rules of the House and of the committee.

Moreover, the committee Republicans failed to demonstrate—either to the witnesses or the Democratic members—a clear nexus between the questions and the purpose of the investigation. Specifically, they failed to establish a foundation for the questions that make them ''pertinent'' for purposes of applying the contempt statute to refusals to answer.

And the courts have insisted that questions must be ''pertinent'' at the time they are asked of a witness at a hearing. After the fact rationale is not sufficient.

My point in mentioning the procedural flaws in the committee' investigation is to show that there are many reasons for members to be very cautious before concluding that these three citizens are guilty of Contempt of Congress.

And unless members are convinced that the committee's process can withstand judicial scrutiny and the statutory elements of contempt have been proven beyond a reasonable doubt, then they should not vote for this resolution.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 31, 2000.

STOP THE POGO PERSECUTION

DEAR COLLEAGUE: Today the House will unwisely reconsider the resolution (brought up on the floor last Friday and withdrawn by its sponsor) that charged three individuals with the crime of Contempt of Congress for failing to cooperate with a Committee on Resources investigation. This rare exercise of congressional power could subject these individuals to criminal prosecution and up to one year in jail.

This charge was prompted by the Project on Government Oversight's (POGO) decision to share $767,200 of a $1.2 million False Claims Act settlement with two federal employees who had long worked to curb underpayments of royalties owed to the United States by oil companies. Faced with multibillion dollar allegations of royalty rip-offs, 15 oil companies have reached settlements with the Department of Justice totaling $438 million.

The Department of Justice is investigating whether the payments by POGO were inappropriate or illegal actions. Despite that review, the Resources Committee Majority has duplicated DOJ's effort and issued dozens of subpoenas, held multiple hearings, and consumed nearly two years and many tens of thousands of dollars searching for additional evidence of wrongdoing by POGO and its associates while proclaiming their alleged guilt.

And what about the oil companies who have paid $438 million in settlement for cheating the American people—and especially children whose schools utilize royalty payments—out of the money they are owed? The Committee Majority has let the oil company misconduct go scot free:

ZERO—Hearings on oil royalty underpayments;

ZERO—Investigations of oil royalty underpayments;

ZERO—Subpoenas issued to oil companies.

ZERO—Condemnation of oil company royalty rip-offs.

To bring the full power of the committee down upon three individuals who have worked to curb oil company fraud without any effort to address billions of dollars in fraudulent underpayments is a blatant misuse of the Committee's resources and the Congress' time. For the House to further condemn these individuals because they declined on advice of counsel to respond to questions which were not pertinent in an abusive investigation which was not conducted in compliance with House rules, is beneath the standard Congress should use when employing the weighty hand of criminal contempt.

If the Majority insists on further discussion and votes on the Contempt resolution, we strongly advise you to vote ''No'' and protect private citizens and whistleblowers from such misuse of Congress' prosecutorial authority.

Sincerely,

George Miller, Edward Markey, Earl Blumenauer, Peter DeFazio, Bob Filner, Carolyn Maloney, Robert Underwood, Jay Inslee, Janice Schakowsky.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 31, 2000.

THE POGO INVESTIGATION: CONTEMPT FOR INDIVIDUAL RIGHTS AND THE HOUSE RULES

DEAR COLLEAGUE: The Committee on Resources' Majority is asking you to vote for a resolution which charges three citizens with the statutory crime of contempt of Congress. Those three individuals, associated with the Project on Government Oversight (POGO), would be subject to criminal prosecution and up to one year in prison. The contempt resolution, which will come up again on the floor tonight, is a substitute for much broader charges of contempt reported by the committee.

Before you vote to send three people you've never ever seen to jail, consider whether you can rely on a rogue committee investigation that has abused the rights of witnesses and Members and failed to adhere to the House rules. In applying the criminal contempt statutes, the Supreme Court has required that a committee strictly follow its own rules and those of the House. *Yellin* v. *United States*, 374 U.S. 109 (1962). Yet the conduct of the Committee on Resources' investigation related to the pending contempt resolution is so egregious that it would dishonor the House to subject it to judicial review Among the many procedural deficiencies are the following:

(1) Failure to conduct the investigation within the jurisdiction of the committee under House Rule X, Clause 1. The Majority has not maintained a consistent purpose for its investigation within the scope of the committee's authority as delegated by the House. The Supreme Court has held that a clear line of authority for the committee and the ''connective reasoning'' to its questions is necessary to prove pertinency in statutory contempt. *Gojack* v. *United States*, 384 U.S. 702 (1966). Instead, the Majority has constantly shifted their explanations of what they are investigating and why. For example, on March 6, 2000, Chairman Young wrote to POGO's attorney to explain that broad subpoenas were necessary ''to begin weighing the merits of those conflicting statements'' made in civil litigation. How a probe of potential perjury in a lawsuit relates to the committee's legislative jurisdiction over oil royalty management laws and policies was not clear at the time to witnesses—who declined to answer questions which were not pertinent—and remains unclear to Democratic Members.

(2) Failure to follow House Rule XI, Clause 2(k) applicable to investigative hearing procedures. It was not until June 27, 2000—over a year after subpoenas were issued—that Chairman Young authorized Subcommittee Chairman Cubin to ''begin an investigation to complement the oversight inquiry underway.'' This is a meaningless effort to draw a distinction between ''oversight'' and an ''investigation'' when no such distinction exists for purposes of House Rule XI, Clause 2. Accordingly, over the protests of Democratic Members, the Majority failed to follow House Rues applicable to the rights of witnesses in Subcommittee hearings held May 4, and May 18, 2000. These flaws range from the failure to provide witnesses with the committee and House Rules prior to their testimony, to the failure to go into executive session.

(3) Failure to allow Members to question witnesses under House Rule XI, Clause 2(j). On multiple occasions, the Subcommittee Chair prevented Democratic Members from exercising their rights to question witnesses, either under the five-minute rule or time allocated to the Minority under clause 2(j)(B).

(4) Failure to have a proper quorum under committee Rule 3(d). The Committee rules require a quorum of members, yet no such quorum was present during the hearings at the times of votes on sustaining the Subcommittee Chairman's rulings on whether questions were ''pertinent.''

(5) Failure to allow subpoenaed witnesses to make an opening statement under committee Rule 4(b). This rules states, ''Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in conjunction with the Ranking Minority Member, extends this time period.'' In contravention of this rule and longstanding committee practice, the Chair refused to grant hearing witnesses the opportunity to make opening statements. Democratic objections were overruled.

(6) Failure to hold a hearing on the contempt issues. It is fundamentally unfair not to allow the parties charged with contempt an opportunity to explain their legal arguments for declining to answer questions or supply specific documents in contention. The Chair repeatedly refused the efforts of Democratic Members to recognize legal counsel to address the Subcommittee on these issues. The failure to provide due process in a hearing to those accused of violating a criminal statute further weakens the Majority's case.

(7) Failure to fully inform Members of the committee. At the July 19th committee markup of the contempt resolution, the Majority failed to provide Members with the language of the contempt statutes. They cited no judicial standards or precedents of the House for applying those criminal statutes in a contempt proceeding. They did not adequately explain or refute the legal rationale that the subpoenaed parties, based on advice from counsel, had asserted when they declined to answer specific questions which were not pertinent to the investigation. And they neglected to explain to Members that the witnesses had appeared at hearings and produced thousands of pages of documents in compliance with multiple subpoenas.

No matter what wrongdoing may be alleged, all citizens of the United States have the right to expect that they be given fair treatment and due process in compliance with the rules. The real threat to the integrity of the House of Representatives stems from the abusive and irresponsible manner in which the Committee on Resources investigation was conducted. To subject this record to judicial review—in what would be the first contempt of Congress referral since 1983—could threaten to undermine the powers of the House to conduct legitimate oversight and investigations in the future.

By offering a substitute for the original resolution, the sponsors have tacitly acknowledged that the broad contempt charges of contempt reported by the committee were unsustainable. Especially when considered in the context of the myriad procedural deficiencies in this investigation, this latest change of direction ought to give Members ample reason to vote ''NO'' on the contempt charges.

Sincerely,

GEORGE MILLER,
Senior Democratic Member.

POSTPONING CONSIDERATION OF COMMITTEE ON RESOURCES CONTEMPT RESOLUTION

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

Mr. YOUNG of Alaska. Mr. Speaker, as many of my colleagues know, we were going to take up the contempt report following this vote. We have decided not to do that until a later time. It is not because of the issue. It is because of the number of people that saw fit to leave this body on both sides of the aisle to return to their homes. It will be considered next time.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1022) on the resolution (H. Res. 665) waiving points of order against the conference report to accompany the Senate bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

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

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

VOICING CONCERN ABOUT SERIOUS VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN MOST STATES OF CENTRAL ASIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 397, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. 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, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 3, answered ''present'' 1, not voting 66, as follows:

[Roll No. 589]

YEAS—362

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

NAYS—3

Chenoweth-Hage
Metcalf
Paul

ANSWERED ''PRESENT''—1

Kucinich

NOT VOTING—66

Archer
Bilbray
Bliley
Boehlert
Boucher
Boyd
Brown (FL)
Brown (OH)
Campbell
Canady
Chambliss
Collins
Conyers
Cunningham
Danner
Delahunt
Dickey
Dicks
Dingell
Dooley
Dunn
Emerson
Fowler
Franks (NJ)
Greenwood
Hansen
Hastings (FL)
Hayes
Hill (MT)
Hinojosa
Hutchinson
Istook
Jackson-Lee (TX)
Jones (OH)
Kasich
Kennedy
Kilpatrick
Klink
Lantos
Larson
Lazio
McCollum
McIntosh
McKeon
Meek (FL)
Mica
Mollohan
Neal
Nussle
Ose
Pitts
Salmon
Sanchez
Scarborough
Scott
Shaw
Shays
Talent
Turner
Velázquez
Waters
Watts (OK)
Waxman
Weldon (FL)
Wexler
Wise

□ 1243

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

S. Con. Res. 159. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOLT. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. HOLT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Delaware (Mr. CASTLE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

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

I would like to speak today on why we are still in session in November and why we may have a lame duck session in front of us. In fact, I would like to speak about work not done. And I am not talking about the Patients' Bill of Rights or gun safety legislation or campaign finance reform or minimum wage legislation or workplace safety legislation or prescription medicine coverage under Medicare.

Yes, that is some of the work that is not done. But in particular I would like to talk about overcrowding in our schools and the need to provide adequate classrooms for our students so that we may educate them for the 21st century.

□ 1245

I have visited nearly 100 schools in my district, and everywhere I go I hear from parents and teachers and administrators and students about the problems of overcrowding. It is no wonder. The number of school children is growing at a record pace. In the last 11 years, the student population of South Brunswick in my district has doubled from 3,500 to 7,000 students. In Montgomery, total enrollment has more than doubled in the past 6 years from 1,500 students to more than 4,000 students.

In some of my school districts, the number of children in kindergarten outnumbers the number of students in grade 12. One does not need higher mathematics to understand the implications of these numbers.

Our classrooms are overcrowded. To alleviate this crowding, many of the schools in my district are installing trailers. Now, while trailers may be a temporary solution, they are ill-suited

for classroom use. Not only are they expensive to install and maintain, but their long, narrow floor plan creates an awkward learning environment.

Moreover, in many cases they are not connected to the Internet; and of course, students get wet when it rains and they have to go to the main building. Many schools do not have a choice about whether or not to use trailers. With the cost of a new school at tens of millions of dollars, our property taxpayers can no longer afford to shoulder this financial burden alone. This is evident in the fact that a number of the school construction referenda in my district have had very close votes, some of them resulting in turning down the referendum and the inability of the school district to proceed with the construction.

New Jersey communities, as in many other parts of the country, need assistance in building new classrooms and schools. A recent report issued by the National Education Association estimates that $322 billion is needed to repair and modernize America's public schools and to construct new classrooms. Last month, the U.S. Department of Education issued its annual baby boom echo report that documents not only the record 53 million children in our Nation's schools today but projects explosive enrollment growth over the next 10 years. We cannot continue to delay on this issue. We should take care of this issue before we leave Washington.

It is time we stopped talking about improving education and actually act on it. We have bipartisan legislation that the Republican leadership has refused to act on. The President's proposal, as introduced by Representative JOHNSON and the gentleman from New York (Mr. RANGEL) would provide $25 billion in new tax credit bonds to help build and modernize 6,000 schools. This new type of bond would provide interest-free financing to help State and local governments pay for school construction and renovation. There would be no Federal involvement in the selection, in the design, in the implementation of school modernization projects. The only Federal role would be in providing tax-subsidized financing under the same procedures that are currently utilized for tax exempt bonds.

In addition, the President has proposed $1.3 billion in loans and grants to fund 8,300 emergency renovation and repair projects in America's schools. This is for schools where there is a critical, immediate need such as dangerous electrical plumbing or asbestos problems.

Now, this part of what I am talking about was in the agreement for the Labor-HHS, Education appropriations agreement that fell apart after the lobbyists for special interests forced the leadership to drop it over the issue of worker safety.

Our schools should not be lost in the last-minute wrangling over these appropriations bills. Our schools must be made safe for our children. There is no logic in refusing to act on these important proposals. The Federal Government assists the States in other areas of local need. We give millions of dollars at the local level to help them build roads and bridges. We respond to emergencies.

All of these are important areas of assistance but so are our children. We have a responsibility to ensure that our children are receiving the best education possible for all children and that our students are not falling over one another in crowded hallways and classrooms.

Mr. Speaker, I urge my colleagues to support this motion to instruct conferees.

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

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

Mr. Speaker, let me just say that I have watched this debate taking place on the floor. This certainly is deja vu. This is about at least, I guess, the third time that we have had the exact same debate on the same issues. There are a couple of points that are very clear to me. One is that there are, I think, enormous problems with respect to school repairs, school construction across the United States of America. We have a growing population of school-age youth in our country, and I think we do need to address that. As a matter of fact, I think Republicans and Democrats agree on that. As a matter of fact, I think in terms of the dollars that are being allocated to this, there is agreement as well, particularly on the grant side of it, of the $1.3 billion.

The basic difference is how is that going to be done. Is it given to the local districts for flexibility, which is what the Republicans believe? Or should it be given directly from the Federal Government to wherever the schools are, which is what the Democrats believe?

There is not that much disagreement.

The other point is this: when we talk about that extent of money, we are talking about a very small percentage, less than one half of 1 percent, I think about a third of 1 percent of the total needs which are out there, even by the most minimal standards. So I think it is somewhat unfair for any of us to stand here or for the President, for all that matters, to stand before the people of America and say that this is going to solve the problems of school construction.

Hopefully, we can work something out eventually, and it is being worked on. It is in the language of the Labor-HHS Education bill that may come back before us; and when we do, we can help with the problem. But it is a fairly small contribution to the solution of the problem. I think it is something that we should do. The agreement is relatively sound. The disagreements are relatively minor, and we should go forward.

I guess until that time we will play politics with it and continue ahead.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. GOODLING), the chairman of the House Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Delaware (Mr. CASTLE) for yielding me this time.

Mr. Speaker, I am amused by this performance again today. I am amused because, of course, our constituents, if any of them are watching, I think in New Jersey they probably have already gone back from their lunch break and in Oregon they have not gone to their lunch break yet, so I do not know if anybody is watching; but if they are, they are very fortunate because they get to see the same play that was put on on the same stage Saturday afternoon. The only difference is, they replaced the leading ladies with the leading men. So that is the only difference today. Of course, the same thing is true today that was true on Saturday. We have settled this issue. We spent days and nights with the administration, Saturdays and Sundays, to settle this very issue.

We have an agreement. They know on the other side that we have an agreement. We have an agreement on class size. They know that. So here we go through this same charade one more time. As I said, it is a replay of Saturday.

Well, I always have to laugh when somebody mentions roads and bridges. Of course that is an interstate problem. That is also a dedicated tax problem. So it has nothing relevant to do with this; but again, time and time again, I have tried to tell, particularly center city representatives for 26 years, as a matter of fact, if they would just do something about their mandate, the special ed, can one imagine what local school districts would have been able to do with class size reduction? Can one imagine what local school districts could have done with preventative maintenance and remodeling? Well, of course, if we just look at the facts, we know. We know that Los Angeles, for instance, would get an additional $100 million every year. Multiply that by 25, and that sounds like pretty big money; New York City, $170 million extra every year. That is big bucks. Even Newark would get $7 million or $8 million, $9 million every year to do all the kind of things that they would do if they did not have to fund the Federal mandate.

When I became chairman after all of those years of sitting there on the minority trying to encourage them along with the gentleman from Michigan (Mr. KILDEE) to do something about the unfunded special ed mandate, they were only up to 6 percent. I am happy to say at the end of this year we will probably be up to 15 percent and that is a long, long way.

It is also interesting that this issue comes up again this particular year. Why is that interesting? Well, the former majority decided that in 1995 that they would pass the School Facilities Infrastructure Improvement Act. Now that is a big title. It sounds very interesting. That was passed in 1995, and the appropriators put $100 million in at that particular time. Guess what? Somebody brought about a recession to that effort. Now, who was that somebody? Somebody sent us a notice and they said, and I quote, ''The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reason explained above, the administration opposes the creation of a new Federal grant program for school construction.''

Is that not interesting in this same administration who is now seeking for something else?

Let me again close by simply saying, I know there must be political purposes for this. There has to be some reason for it, but it has already been concluded. After lengthy negotiations, it has already been completed and agreed to by those of us who were negotiating and by the White House, as was and is the class size reduction legislation.

So again it is just an exercise in futility. I do not know what it is, as a matter of fact; but obviously, as I said, not too many people in New Jersey and Oregon will be watching this debate, and that is unfortunate because they will not get to hear, if they did not hear it Saturday, the same repeat of what we did on Saturday.

Mr. Speaker, negotiators have made substantial progress on the issue of school construction, and I am optimistic that we will soon be able to reach agreement on this issue.

I have made it clear to the administration that state and local flexibility must be a component of federal funding for classroom modernization and renovation. I would like to see a substantial portion of the funding available for other pressing needs, such as activities related to the Individuals with Disabilities Act.

I am not doing this to be stubborn. School districts across America are clamoring for help with the additional costs of educating special needs children. When Congress passed the law requiring public schools to provide educational services to these children, we promised that the federal government would help with the increased costs.

We promised to provide 40 percent of the national average per pupil expenditure. Here we are, 25 years later, and we are only at 13 percent—significantly less than what we promised. And we've only reached that under the Republican Congress, because that 13 percent represents a doubling of what the federal government was providing when we became the Majority.

The result of our failure to provide the promised funds is that school districts are using their own money to make up the shortfall. These are funds which could otherwise be used for school maintenance costs and other local needs. If the federal government were actually providing the 40 percent we promised, school districts across the country would receive significant funding:

New York would receive an increase of more than $170 million;

Los Angles would receive nearly $100 million more:

Chicago would get an additional $76 million;

Miami would receive an increase of $45 million; and

Newark would receive an increase of $8 million.

The primary responsibility for school construction should remain at the state and local levels. However, the federal government can provide assistance to help states and localities comply with federal laws that mandate school building modernization.

The Administration has switched positions on whether the federal government has a role in school construction over time.

The Congress under Democrat control appropriated $100 million for Fiscal Year 1995 for the School Facilities Infrastructure Improvement Act. But the President rescinded this, and subsequently, the program has received no funding.

Following the rescission of funds for FY 1995, the President's FY 1996 budget request did not include any money for the "Education Infrastructure Act." In fact, Department of Education budget documents stated:

The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers; we are opposed to the creation of a new Federal grant program for school construction. . . . No funds are requested for this program in 1996. For the reason explained above, the Administration opposes the creation of a new Federal grant program for school construction.

Mr. Speaker, I again point out that this motion to instruct conferees is irrelevant given our current negotiations on the Labor/HHS/Education appropriation's legislation. As such, I oppose the gentleman's motion.

MEETING THE FEDERAL IDEA MANDATE

[Selected Cities]

City	Funds received [1]	If 40% mandate met	Additional funds needed to meet commitment of States
New York	$41,435,700	$212,316,300	$170,880,600
Los Angeles	23,145,989	118,600,048	95,454,000
Chicago	18,438,243	94,477,557	76,039,400
Miami	10,873,800	55,717,300	44,843,500
Philadelphia	7,501,863	38,439,546	30,937,600
Jacksonville	7,305,504	37,433,402	30,127,900
Houston	5,738,851	29,405,873	23,667,000

MEETING THE FEDERAL IDEA MANDATE—Continued

[Selected Cities]

City	Funds received [1]	If 40% mandate met	Additional funds needed to meet commitment of States
Dallas	3,881,900	19,890,700	16,008,800
Washington, DC	3,047,500	15,615,500	12,568,000
St. Louis	2,032,800	10,416,100	8,383,300
Newark	1,932,760	9,903,462	7,970,700
Pittsburgh	1,514,077	7,758,131	6,244,000

[1] 1995 data (most recent available).

Mr. HOLT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE), one of the leading men in this debate on school construction and classroom construction, who will explain why this has not yet been settled and why it is necessary for us to bring this up yet again today.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of the Holt motion. I thank the gentleman from New Jersey (Mr. HOLT) for his leadership on this important issue because my friend, the gentleman from New Jersey (Mr. HOLT), has not only been a Member representing his people but he has only been here about 2 years and he has already made a tremendous difference for his district and for this country on the issue of children.

Let me say to my friend, the gentleman from Pennsylvania (Mr. GOODLING), who said he was amused, I want everybody to understand that I am not amused. I do not get amused one little bit when we are talking about issues that affect children. I was the State superintendent of my school system in North Carolina for 8 years, an office to which the people elected me twice. I do not get amused when we are talking about the needs of children. I know we talk about rhetoric, and is this a political issue? Darn right, it is a political issue. Everything we do in this body is about politics. But this is the kind of politics we ought to be dealing with for the children of this country, because they cannot vote; they cannot sit in this body. If we cannot do it, then who does it?

Yes, I recognize only 7 percent of the money comes through the Federal Government, but there are places in this country where they are hurting, and they have great needs today, and we have a responsibility. Yes, we do provide money for roads; and, yes, we do provide money for prisons and a number of other things. And to say it is interstate money, the answer is, yes, it is dedicated; but there was a time when there was no money dedicated and there were those that said we ought not to be putting it in. I happen to read history, and I remember that. We can do it for our children, too, Mr. Speaker.

Let me just share a couple of quick statistics before my time runs out. In my home district, there are a number of areas, and I am in a district where we have spent a lot of money and we

have raised taxes to build schools. We have 55 trailers in the small county of Franklin that is struggling now to meet their needs; 16 in Granville; 41 in my home county of Harnett; 98 in Lee; 40 in Nash County; 162 in Sampson; 76 in Wilson; a total of 530 in our capital county, and they are working hard.

□ 1300

Yes, this is an issue we ought to deal with; and yes, this Congress ought to act. I ran for this office 4 years ago because I was tired of the Republican leadership in this Congress at that time who wanted to close down the Department of Education, close school lunch programs. It was cynical against education. We have changed our rhetoric, yes; we have changed it, but there is still a deep resistance to helping public education. We should come together. We should not be here arguing about these issues. Children are not Democrats nor Republicans. They are children. And we can help. We have the resources to do it. Now is the time to act. We do not need to put it off until next year. We should not put it off until next year because if we put it off until next year, there are going to be children in cramped quarters; and we will not be able to reduce the class sizes the way we ought to to teach them properly, and I am here to tell my colleagues that children know the difference between a quality facility and a poor one.

How do we tell a child that quality education is important, and we then send them to a run-down school? They know better. No, it is not our total responsibility, but we can sure help. We can provide the leadership and show the way, and I think this Congress ought to do it. I am willing to do my part, and I ask all of my colleagues on both sides of the aisle to do the same.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the distinguished gentleman from Delaware (Mr. CASTLE), the former governor of Delaware and now standing Congressman, for yielding me this time.

I too share the same passion the gentleman from North Carolina does about education. He was an elected superintendent; I was a State board chairman in neighboring States in the South. I respect the gentleman from New Jersey (Mr. HOLT) and his comments about helping public schools, and I am sure the comments that are to come. I am not amused in one way, but I share amusement in another way with the chairman, because we are repeating a debate we did Saturday afternoon.

But just for the sake of facts, I want to take the comments we have heard from the other side so far and place them in perspective.

First of all, the conferees have agreed on $1.3 billion. The disagreement is over whether it is done one way or another way, and I will get into that in a minute. On Saturday when we had the debate, everyone agreed the unfunded school construction in the United States of America is $303 billion. The public should listen to this, that if we do $1.3 billion a year, then in 300 years we would have solved the problem. Well, that is not going to happen and that is ridiculous. As the gentleman from North Carolina said, we cannot do it all, but we can help, and therein is why everybody needs to understand the basic agreement that exists between the parties today is to do exactly that. Mr. Speaker, $1.3 billion, in which school systems can make the decision as to where best within certain parameters the Federal Government can help. Maybe it is asbestos removal, maybe it is ADA improvements, maybe it is the satisfaction of any number of Federal mandates.

But we must be clear. We cannot mislead the American people to believe that there is enough money in Washington to build the schools needed in the United States of America. The unfunded need in American schools today exceeds the budget surplus projected for the next year. So should we spend it all and not save Social Security and not save Medicare which are our responsibilities? No. Although I would love to do anything I could to relieve the property tax in my home district, the fact of the matter is that the United States of America, the dedicated tax for public education is the property tax in our local areas, because people get to vote on it. Therefore, they can have schools that are accountable. Therefore, they can spend the money wisely. If there was a pot in Washington and the belief that we would build all of their schools, New Jersey would never pass a new bond referendum to build schools; and we would have failed on a false promise, because we do not have the money.

Mr. Speaker, I respect every Member of this House, and I love children; and I support public education with all of my heart. But I do not believe, and we are on the momentary cusp of settling what is already settled in making a $1.3 billion contribution to local schools, Democrats and Republicans alike. We should not leave Washington or leave this House with the misperception that there is enough money for us to build the schools that are needed in America, that Congress can reduce local property taxes for schools. If we do that, we have offered false hope and false promise.

Instead, what we should say is we are willing to do our part on that which we have mandated; we are willing to give local schools flexibility, and we have joined together in a bipartisan effort to do that. But to leave any other false promise out there is wrong for children, it is wrong for America, and it is wrong for public education.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. CROWLEY), my colleague, a freshman Member of Congress and an outstanding member of our freshman class, who will explain that indeed, $1.3 billion is not enough, but why we should do it and we must do it now.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time to speak on an issue of grave importance to my constituency. I say that because I represent a district that has the most overcrowded school district in the City of New York, School District 24, which right now is operating at 119 percent. In the year 2007, I will have three of the most overcrowded school districts, three of the top five in New York City, School Districts 24, 30, and 11, which will be operating, right now are operating at 119 percent, 109 and 107 respectively. In my district in the year 2007, every school district in my district will be operating at or above capacity. If that is not an emergency, I do not know what is.

I have a very diverse district, a district made up of many different cultures and ethnic groups. But what really, I think, New York is known for, really a melting pot, if there was ever such a thing as a melting pot, my district is it. But my children and our schools are at a severe disadvantage.

Mr. Speaker, the average school age in my district is 55 years of age. One out of every school in New York City is over 75 years of age. We still have schools in my district that are being heated by coal, heated by coal in my district.

Mr. Speaker, I support the Rangel-Johnson bill, sending $25 billion around this country to construct and modernize schools. The $1.3 billion is not enough, but if we have the $1.3 billion, where is it? We have not voted on this floor yet.

Maybe I will agree with the gentleman from Pennsylvania. Maybe this is a waste of time. Maybe this is all a song and dance. Maybe we have been through this 100 times before. But it seems as though everything we have done here lately has been a song and dance. Committees come together and bipartisanly agree on budget bills, and then the leadership of the House determines that the bill is no good, we have to go back to the drawing board again. So it seems as though song and dance is the name of the game here lately.

Mr. Speaker, I do not think $1.3 billion is enough; but it is something, it is a start, but I would like to see it on the floor. I would like to see the $1.3 billion brought to the floor and acted on.

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Mr. Speaker, I just want to again remind Members that for instance, as I said, New York City would get an additional $170,880,600, if I would have gotten some help, other than from the gentleman from Michigan (Mr. KILDEE), to get that 40 percent back there. Again, I repeat, we have agreed, through bipartisan negotiations with the White House, we have agreed on the $1.3; we have agreed how it should be spent and how it should be distributed. That has all been done. If we can wrap up ergonomics, it is all over.

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

Mr. Speaker, I just would like to put all of this in perspective. First, this is the fourth time that we have argued almost the exact same language on this floor. It is one of these situations in which it has all been said; but not everybody has said it, except that everyone is saying it more than one time at this point now as well. That is fine. I think it is a very important discussion. I do not mind that particularly, except that we are sort of plowing ground that has already been plowed.

There are certain basic facts that need to be pointed out, and I pointed out some of those at the beginning; but I just want to reiterate these facts. One is that the amount of money that we are talking about in this particular motion to instruct conferees is the grand total of $1.3 billion, a very large sum of public money that we have in the Federal Government to expend on this problem. But in conjunction with how much it would take in order to solve all of the problems of school repairs and construction, which is a minimum $300 billion today, and I have seen estimates as high as $500 billion, $1.3 billion is not very much. At the most, it is a little more than one-third of 1 percent, and if the numbers are higher than we think it is at $300 billion, it drops substantially below that. So we are talking about a fairly small contribution to the solution in this, setting aside of course the Rangel-Johnson thing which, hopefully, also will be resolved at some point.

Now, we in the Federal Government only put in about 6 or 7 percent of all of the dollars that go into public education in this country, and most of the money which we put in goes to specific areas that we have carved out, such as educating or helping to educate children with disabilities, for example, or individuals who are from poorer backgrounds and need additional help in a program called Title 1. That is what we do. We have not in the past really done a lot with respect to construction. But I think we agree, certainly we as Republicans agree, we have put it in the Labor-HHS-Education appropriation bill the same amount that we are talking about here today, so there is agreement on that.

A couple of other facts, for whatever they are worth. In the last 5 years, under the tutelage of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Illinois (Mr. PORTER) in the Committee on Appropriations, the contribution to education by the Federal Government in the budget has been 8.2 percent, on average. In the 5 years before that which was under the control of the Democrats, it was 6 percent per year, not the 8.2 percent it is now. In this year's appropriation bill, which is a key appropriation bill that we are all waiting for around here and the reason that we debate this every afternoon, this particular issue, because it is not done, the increase for this year is 20 percent, which is a recognition I think that everyone is becoming more in tune to the fact that this is the number one issue as far as the country is concerned, a grand total for K through 12 of about $45 billion, a substantial donation to local and State governments.

So we are not talking about any differences in dollars, and we are not talking about the ability to fix up all of the problems of all of the schools of all of us who are going to stand up and say our schools have problems. That is a recognized fact. We have many good educators here, starting with the chairman, who was a superintendent, and two gentlemen here have spoken, North Carolina and Georgia, who were the heads of education in their States. I was a governor of my State and I saw the same thing. I went into every single school in my district as well, but I also fought to get some referenda passed and did other things, because I think we have to do it on a local basis.

There are slight differences, not in dollars, but in how the money would be used. In the appropriation bill which we are discussing now, before we get to the motion to instruct conferees, we as Republicans have said, let us give flexibility with respect to this money in terms of what they are going to be able to do with it. Let the local and the State people be able to make the decision. And within the Democrat proposal that is in the motion to instruct conferees, I would describe it, and some may disagree with this, but I would describe it as being more rigid in terms of how that money would be used without as much flexibility.

There are schools in this country, and I just was to two of them in the last few months in Delaware, two brand-new schools. They do not need construction money or repair money, they do not even need to reduce class size, but they would like to prepare their teachers better if they could, so perhaps they would like to use the money otherwise. My own view point of that is if we could put money in title VI, which is the flexibility of a block grant, we should do that as often as we can here in Washington, because I think it gives our local districts the flexibility in turn to be able to make the decisions to help with the education there.

So that is a difference perhaps in philosophy, but I am afraid that what we are talking about here on the floor of the House of Representatives is unfortunately the politics of all of this; and to me, there is not a lot of difference between the politics of it; It is just a slight philosophical difference, as we have here. I hope it gets worked out. I hope it gets worked out in the Labor-HHS-Education appropriation bill and maybe eventually in this tax bill as far as the Rangel-Johnson proposal is concerned.

□ 1315

But the bottom line is that we are arguing about something which hopefully would be helpful but cannot go as far as some people would like in terms of what we would do with respect to our schools.

Also, I do not think the Federal government could afford to get into $300 or $400 billion dollars. I think it is very wrong for us to stand up and suggest that we are going to solve the problems of the schools. Where there are trailers now, there are probably going to be trailers later. Unfortunately, when there are schools not in good repair, maybe they will still stay not in good repair. But I think we can help in some way so maybe we can move in that direction.

That is where we are. It is a relatively minor circumstance we are dealing with here, but it is a major problem out there in terms of what has to be done.

What I really hope is this, that we do pass something. I do not really care if Republicans or Democrats get credit for it. I hope we pass something. I hope we can use that as the initiation or the instigation of additional local and State money being put into schools to fix up schools for our children, because I think we all agree that educating our children is as important as anything we can do in this country. Obviously, we need good facilities if we are going to do that.

I just wanted to make those basic points as we go through and continue with this argument.

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

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES), who will explain why it is necessary for us to plow this field again, if I may use a rural metaphor for a gentlewoman from an urban district, because we do not yet have it. There may be an agreement, as the gentleman from the other side said, but show us the vote.

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for yielding time to me and for the opportunity to address this body.

Mr. Speaker, I wish, as the gentleman is seated there, that he would tell me how much money is allocated for Ohio schools in the proposal that he says is about to come to the floor. I will walk over and get that information from the gentleman when we get done.

But I was a prosecutor and I was a judge. I saw what poor education can do for children. I saw more money allocated to build prisons in Ohio and across this country than to build schools.

If we are serious about school construction, why do we not take that $4 billion that we gave the Defense Department that they did not need and build some more schools in this country? Overcrowding, aging, is a significant issue for schools in our country.

I have a specific example. In the city of Cleveland, just less than a month ago a high school roof fell in on the public school. To fix that roof, it cost $2 million. We need money in our systems to fix schools, modernize all these aging buildings where we are sending our children.

We work on modernizing our cars for emissions standards. We deal with issues of smoke detectors, checking toys for children, all kinds of other things. We know our schools are in a hazardous condition. We have children who are suffering from asthma from problems within those schools. We need to fix it.

Right now we are in one of the best economic times we have ever been in, and our children ought to reap the benefit. They should not have to wait until they are adults and seniors to reap the benefit, they should reap it now, because we will reap the benefit. Having smart children who grow into smart adults who grow into smart grandparents will make a difference in our country.

I say, Mr. Speaker, let us get the money on the table. Fund our schools, stop funding prisons. Fund our schools, stop funding the defense at the level it is.

I want to support the defense and I want the military to be ready, but give me that $4 billion and put it in public schools.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, and for his leadership in presenting this motion to instruct.

Mr. Speaker, I listened with great interest as our distinguished colleague, the gentleman from Pennsylvania (Mr. GOODLING), was talking about what is in this bill.

Indeed, there are many good things in it for education. That is why the Democratic negotiators, with the gentleman from Wisconsin (Mr. OBEY) leading our side, on the House side, were willing to agree to the compromise bill.

In recognizing all of the good provisions for education that are in the bill, it makes one wonder why the Republican leadership would pull the rug from under its own negotiators, make their words worthless in reaching an agreement, when so many good provisions are in there for education.

Of course, the reason is that they were beholden to the extreme elements in the business community who would not accept a compromise on workplace safety.

Mr. Speaker, I have five children, four grandchildren. I am glad we want smart grandparents, too. We have an expression: The children can hear us.

Children are very smart. We tell children that their education is very important to their self-fulfillment, to their ability to earn a living, and also to the competitiveness of our great country.

Yet, we send children another message when we say to them, now, you go to school in a place that is dilapidated, that is leaking, that is not wired for the future. When we say that to kids, they see the hypocrisy of it, the inconsistency of it.

The strongest message we can send children about the value of education is to send them to a place that is appropriate for them where children can learn, where teachers can teach, and where parents can participate.

So it is really quite sad that when this compromise was reached, the leadership did not respect the word of its own negotiators on the Republican side. That is what has made the motion to recommit by the gentleman from New Jersey (Mr. HOLT) so necessary. If it is not going to be a compromise, we want the original provisions that the Democrats had been advocating for smaller classes and more modern schools for our children.

Mr. CASTLE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, first of all, let me just make very clear with respect to what we have just heard that the whole reason that the deal fell apart with respect to the labor-HHS-education bill had nothing to do with the education dollars.

Let me make it also clear again what I have said about three times already today, but it does not seem to sink in. That is that the amount of money that is in this legislation, the $1.3 billion, is the exact same amount that is being talked about on the other side of the aisle.

Let me make it finally very clear, to the gentlewoman from Ohio as well as others, that the increase in education funding in the appropriation bill that funds K through 12 education this year is 20 percent, 20 percent, which is probably the highest percentage increase education has ever received in the United States of America.

That has been a combination of Republicans and Democrats. I am not saying Republicans deserve sole credit for that.

Let me just repeat, finally, over the last 5 years that increase has been 8.2 percent. The school construction program was never discussed before, but it is actually in the Republican labor-HHS-education bill. There is no ignoring education on this side of the aisle in any way whatsoever.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to my colleague, the gentleman from New Jersey (Mr. MENENDEZ), a champion for education and adequate school facilities.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I want to congratulate my colleague, the gentleman from New Jersey (Mr. HOLT), for his leadership in offering this motion, a motion that recognizes that the Nation's competitive future in a global marketplace depends on how well this and the next generation are educated. Since the Nation's competitive future is at stake, there is clearly a Federal role to play, and a defined Federal role.

We Democrats are not as pessimistic as the view that many of our Republican colleagues have expressed here. No, this may not be all of the money necessary to rebuild all of our schools, but it is a beginning to use as a leverage for States, municipalities, school districts to join in that effort and to stimulate local resources in that regard.

Since we are talking in terms of our competitive future at stake in terms of education, it is appropriate that the Federal government say, ''We want these monies used for these purposes in order to stimulate schools and municipalities to follow in that effort.'' If we leave it wide open to discretion, they may not very well use it for school construction.

Across the country we tell children education is a value, and then we send them to schools that speak of a totally different value, like the South Street School in my district, a school built 115 years ago as a factory, a school that today is a school, a school that has no hallways. One walks up a flight of stairs, goes into one classroom off the landing on one side, the other on the other side. There are no technology connections to the future, no blackboards we can read. There are temporary units, 20 years ago they were temporary, still being used today. How do we educate a child under that set of circumstances?

What the gentleman from New Jersey is trying to say is since the Nation's

competitive future is at stake by how well educated these kids are, we need to be able to have a defined Federal purpose.

Lastly, I keep hearing we have an agreement. We keep having Members say, ''We do not agree on Davis-Bacon, we do not agree on flexibility.'' That is not an agreement.

Mr. HOLT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of the motion offered by my friend, the gentleman from New Jersey (Mr. HOLT).

The fact is that our economy has changed and education may have changed, but the connection between education and success and opportunity for the future has never changed. It is stronger now than ever. We need to provide our youngsters with that competitive advantage that my colleague just talked about, and we do that through education.

Mr. Speaker, after years of waiting, we came to a bipartisan agreement, bipartisan. Republicans and Democrats agreed that we would deal with the needs of America's schools in the education spending bill.

We did it. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), two leaders that I have a great deal of respect for, sat down in good faith. They hammered out a bipartisan bill.

It would have made one of the greatest investments in public education in a generation. Congress would have passed that bill with bipartisan support and the President would have signed it.

But let us take a look at what happened instead. I quote today's Washington Post:

''Fierce lobbying by powerful corporate groups with considerable sway among the GOP leadership helped kill a deal sealed with Republican negotiators early Monday, led by the U.S. Chamber of Commerce and the National Association of Manufacturers. Business leaders have also bankrolled political ads over the issue that they disagreed on.''

That is what happened. We worked to get this agreement, the special interests weighed in with the Republican leadership, and they blew up the deal. Why? Because big business did not like a part of the bill that protects the health and safety of workers from crippling repetitive stress injuries.

So big business said, ''Jump,'' and the Republican leadership said, ''How high?'' And jump they did. They scuttled the bipartisan agreement. They put the whole investment in education in serious jeopardy.

The Republican leadership is telling America's schoolchildren, ''Wait, because the special interests must be served.'' That is wrong. It is wrong. It is unfair. It is an affront to the values of American families, who want their kids to be able to go to a first-class school.

Mr. CASTLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, a couple of points. One is, again, we have in the basic appropriation bill that is going through, that will pass here eventually, the $1.3 billion for construction.

Secondly, it is a 20 percent increase in education for this year.

I want to look at the history of this for a moment. This is very important, because we are only talking about 5 years ago.

The Congress, under Democrat control, appropriated $100 million for fiscal year 1995 for the School Facilities Infrastructure Improvement Act. But the President rescinded this, and subsequently the program has received no funding.

Following that rescission of funds for fiscal year 1995, the President's fiscal year 1996 budget request did not include any money for the Education Infrastructure Act.

In fact, the Department of Education budget documents stated: ''The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reasons explained above, the administration opposes the creation of a new Federal grant program for school construction.''

That was the last year that the Democrats had control of the House of Representatives here, and they refused to do anything about school construction in conjunction with the President.

Now that it is a popular issue politically out there, everyone is talking about it. I do not have a great problem with that because I think we should be doing that, but it is the Republicans who have led the charge for expending more money and making sure we are helping our schools.

Mr. HOLT. Mr. Speaker, I am happy to yield 15 seconds to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I wanted the gentleman to clarify his remarks about the President rescinding money for infrastructure. It was a Republican-controlled Congress that rescinded the money. They came in just after that bill was passed. It was the Senator from Illinois that led that and got $100 million into the budget, and it was a Republican-controlled Congress who rescinded that.

□ 1330

Mr. HOLT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), another champion for excellent education.

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise to support the motion to instruct conferees to put our children's education first by giving them modern, safe schools, and smaller class sizes.

We, as Members of the 106th Congress from both parties, could not find a more legitimate, nor a more timely, use of a proportion of our surplus than to help our communities build new schools and equip those schools with up-to-date technology. All of our public school kids deserve an equal opportunity for a good education, including those who come from communities with the highest property tax burdens who therefore cannot afford to build and repair their schools.

Mr. Speaker, the average age of our public schools is now 42 years, a third of them are in bad need of repair or complete replacement.

As only one example, in my district in Greenfield, Massachusetts, a town of 20,000 people, the middle school was closed because the walls were literally crumbling, threatening the safety of the students. Now the middle school students are crammed into the town's overcrowded high school which has a leaking roof.

Mr. Speaker, last week, the majority passed the flawed $2½ billion school construction bond program in their tax bill. In that same bill, they gave $18 billion, seven times as much in a variety of business tax breaks, including, of all things, additional tax deduction for business meals and the repeal of taxes for producers and marketers of alcoholic beverages.

Remember the three martini lunches?

Those are simply wrong priorities. We should not put tax breaks for business ahead of our schools and our children's education.

Mr. Speaker, I urge my colleagues to accept this motion and thereby improve the Labor-HHS bill.

Mr. Speaker, if, as the gentleman from Pennsylvania, (Mr. GOODLING) has said, this issue is all agreed, then bring the negotiated Labor, Health and Education agreement to the floor, and we will take a long step toward completing our work.

Mr. CASTLE. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce, we probably said this about 10 times, we keep thinking this is the last time he is going to be on the floor, but we keep coming back. This is truly a friend of education in the United States.

Mr. GOODLING. Mr. Speaker, I just want to take a couple of minutes, because I do not think most people know what is in the agreement when I sit here listening to the discussion.

First of all, please do not use the word construction. We are not talking about construction at all. The $1.3 billion has nothing to do with construction. The $1.3 billion is renovation, modernization. The whole thing is renovation and repair, that is what the $1.3 billion is all about.

Do not get people out there thinking that somehow or another with $1.3 billion we are going to do some construction. Obviously, you cannot construct two classrooms or three classrooms with $1.3 billion, so let us make sure we have our terminology correct.

That construction business they are talking about over on bond issues and so on, but not $1.3 billion.

First of all, under the proposal, everybody understands we are talking about $1.3 billion. It does not matter whether you are the White House, whether you are Republicans or Democrats. It is $1.3 billion.

Under this proposal, we say 75 percent would be allocated to school districts for one-time competitive grants for classroom renovation and repair. A portion of the funds would be targeted to high-poverty schools and rural schools.

School districts would receive 25 percent of the funds through competitive grants for use under the Individuals with Disabilities Education Act or school technology, discretion of the local agency. It goes out based on title I formula to the States, and then those grants go from that point on.

Criteria for awarding renovation grants to school districts would include the percentage of school children counted for title I grants, the need for renovation, the district's fiscal capacity to fund renovation repairs without assistance, a charter schools ability to access public financing and the district's ability to maintain the facilities if renovated.

Funds for renovation repair could be used for emergency repairs for health and safety, compliance with the Americans with Disabilities Act, access and accommodations provisions for the Rehabilitation Act, and asbestos. No new construction would be allowed, except in connection with Native American schools. The 25 percent would be distributed to school districts through competitive grants.

Under the $25 million, they could use that for charter school demonstration projects to determine in public schools what is the best means for leveraging the money.

Again, I want to make sure we understand what it is that the Democrats have agreed to, the Republicans have agreed to, and the White House has agreed to.

Mr. HOLT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE), my distinguished colleague who will explain that we do indeed understand what is stated here.

Mr. PRICE of North Carolina. Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. HOLT), my colleague, for this motion to instruct. On this Labor HHS appropriations bill or on another pending bill, we must address this issue of school construction. The gentleman from New York (Mr. RANGEL) and Representative JOHNSON have offered a very positive proposal, as has the gentleman from North Carolina (Mr. ETHERIDGE), my colleague, with his particular focus on high-growth areas.

Mr. Speaker, I come from one of those high-growth areas, where thousands of students are going to school in hundreds of trailers, and we have to do something about it.

Some have portrayed this as some kind of grab for Federal control; that could not be more inaccurate. The decision about when and how and if to build would remain with local authorities, but the Federal Government would be a partner, using tax credits for bond holders to lessen the interest burden on local communities, to stretch those bond dollars further, and to relieve pressures on the local property tax.

A survey in my district recently showed that over 90 percent of our students grades K through 3 were going to school in classes of over 18. Almost one-third of the students were going to school in classes of 25 or more. We need to do better than that.

I fully expect us to approve a bond issue next Tuesday that will help in my district's largest county, but we have to stay with this challenge.

We need to recruit more well-trained teachers, and we need to build and modernize school facilities so that those teachers and their students can do their best work.

Vote for this motion to instruct. This Congress should not adjourn before we have addressed the pressing needs in our communities for school construction.

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, again, I just want to repeat. We are not talking about school construction in this one $1.3 billion so everybody understands that.

But I do want to correct the gentlewoman from Connecticut (Ms. DELAURO), she made a statement that it fell apart because of the Republicans. It did not fall apart because of the Republicans. It did not fall apart because of the Democrats. It did not fall apart because of the White House, although I think the White House may have known that what they agreed to was not the language that was written.

As soon as we saw the language, it was obvious what they thought they were doing they were not doing, and that all deals with ergonomics. I am sure that will be repaired. It was not Republicans. It was not Democrats. It is was not the White House. It was the language.

Mr. HOLT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I wish to thank the gentleman from New Jersey (Mr. HOLT) for bringing up this important issue of not only construction but modernization, which we need both. It is not one issue, but it is both issues. I think it is important that we look at it.

Mr. Speaker, I would like to address this from California's perspective. By the year 2003, California will have to provide more new schools than the entire number of schools that exist in Nebraska. This is in the whole State of Nebraska, California will need more than the whole State, it will cost approximately $6 million to provide new buildings.

Our existing schools need to be modernized and repaired at a cost of over $10 million, and 60 percent of our public schools in California are more than 25 years old.

It is important that we look and put a high priority in education. Education is the number one priority. If we do not invest in education, we are failing America. We need to invest in our future. We need to look at our children to make sure that we create an atmosphere that is good for them. That means that they have to have the construction in the schools there.

In California, alone, we have more portable trailers than we do anything else. When we look at safety, it is important that we provide a safety environment for our children as well. If we do not have, what is going to happen to America? We need to invest in education. This is the beginning.

We need to invest both in modernization and school construction, if we need to meet the demands of our future as well. We want to make sure our children have an opportunity to learn, an opportunity and environment that is conducive like anyone else.

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

Mr. Speaker, after the funds for construction or renovation were taken away in fiscal year 1995—we are talking about 5 years ago now—the President's fiscal year 1996 budget request did not include any money for the Education Infrastructure Act.

I think it is important, and I did this earlier, but I want to put this in, this is exact quotes from what the Department of Education budget documents stated, this is President Clinton, ''the construction and renovation of school facilities has traditionally been the responsibility of State and local governments financed primarily by local taxpayers. We are opposed to the creation

of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reason explained above, the administration opposes the creation of a new Federal grant program for school construction.''

It is now 5 years later the tea leaves are reading a little differently. People seem to favor education and all of a sudden we have a reversal of fortune as far as school construction is concerned from the administration and obviously from some of the people who have spoken here.

Mr. Speaker, I would just say that on this side of the aisle, we have met the needs of education from the Federal point of view, as well as we could, having higher percentages of increases, 8.2 percent for the last 5 years versus 6 percent for the 5 years before that under the Democrats. This year, in particular, the increase, Mr. Speaker, is 20 percent from last year to this year. It meets all of the requests as far as construction is concerned of $1.3 billion that the President has made.

I do not know what the arguments are, but they are relatively small time as far as any differences that can be picked upon that the Republicans have proposed to try to help with these problems and the problems of education.

Mr. HOLT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY) a champion for education for all.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of the Holt motion to instruct on H.R. 4577, because we cannot expect our children to get a first-rate education in second-rate and third-rate school buildings. A recent GAO study on the condition of America's schools found that 60 percent of schools in America need at least one major repair or they need renovation.

On top of that, and we have said it today, even though it is not part of this, on top of repairs and renovation, we also have a great need for new schools, in my home State alone, in California, more than 30,000 additional classrooms will be needed in the next 8 years.

What is the message that we are sending our young children, when their communities boast new, shiny shopping malls and new sports stadiums, while we tell them that they must try to learn in overcrowded, crumbling schools?

This is the time, Mr. Speaker, for us to show our children that they are absolutely as important as a new mall or a new stadium.

A vote for the Holt motion is a vote for this Nation's most precious resource, our children. Our children are 25 percent of our population. Our children are 100 percent of the future of our Nation.

Mr. CASTLE. Mr. Speaker, I yield 2¼ minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I have no doubt that both sides care about education. I think that from the bottom of my heart. But the way we get there is different. My colleagues on the other side have their interests. We have ours.

When my colleagues on the other side talk about school construction, for example, my colleagues on the other side want it to fall under Davis-Bacon which costs 35 percent more. We want to let the schools keep the money. My colleagues on the other side want it to go to the unions.

The only interests that both sides should have here is the school children, not the unions. I had a hearing when I was chairman of the Authorization Committee, some of my colleagues were here at that hearing.

□ 1345

We had 16 people from all over the country. They said they had the absolute best program in the entire world. At the end of the hearing, as chairman, I said, which one of you have any one of the other 15 in your district? Of course, none.

We said that is the whole idea. We want to send you the money directly to the school where the parents, the teachers, the community can make those decisions on spending education dollars, not Washington bureaucrats. That way, you get more effective results.

In my opinion, that is a lot of the reason why Head Start and some of the other education programs do not work. They are underfunded, because there are too many other bureaucracies that eat up the money, and one gets very little money down to the classroom in the Federal program.

Federal education spending is only about 7 percent, yet it ties up a lot of the money at the local level. We think that is wrong. So when one talks about children, we want the money to get down to children, not the unions, not the liberal trial lawyers and special education administrators, not the bureaucracy back here in Washington; but to children, to teachers, to the community.

I would say to my colleagues, we care about education, and I believe you do. But let us both come together and get the maximum amount of dollars to the schools, not the special interests.

Mr. HOLT. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey has 4¼ minutes remaining.

Mr. HOLT. Mr. Speaker, I yield myself 30 seconds just to address the comment there, because here we go again. This has been held up. The agreement has been held up over worker safety. We have failed to get the minimum wage.

I have to remind the gentleman from California (Mr. CUNNINGHAM) who just spoke that Davis and Bacon were two Republicans who thought that it was really unfair to have outside workers come in and, not just undercut wages, but undercut working standards. That is what we are trying to preserve here.

As I understood from the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE), this was in fact agreed upon. Davis-Bacon is not the issue here.

Mr. Speaker, I am now pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. OWENS), a member of the Committee on Education and the Workforce.

Mr. OWENS. Mr. Speaker, there are two very good academic studies that have been done that show that Davis-Bacon does not increase the cost of schools. In fact, the best schools and the best buildings are put up by Davis-Bacon contractors, so much so that the Fortune 500 corporations have recently decided that they prefer to hire Davis-Bacon contractors because they get the best work done in the final analysis.

We have all kinds of impediments being thrown in the way of the use of Federal dollars to solve a basic problem. In the context of a $230 billion surplus, why are we quibbling about $1.3 billion for school renovations, repair, construction, whatever one wants to say? If a coal burning furnace in the school is removed, are we going to call that renovation or repair? I do not care. Let us get the deadly fumes and the pollution of the coal burning furnace out of the schools.

We have more than 100 schools in New York that still have coal burning furnaces. Do we have to have the Federal Government do this? Obviously we do since the States are lagging so far behind. Or perhaps the Federal Government can serve as a stimulus, and by providing some of the money, stimulate and embarrass the States and the local governments into doing far more.

The estimate is that we need about $320 billion just to take care of infrastructure needs for the current enrollment, without projecting future enrollment. That is the estimate of the National Education Association. One might say they are a teacher organization, they are biased.

Well, the education commissioner recently came up with a statement that $127 billion is needed. Some years ago, 1994, the General Accounting Office said we needed $110 billion then.

The need is great. We are going to improve education. The least we can do is take care of the highly-visible infrastructure problems. It does not require

the Federal Government getting involved with decision making. It is a capital expenditure.

You go in; you give help; you get out. It is the best way to spend Federal dollars, most efficient way to spend Federal dollars. Let us do it today.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, the other side of the aisle spent a lot of time talking about two deceased Republican Members of Congress, Davis and Bacon. We on this side are talking about the future of the children of our communities.

My father taught all his life in public schools. He retired as a principal. Oftentimes he and many of his fellow educators would tell me, please, get rid of the burden imposed upon us by the Federal Government. Let us teach the kids. Give us the resources to do it.

In this bill we have the resources. We have spent 20 percent more than last year on education. Our construction dollars are identical to what the demands of the minority are. We are meeting in the middle to try and solve the problems for children.

The rhetoric should stop. The actions should start. The children will be able to learn if we pass this bill without some of the sentiment attached.

I can just tell my colleagues, going to classrooms every time I am in Florida, I find kids eager to learn. Yes, the conditions are poor. But I was in a portable in 1973 in high school. I was in the same conditions then, and that is when the Democrats ran this place. For 40 years, they ran it; and, finally, education is getting better, thanks to the majority party today.

The SPEAKER pro tempore. Each side has 1¾ minutes remaining. The gentleman from New Jersey (Mr. HOLT) has the right to close.

Mr. CASTLE. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

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

Mr. Speaker, I have not been able to make the point, I do not believe, for the membership of the Congress that we are not talking about school construction. So I guess I will now address everyone who is sitting up here and everyone who might be watching it, please do not get the idea that we are talking about school construction.

We are talking about $1.3 billion that the President asked for for renovation and repairs, $1.3 billion. That is what the President asked for. That is what the Democrat-Republican group on the Committee on Appropriations said he gets. That is what those of us who negotiated how the money goes out said, here is your $1.3 billion. Renovation and repair. A done deal.

Let me once again say, under this proposal $1.3 billion would be distributed to States under the title I formula, with a set-aside for small States. Seventy-five percent would be allocated to school districts for one-time competitive grants for classroom renovation and repair.

A portion of the funds would be targeted to high-poverty schools and rural schools. School districts would receive 25 percent of the funds through competitive grants from the State for use under the Individuals with Disabilities Education Act and school technology. That is what we have negotiated. That is what the President has asked for. That is what everybody has agreed will happen.

The legislation we are discussing now has not been sidetracked, as I said before, because of Republicans. It is sidetracked because, at midnight or after midnight, they thought they had language that they, the Republicans, Democrats and the White House, agreed to in relationship to ergonomics. They discovered after rereading it that it did not do what they said at all. We now have new language, hopefully, that will go forward. But it is a done deal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their comments to the Chair.

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

Mr. Speaker, I think the speakers here have made it clear why it is necessary to instruct the conferees to depart from the Senate amendment, which denies the President's request for dedicated resources for local school construction and instead broadly expands block grants.

The other side has said we are plowing the same ground. Any farmer in my district will tell us that one can plow ground again and again. Until one plants, one cannot reap.

We want to make sure that we actually get some benefits, that the students of America can reap the benefits here. Talk is cheap. We have yet to have a vote on this. That is why it is necessary to instruct conferees so we can bring to the floor legislation that will take care of the decrepit and crumbling schools and the pressing need for construction of new classrooms.

We are not here to refight partisan squabbles of 1995 and 1996 the other side seems to want to do, about who killed what and who rescinded what. That is not the point. The point is that, today, we have a multi-hundred billion dollar need in the schools of America to provide adequate facilities so students can learn for the 21st century.

That is why it is necessary to instruct the conferees to depart from the Senate language so that we can actually, not just talk about providing these facilities for the students of America, but vote on it and see that it is done.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of the motion to instruct Labor–HHS Appropriations Conferees to insist on dedicating funding for school construction.

Right now, three-quarters of the nation's schools need funding to bring their buildings into a "good overall condition."

Right now, the average age of a public school building is 42 years, an age when schools tend to deteriorate.

How can a child learn when she has to cross a courtyard to get to a temporary trailor for one of her classes?

How can a child learn when her classes are held in janitor closets?

How can a child learn when her school needs emergency repairs?

How can a child learn when her class meets in a hallway?

How can a child learn when the school is crumbling around her?

We have an obligation to do something about this problem. And our children should not have to wait.

Two hundred and thirty Members of Congress support the Johnson-Rangel school construction measure.

This bipartisan bill helps communities to modernize their current schools and construct new facilities so our children will learn in the finest facilities possible.

Mr. Speaker, it is unconscionable that while the Republican leadership can't set aside $25 billion for modernization and construction of new schools, it has no problem giving $28 billion in tax breaks to big businesses, HMOs, and insurance companies.

It is unfortunate that we are at the end of the appropriations process and the education priorities are still not taken care of.

Our number one priority must be education. And school construction funding must happen this year.

Our children are counting on us.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. 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 176, nays 183, not voting 73, as follows:

[Roll No. 590]

YEAS—176

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Weiner
Weygand
Woolsey
Wu
Wynn

NAYS—183

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chenoweth-Hage
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Martinez
McCrery
McInnis
Metcalf
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Watkins
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—73

Ackerman
Archer
Bilbray
Bishop
Boehlert
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Campbell
Chambliss
Clay
Collins
Conyers
Danner
Davis (FL)
Dickey
Dicks
Dingell
Dooley
Dunn
Emerson
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Gejdenson
Gibbons
Greenwood
Hansen
Hastings (FL)
Hayes
Hill (MT)
Hinojosa
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Kasich
Kennedy
Kilpatrick
Klink
Lantos
Lazio
Lucas (OK)
McCollum
McIntosh
McKeon
Mica
Mollohan
Neal
Northup
Ose
Peterson (PA)
Pickett
Sabo
Salmon
Saxton
Scarborough
Scott
Shaw
Shays
Spratt
Talent
Turner
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Wexler
Wise

□ 1416

Mr. NUSSLE, Mr. GALLEGLY, Mrs. WILSON, Mr. EHLERS, Mrs. ROUKEMA, and Mr. PORTMAN changed their vote from ''yea'' to ''nay.''

Mr. NEY changed his vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SAXTON. Mr. Speaker, on rollcall No. 590, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. GIBBONS. Mr. Speaker, I was unavoidably detained and missed House rollcall Vote No. 590. Had I been present, I would have voted "nay."

Mr. SOUDER. I erroneously voted in favor of rollcall vote No. 590, the Holt Motion to Instruct Conferees on H.R. 4577, the Departments of Labor, Health, and Human Services, and Education and Related Agencies Appropriations Act for fiscal year 2001. I intended to vote "nay" on that rollcall vote.

NATIONAL RECORDING PRESERVATION ACT OF 2000

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, line 13, after ''recordings'' insert ''and collections of sound recordings''.

Page 2, line 20, after ''recordings'' insert ''and collections of sound recordings''.

Page 2, line 23, strike out ''10'' and insert ''25''.

Page 3, line 4, after ''recordings'' insert ''and collections of sound recordings''.

Page 3, line 10, after ''recording'' insert ''or collection of sound recordings''.

Page 3, line 14, after ''recording'' insert ''or collection of sound recordings''.

Page 3, line 22, after ''recording'' insert ''or collection of sound recordings''.

Page 4, line 11, after ''recording'' insert ''or collection of sound recordings''.

Page 4, line 20, after ''recording'' insert ''or collection of sound recordings''.

Page 4, line 22, strike out ''recording,'' and insert ''recording or collection,''.

Page 6, line 21, after ''access'' insert ''(including electronic access)''.

Page 11, line 21, after ''TION'' insert ''OR ORGANIZATION''.

Page 13, line 5, after ''recordings'' insert ''and collections of sound recordings''.

Page 14, after line 21, insert:

(c) ENCOURAGING ACCESSIBILITY TO REGISTRY AND OUT OF PRINT RECORDINGS.—The Board shall encourage the owners of recordings and collections of recordings included in the National Recording Registry and the owners of out of print recordings to permit digital access to such recordings through the National Audio-Visual Conservation Center at Culpeper, Virginia, in order to reduce the portion of the Nation's recorded cultural legacy which is inaccessible to students, educators, and others, and may suggest such other measures as it considers reasonable and appropriate to increase public accessibility to such recordings.

Page 15, after line 7, insert:

SEC. 126. ESTABLISHMENT OF BYLAWS BY LIBRARIAN.

The Librarian may establish such bylaws (consistent with this subtitle) as the Librarian considers appropriate to govern the organization and operation of the Board, including bylaws relating to appointments and removals of members or organizations described in section 122(a)(2) which may be required as a result of changes in the title, membership, or nature of such organizations occurring after the date of the enactment of this Act.

Page 16, after line 18, insert:

SEC. 133. ENCOURAGING ACTIVITIES TO FOCUS ON RARE AND ENDANGERED RECORDINGS.

Congress encourages the Librarian and the Board, in carrying out their duties under this Act, to undertake activities designed to preserve and bring attention to sound recordings which are rare and sound recordings

and collections of recordings which are in danger of becoming lost due to deterioration.

Page 16, line 19, strike out ''133'' and insert ''134''.

Amend the title so as to read: ''An Act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings and collections of sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.''.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WU. Mr. Speaker, I rise to offer the motion to instruct that I presented yesterday pursuant to clause 7(c) of rule XXII.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. WU moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class size in the early grades and instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Delaware (Mr. CASTLE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

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

Mr. Speaker, today I urge the leadership to keep our promise to the Nation's school children by continuing the program to reduce class size in the early grades. For the past 2 years, this Congress has provided funds through the class size reduction initiative to reduce class size in the early grades to a size of students of 18 or less.

I have seen this program work in my home State of Oregon. At Reedville Elementary School in Aloha, Oregon, there was an extraordinarily large incoming class of first graders of 54 students. Instead of the two first grade teachers that they did have, the class size reduction initiative permitted Reedville Elementary School to hire an additional first grade teacher, and because of this program, working exactly as intended, Reedville Elementary School has three classes of 18 first graders instead of two classes of 27 first graders. Something similar has been happening at William Walker Elementary School in Beaverton, Oregon, where class size in first grade was reduced from an average of 25 to 22. It would have been reduced more if not for significant and unexpected population growth.

This program is working. It has worked for the past 2 years. We should keep our agreement with each other across this aisle, but, more importantly, our agreement with the school children of Oregon and America and work as hard as we can before this session ends to reduce class size in the early grades.

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

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

Mr. Speaker, I do rise in opposition to the specifics of the motion to instruct conferees presented by the distinguished gentleman from Oregon; but in the principle of what he is saying, I reach full accord and agreement, and I think frankly most Members here probably do and most people involved with education probably do.

I have been worried about education for many, many decades now in my State of Delaware. I have visited all of the public schools in Delaware at one time or another. I have been in those classes, and I have watched what happens as you get smaller class sizes, particularly with the younger ages, with the use of teachers or teacher aides who can achieve the level of being able to teach at a teacher's level, and I have seen the benefits that come from that. That is something that we in my State have done. With legislation we have mandated, particularly in the lower class sizes, the lower ages and we think that has made a difference as far as all this is concerned.

I think we as Republicans have recognized that fully in the Congress of the United States. As a matter of fact, I think it is very important to point out, and to me this is the crux of this whole discussion we are having right here, and, that is, that what is conspicuously absent from this motion to instruct is language requesting further increases in education spending.

The Republican Congress has provided dramatic education spending increases in recent years. In the 5 years before this, we have increased spending for education by 8.2 percent a year, well above the cost of inflation and well above the 6 percent a year in the 5 years before that when the Democrats were in control of the Congress of the United States of America. As I have said in the previous discussion, the increases for this year in the Labor-HHS-Education bill for K–12, and there is no argument with this, there are arguments with another part of that bill right now, are 20 percent which is a dramatic commitment to education. We in the majority side, of course, are very proud of that.

That having been said, we need to deal with this particular issue. Again we are not dealing with numbers. We are dealing with flexibility and how one is going to spend money. We are willing to expend the money, but we have indicated that, of the $1.7 billion request, that three-quarters of it should go to class size and a quarter of it should go for teacher training, unless you have more than 10 percent who are not qualified to teach a course, in which case 100 percent would go for class size.

Why do it that way? It is very simple, Mr. Speaker. As you go across the United States of America, you are going to find that there are 15,000 school districts with over a million classrooms. You are going to find classrooms that have a large number of students in them, with good teachers, who have the ability to handle those children and teach them well. You are going to find other circumstances in which you have a classroom with somebody who could be a good teacher but needs some sort of training in order to become better. You are going to have a variety of situations with teachers and aides where they are able to make it all come together and teach kids as well as possible, all driving at the purpose of the motion to instruct conferees, that is, to reduce class size but, more importantly, to make sure that we are teaching those children as well as we possibly can.

We say give them that flexibility, give them some flexibility in some instances to be able to train teachers better. There are too many teachers, frankly, who are teaching courses for which they are ill prepared. Perhaps they did not study that as a substantive course when they prepared to be a teacher; perhaps they just do not have the knowledge. Perhaps they do not have teaching skills. We say that we need to address that.

But that is not what is really important. What is important is we are saying, Let's put some flexibility into the program. The decision should not be made here in Washington at the Department of Education or at the White House. It should be made back in Oregon, Delaware, Pennsylvania, or wherever it may be, or done in the various towns and school districts within our States as they make the decision as to what is in the best interests of those children for their education.

Those are the differences. The differences are not great, but they are important and they are distinguishable

differences. I happen to believe the flexibility side of it is the side which is right. Obviously, the gentleman from Oregon feels differently; but my view is that we have put the money in, we have provided the necessary flexibility, we are trying to help with more teachers and help teachers prepare better. If we do that, then we have taken the right steps to help all of our children with their education.

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

Mr. WU. Mr. Speaker, I yield myself 1 minute.

I thank the gentleman from Delaware. The gentleman must recall that we worked closely together on the Education Flexibility Partnership Act. We both believe in flexibility. We both believe in local control. In the funding for the class size reduction program, last year we negotiated additional flexibility for the use of these funds. We negotiated an increase in flexibility in using the funds for teacher training from 15 percent going up to 25 percent.

I must point out to the gentleman that local school authorities are using only 8 percent of those funds for teacher training. The rest they are using for class size reduction as was originally intended. The gentleman and I share our interest in flexibility. However, it appears to me that local school authorities are using the funds for class size reduction the way that we think they would.

Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of the motion offered by the gentleman from Oregon (Mr. WU). Every parent wants to send their child to a public school with the best qualified teachers, high standards that challenge students, and that provides the kind of discipline that our youngsters need. That means an investment in teacher training, a commitment to turning around failing schools and helping schools with the cost of special education, helping school districts build and modernize 6,000 crumbling schools.

But at the center of every quality school are high-quality teachers. There is a serious teacher shortage on the horizon. Class sizes are already exploding, making it more difficult for teachers to reach every student and to be able to inspire them. Studies clearly show that reducing class size makes a tremendous difference. By keeping class size down, classrooms can become again a place of learning, of discipline, where teachers can teach and children can learn.

This is not about numbers. It is about an educational environment. We ought to be able to do that for America's families and for America's children.

Despite what my colleagues say on the other side of the aisle, this issue is not settled and that is for one specific reason: the Republican leadership of this House went back on their word. They wrecked a bipartisan agreement that would have made this investment in schools. And they did it all because of an issue that was totally unrelated to education, but an issue that the special interests could not abide. So the Republican leadership faced the choice. They could side with public school children or they could side with the special interests. The choice that they made speaks volumes about their priorities and their values. They stood with the special interests.

Let me quote the Washington Post today: ''Fierce lobbying by powerful corporate groups with considerable sway among the GOP leadership helped kill a deal sealed with Republican negotiators early Monday, led by the U.S. Chamber of Commerce and the National Association of Manufacturers.''

They stood with the special interests. That is why we are here today. That is why we are fighting to make this education investment happen. We cannot trust the Republican leadership to keep their word and invest in schools unless we keep their feet to the fire. We have got to speak up for America's public schools, to make sure that the voices of America's public schools and the children that rely on them are heard in this House. Ninety percent of our youngsters are in public schools today. We should not be here for the special interests, but because of America's children.

Pass this motion. Let us do something positive for America's children and for America's families today. That is what our values dictate that we do in this body.

□ 1430

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, as I said at the beginning of the last discussion on school renovation, how lucky people are if they did not get to see it on Saturday, they now get to see the same production on the same stage today. They get to see it twice in a couple of days. The only difference is that the leading players were leading ladies on Saturday. Today the leading players are leading men. That is the only difference in the debate and the discussion.

Of course, again, we are talking about something that is already a done deal. Last year, we tried to make it very clear to the President that everybody understands that class size reduction in early grades is very, very important if, if there is a quality teacher to put in the classroom. I could not get him to talk about quality, but I am so happy that the last year and a half that is all he has been talking about. So I made some progress.

When we were negotiating last year, fortunately one of the largest school districts of the newspaper that covers that area had the entire front page said, parents, do you understand that 50 percent of the teachers that are teaching your children are not qualified? So every time I would talk about flexibility, I would open this up. We were not talking about flexibility to do anything you want under the sun. We were saying, wait a minute. If they have 50 percent of unqualified teachers in that classroom now, should we not be allowing them to use some of this; perhaps they have some potentially very good teachers, that, with some additional instruction, some additional help, could make a first class teacher? Of course, what happened? The first group of teachers hired under this program, over 30 percent were not qualified, and the tragedy was that they went right into those same school districts where they already had 20, 30, 40 and 50 percent unqualified teachers. That is exactly what I knew would happen. We should have taken a lesson from Governor Wilson. He pushed the same issue, but he did not have the flexibility in it.

So what happened? In Los Angeles, they hired 30 some percent of totally unqualified teachers. When a new classroom is created, it has to have someone in that classroom. So they had to hire unqualified teachers.

Fortunately, we got our message through last year. We negotiated in good faith. We got our flexibility to make sure that if potentially there were good teachers, there was an opportunity to make them real quality teachers. There is no substitute, after the parent, for a quality teacher in the classroom. I do not care whether it is a marble building, whatever it is. It is the quality teacher in the classroom.

Mrs. Yost had to teach all of us in one building, 100-year-old building I might mention. She had to teach all the special needs children. She had to teach everybody. She had to teach all four grades, but she was an outstanding quality teacher and she could do that.

So what we negotiated last year, what we got, was that there has to be the flexibility. What we have already negotiated again this year is exactly what we got last year, and, therefore, it is a done deal. So we are here, again as I said before, maybe in Oregon they are not on lunch break yet, but I do not know why we are going through this same procedure that we went through on Saturday. I said all we did was change the leading characters. I said that to two of the ladies that were the leading characters on Saturday and

they said well, we thought we would give the men a chance today. So I guess that is what it is all about.

We want reduced class size if there is a class quality teacher to put in that classroom. The biggest job we are going to have from now until I do not know when is getting quality teachers in the center-city America and quality teachers into rural America. I do not know the answer to that. We have tried to give all sorts of monetary benefits. We will reduce their loan if they will just commit to going there and teaching. It has not worked. We have tried to have alternative certification, but we do not have anything to do with certification.

So if we get someone that wants to change their career in the middle of their lives, they are not going to go back and take 30 credits in pedology. I do not blame them. I have had 90 of them. That is enough for a lifetime. You are going to have to find some way to get quality teachers in center-city America and rural America. We have not come up with that solution.

As I have mentioned many times, it used to be easy because we had the brightest and best women who had two choices. They could be a teacher or they could be a nurse if they wanted to be a professional. That is gone forever and, therefore, getting teachers in areas that are quality teachers is very difficult.

This great idea that we will have national certification, what does that do for center-city America? It does nothing. It does nothing, because where do they go? They go where they are sure that they will have an opportunity to teach as they want to teach.

So, again, we are going through an exercise today, as we went through on Saturday, which is an exercise in futility. It has already been negotiated. It is exactly the same as last year, which makes everybody happy because now we are talking about a quality teacher in the classroom. Do not reduce the class from 23 to 18 and put somebody in that classroom that does not know how to teach and does not have the qualifications to teach, because I will guarantee that the only thing that will have been done is spare five other people from being in a classroom where there is not a quality teacher.

So let us quit playing the games. Let us get on with the business. It is negotiated. It is there. It is the same as last year. It gives us the flexibility we say one positively has to have if they are going to get quality teachers in classrooms. That should be our whole emphasis: Quality, quality, quality.

I sat there for 20 years and all I ever heard was, if we just had another $5 billion, if we could just cover another 100,000 children, then all the problems would go away.

Nobody ever asked, are we covering them with quality or are we covering them with mediocrity? In many instances we were covering them with mediocrity. That is a tragedy. The disadvantaged under title I are still disadvantaged. We have not closed the achievement gap at all. We have to have a quality teacher in a classroom and then reduce class size. Do not put the cart before the horse. Do not try to eliminate the flexibility to try to make existing teachers who are in that workforce now anything other than better teachers. That is what we should be doing. That is what we agreed to do, and, therefore, as I said, it is a done deal, same as last year; and again hopefully, we will not make the mistake we made the first year, because the first year 30 percent of all of those who were hired had no qualifications whatsoever and tragically went into the very classrooms in center-city America where the very best teacher was needed. That was a real tragedy. We cannot let that happen.

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

Mr. Speaker, I would like to agree with the distinguished chairman on one issue, and that is I agree with the chairman and with the Bard that we are but players temporarily on this stage, but it is not so for the children of America. For each day that passes in their school year we never get that day back. We never get a day back when we miss a day of quality education, and that is what makes this debate absolutely crucial.

I disagree with the distinguished chairman on two important issues. This is not exactly the same as last year. The dollar amounts are different. There is a one-third increase in this bill for the class size reduction program; and, in addition, the chairman's concern about qualified teachers is addressed because there is a requirement this year for 100 percent qualification for the teachers hired under this program.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from Oregon (Mr. WU), for bringing this important issue to the attention of the Congress.

As a former teacher, Mr. Speaker, I rise in strong support of the class size reduction program. There is overwhelming data to demonstrate the single most significant factor in boosting academic achievement in the classroom is the presence of a fully qualified teacher in smaller classrooms, and in conjunction with high standards.

What this means is that we can search out the very best teachers in the country. We can send them through top-of-the-line training programs. We can give them the latest technology and textbooks, but if we do not do something to reduce the size of the classrooms, particularly in kindergarten through third grade, which exceeds over 30 students in many of our schools, we will not be giving our children the education they deserve.

In the 1999/2000 act, due to the class size reduction program, schools in my district received the following: 17 new first grade teachers; 14 new second grade teachers; 12 new third grade teachers; and 3 new teachers for other grades. When I visit with school administrators, when I visit with parents, when I visit with teachers, they like this program. They say it works.

This is a program that makes a difference in their schools. Altogether, this program has helped our Nation's schools hire 29,000 highly qualified new teachers. If we eliminate this program, we not only jeopardize the gains we have made but we will prevent schools from hiring additional 20,000 qualified teachers to serve over 2.9 million children.

As the end of this session draws near, hopefully it draws near, this is a program that we cannot let fall through the cracks. We talked this session a lot about having a surplus. We need to use that surplus to pay down the debt. We need to use that surplus to shore up Social Security and Medicare. We need to use that surplus for reasonable tax cuts, but we need to use that surplus to continue the investment in our children.

I urge my colleagues to support this motion.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I just want to repeat one more time, there is no argument about whether reducing class size is good in early grades if there is a quality teacher to put in the classroom. Everybody agrees to that. I did that 30 years ago as a superintendent of schools. I did not come to Washington and ask to do that. I went to my school board and asked to do that, and they agreed. I hope no one on that side was somehow or another saying these qualifications were put in because somebody on that side or somebody down at the White House wanted to do it. The qualification issue was forced upon the administration, and I was one of the leading enforcers, and the gentleman from California (Mr. GEORGE MILLER) helped me, I might also say, when the Secretary came up to enlist his support last year. He said he was tired of the gentleman from Pennsylvania (Mr. GOODLING) beating us up over the issue of quality.

Again, let me remind everyone that this year's negotiation is even better, because last year we said if there was more than 10 percent unqualified teachers 100 percent of the money could be used to improve the quality of

the teachers in the force, if the State was an ed-flex State. The White House agreed with us. We will remove the ed-flex State business so all of those center cities now have an opportunity, as a matter of fact, to use their money to improve the quality of teachers in their classrooms.

Mr. WU. Mr. Speaker, I yield myself such time as I might consume, to say that the chairman and I share a passion for flexibility at the local level.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Oregon (Mr. WU) for yielding me such time.

Mr. Speaker, I do not doubt for one minute the commitment by my colleagues and the Chair on the other side of the aisle for 1 minute his dedication towards helping reduce class sizes throughout this country.

I just want to talk about the effects that it had on New York City. For the bill that was passed last year, the 1999/2000 act, New York City received $61 million in Federal class size reduction funds. In addition, the city received some $49 million in State funds to help reduce the size of classes as well. The State and Federal funds created 950 new smaller classes in grades K through 3 with an average of about 20 students in each class. New classes were created in 530 of the district's 675 schools; remarkable usage of that Federal and State dollars.

The Independent Education Priorities Board recently completed a study, and the study revealed, among improvements reported, results were that noticeable; declines in the number of disciplinary referrals; improved teacher morale; a focus on prevention rather than remediation; and higher levels in classroom participation by students. This is really working, and we want to see that continue.

I understand this may have taken place on Saturday, the debate as well again, and once again we find ourselves in the same act being repeated, but we had an agreement. The conferees met. The conference report was signed, and the leadership, the GOP leadership, killed that deal, making a mockery, in my opinion, of the conferee process. So if this is a show, if this is a ploy, the Republican leadership has created it.

I suppose we will take this play on the road. We will take this play off Broadway and on the road back to our districts, and I guess on Tuesday the people will decide who was right and who was wrong.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI), a senior member of the Committee on Education and the Workforce in the House of Representatives.

□ 1445

Mr. PETRI. Mr. Speaker, I thank the gentleman from Delaware (Mr. CASTLE) for yielding me this time.

I rise in opposition to the motion because it is a step backwards as far as flexibility is concerned for local school districts, and that is very important.

The legislation that we are basically talking about increases funding for schools and for hiring teachers and for teacher training, and that carries forward a pattern that we have seen under the chairmanship of the gentleman from Pennsylvania (Mr. GOODLING) during the last 6 years in this committee. He has constantly talked to us, as we have heard here this afternoon, about the importance of having quality in education; and he has not just talked about it, he is the point man in negotiations over a number of budgets and has actually managed to get significant flexibility in these programs.

What is the difference? Well, let me just give my colleagues an example. If one happens to represent a relatively rural area or an area with a small school district, without the efforts of the chairman of this committee in negotiations, one would get nothing out of this program, because half the school districts in the country, their share of the money we are talking about would be less than the salary of one teacher. Because of the flexibility that the gentleman from Pennsylvania (Mr. GOODLING) negotiated a year ago in the budget, if we do not get enough money under this Federal program to hire even one teacher, then one gets the money for teacher training and upgrading, and one can participate in this program. That is half the school districts in the United States.

He also fought repeatedly to try to have as much of the funds we are talking about in this program to be able to be used not just to hire bodies, but to assure quality, by teacher training and a variety of other approaches, and that is important. In the real world, the area that I represent, I visit a lot of schools and, by the way, in our State, school construction is going forward at a very great pace because of changes in the way the State aid program works. And the new schools, of course, are much different than the older schools. We have electricity, not just a couple of lights, but wired all the way through, and the kids are going to be learning with computers and personal computers as an aid from early grades on in the next few years. The whole configuration of the school and how it works changes.

Also, we are in our communities trying to get much more parental and community involvement in education. I was just recently at a school district dedication where there was, in addition to the classrooms, a senior citizens center. Why? Because they wanted to have a separate entrance for the senior citizens and then the doors open so that seniors could be honorary grandparents to young kids and read with them and have them as friends. We have had a family crisis in our country. We have many families with just one parent and that person having to work, and what is to happen to the little kid? There is no one taking an interest in them.

So trying to do things like this makes a lot of sense, and just a one-size-fits-all that does not provide flexibility would miss opportunities in the areas I represent and all across the country. So I hope my colleagues will listen to the gentleman from Pennsylvania (Mr. GOODLING) and not support the motion.

Mr. WU. Mr. Speaker, I yield myself such time as I may consume to point out that on a bipartisan basis we passed that flexibility. We all believe in that flexibility. The gentleman from Delaware and the chairman share that perspective, as do most of my colleagues on this side of the aisle.

Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I want to acknowledge the leadership of the gentleman from Portland, Oregon (Mr. WU), not only on this important motion, but on his work throughout this session of Congress on behalf of schoolchildren and teachers in the Committee on Education and the Workforce. It has been very important not only to Oregon, but it has certainly been important to the children that I represent down in central Texas.

Mr. Speaker, as I was sitting here last night of, at all times, on Halloween evening, amidst the colossal mismanagement of this Congress that has continued throughout the last 2 years, I could not help but think that perhaps this House was haunted, haunted by the ghost of Newt Gingrich, or perhaps it is only that the extremist spirit that we faced throughout his leadership never really left the House.

The program that we debate today is patterned after the program that Newt Gingrich and his extremists fought back at the time that they were shutting the government down and inconveniencing people across this country. At that time they opposed our proposed 100,000 federally financed cops on the streets of America. I think that this COPS program has worked.

But if we were to replay the arguments of those who opposed that program, our Republican colleagues, they would sound very much like the arguments that we have just heard against the gentleman's very insightful, intelligent, and important motion. At the time of the last Republican government shutdown, they were saying, ''oh, let us just give the States all the money and let them run it through their bureaucracy.'' They were saying,

''well, maybe there will not be enough qualified people out there to work in our neighborhoods and help us deter and reduce crime''; and they fought us through two, three sessions of this Congress against the 100,000 Cops on the streets of America, until they were finally convinced by the people of America, that this was a rather good Federal initiative.

I can tell my colleagues that in Travis County, in the center of Texas, we have over 200 additional law enforcement officers in our neighborhoods, protecting our families and our businesses as a result of the COPS program. This 100,000 teacher program that the gentleman from Oregon is supporting takes exactly the same approach, and it is already beginning to work. Last session, over the objections of the Republican leadership, we got additional teachers into the classrooms specifying that that was going to be a specific purpose of our appropriations bill for education. At the beginning of this current school year, with my school superintendent there in Austin, Texas, I went out at that happy time when new teachers and parents and kids were sharing the excitement of a new school year. There to greet those students in Travis County, Texas, were 72 new teachers employed as a result of this classroom size reduction initiative. Not one of them would have been funded had the Republicans prevailed during the last session.

What we are saying through this motion is, it works, just like our COPS program. Let us support new, well qualified teachers, so that classes will be of a size where they can maintain discipline and can work in creative ways with these young minds. There is substantial evidence that if we have smaller classroom sizes, our students can benefit. So we say through this motion, let us do something constructive to back up local efforts, not to interfere with them, give them the flexibility that they need, but back them up in their efforts to improve the quality of education.

Mr. Speaker, as we review this Republican Congress, we have to say that, with reference to this motion and so many others, that the words that come to mind are failure and flop and fiasco. Unfortunately, the report card for the performance of this Republican leadership is pretty much straight Fs. In contrast, the approach that the gentleman from Oregon (Mr. WU) has suggested is an enlightened one that can really help improve the quality of education for young people in the center of Texas, in Oregon, and across this country.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON), another strong member of the House Committee on Education and the Workforce.

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

I do not know who is enlightening whom, but I would like to say a few things. This motion, while superfluous really, and I think the gentleman really knows that, and based on some of his own statements I think he realizes it is, it does give me a chance to come down and jog everyone's memory. Because of the gentleman from Pennsylvania (Mr. GOODLING), the chairman of your committee and mine, last year, when the President's plan for 100,000 teachers was the focal point of the debate on the budget, it was our chairman who convinced the President that there are not 100,000 certified in-field teachers who are not working, and that if we gave the option to certify some of those that were already teaching and were not certified by use of some of the funds, and the flexibility to do it, then we could not only reduce classroom size, but we could also enlighten students by having better qualified existing teachers.

Last week, in our hearing in the Committee on Education and the Workforce when asked the question, are there 100,000 certified in-field teachers to be hired, Secretary Riley said, no, there are not. Because he knows that as well, and he acknowledged the need for training.

Another enlightening statement, and it has not been mentioned yet, and we all deserve credit. Let us get out of this finger-pointing. This one issue we pretty much agree on except when facts are manufactured. But the fact of the matter is that under title I of this year, 66,002 title I teachers are being hired with Federal money, and 107,000 paraprofessionals, that is notwithstanding the 100,000 teachers and class size reduction.

For someone to say that our Congress is a fiasco, that our leadership is not responding, I do not see it. In fact, the truth of the matter is, and I know the gentleman's intentions are well intended, and I know the gentleman cares, and I know in his opening statement he said Oregon has already benefited, Oregon has already benefited because last year this Chairman and your President agreed we ought to train them and hire them and they did in Oregon get more teachers. And this year, it has already been agreed to, though yet to be signed, a portion that deals with classroom size reduction is better in money, as the gentleman said, than last year's. The truth of the matter is, the unintended consequence of this resolution would be less qualified teachers in America's public schools, because it would take the flexibility to use 25 percent of the money to train noncertified teachers who are already in the classroom, and I know the gentleman does not mean that to happen, and I would never accuse him of intending for it to happen.

But, Mr. Speaker, why do we not for once agree that we have made major steps in education. We have followed a leader. We have responded to a President. And in the end, America's classrooms are less crowded in K through 3. Teachers who were not certified are being certified and/or gone and Georgia and Pennsylvania are better off for it.

Mr. WU. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from Oregon (Mr. WU), my freshman colleague. It has been a great first term for us, and I have had a great time working with him.

Mr. Speaker, to the gentleman from Georgia (Mr. ISAKSON), my good friend, the only thing I can say to the gentleman is that consider this: a less qualified teacher with a smaller class is better than a less qualified teacher with too many children. That is just basic mathematics. But the gentleman was being revealing in his statements and enlightening.

I am fortunate to have a brand-new young staff member on my staff, and she just completed a year of teaching in elementary school, and she wrote this statement for me. Her name is Beverly Smith, and she said, a teacher told this story: imagine throwing a birthday party for your child and 25 of his or her 7-year-old classmates decided to come. You have hats, a full-service amusement center, and the parents will pick the children up in just 2 hours. Now, imagine those same kids, for 7 hours in a classroom with one teacher. Let us face it. It is difficult to learn to be an innovative and inquisitive thinker in a class of 25 or more students. In fact, with 25 students, the teacher may never even get the chance to ask every student a question.

We need smaller class sizes. This is what Beverly Smith says. Otherwise, the students shut down, the teachers burn out, and we find ourselves back at square one. We want to provide quality education for each and every student, not just the chosen ones, not just the privileged ones. We want every student to get quality attention in education every day.

□ 1500

See, that is what class size reduction is all about. It is about giving students the opportunity to practice the skills they need to succeed, not only today but also in the future.

I am thankful for Beverly Smith, and I am thankful for the dedication of her and all the other teachers who work in classrooms. Let us give them some support. Reduce the class size. Help them to get better qualified and help our Nation.

Mr. CASTLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to just sort of review where we started all this, because sometimes I think we get a little

beyond where we really have commenced and where we are going.

Basically, the request in terms of dollars to go to teachers is the same in terms of what is in the bill, what the minority is requesting, as what we have provided at $1.7 billion. As a matter of fact, we have agreed on this side that 75 percent of that money should go to the class size issue which they are mentioning.

So basically we are arguing over the other 25 percent, and the question is, should that 100 percent go to class size or should it go to teacher training to help with quality.

Obviously, I come down on the side of more flexibility. A little bit later, when I have a little more time, I am going to talk about that.

I would like to talk about Mrs. Buckles for a moment. I had her in seventh grade. She taught us diagraming in seventh grade. I am surprised I survived all that.

I can tell the Members, the woman could teach brilliantly, as a matter of fact. I learned something about the construction of a sentence, which I remember to this day because of her ability to teach. I do not think it would have made any difference if there were five people in that classroom or 100 people in that classroom, she had the ability to get our attention, the ability to enforce discipline, the ability to process the work that was there. Everybody in that classroom learned dramatically as a result of being in there with Mrs. Buckles. A good teacher can do that.

I have also visited elementary schools in Wilmington, Delaware, and other parts of Delaware where I have seen teachers I thought needed extra assistance in terms of what they are doing, and perhaps needed another teacher to help reduce class size, or a teacher aide.

I think we need to provide those teachers the inspiration, the educational experience, the training, perhaps the quality experience, whatever it may be in order to improve their teaching.

Frankly, where we lose a lot of teachers is in their first or second year of teaching. In fact, maybe the young lady who has gone to work for the gentlewoman from Ohio is in that capacity. We lose them because they do not necessarily have the proper training. That is where the greatest percentage of teachers is lost. We need to retain them, as well.

That is why I beseech everybody here to get behind the concept of having some flexibility on these particular dollars which we are talking about. I hope we can come to an agreement at some point on it.

Mr. WU. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to just point out to the gentleman from Delaware that in fiscal year 1999 funding, school districts, local educational authorities, used only 8 percent of the allocations under this fund for personal development and teacher training.

We upped that amount from 15 percent to 25 percent, but the evidence from the flexibility that we have granted local education authorities is that we have lots of flexibility under this program because they are not using anything close to the 15 or the 25 percent of the monies that they can for teacher training under this program.

I must further add that the reason why we are here today, this is not an exercise in futility. This is not a dry fire exercise. The reason why we are here today is because the passage of each and every day means the loss of an opportunity to make a difference in a child's life.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. OWENS), my colleague on the Committee on Education and the Workforce.

Mr. OWENS. Mr. Speaker, we have a problem of a failure of vision, a failure to understand that every time the word ''flexibility'' is used, it is used in a way which says that there is a limited pot of money here. We want to squeeze it in as many ways as possible. We want to give the flexibility to the people who have neglected the priority in the first place.

The State governments have neglected the priority. The local education agencies either have neglected the priority or they do not have the funds. We have only a few basic initiatives being undertaken by the Federal government.

The initiative is based on a recognition of the need. There is a need for smaller class sizes. There is clear research that has proven that smaller class sizes are very effective. The class size of the class my colleague, the gentleman from Delaware (Mr. CASTLE), went to when he was young did not have any 32 youngsters in it, I can assure the Members.

There is a clear need for a focus in this area. There is a clear need for a focus on school repair, innovation, and construction, as we were talking about before.

The American voters have made it quite clear that they understand the need. They have the common sense to see that we need more government assistance in education, and underneath that, they have pinpointed certain areas where the need is.

Instead of my Republican colleagues, the Republican majority, recognizing that we should approach the problem comprehensively, with a comprehensive plan, where we have additional money for teacher development, professional development, as well as money to reduce class sizes, they want to seize upon the fact that here is an initiative that is moving, it has the approval of the populace out there, it is popular; therefore, let us strangle it and wrestle it until we get something out of it that we can use for some other purpose: We can hand money to the Governors, or hand money to the local elected officials.

Let us have an additional amount of money for professional development. Mr. Speaker, let us have a comprehensive approach: more money for professional development, more money for certification of teachers, more money for the recruitment of teachers, more money for undergrads.

We have a major crisis underway already. We need many more teachers. We need numerous incentive programs. Across-the-board, we should recognize the need to move to take care of our brain power needs in America. Our brain power needs are overwhelming. With our nickel-and-dime approach, squeezing each program, trying to get flexibility, trying to use the same money in two or three different ways, that is not appropriate. We need a brain power approach which requires that the Committee on Education and the Workforce have the courage and vision to take a comprehensive approach.

Mr. WU. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI), a senior member of the Committee on Appropriations.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to join those who have commended the gentleman for his leadership on the education issue so important to our country.

I would also like to commend the gentleman from Pennsylvania (Mr. GOODLING). This may be the last debate on education, one never knows.

I listened with great interest to the gentleman's comments earlier about all of the good provisions that were in the Labor-HHS appropriations bill, and now bemoan the fact that the Republican leadership has walked away from all the good things that the gentleman says are in there.

Of course, I think it is important for us to do everything in our power to help equip our children with the tools necessary for them to reach their self-fulfillment. It is in their personal interest, as well as in the competitiveness of our great country, to have an educated work force.

That is why it is so sad to see the Republican leadership walk away from the Labor-HHS bill that was negotiated by chairmen, respective chairmen in the House and Senate, on this bill.

If it is, as the gentleman says, as the gentleman from Pennsylvania (Mr. GOODLING) and others on the majority have said, that it contains all of these great provisions, why squander all of that just to pander to the needs of the extreme in the business community that does not want to have workplace

safety for so many millions of Americans who are susceptible to repetitive stress injuries?

I want to get back to the professional development that the gentleman from New York (Mr. OWENS) talked about. He has been a champion over the years on this, as well.

The research that is contained in this very bill, the funding for the National Institutes of Health and the institutes within that that study how children learn, tells us that children learn better in smaller classes. Indeed, they do better in smaller schools.

We cannot have smaller classes and smaller schools without school construction. We talked about that in the previous motion to instruct.

The motion of the gentleman from Oregon (Mr. WU) addresses the need for more teachers. If we are going to have the smaller classes that the scientists tell us help children learn better and thrive better and succeed, then it is necessary, of course, to have more teachers, better trained, and have the professional development that is necessary.

The $1.7 billion that was in the bill is a good start. It goes a long way. Then we see the need that this very science describes that we in this body fund, that we support, and then, what, turn away from it because the business community did not like chapter and verse of an agreement reached in good faith by Republicans and Democrats in a bipartisan way on the Labor-HHS appropriations bill?

So again, I always say the same thing: The children can hear us. They hear us when we speak, especially when we speak about them. Let us not send them a mixed message that education is important, but we do not want to spend the money on it to help them reach their fulfillment. Education is fulfillment, it is important, except if the business community does not like some other comma or semicolon in the bill.

I urge my colleagues to support the gentleman's motion to instruct.

Mr. WU. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS), my colleague on the Committee on Education and the Workforce.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the motion of the gentleman from Oregon (Mr. WU). I congratulate and thank him for his tireless efforts in his first term on behalf of the principle of reducing class sizes. I think his motion correctly understands a problem that we do have and a tradition that we should have.

I certainly respect the judgment of local school districts. I admire those who serve on school boards and who work in the school districts. I also understand, though, that there is an unfortunate tradition of growing redundant administrative staffs in local school districts. There is an unfortunate tradition of diverting resources away from direct instruction to the education bureaucracy at the local level.

That is why I am very reluctant to change this administration's emphasis from targeted dollars for class size reduction to a more flexible discretionary block grant that I believe would not serve the purposes that I believe we all seek to serve.

The tradition that we ought to keep is a tradition of some decisions at the national level for national purposes. We should make a national decision at the national level to favor smaller class sizes, particularly in the primary grades, in order to enhance reading skills and other skills for students.

Mr. Speaker, when we passed the 100,000 police, we did not give every mayor in the country a block grant and say, ''Go out and try to reduce crime.'' We instructed the local governments to hire more police officers, and it worked.

When we passed a water resources bill in this House, we did not go to the local elected officials and say, ''Which flooding problems or drainage problems do you have? Figure out how to solve them, and here is some money.'' We say, ''build this dam'' or ''dredge this river'' or ''solve a certain problem.''

We should not substitute our judgment for those of local elected people, but we should not abdicate our right and responsibility to make certain crucial judgments for the commonwealth of a nation.

I think the motion of the gentleman from Oregon (Mr. WU) reflects one of those judgments. I urge its adoption.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding time to me.

First of all, I want to make sure everybody understands there is no discretionary block grant. We are not talking about any discretionary block grant. There is not such in what we have negotiated.

What we have negotiated is the same as what we negotiated last year. The reason we were able to negotiate it last year is because the President understood, after experience, that I was right. When he discovered that 30 percent of the first group were not qualified and went into areas where they already had 30, 40, 50 percent unqualified teachers, he realized that was a mistake.

So all we said last year, and say this year, is that if there are some teachers who have potential, please use some of the money to make sure that they become quality teachers.

I am so glad to hear that everybody has accepted the idea of flexibility. Boy, I will tell new members on the committee, for 20 years in the minority I could not even get the gentleman's side to put the word in the American dictionary, or any dictionary, as a matter of fact.

But again, the public is probably wondering, what is it they are discussing? They are talking about 100,000 teachers. Do they not realize there are 16,000 public school districts? Do they not realize there are 1 million classrooms? That is just a spit in the ocean.

Well, it is a spit in the ocean, but it is the right spit, because it will go to rural America. It will go to center city America, where the problem is the greatest, trying to attract quality teachers.

But again, I just heard down in the well one more time how wonderful it is to have 18 in a classroom. I do not know where the 18 came from. All the research would indicate if we cannot get down to 12 or 13, we are probably not making much difference.

However, what the gentlewoman should have said was if there are 23 in the classroom and the teacher is qualified, please do not take my five youngsters in order to bring that down to 18, and put them into some classroom where the teacher is not qualified.

□ 1515

Any parent wants their child to be in a classroom where the teacher is fully qualified enthused and dedicated.

Again, let us not talk about the Republican leadership bringing this to an end, that is not what it is all about. When we are negotiating at midnight and 1 o'clock and 2 o'clock in the morning and we do not have everybody there that we should to look at language, all three sides thought that they negotiated the same thing, then they read the language and discovered, as a matter of fact, that is not what they negotiated at all.

Now we are on the business of trying to make sure that what all three sides think they agreed to is written in such a manner that that is what it says, and my colleagues would not want it to be any other way.

Again, let me remind everyone what we are doing this year is what the White House agreed to last year, to make sure that we talk about quality in every classroom; that we do not try to put somebody in a classroom that is unqualified just to reduce the class size; that, as a matter of fact, we try to find some way, some way to get qualified teachers into center-city America and rural America, a difficult job my colleagues will have to solve after I am gone.

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

Let me start, Mr. Speaker, by just pointing out what the gentleman from

Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce has stated again, which has already been stated several times. We are not talking about a difference in money here at all. The $1.75 billion is in the Labor, HHS Education bill. It is a controversial bill, but not about that sum of money, I think we all know that, that sum of money will survive all of this.

As a matter of fact, 75 percent of it will be used for the exact purpose that is talked about in the motion to instruct conferees offered by the gentleman from Oregon (Mr. WU), the reduction of class size and a balance to be used for teacher training.

This is not a block grant situation, but the balance will be used for teacher training. So we are talking about a minor degree of flexibility.

Here is what I would ask everybody to do, maybe there are some people listening in their offices and they have a moment to do this before they vote on this or on the Labor, HHS bill, but to call their Governors up, I do not care if they are Republicans or Democrats, and ask them about this. Ask them if they want it mandated that they have to use all this money to hire teachers or if they could have some flexibility to use some of the money for teacher training.

Mr. Speaker, I would be willing to wager a small bet, if you will, that 100 percent of those answers would be give us whatever flexibility you can in order to use that money so we can accommodate our State and our local school districts as best we can.

Mr. Speaker, at a recent committee hearing, I asked Secretary Riley, who, of course, is a former Governor, if he would prefer to have some measure of flexibility in the use of Federal funding which, as my colleagues will recall, it accounts for about 6 percent of all Federal spending, and he was unresponsive to that. But I would point out that the one issue I know of that all of the Governors got behind in the last couple of years and that has been referred to by the gentleman from Oregon (Mr. WU), too, is the Education Flexibility Partnership Act, which I think speaks volumes about flexibility in this area, it is called Ed Flex.

We did get it passed. We all agreed to it in every way we possibly could. So my judgment is that we are talking about flexibility. We are talking about giving us the opportunity to be able to spend money properly.

Let me finally just say this, and I will quote, ''we can reduce the education gap between rich and poor students by giving schools greater flexibility to spend money in ways they think most effective, like reducing class sizes in early grades.'' They are also those who support, and again I quote, ''granting expanded decision-making powers at the school level, empowering principals, teachers and parents with increased flexibility in educating our children,'' and that ends the quote.

We have fought a lot about this, but it is interesting to note that those quotes that I just gave my colleagues are two principles which can be found on page 86 of then Governor Bill Clinton and Senator AL GORE's book Putting People First.

I think we can all agree that education flexibility is what is needed here. Twenty-five percent of this money is for choice of the district. They can use it all for class size reduction if they want. They even have that option as well.

Let us give them the flexibility; and I politely say that, because I respect what the gentleman from Oregon (Mr. WU) is trying to do. But I would urge all of us to turn down the motion to instruct conferees to give the flexibility to the States to improve education for all of our children.

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

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

Mr. Speaker, the facts are sometimes inconvenient. Facts can be somewhat inconvenient. We have been hearing that there is no difference between what would happen if we did not pass this motion and what would be happening under last year's appropriations and next year's appropriations. That is absolutely not true. That is absolutely not true.

Class size reduction program, a 30 percent increase, that would not happen if we go home under a continuing resolution as is currently proposed. Next, school renovation, school renovation, there will be no school renovation money if we go home under a continuing resolution as is currently proposed.

Next, 21st century community learning centers offering families a safe place and their children to learn, there is 100 percent increase in funding for 21st century community learning centers that would not occur if we go home without this next new appropriation completely done.

Eisenhower Professional Development grants, a two-thirds increase for the Eisenhower grants.

Finally, Pell Grants, a $500 increase in Pell Grants, that would not occur, not occur if we go home under a continuing resolution, rather than getting the work of the House done.

Why have we not been getting the work of the House done? We did reach agreement on all of these education issues, but the deal was broken. I noticed this motion on Sunday, with an intent to bring it up on Monday, but we had an agreement as of Sunday night.

Because powerful special interests called into the Republican leadership, and I do not fault the gentleman from Pennsylvania (Chairman GOODLING) and I do not fault the gentleman from Delaware (Mr. CASTLE) for this, but because telephone calls were made, that deal to increase education funding, to increase Pell Grants, to increase 21st center learning centers, to increase teachers, to reduce class size, that deal was broken.

In my congressional district, I commissioned a study on class size, only 6.4 percent of students in my congressional district are in class sizes of 18 or fewer. The other students, the other 94 percent of Oregon's students in the 1st Congressional District are equally split between class sizes of 19 to 24 students, or 25 or more.

More devastatingly, in Clackamas County, almost 50 percent of students in kindergarten through third grade are in class sizes of 25 or more.

In Multnomah County, Portland, the percentage of students in grades K through 3 in classes of 25 or more is also at almost 50 percent. In Washington County, it is more than one-third of the students. In Yamhill County, it is almost one-third of the students.

This is a program which makes a difference. I saw it. I visit schools all the time, as my colleagues do. At Reedville Elementary School in Aloha, it worked exactly as intended by adding only one additional first grade teacher, it brought the average class size down from 27 students to 18 students.

Mr. Speaker, with all due respect, the studies do show that when we bring class size down from 27 to 18, it makes a measurable difference which lasts over the years. The SAGE study from Wisconsin demonstrates that, the STAR study from Tennessee demonstrates that, and even the program in California, which has been very difficult to measure, indicates that in the third grade, there are measurable differences.

But the fact is this: This class size initiative makes a difference. I have seen it make a difference. I have seen it cut class size from 27 to 18, but it is not being done today, because powerful interests called the leaders of this Chamber.

I want the students of America to have the same access to leadership as these powerful interests.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Oregon (Mr. WU).

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

Mr. WU. 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 168, nays 170, not voting 94, as follows:

[Roll No. 591]

YEAS—168

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gephardt
Gonzalez
Gordon
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kind (WI)
Kleczka
Kucinich
Lampson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (NJ)
Snyder
Stabenow
Stenholm
Strickland
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Weiner
Woolsey
Wu
Wynn

NAYS—170

Aderholt
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Castle
Chabot
Chenoweth-Hage
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Everett
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Gutknecht
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kingston
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCrery
McInnis
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Oxley
Packard
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Watkins
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—94

Ackerman
Archer
Barr
Bilbray
Bishop
Bliley
Boehlert
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Calvert
Campbell
Cannon
Chambliss
Collins
Conyers
Danner
Davis (FL)
Deal
Dickey
Dicks
Dingell
Dooley
Dunn
Emerson
English
Ewing
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gejdenson
Graham
Green (TX)
Greenwood
Gutierrez
Hansen
Hastings (FL)
Hayes
Hill (MT)
Hinojosa
Hyde
Jackson-Lee (TX)
Jenkins
Kasich
Kilpatrick
King (NY)
Klink
Knollenberg
LaFalce
Lantos
Largent
Larson
Lazio
McCollum
McIntosh
McKeon
Meehan
Meeks (NY)
Mollohan
Murtha
Neal
Ney
Ose
Peterson (PA)
Phelps
Pickett
Pomeroy
Rohrabacher
Ros-Lehtinen
Rothman
Salmon
Scarborough
Schaffer
Scott
Shaw
Shays
Sisisky
Spratt
Stark
Stupak
Talent
Tancredo
Turner
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
Wise

□ 1547

Messrs. SHIMKUS, RILEY, EHLERS, and TAYLOR of Mississippi changed their vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

LEGISLATIVE PROGRAM

Mr. BONIOR. Mr. Speaker, I would like to inquire of the majority the schedule for today and the remainder of the week.

Mr. Speaker, I inquire of the majority, whomever may want to respond, about the schedule. Members are confused with respect to when we will finish today, if we will finish today, if we will meet on Friday and Thursday, or on the weekend.

We would like to know on our side of the aisle, and I imagine Members on their side of the aisle would like to know, as well. If there is someone over there who could apprise us where we are in terms of the schedule, we would appreciate it.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS) if he could help us with the schedule for today and the remainder of the week.

Mr. THOMAS. Mr. Speaker, my understanding is that we are here tonight, that we have a functional CR for tomorrow and that that will be good until Thursday. So clearly, we will be here tonight, we will work all day Thursday, and we may very well be here on Friday.

My understanding is that the House will convene at 6 p.m. tomorrow, and we will continue to work.

Mr. BONIOR. Mr. Speaker, can the gentleman tell me whether he anticipates the Committee on Appropriations meeting on the Labor, HHS bill and if there will be any other conferences meeting?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman that the answer to that question probably lies more on his side of the aisle than ours.

Mr. BONIOR. Mr. Speaker, our people are ready. They are right here.

Mr. THOMAS. Mr. Speaker, we are ready.

Mr. BONIOR. Mr. Speaker, will the gentleman tell us the room number and we will be there. In fact, we will even bring the coffee, the pizza, the pop, whatever they want.

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, as we move forward tonight, I will try to get that room number for him and we will continue to work the rest of the evening. We will be here tomorrow convening at 6 p.m., and we will work through Thursday evening and possibly into Friday morning.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments. May I ask him one other question.

The gentleman said possibly into Thursday or Friday or Saturday. That is not clear yet, I anticipate, whether we are going to work the weekend. Is that correct?

Mr. THOMAS. Mr. Speaker, I say to the gentleman, all things are possible if we only believe. That will be determined, I assume, as we continue our work schedule. As the gentleman knows, we have been functioning with 1-day CR's, and it has been difficult to predict beyond the 1 day.

I have provided information which I believe the leadership would back up all the way through tomorrow to midnight or perhaps slightly beyond. That is stretching the 1-day CR to more than 1 day. And then we will make decisions after that.

One day at a time I believe was the request that the President had made, and we have been following that.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I wonder if the gentleman from California (Mr. THOMAS) could answer this question: Could he tell us what legislation is expected to be on the floor yet today and what legislation is expected to be on the floor tomorrow?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman that I do appreciate the attention I am receiving and that I could run off a list of legislation for him if that would make him feel more comfortable; but, frankly, it would not be worth squat right now.

We believe that WRDA will be up. That is something that was sent over to us by the Senate. And we believe, if we could move forward on that piece of legislation as we have done on a daily basis that that would be a continuing and significant step forward.

Mr. OBEY. Mr. Speaker, if the gentleman from Michigan (Mr. BONIOR) will continue to yield, does the gentleman expect WRDA to be up today or tomorrow after 6.

Mr. THOMAS. Mr. Speaker, our belief is it will be up at the latest tomorrow after 6.

Mr. OBEY. Mr. Speaker, since my understanding is that the House is not going into session until 6 o'clock tomorrow, how can it be up before 6 o'clock?

Mr. THOMAS. Mr. Speaker, I said at the latest 6 o'clock. That means 6 o'clock may very well be the time at which it comes up or later.

Mr. OBEY. Mr. Speaker, does the gentleman mean the earliest?

Mr. THOMAS. Mr. Speaker, if the gentleman prefers ''earliest,'' I will say ''earliest.''

Mr. OBEY. Mr. Speaker, no, that is what I thought the dictionary said.

If I could say to the gentleman from Michigan (Mr. BONIOR), it is obvious to me that there is no game plan which the majority wishes to disclose to the minority at this time.

Good luck and Godspeed. May they find one before the day is over.

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

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

Mr. RANGEL. Mr. Speaker, I would ask the gentleman from California (Mr. THOMAS) that, if we do not reach any agreement, will some method be arranged so that we will have the opportunity to go home to vote on Tuesday?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, that functions under a 24-hour continuing resolution and the answer to the question of the gentleman will probably work its way to the surface sometime over the next 24 hours.

Mr. RANGEL. Mr. Speaker, but it is his present thinking and that of, for lack of a better word, the leadership that we could be working here until the election?

Mr. THOMAS. Mr. Speaker, well, I understand we are here on the 24-hour continuing resolution at the request of the President; and if there is any other suggested work schedule, maybe he can telephone us from California or send us an e-mail from California to let us know we could be doing something else.

Mr. RANGEL. Mr. Speaker, the President is trying desperately hard not to close down the Government and this is why he is signing these resolutions.

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, if he is searching for the Government in Kentucky and in California, he could find quite a bit of it right here in Washington, D.C.

Mr. RANGEL. Mr. Speaker, well, since he is the President of all of these United States and the leader of the free world, I think that we should give him some flexibility.

But I want to thank the gentleman for his concise answers.

Mr. THOMAS. Mr. Speaker, I will tell the gentleman that the problem with the flexibility is that the taxpayers are funding the need to pass the CR and take it to wherever he happens to be. It would certainly be a more convenient procedure if he were at 1600 Pennsylvania Avenue so we could operate on a daily basis.

Mr. RANGEL. Mr. Speaker, I cannot begin to tell my colleague how thankful we are for how helpful he has been to us this evening.

Mr. THOMAS. Mr. Speaker, we are here to serve.

CONTINUATION OF SUDAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–307)

The SPEAKER pro tempore (Mr. HASTINGS of Washington) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudan emergency is to continue in effect beyond November 3, 2000, to the *Federal Register* for publication.

The crisis between the United States and Sudan that led to the declaration on November 3, 1997, of a national emergency has not been resolved. The Government of Sudan has continued its activities hostile to United States interests. Such Sudanese actions and policies pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Sudan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 31, 2000.*

□ 1600

CONDEMNING THE HARSH TREATMENT OF EDMOND POPE

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

Mr. WALDEN of Oregon. Mr. Speaker, it saddens me that my speeches on the floor condemning the harsh treatment of Edmond Pope have become all too regular. Mr. Pope, an American businessman being held in Russia on charges of espionage, has been in prison now for 213 days.

I learned yesterday that during his trial, apparently Mr. Pope's jailers discovered he was doubled over in pain unable to continue the trial. Other reports suggest he collapsed after returning to his prison cell. What do they expect, Mr. Speaker? Six months into his imprisonment, he has not been seen by anyone but the prison doctor despite his frail health and history of cancer. If this prison doctor is as qualified to practice medicine as Ed's captors are to deliver justice, we have reason to fear for his health.

Ed Pope has been held in unspeakable conditions in a Russian prison courtesy of a government that simply cannot let go of its legacy of human rights abuses. While we do not yet know the nature of his illness, he is obviously very sick.

I am absolutely outraged over the barbaric treatment Ed Pope continues to receive. He must be released immediately, Mr. Speaker. At a minimum he

deserves the basic human right of being able to get appropriate medical care and an English-speaking doctor to review the results.

LEGISLATIVE LIMBO

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

Mr. FOLEY. Mr. Speaker, we just had an exchange on the floor where the minority whip asked some questions about what the schedule was. I was trying to get clarification as well because I understand we are here on a daily CR at the behest of the President, who suggested we stay here on a 24-hour basis to get our work done. Now in the last 12 hours, I understand Mr. DASCHLE and Mr. GEPHARDT met with Mr. Podesta from the White House and suggested that we have a 14-day CR that has been taken up by the Senate and passed and the Senate has left town.

Now, we did not negotiate that. We did not request it. We did not ask for it. We are here working, and we will continue to work. But I would like somebody to come to the floor today and make the point whether in fact Mr. GEPHARDT and others negotiated a 14-day CR with Mr. LOTT, the majority leader on the Senate side, so we can figure out are we working this weekend, are we going to do the people's work, or are we taking a 14-day break to campaign on behalf of the minority.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). 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.

GOVERNOR BUSH MISSES MARK ON COUNTRY PROSPERITY

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

Mr. SHERMAN. Mr. Speaker, in a few days a great fiscal debate will be decided by the people of this country. Before they make that decision, we need to focus on some of the statements of the Governor of Texas as he tells us about his fiscal plan.

Mr. Speaker, we are told by the Governor of Texas that every American who pays taxes deserves tax relief and will get tax relief under his plan. The facts are clearly otherwise and the Governor of Texas knows better. He knows that under his plan some 15 million Americans who pay FICA tax and have it taken from their wages every day are going to get not a penny of tax relief while at the same time the Governor of Texas will provide nearly half his total tax relief package to those who already are in the best-off 1 percent of American families. Not one penny for those taxpayers who work in nursing homes, who clean our buildings and who wash our cars; yet hundreds of billions of dollars for the wealthiest 1 percent.

We are told, also, by the Governor of Texas, and I think he does this for political reasons, that policy here in Washington is not in any way responsible for our current prosperity. Now, I can understand why his consultants, his political consultants, would tell him to try to argue to the American people that the last 8 years of the Clinton-Gore administration is just a coincidence with our 8 years of economic prosperity. But in doing so, he lays the foundation for very dangerous policies. You see, Mr. Speaker, if fiscal responsibility here in Washington did not lead to prosperity in the country, then we are free here in Washington to be as fiscally irresponsible as we like without eliminating or curtailing that prosperity.

The fact is that while the lion's share of the credit goes to the hard-working American people and their ingenuity and their dedication, they were working hard and they were showing ingenuity back in the late 1980s and early 1990s, and this country was not prosperous because we did not have the fiscal responsibility brought to this town by the Clinton-Gore administration.

When the Governor of Texas tells us that what government does does not matter, then he lays the foundation for the fiscally irresponsible tax cuts that we cannot afford.

Finally, the Governor of Texas claims that he will provide over 10 years only $223 billion of tax relief to the wealthiest 1 percent of Americans. He reaches this through what can only be called false fiscal facts and fuzzy figures. He does this by ignoring his promise, often repeated, to repeal the estate tax. When he repeals the estate tax, which he has promised to do, then the wealthiest 1 percent of Americans will receive over $700 billion every decade in tax relief. The effect then is to provide nearly half the tax relief to the wealthiest 1 percent and to provide them with more tax relief than the total the Governor of Texas would have us spend on health care, shoring up Medicare, providing a greater level of readiness for our military forces, and improving our educational system. More for 1 percent than for those four top national priorities.

Mr. Speaker, the choice before America is clear. On the one hand, we can improve our schools, strengthen our military, provide a prescription drug benefit under Medicare, safeguard Social Security, pay off the national debt, and provide for continued prosperity; or on the other hand, we can opt for nearly $700 billion, probably over $700 billion just for the wealthiest 1 percent. I know that we have got to make a responsible decision. I hope when we do so, we recognize that choosing a President is not a popularity contest. It is, rather, choosing a plan by which the economy of this country will be managed over the next 4 years.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, beginning on April 12, for the 21 weeks that the House has been in session, I have read 22 letters from MI seniors who desperately need help with their high prescription drug costs.

In that time, I have been pushing consistently for prescription drug coverage under Medicare. Our time is nearly up, and we still have not passed this important legislation.

Looking back through the 22 letters that I have read on the House floor, I am reminded of why it is so important to modernize Medicare and provide prescription drug coverage for seniors. I would like to share excerpts from these letters to remind my colleagues why we must enact a Medicare prescription drug benefit.

From Mary Hudson of Fenton: "Last summer, I went to a doctor . . . and was given a prescription costing $44—which I got filled. But the other was $90—which I would not [fill]. Who can afford these prices and pay other bills too?"

From Ethel Corn of Marquette: "Here is our prescription bill for what we can afford—and you can see I don't get all of mine."

Jackie Billion of Lansing: "Quite often I have to decide whether I get some of my prescriptions or eat. I hope and pray that seniors will receive prescription coverage."

From Louise Jarnac of Cheboygan: "The last time I got my prescription it was $99.99 . . . this time it was $103.49. Most of the time I can't afford it and go without until I can get it again."

BUDGET BATTLE CONTINUES

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

Mr. DEFAZIO. Mr. Speaker, it is 4:12 p.m., the House has finished its regular business for the day, the government does not yet have a budget for the fiscal year which began 1 month ago today, and no meetings are scheduled.

When the Republican leader who stood up on that side to represent the schedule to us on the minority earlier was asked, okay, where are we negotiating?, he said, well, he would try and get back to us with a room number on that. That was after they attempted to castigate this side, castigate the President and others for not negotiating in

good faith. They have not, and they, of course, control all the space around here, scheduled a room.

Why have they not scheduled a room? Because they have no intention of continuing negotiations. We are limping along day to day because the majority failed to get its work done. They did not have a budget for the fiscal year which began on October 1. We have gone through a series of continuing resolutions. I believe today was the 11th.

Now, there was one little ray of hope on Monday. They negotiated all weekend. Everybody designated their hitters to go into the room. And they came to an agreement. They toasted that agreement. They left the room. The White House negotiators went back to the White House and the President said good for you. He stood behind what they did. The Senate negotiators went back to the Senate and their leaders, both sides of the aisle, stood behind them and said good for you. The Democratic negotiators came back to our side of the aisle and we said, Didn't think you could get it done. Good for you. But then in the strangest turn of events, the Republicans, the Republican leadership, pulled the rug out from the people that they sent in as their designated hitters to negotiate.

Now they are saying, Well, the President wasn't in the room. Of course the President was not in the room. The President does not sit down for endless hours working on details on legislative bills. That is our job. And we got the job done. But then you, because of the phone calls from the National Association of Manufacturers, the U.S. Chamber of Commerce and other very, very powerful special interest groups who are funding huge television campaigns right now on behalf of the majority and on behalf of the majority's candidate for President and against members of the minority said, No. No, you can't have that agreement. They stood up, saluted and said, okay.

It would have provided for additional workplace health and safety for American workers. Hundreds of thousands of workers who are injured every year would have benefited from that legislation and the financial and political masters of the majority on that side told them they could not do that. They were the only people to renege on the deal. Republicans in the Senate stood behind it, the President stood behind it, the Democrats in the House and in the Senate stood behind it; but no, the Republican leadership in the House killed the deal. And now they are pretending they want to work, but they have no discussions set. They do not even have a room scheduled.

This is really kind of a sad commentary at this ending of a Congress. I really think that we could do with a little bit of honesty around here. If they do not want to negotiate, if they just want to stay in town to make some kind of a bizarre point, then they should just be honest about it. Do not pretend. Do not go off on this stuff about, Oh, the President's not in the room. You know that no President sits down to discuss legislative details. But when they sent a hitter there, someone to go as a designated person to negotiate, this President stood behind his person. You did not stand behind your negotiators. Guess what? The Speaker was not in the room. The gentleman who killed the bill, the gentleman from Texas (Mr. DELAY), the majority whip, was not in the room. The majority leader, the gentleman from Texas (Mr. ARMEY), was not in the room.

We could have that argument all day long. Oh, your leader wasn't in the room. Oh, your President wasn't in the room. That is not what is going on here. The real shots are being called not over there with the leadership but with their funders, the people who are funding their campaigns. They call the real shots and they jerked the rug out so we do not have a deal. And it is not going to happen before the election because they cannot risk offending those people before the election.

So let us just admit that. Let us have the majority admit to that instead of continuing this farce and these false accusations.

ON IDEA FULL FUNDING

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

Mr. MORAN of Kansas. Mr. Speaker, as our conferees deliberate the appropriations for the Department of Labor, Health and Human Services and Education, I would like to take this opportunity to urge and insist upon the highest level of funding possible for special education State grants.

November 29 of this year celebrates the 25th anniversary of the enactment of IDEA. For almost a quarter of a century now, the Federal Government has assisted in the education of our children with disabilities and for almost that same quarter of a century, the Federal Government has failed to meet its obligations.

A Kansas school on average uses 20 percent of its budget for special education purposes. Schools in my area of Kansas cannot afford to put one-fifth of their entire budget into special education. This year Kansas schools will spend $454 million in meeting the Federal special education mandate. Of this total, only $38 million, about 8 percent, will come from the Federal Government despite our previous commitment 25 years ago of a 40 percent commitment.

In my previous service as a member of the Kansas Senate, we struggled each and every year to adequately fund the education of students in our State. In actual dollars if special education were actually funded at that 40 percent, Kansas would receive $181 million from the Federal Government. This means $143 million in Kansas State and local education funds would be available for other educational needs.

These numbers make it clear that special education costs consume education budgets of State and local school districts. Schools are not maintained properly, teachers do not get hired, and classroom materials do not get purchased. Our schools are not asking for new Federal programs. They are asking for the Federal Government to pay its share of special education costs so that other funds can be freed up for maintaining buildings, hiring teachers and buying classroom materials.

Congress has made significant progress in recent years to increase Federal funding for special education. In my 4 years as a Member of Congress, we have increased IDEA State grants from $3 billion to $5 billion. That is a 67 percent increase in just 3 years.

□ 1615

We still have a long way to go. For far too long, the Federal Government has mandated this program without paying its share. Today let us make the commitment to change all that and support full funding of IDEA.

GAO STUDY ON RUSSIAN TRANSITION TO MODERN ECONOMY IS DISPIRITING

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

Mr. LEACH. Mr. Speaker, in June of 1998, the Committee on Banking and Financial Services held a series of hearings on financial instability around the world, including Russia, whose economy was soon to be devastated by the collapse of its domestic bond market and a devaluation of the ruble.

Afterward, I asked the General Accounting Office to conduct a study of the effectiveness of U.S. and other western assistance in facilitating Russia's transition from a failed Communist-style command economy to a modern market economy. The committee's ranking member, the gentleman from New York (Mr. LAFALCE), joined me in that request.

The GAO has now completed its works and the findings are disturbing, indeed dispiriting. Between 1992 and September of 1998, the United States and the West, including the International Monetary Fund, the World Bank and the European Bank for Reconstruction and Development, provided some $66 billion in assistance to Russia, not counting food aid, trade credits and debt rollovers. Of this, the

United States contributed $2.3 billion in bilateral grants under the Freedom Support Act to address humanitarian needs and support economic and democratization reform. According to the GAO report which was issued today, far from putting post-Communist era Russia on a course of prosperity and stability, these funds were largely wasted. Russia's economic decline has been more severe and its recovery slower than anticipated, the GAO report notes. Progress toward reaching broad program goals have been limited.

The assistance was, in fact, worse than wasted. Because donors lacked clear strategy and coordination, as the GAO observes, the money which was virtually thrown at Russia contributed to the spread of a culture of corruption and the concentration of some of the country's most valuable economic assets in the hands of a handful of oligarchs who operate on the margin of, if not altogether outside, the law.

These politically powerful economic groups have had little interest in reform. Thus, to a significant degree, western aid programs were not only ineffective; they provided fuel to groups that opposed reform.

Consider the Russian banking system. Donors recognized that an efficient and competitive financial system was a basic need if the economy was to prosper. To this day, however, 8 years after the collapse of Communism and the break-up of the Soviet Union, Russia does not have a banking system worthy of the name. There are more than 1,000 banks in Russia, but their total assets are only about $65 billion, the level of a mid-size provincial bank in the United States.

This is because the Russian public does not trust their own banking institutions. Most of these banks, particularly the small ones, exist as money laundering platforms to help their clients evade taxes, duties and other legal requirements, and to spirit capital to overseas havens. More than $100 billion has fled the country, and some estimates place the amount much higher.

The GAO analysis released today underscores an unfortunate but inescapable conclusion: The United States and the West missed one of the great foreign policy opportunities of this century, to bring Russia into the Western family of nations, politically as well as economically. Despite the aid, Russia's economic decline was among the most severe and its recovery among the most limited among transition countries in Eastern Europe and the former Soviet Union. Many Russians have concluded that the West deliberately impoverished their country. Today only 37 percent of the Russian people have a favorable view of the United States, down from some 70 percent in 1993.

Among the key findings of the GAO report are:

One, that the U.S. and the West failed to object strongly to the corrupt loans for shares privatization scheme that consolidated the business empires of Russia's oligarchs.

Two, Russia's primary motivation of borrowing from the IMF was less to stabilize and reform its economy than to become eligible for debt relief from the United States and other creditor countries through the Paris Club.

Three, the IMF was pressured by key shareholders to support new loans for Russia in 1994 and 1996 in an effort to demonstrate U.S. and Western political support for President Yeltsin.

Four, despite compelling evidence of an absence of the rule of law and massive governance challenges, explicit anti-corruption efforts have represented a relatively small share of international assistance to Russia.

And lastly, little or no progress has been made in strengthening Russia's banking and financial system.

The recent rise in world oil and commodity prices has improved the trade balance of Russia, but continuing capital flight indicates major legal reforms have yet to occur. As a result, the business climate in Russia is still unfavorable. In a recent strategy review, the EBRD concluded, severe weakness in the rule of law continues to undermine investment. The power of vested interest to hold back critical reforms must be effectively checked. Standards of corporate governance need to be strengthened. Without demonstrable progress in these areas, Russia's impressive recovery is not sustainable.

Despite these failures and frustrations, the U.S. cannot afford to remain uninvolved with Russia. Stretching across 11 time zones, twice the distance from New York to Honolulu, almost halfway around the world, Russia is a country without which no serious international issue can be resolved.

In recent years, some progress has been made in nuclear weapons reduction and security; and in April, Russia finally ratified the START II agreement. But many other problems remain. Among them is Russia's decision to build nuclear reactors in Iran and transfer missile technology to that country.

In this context, the recent revelations that the U.S. and Russia had entered into a secret agreement to allow Moscow to continue arms to Iran are especially troubling. It would appear that the Clinton-Gore administration, in its relations with Russia, chose to abandon the principles of progressive diplomacy established at the beginning of the century by Woodrow Wilson in his demand for open covenants, openly arrived at.

The still secret Gore-Chernomyrdin agreement not only flouted law, but also failed to safeguard our national interest and security. In what amounted to an inverted arms-for-hostage deal, U.S. policy was, in effect, taken hostage by a Russian arms strategy designed to destabilize the Middle East.

The agreement's apparent purpose was to facilitate a Russian aid policy that resulted in the squandering of American tax dollars for the benefit of a kleptocratic elite, rather than the Russian people.

The legitimization of Russian arms sales in defiance of law is hardly in the interest of a safer world. The naivete of this approach is matched only by the perfidiousness of its execution.

From an American perspective, it would appear that one of the purposes of the Gore-Chernomyrdin Commission may have been to burnish the Vice President's foreign policy credentials and make his management of U.S.-Russia relations a centerpiece of his potential campaign themes.

It is now self-evident that U.S. policy failed, and the Gore-Chernomyrdin Commission is a symbol of that failure.

The question is how the U.S. and the next Administration should proceed from here. Though isolationism is always at issue in our democracy, the American tradition is dominated by pragmatic and compassionate internationalism. Most Americans recognize that what happened in Russia, still a nuclear superpower with a seat on the UN Security Council, is profoundly important to our national security. A peaceful and democratic Russia remains a compelling U.S. interest. Consistent with the strong humanitarian strain in our foreign policy, Americans maintain an interest in helping the Russian people achieve a market economy based on the rule of law.

America need not turn its back on the international financial institutions, but it has an obligation to see that taxpayer resources are not squandered, nor used to enrich the few at the expense of the many. Americans should continue to be prepared to support genuine Russian efforts to help themselves. Here, it must be understood that Russia's economy will remain hapless unless the Russian government begins to deal effectively with corruption and takes the necessary steps to establish an intermediary financial system that services a saving public, instead of a thieving elite.

No nation-state can prosper if it lacks a place where people can save their money with confidence and seek lending assistance with security. Russia, which is the land mass most similar to our own, has been kept back for most of this century by the Big "C" of Communism and is now being kept back by the little "c" of corruption—which may prove more difficult to root out than Communism was to overthrow.

What the Russian people—and those of so many developing countries—deserve is a chance to practice free market economics under, not above, the rule of law. If attention is paid, above all, to establishing honest, competitive institutions of governance and finance, virtually everything else will fall into place.

Unfortunately, over the past six or eight years the basics of law and economics have been ignored for the sale of the politics of expediency and neither the national interest of America nor Russia has been advanced by a mistargeted and mismanaged aid program.

It is time that the symbiotic statecraft symbolized in the Gore-Chernomyrdin relationship that has legitimized and ensconced crony capitalism in Russia be brought to a halt. It is time for the American people to insist that their leaders concern themselves with the plight of the Russian people rather than the well being of a new class of kleptocrats.

IT IS TIME TO PUT PEOPLE BEFORE POLITICS

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

Mr. FOLEY. Mr. Speaker, just a few minutes ago I asked a question on the House floor as to the schedule because it seems to me that there is some confusion. We have been asked now vis-a-vis the Senate to have a potential 14-day CR.

Now, to refresh the memory of those listening, we were asked by the President to stay and work day in and day out 24-hour CRs until we get our work done, and we have done that. We have tried to work. We have tried to negotiate. Now it appears that sometime within the last 12 hours, Mr. DASCHLE, the gentleman from Missouri (Mr. GEPHARDT), and Mr. Podesta, the President's chief of staff, had a meeting and decided to take a 14-day CR over to the Senate and place it on TRENT LOTT's desk and ask for unanimous consent, and apparently the Senate has taken them up on their offer for a 14-day CR because the politics of confusion is not working for them.

Many of the Members on my side of the aisle, including one of our most vulnerable members, the gentleman from California (Mr. ROGAN), remained in Washington, D.C. to do the people's business because he believes more in the sanctity of the voting process here than going home to protect his reelection. The courage that he has displayed will ensure his reelection, because he truly represents his district.

Unlike some of the Democratic House leaders featured today in the Hill Magazine, Wednesday, November 1 edition, and let me read the headline because it is telling. Last night I heard the chants, work, work, work from the minority side of the aisle; gets everybody festered up, ready to do the people's business. Let me read this because it is telling. Democratic House leaders miss weekend votes. Despite President Clinton's pledge to stay here with you and fight for the legislative priorities, not one House Democratic leader was present last weekend for all 7 votes taken on session-ending procedural matters.

The gentleman from Missouri (Mr. GEPHARDT), the gentleman from Rhode Island (Mr. KENNEDY), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Michigan (Mr. BONIOR), all missed votes while we worked trying to solve some very, very difficult issues. Some are on immigration. We have heard a blanket amnesty requested by the President, and I am all for letting people stay in America that have been tortured and oppressed from their homelands, but let us get the record straight. We do not want to just give everybody amnesty until we figure out who they are, why they are here, what their backgrounds are, do they have criminal records.

Every time they talk about blanket amnesty, people in Haiti and Cuba and other places decide maybe it is worth risking their life to come on a raft to the United States, because if they just reach our shores they will be allowed to stay because some day a future Congress will blanket amnesty them as well.

So those that go legitimately to the INS process 2 and 3 years at a time, waiting for some response that they may be citizens, are basically shunned and turned away because they do not and are not covered by blanket amnesty.

Now the Republican majority has proven itself capable of staying here in town working until the job is done. We were blamed for the shutdown of government. I remembered some on the other side howling about shutting down the government; it is the Republicans' fault. The Chamber is empty today and the Republicans are talking, I being one, and am prepared to stay through Tuesday, election day, to make certain we deliver a budget that is good for America, good for kids and schools, good for Medicare recipients, good for hospitals.

We have delivered that bill and we have delivered tax relief, and we have done so in a prudent, sensible, cost-effective manner; but we are tied up on a couple of issues and they are refusing to budge. The President is in California, Kentucky, New York, except, excuse me, let me flash back, stay here with you, said the President, until our job is done. Well, he is in New York with his wife campaigning. He will not sign a bill helping women with cervical and breast cancer. He will not do a White House ceremony because it may involve the gentleman from New York (Mr. LAZIO) and that would give him unfair publicity in a very tough Senatorial contest.

Seemed like the White House had no problems finding a picture of the gentleman from New York (Mr. LAZIO) and Mr. Arafat at a common reception when a delegation went to visit Israel and Palestine and areas of that nature in order to talk to the people to bring about peace. They can find a photo, but they cannot make time for a bill signing.

Mr. Speaker, one other critical matter coming before the Congress, and I can assure you it will get done, and that is the Everglades. Thanks to the Speaker today and others who have urged our leadership to move forward on the Everglades, we are going to see a bill before this session of Congress ends, not in lame duck but in this session, before Friday. If the other Members of the minority think it is too important to go home and campaign, well how about it, because you are missing anyway.

We are going to stay here and make certain the principles of the democracy are upheld, that we fight the good fight on behalf of our constituents. Our constituents are as important as theirs are, but I urge every Member to stop the rhetoric and nastiness and aspersions and start focusing on why we are here.

I think we have made some tremendous successes, and I compliment the other side of the aisle on a number of them but I suggest that in this day and era we need goodwill, not a poisonous atmosphere. It is time to put people before politics.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that it is not in order in debate to characterize Senate action or, except as provided in rule XVII, to refer to Senators.

ARMY DIVISIONS WERE DECREASED, NOT INCREASED, UNDER DEMOCRAT ADMINISTRATION

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

Mr. HUNTER. Mr. Speaker, we have some very serious issues on the table during this national campaign, one that involves truly all the Members of the House of Representatives, many members of the Senate and, of course, the Presidential candidates. In the last debate between Vice President GORE and Governor Bush, Vice President GORE said that he had increased a number of Army divisions.

Mr. Speaker, I think it is important for the American people to know that is not the case. When the Clinton-Gore administration took over in January of 1993, we had 14 Army divisions.

□ 1630

Today, we only have 10. So under President or Vice President GORE's leadership, along with that of President Clinton, we have actually cut the Army to 10 divisions; we have not increased it. So somewhere along the line he inadvertently invented four U.S. Army divisions.

Mr. Speaker, along with slashing the size of the Army, this administration has, I think, cut the Navy to 316 ships from 546 ships. That is a cut of almost

40 percent. They have cut the Air Force from 24 active fighter airwings to only 13. It is time to rebuild national security.

The interesting thing about these massive cuts in force structure, meaning we have about 60 percent of the military that we had when this administration took over, is that generally speaking, one would expect, when we cut a sports organization or we cut a business organization, we would think that when we cut it down in size, the half that one has left, if one cuts it in half, is going to be better prepared, better equipped and better trained than the big operation that one had earlier. That core should be a good, highly-efficient, highly-prepared operating core, whether it is in sports or in business or in the military world.

Well, the sad thing about this cut in our military force structure, cutting the Army from 18 to 10 division, cutting our fighter airwings from 24 to 13, and cutting our Navy from 546 ships to only 316 ships, the tragedy is, the small military we have today after these slashes is not as prepared as the big military that we had during Desert Storm. The chief of staff of the Army has told us that we are now some $3 billion short on ammunition for the Army. The Marine Corps has told us that they are $200 million short on ammunition. The Air Force chief of staff has told us that we are roughly 50 percent short on precision munitions. Those are the munitions that we have, where instead of carpet-bombing a bridge, one can fly in and put one precision munition, very, very accurate, on one strut of that bridge and knock the bridge down. It is a highly-efficient way to project American power.

So the Air Force told us they have cut those munitions down to the point where they only have 50 percent of what they need. The Navy has informed us that they only have 50 percent of their requirement for Tomahawk cruise missiles. Those cruise missiles are what we use to go into an area that is heavily defended, where if we send pilots in to drop bombs out of planes, we might lose some of those pilots. So those cruise missiles, those Tomahawks are very valuable; but today we only have 50 percent, according to the Navy, of what we need.

Now, along with that, we see the mission capability rate of our frontline fighter aircraft just dropping off the cliff. Mission capability rate is how many of our aircraft work. If I ask my neighbor, what is your mission capability rate of your cars and he said, a minute and I will tell you, and he went outside and he tried to start them, and he had two cars and only one started, he would come back in and say, it is 50 percent, only one of the two cars starts.

Well, the mission capability rate for our frontline fighters, the F–15E and the F–16, has dropped into the 70 percent rate. That means that it has dropped about 10 points from the 83 percent-or-so mission capability rate to an average of about 72, 73 percent. That means out of 100 aircraft, 30 of them cannot get off the ground and cannot go do their job. So now there is this shortage of fighter airwings, these 13 fighter airwings we have, are only about 70 percent ready to go. That means we really only have about nine airwings that really are ready to go out and engage the enemy.

So Mr. GORE has not presided over a resurrection of the U.S. military; he has presided over a decline.

Mr. Speaker, I think that help is on the way.

BREAST CANCER DRUGS: INTERNATIONAL PRICE COMPARISON

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

Mr. BROWN of Ohio. Mr. Speaker, by now, most Americans are aware that prescription drug prices are higher in the United States than any other industrialized country; 2, 3, even 4 times higher. It is difficult to believe that drug manufacturers manipulate prices even when a drug is used to treat a life-threatening illness like cancer. Unfortunately, that is exactly what the drug makers are doing.

A study I released yesterday looks at the prices charged for drugs used to treat breast cancer. Mr. Speaker, 8,600 women in Ohio will be diagnosed with breast cancer this year; and 1,900 will die from this disease. In the counties I serve as a Congressman, women with breast cancer pay 2½ times more for the 5 most commonly used breast cancer drugs than women in Canada pay, in France pay, in England pay and in Italy pay. Tamoxifen, the most widely used cancer drug, has the highest-priced differential. A monthly supply of Tamoxifen costs an uninsured woman in my district $114. In Canada, it costs $12; in France, it costs $10.20. We are talking about price differentials in the 850 percent to 1,000 percent range. It is unbelievable and it is unconscionable. A woman diagnosed with breast cancer needs to devote all of her energy to fighting that cancer. The toughest battle should be surviving the cancer, not finding ways to pay for medications. Prescription drug prices are priced unreasonably, unjustifiably, and outrageously high in the United States.

Drug prices are two and three and four times higher here than in other industrialized countries. Why? Because the prescription drug industry can get away with it. We do not negotiate prices because this Republican-led Congress will not do that. We do not demand that drug manufacturers reduce their prices to reflect the taxpayer-funded portion, almost half, the taxpayer-funded portion of the research and development. Why? Because this Congress will not do that. We do nothing to help the 44 million Americans under 65 and the 11 million over 65 who lack insurance for prescription drugs, again because this Congress has failed to enact Medicare coverage for prescription drugs.

The U.S. is the wealthiest Nation in the world. Our tax dollars finance a significant portion, almost half, of the research and development underlying new prescription drugs. Why do we tolerate congressional inaction? The prescription drug industry has a huge stake in the status quo and spends lavishly to preserve it. They pour money into political campaigns, $11 million in this year alone, $9 million of it going to majority Republicans. They pour money into high-pressure lobbying, they pour money into front groups that pose as consumer organizations like Citizens for Better Medicare. They try to scare Americans into believing that if we do not let drug manufacturers charge obscenely high prices, then they will not do research and development anymore; yet drug companies could afford to spend $13 billion promoting their products last year.

Drug companies' profits outpace those of any other industries by 5 percentage points at least. The drug industry consistently leads other industries in return on investment, return on assets, return on equity. Thanks to huge tax breaks, the drug industries' effective tax rate is 65 percent lower than the average in other U.S. industries. Why? Because this Congress will not do anything about it. It doesn't matter whether we could take steps to make prescription drugs more affordable in this country; the only thing that matters is this country has failed to take steps to do that.

Drug industry lobbying convinced the Republican leadership to weaken a bill that would have allowed Americans to buy larger quantities of prescription drugs from Canada and other countries where drugs are priced lower. Whether we build on the progress of at least some legislation depends on which party controls the White House and which party controls Congress. Republicans and Democrats should be united, Mr. Speaker, in their determination to address the prescription drug issue. Unfortunately, that is not the case. The Republican majority has consistently bucked every attempt to seriously address prescription drug coverage under Medicare and to seriously address prescription drug pricing. I urge my colleagues to check the record. It will bear me out.

Mr. Speaker, we cannot afford to waste another minute, much less another session of Congress pretending to address the prescription drug industry

with watered-down legislation and unworkable Medicare prescription drug proposals. The public should demand policymakers to deliver a strategy that prevents the drug industry from robbing us blind. We should not leave here before the election until this Congress passes prescription drug coverage under Medicare and does something about the outrageously high prices that prescription drug companies charge American citizens.

CONGRESS HAS NOT DONE AMERICA'S BUSINESS

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 majority leader.

Mr. PALLONE. Mr. Speaker, I was not planning on talking about this this evening, but I heard what my colleague from Florida (Mr. FOLEY) said about where we are tonight and the possibility of adjournment; and I have to respond to it, because I think it was very unfair to the minority side and to the Democratic side here.

The gentleman from Florida suggested that somehow the Democrats wanted to go home and that the Republicans were the ones that were keeping us here. I find it rather ironic. He talked about the fact that the other body, the other body passed a 2-week continuing resolution so that we could go home for the election and not come back for 2 weeks, and we know who is in the majority, both in the other body as well as in the House of Representatives, and that is the Republicans.

The motion in the other body to adjourn for 2 weeks came from the Republican leadership, not from the Democrats. The same is true here. As Democrats, if the Republican leadership in this House wants to take up that resolution that came up from the other body, I assure my colleagues that most, if not all, Democrats will vote no. We have made it quite clear as Democrats in the House of Representatives that we have no intention of going home, and that we are not in favor of a continuing resolution that would take us out of here for 2 weeks, and any suggestion to the contrary is not based on the facts, because we are not in the majority. How would we possibly be in a position in either House of the Congress to make a decision to adjourn for any period of time when we are not in the majority? It simply makes no sense.

I have to take offense to the fact that somehow he was suggesting that the Democratic leadership wanted to go home. It was the Republican leadership in the other body that brought up the resolution, and if anything is done with that resolution, it will have to be the Republican leadership that brings it up.

There is absolutely no question that the Democrats want to stay here and work, and we have made the point over and over again; and I certainly have myself, along with some of the Members that are joining me here tonight, particularly on the health care issues, that we do not want to go home until we pass HMO reform and the Patients' Bill of Rights, until we pass a Medicare prescription drug benefit plan for our seniors. We have been very critical of the fact that the Republican leadership refuses to bring these major issues and major policy concerns up to be addressed here in the House of Representatives. At the same time, it is abundantly clear that the Republican leadership does not want to even get its basic work done by passing the budget, the appropriations bills. A good percentage, I think 5 or 6, of the appropriation bills are still pending, and every effort on our part to try to resolve those and say that we should be meeting to resolve them continues to be met, but with the other side saying, well, we need more time, or we cannot accept your proposals, or we do not want to meet on common ground.

Mr. Speaker, I wanted to highlight an editorial that was in today's New York Times that talked about how ineffectual this Republican Congress has been. I think, with the concurrence of my colleagues here, maybe I will just, I will put this up for my colleagues and others to see. This was in today's New York Times, and it is entitled, as my colleagues can see, ''An Ineffectual Congress.'' If my colleagues do not believe me and my characterization of the Republican leadership's efforts of basically being ineffectual, well, then just take some sections from this editorial from the New York Times today. I just want to read a few of the parts of it that I think are particularly relevant.

It says, ''The 106th Congress, with little to show for its 2 years of existence, has all but vanished from public discourse. In past Presidential campaigns, Congress has at least been an issue, but nobody, least of all the presidential candidates, is talking about this particular Congress and the reason is plain. On almost every matter of importance, gun control, Patients' Bill of Rights, energy deregulation, Social Security, Congress has done little or nothing, failing to produce a record worthy of either celebration or condemnation, nor has it been able to complete even the most basic business, the appropriations bills that keep the government functioning. Three have been vetoed,'' and it says, ''Absent a burst of statesmanship in the next few days, it is possible that Congress will have to come back after Election Day to complete work on the Federal budget.''

□ 1645

I think that is almost certain at this point. The other body has actually left.

But the editorial continues:

''But if Congress has done a lousy job for the public at large, it is doing a fabulous job of feathering its own nest and rewarding commercial interests and favored constituencies with last-minute legislative surprises that neither the public nor most Members of Congress have digested.''

Mr. Speaker, I have said over and over again that what the Democrats have been saying on the floor of this House for 2 years is that we want to address these issues that are important to the average person: HMO reform, Medicare prescription drugs, education issues. You name it, we are looking at the concerns that the average person has.

What do we see with the Republican leadership? All they want to do is address concerns of special interests. The reason that they could not agree on a Labor-HHS appropriations bill and had to finally blow up the negotiations the other day was because the Democrats had put in the bill provisions for people, what we call ergonomics, people who have repetitive motions in their work, using their fingers, and what they do on the job and suffer from it, and we wanted to address that worker safety issue.

The Chamber of Commerce came in and said, we do not want that in there, so they blew up the Labor appropriations bill.

The reason we do not have a Patients' Bill of Rights is because the Republicans basically are in the pocket of the HMOs, and they want to do the bidding of the HMOs. They do not want HMO reform.

The reason we do not have a Medicare prescription drug benefit is because the drug companies oppose it and the Republican leadership is in the pocket of the drug companies and has to do their bidding, so they cannot bring up the Medicare prescription drug benefit.

This is laid out abundantly clear. Just another section, if I could, from this New York Times editorial.

It says, and this is the President, it says, ''But most of his energy has been spent beating back last-minute riders he does not like. At last count, there were well over 200 special-interest items 'in play.' Originally they were attached to the Commerce-Justice-State spending bill. When the President threatened a veto, they jumped like fleas to the Labor-Health and Human Services bill.''

That is what we are having here, special interest riders. The President says, no, we are not going to do that for these special interests, we are here for the people. The Republicans, they just move them from one bill to the next.

''Most of these items,'' according to the New York Times, ''are garden-variety pork projects. But some involve real substance and bad policy. One egregious example is a bill that passed the Senate Agriculture Committee without hearings. . . . It would broadly prohibit states from using their authority to write food safety regulations stronger than those required by the federal government.''

Again, people are concerned about food safety and what they eat. No, Republicans cannot do something about that because of their special interest friends.

I do not have to go on and on. I just want to read the last paragraph on this ineffectual Congress in today's New York Times. It says, ''The Republicans believe that somehow they will profit from these confrontations. But Mr. Clinton has won these stand-offs in the past, and there is no reason why he cannot do so now.''

So when my colleague, the gentleman from Florida on the other side of the aisle, criticizes President Clinton, President Clinton is trying to do his job, protect the public from food safety problems, health care problems, whatever. What do the Republicans do? They just stand for the special interests.

It is very sad and it is very unfortunate, their efforts this evening on the other side of the aisle to somehow characterize us as wanting to go home. We are not the ones in charge, we are not the ones in the other body who passed the resolution to go home, and we are not going home.

I yield to my colleague, the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. I appreciate the gentleman yielding to me, Mr. Speaker.

Mr. Speaker, I hate this wrangling. I get so uncomfortable with what is happening out here with Democrats and Republicans, Republicans and Democrats. But there is also the idea that we have to sometimes just sort of set the record straight.

All of us would be preferring to work in a very positive way for the American people, but I have to say something to my colleague, the gentleman from Florida, who spoke earlier when he was kind of giving us a hard time about who left during this weekend.

What I found interesting about it was that he mentioned people who quite frankly are not even on the Committee on Appropriations, people who would have had no ability to really do the deal because it had to have been worked through the appropriators, and that is how this process supposedly works.

I checked the RECORD, and the gentleman from Wisconsin (Mr. OBEY), who is the ranking member of the Committee on Appropriations for the Democrats, and also who is the ranking member on the Health and Human Services bill, was here this weekend and was willing to work.

But I even went a step further, because they talked about, oh, ''They just want to go home and campaign.'' When I looked at this last vote, just this last vote that we took, it was Republicans missing were 50, Democrats were 45. So in fairness in looking at what is going on here, there are Members who have left, who have gone back to their districts. It is not just one side, it is a combination. They believe that there is something they need to be doing otherwise, and that is their prerogative, because they have to meet with their own voters.

Just to set the story straight, there really is commonality here as far as who is leaving, who is not. It is my understanding that Mr. LOTT was at home last weekend as well, so he also would have been one who would have made the deal. We need to get over that, because I have some issues that the folks at home are really asking me to do.

Quite frankly, I have been kind of watching some of the ads when I have been home in Florida, some of the ads. It seems to me, interestingly enough, whether one is a Democrat or Republican, everybody says, oh, I want a prescription drug benefit.

But when we get down to the meat and the actual way of passing a bill that will be beneficial, we are this far apart. We are so far apart on that part of it, and the fact that we believe that there ought to be a Medicare prescription drug benefit, not one that is left up to the HMOs and to private insurance companies.

Quite frankly, in the committee when we had a discussion, the private insurance companies told us, ''We do not have an instrument to sell that just covers prescription drugs, and we will not have that available to us.''

But on top of that, we had a debate on this floor 3 nights ago about the whole idea of what is happening across this country. Nine hundred thousand seniors are being pulled out of their HMO coverage, losing their prescription drug benefit. I do not mind if the HMO is there, because we do this in a voluntary way and we make sure that they help their seniors with a prescription drug. But the fact of the matter is that if they are not there and they cannot do it, then we need to have the safety net for these other people.

It really hurts me. I have to read this story to the gentleman. This actually was done in Hernando County in Florida, where the last two HMOs pulled out. We are fortunate enough because we have been able to actually get two more in there, so we think there is comparability, and I am not sure that all the benefits are the same because we have not seen all of it yet, because we actually started signing up people today.

But there is a woman, a young woman in Florida, quite frankly, who is Lucy Maimone, we will just do Lucy for a moment, and it says this is the story for her.

''Lucy pricks her finger and smears a dot of blood onto a small box that reads 'blood sugar levels'. '114, that's good,' she says. Ready for the first of two daily walks, she is dressed in her white sneakers and maroon windbreaker. The 73-year-old woman has been treading through her neighborhood twice a day after morning toast and late afternoon supper on the advice of her doctor, who cut off Lucy's cholesterol pills because her Medicare-HMO insurance will not stretch to the end of the year.

''The cholesterol pills could go. The medicine for her diabetes couldn't. Lucy says, before munching on three quarter-size peach glucose tablets to avoid going into shock during the walk, 'The walk may not be as effective as the cholesterol pills,' she says, 'but it helps.'

''On the small screen of the television set which carries seven channels grainily, political commercials repeatedly interrupting rowdy guests, the commercials were aimed straight at Lucy. 'See? I don't want an HMO,' she yells as the commercial accuses Republican candidate George W. Bush as relying too heavily on Medicare HMOs to cover seniors' prescription drugs. 'I have been stuck with HMOs for 4 and 5 years, and all of a sudden they are pulling out. What is to say they won't pull out?' ''

And she is saying to us, could we not have done something this year for Medicare? But it goes on further, because this is about three stories of people in this area.

''Like the couple before this, the Nicos, Lucy falls between the cracks. Her $860 monthly income is too much to qualify for State Medicaid assistance for her prescription drugs, but it is too little to afford much more than that. So she skimps on everything. There is no car for grocery shopping. There is a two-wheeled cart that she makes do. Forget cable or any outside recreation like dinner or movies.

''Aside from these walks, the highlights of these days consist of cuddling with her salmon-colored cat, Bingo. 'She is my life right now,' Lucy says of Bingo. That is what really keeps me going, when she comes and sits with me.' Her warm brown eyes well with tears behind her brown-rimmed glasses. 'Sometimes I get so depressed I cry. I came here to have a good life, and what do I have but worries?' ''

That is the unfinished business that we have left in this House. If I have to stay here until election day, if I thought that we could get a Medicare prescription drug benefit, one that was voluntary, that brought in all of the other people who distribute or deliver a

drug benefit, I would be willing to do that. I do not know how we go home and tell Lucy.

But what bothers me the most is the commercials that are running that have made people believe that they have passed some kind of a piece of legislation up here that gives them that safety net. That has not happened in this House. That has not happened in the Senate. If anything, when the Senate walked out of here today, which they did, there is no Medicare buy-back bill, either, nothing that takes care of nursing homes, nothing taking care of home health care, nothing that takes care of accountability for HMOs to say they have to stay 2 or 3 years, nothing that gives money back to the hospitals.

We could have figured this all out if we would have just taken the time to sit together, Democrats and Republicans, working in the people's House as they elected us to do.

What do we say to Lucy? More importantly, what do they say to Lucy?

Mr. PALLONE. Mr. Speaker, I appreciate what the gentlewoman said. I think what she did in giving us an example of an individual who is impacted by the lack of action here is so important, because that is what I really believe it is all about, to be down here for.

In other words, we bring up these issues like a Medicare prescription drug benefit, HMO reform, because we believe that these are the things that have an impact and these are the things that really make a difference for people.

I think one of the reasons that the gentlewoman and I in particular stress health care as an issue, because there are others that we could talk about, is because we know that, particularly with reference to health care, it has a direct impact on people. If they cannot lead a healthy life, then what kind of life do they have?

I just want to say briefly, before I yield to our other colleague, that the saddest thing I think in what the Republicans are trying to say in these commercials is that they try to give the impression, as the gentlewoman said, that somehow there is going to be a universal prescription drug benefit available under their proposals.

It is simply not true. The only thing they have proposed and this they tried to pass, and Governor Bush is talking about, is basically giving a subsidy, a small amount of money, I call it a voucher, to people of lower income; not the people eligible for Medicaid, which is really low, I think you have to be under $10,000, but at a little higher level.

They are saying to them that they can go out and use that to try to get an HMO to cover them, or try to buy an insurance policy to cover prescription drugs. That is not even an option because it does not exist.

Most of the seniors, certainly every middle-class senior, the majority, would not benefit in any way, even if that passed. They have not passed it. They brought it up, and it has not gone through both Houses and been sent to the President. Not only have they not really passed it, but even if they did pass it it would be meaningless, and yet they put on commercials acting as if they have done something.

Mrs. THURMAN. If the gentleman will continue to yield, Mr. Speaker, a couple of nights ago we were on this floor again. I went through what one of my constituents had sent me as to what was even happening with the premiums, changes from one plan to another.

They said, we no longer have this plan, here is the new plan. In there, they talk about the fact that they are going to go from $19 from last year, which was what their cost was on the premium, to $179 a month.

□ 1700

And then you go through it and in every category. The copayments, for whatever reason, go up from $20 to $35, and/or the benefit has been cut. In the prescription drug area, it has been cut.

So even whether we gave them whatever, the fact of the matter is even if they had the HMO there, actually they are not going to be able to afford it. It has outpriced them, and I think one of the things that bothers me about this too, is, these are Medicare dollars as well. Remember it is not only do they get the $179 from the patient or the person who would get the benefit, they are also getting money, our Medicare, our tax dollars that we get through the payroll given to these as well. They get whatever that number is, depending on what part of the country they are in, plus whatever their treatment is.

This could be $700 per patient, which is more costly than what it costs us for a Medicare fee for service, and we could be providing a prescription drug for about $26 a month.

Mr. PALLONE. I agree. And the thing that is amazing about it is that the traditional Medicare program has one of the lowest overheads of any administrator programs. I think it is like less than 3 percent. In terms of overhead for Medicare right now, if you add a prescription drug benefit and you want to do it in a way that has a very low overhead or administrative costs, what better way to do it than to put it under Medicare? HMOs.

The overhead is so much greater, and this option of somehow finding a prescription-only policy, I mean that just does not exist.

Mr. Speaker, I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding to me and thank the gentleman for all of his hard work on this issue and organizing this special order. And I think one of the things that the gentlewoman from Florida (Mrs. THURMAN) emphasized that is really important here when we talk about finishing our business, when we talk about coming to the end of a session and what have we done, the gentlewoman dramatized that we talk about programs, I mean, we are legislators. We are here. We are in committees. We deal with programs, and we talk about programs. But what the gentlewoman has really highlighted is the fact that these programs impact real people's lives.

So when we say we are ending a session and what have we done and what do we have left to do, we have heard this long list, and many of us throw it out; Medicare+Choice; prescription drugs; minimum wage; making sure that Social Security is solvent; that Medicare is on a good, sound basis; patients' bill of rights; but each one of these programs and ideas is something that has an impact on millions of people in our society.

When we are saying we do not want to go home, what we are really talking about, let us just to pick an example, in terms of prescription drugs, there are so many people out there that are not covered that do not have prescription drugs. And I think each of us in doing townhall meetings and in participating with constituents in our districts and getting feedback back and forth, where we hear the stories of senior citizens, saying, one, I cannot afford them, so I have to make a choice between drugs and food.

Mr. Speaker, I actually had a woman stand up in a townhall meeting. I was opening up and asking for suggestions, and she said, well, I have already heard this plenty of times. She says I don't have the money. I am going to go ahead and eat; I am not going to listen to my doctor. I am not going to get the prescription drugs.

What we really have is a situation when we come to the end of a session, and I am striving to respond now in a diplomatic fashion, because I agree with the gentlewoman from Florida (Mrs. THURMAN) that we should not be wrangling over this, we should be putting our minds to work. We should be settling down to work.

Mr. Speaker, what we are talking about here is making sure that the work we started at the beginning of the year, the big, long list I just went through, prescription drugs, Medicare, fixing those problems with the HMOs and them cutting people off, minimum wage, Social Security solvency, all of those that we finish, but there is one other point here is that if we go home now, we are 1 month into the fiscal year.

All of these big departments that impact people's lives also, the Department of Education, the Department of

State, the Department of Justice, they cannot be planning for the year.

We hear a lot about rhetoric on the other side of running government as a business. And we hear a lot on our side. I mean, many of us stand up and say we think it is important to run government as a business. If we are running government as a business and trying to give government agencies the ability to function in an effective way, one of the things we do is we allow them to know what their budget is going to be a year ahead of time.

We are now in a situation with these budget issues where we are already into them. We have expended a month, and we are on continuing resolutions. Who knows when it is going to end. But I know there is a deep desire just to wrap this up on the one issue of going home. There is a deep desire on our side of the aisle to stay here, to very much want to get the work of the people done.

I would just like to say a few words on the prescription drug issue a little bit more in detail, because I saw this morning on the television about this issue. They were doing some polling, and they said, this time and in this Presidential election is one of the first times that senior citizens are more undecided, senior citizens. And they were asking the person, why is it that. Apparently what they said is, they are very confused about the prescription drug issue. They hear about these two different plans, and they hear about the proposals that are out there and they do not quite understand them.

Mr. Speaker, I thought that I would spend a little bit of time talking about that, because I think it is an enormously important issue in our Presidential election going on right now, and when somebody makes a choice in the Presidential campaign, there are going to be two different plans that are out there.

First of all, there is a plan that has been proposed, the Vice President is very supportive of it, many on the Democratic side are supportive of it, as to making a prescription drug benefit as a part of Medicare through a modest premium, through voluntary participation, making sure that everyone is covered that wants to be covered, because you are allowing them to come into a voluntary situation, and that would be a program that is going to cost some money, but it is a program that everybody knows would work and would be a reality if we just put our minds together and do it.

We passed the other plan, which is very close to Governor Bush's plan, the plan that passed the House, and that is a plan that was tried out in the State of Nevada. And by the way, I voted against the plan that came through the House, the much ballyhooed plan that they talk about saying that prescription drug benefits are going to be provided.

What that plan does is, basically you throw money at HMOs and insurance companies and say set up a plan and make it work in the private sector, because we do not want Government involved. Well, what happened is they did it in the State of Nevada. They passed a law. They said let us set it up in the private sector. They put everything into place. The remarkable thing is that the insurance industry was brutally frank with the State of Nevada, they stepped forward and said there is no market. We cannot do this. This is not something that is going to happen in the way that you have designed it.

In fact, in Nevada, no insurance companies have stepped in. Nobody has done it. There is not a reality, and I think that the thing we need to explain to people is there are big differences here. There are big, big differences between these two plans. I know that the gentlewoman from Florida (Mrs. THURMAN) has something to say on this issue.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I just want to ask a question to my colleagues, because I think I remember something also in one of the plans where they would, instead of doing a Federal plan through the Medicare system, there was actually talk about sending some of these dollars in a block grant back to the States as well, which might have been what the gentleman from New Jersey (Mr. PALLONE) was referring to in the amount of money that would go back, then we would sit around waiting for another year for them to determine how to even spend this money out there to those folks that need it.

Mr. PALLONE. First of all, I would say that the gentleman from New Mexico (Mr. UDALL) was right, the Nevada plan is almost exactly the same as what the Republican leadership brought forth in the House. It is almost exactly the same, but Governor Bush's proposal basically gives money to the States in a block grant to try to cover people in some way. That is his proposal.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. The other thing that I would say is that when we send it through, and maybe the gentleman can give us an idea of what happened in Nevada where when you rely on the private insurance, and there is nothing wrong with private insurance, I am not suggesting that some of the money that we have even talked about, because it is a voluntary system, would be used to help and prop up even some of those because of the higher costs of medicines.

But what I have looked at is, and certainly it has been the experience as we looked at HMOs who are pulling out who use this as one of the reasons that they are pulling out, is as we have in Medicare, we have at least some government, I hate to say this, but some government looks at what the real costs of it is, without any administrative costs, without any profit being built in, so we have a better opportunity to really use the dollars that we have available to us for really providing the benefit instead of having to look at what somebody else's bottom line is. No different than what we have done under Medicare.

Mr. PALLONE. If I could just reclaim a little time, the problem with the HMOs, and we have said it before, is three things. First of all, they had the administrative costs because they are for profit in most cases and the situations of CEOs getting huge sums and using it for all kinds of things.

Then you have the advertising costs in order to lure people into the program. They spend a tremendous amount of money on advertising. I have seen that in New Jersey, and I have used examples before.

Then they use the money also to lobby, and that is where we get back to the special interests on the Republican side, they use it to lobby here and to finance campaigns against HMO reform and against the prescription drug benefit.

All of those three add to the costs and tremendously to the costs in many cases.

Mr. Speaker, I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, one of the points that is related here, and these are the same HMOs and the same insurance companies that have pulled out in New Mexico.

Mrs. THURMAN. And also Florida.

Mr. UDALL of New Mexico. In Florida, New Jersey, and here we are, we have a situation where HMOs stepped into Medicare and said we are going to make it better. We are going to make it better than the Government does it, and they get into it and then when they do not make the profit they would like to make, they cut and run.

Really what we had happen when we got into that situation where we are talking about Medicare+Choice, we had 17,000 seniors cut off in New Mexico, and so you can imagine the phone calls.

I had a town hall meeting at a local hospital, huge auditorium, we filled the auditorium. It was standing-room only. Here are all of these senior citizens. What am I going to do? Where am I going to go?

They had some heart-wrenching decisions before them. Unfortunately, it was not like in the district of the gentlewoman from Florida when she talked about maybe some came in again, they said they are out. They are gone. They are not coming back.

Mr. Speaker, I want to read a part of the General Accounting Office's report that dealt with this, because I think this is the report that was released in September, Medicare+Choice, plan withdrawals indicate difficulty of providing choice while achieving savings. And that report said, and I think it demonstrates why we do not just throw money at the problem. Why we need accountability.

Here is what the report said, although industry representatives have called for Medicare+Choice payment rate increases, it is unclear whether increases would affect plans participation decisions. In 2000, 7 percent of the counties within Medicare+Choice plan in 1999 received a payment rate increase of 10 percent or more.

□ 1715

Nonetheless, nearly 40 percent of these counties experienced a plan withdrawal. Ten percent increase or more, 40 percent experienced a plan withdrawal. This suggests that the magnitude of rate increases needed to make participating in Medicare a sufficiently attractive business option for some plans may not be reasonable in light of countervailing pressures to make the Medicare program financially sustainable for the long-term.

So, really, what we are doing here when we talk about prescription drugs and HMOs, and we talk about this Medicare situation, they have a pretty bad record when it comes to Medicare+Choice.

I think we ought to be very, very cautious with any plan where we say the HMOs are going to run the plan. That is the thing that really disturbs me about this plan that passed the House, that I voted against, that Governor Bush is a great supporter of and really believes that the private sector and the HMOs are going to solve it. They have not solved these other problems. I think they have got some very serious problems here.

Mr. PALLONE. Mr. Speaker, let me just make two points. I think the point of the gentleman from New Mexico (Mr. UDALL) there with that GAO report is so important in light of two things that have happened here. First of all, we know that last week the Republicans passed this tax bill that gave a lot of money back to the HMOs. The lion's share of the money that was going back for Medicare and Medicaid reimbursement increases in funding went, instead of going to the hospitals or the nursing homes, the basic providers, it went to the HMOs.

I am particularly, and all of us were, very critical to the fact that there were no strings attached. The Republicans wanted to give all this money to the HMOs, but they did not require, as we saw it, that they stay in the program for 3 years or they provide the same level of benefits that they had initially promised.

Now given what the gentleman from New Mexico said in that GAO report, to not attach some strings or accountability, as the gentleman termed it, and give them more money makes absolutely no sense. The GAO report says that will not accomplish anything based upon past experience.

The other thing is that, in our proposal, our Medicare prescription drug proposal, as opposed to the Republican and Governor Bush's proposal, in our prescription drug proposal, which is under Medicare, because it is under Medicare, it is universal, and one has a guaranteed basic benefit package; in other words, that one can go to any pharmacy, that one is going to get any drug that is medically necessary as defined by the pharmacist or the physician, and one knows what one's copayment is going to be. All that is set as part of a basic benefit package.

But under Governor Bush's proposal and the Republicans' proposal, all they are doing is giving money to the HMOs and saying to you, you can go out and try to get an HMO that will cover you, but you do not know whether or not that is going to be a good plan, what the copayment is going to be, what the premium is going to be, whether they will cover the drugs that you need, are medically necessary. All that is up in the air depending on what you can negotiate with them.

Again, based on past experience, you are not going to be in a very good position, you are not offering them that much money, and they are going to negotiate you down so you do not even know what kind of basic medicine package that you are going to get. It makes no sense.

The other thing is that we do not even say that we are against HMOs. Because if we pass our Democratic Medicare prescription drug proposal, one can stay in the basic traditional fee-for-service plan and get the basic benefit, but one can still offer the HMO. One can still go into an HMO.

But now, unlike the current law or unlike what the Republicans are proposing, if one goes into the HMO, they have to offer those same pharmaceutical benefits. They have to give one the drug that is medically necessary. They have to guarantee that they are doing the same thing as everyone else. That is the difference.

So we do not even stop one from going to the HMO. But we make sure that the HMO is giving one what is fair and what one needs. I mean, it is such a tremendous difference.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I appreciate that. I think some of the stuff that we have heard tonight of who has pulled out and what is happening out there, we did another survey in our State, similar to what we had done with the cost of prescription drugs, as differences between who was a customer and then from Mexico and Canada. Then we went a step further because we wanted to know just what was happening in the State.

We found that, in 1998, there was only about 29 percent of our Floridians that actually had no prescription drug coverage. But that has gone up to, now in 1999, 41 percent.

I want to just take a moment, though. I, quite frankly, think we should applaud the American seniors in this country and their families, because I think this issue is intergenerational. They are the ones who have come to us. They have shown up. They have shared their stories. They have shared the kinds of things that they are having to go through on an everyday basis.

I really do believe, had it not been for the fact that they had gotten a Medicare prescription drug under Medicare Choice, then it was taken away from them, they have now truly understood the issue and what it means to them and their health and to their own security.

So when I go out to talk to my seniors, I tell them thank you for bringing this issue to us. Because I have never seen an issue of this magnitude take off as quickly and have so much support, whether we agree or disagree with our colleagues about it. Never have we ever seen this kind of an issue be raised so quickly and try to come up with some kind of an answer to it.

But I also want to be a fiscally responsible person here, too. I mean, I came here in 1993. I saw the burgeoning budget deficits. We paid those off. We have done those kinds of things. We also know, because of the baby boomers and what is going to happen in the future, one of the things that we need to remember about this and about this issue, it is also a cost-effective tool for us.

Because the more dollars that we have that we spend in the preventive area of making sure that people have their medications, that they have their cholesterol medicine, that they have their blood pressure medicine, that they have their help with diabetes, all of those kinds of things that helps us identify and keep under control, the less cost it is to us in the Medicare dollar in general, less times having to go to the hospital, not as dramatic kinds of procedures that would have to be done.

Because we have actually, to the benefit, through research and other things, have been able to find ways to help them control and to give them a quality of life.

So I think, if for no other reason than because of what we are going to be facing in the outcome years, that these are other reasons that we need to be looking at this.

This is a fiscally responsible program, not to mention what it does for

our seniors and their families. Because for every pill that they cannot buy and a parent or the child of a parent who is having to go through this, who has a child that needs to go to college or save for whatever reason and cannot because they need to be the ones helping them because they cannot afford it, and they have no where else to turn, I mean, I understand the intergenerational of this.

Mr. UDALL of New Mexico. Mr. Speaker, if the gentleman from New Jersey will yield, one of the issues in talking about prescription drugs is different ways of tackling it. I am a cosponsor with the gentleman from Maine (Mr. ALLEN).

Mrs. THURMAN. I am, too.

Mr. UDALL of New Mexico. I know the gentleman from New Jersey (Mr. PALLONE) is also. That seems to me a piece of legislation. I do not think on this side of the aisle we are always talking just government. We are talking about ways we can get prescription drugs the most effectively and with the least amount of bureaucracy to senior citizens.

The Allen bill does something very, very simple. We have a preferred customer cost, preferred customer price that the big guys, the HMOs, the Veterans Administration, the large purchasers, they get that preferred customer price.

We all know from checking this out and having the various studies that have been done by the Government Operations Committee, one was done in my district, where it showed a differential on eight of the most commonly used drugs of about 115 percent. So there is the preferred customer price, which is down here, and the uninsured senior is 115 percent higher, higher price. So we have price discrimination going on. There are real problems with that.

Well, what the Allen bill does is something that is very, very simple and a very simple concept. It just says we are going to say there is one price; that this preferred customer price shall also be the price for uninsured seniors. All the pharmacies in my congressional district were very interested in that idea because they have been seeing the seniors.

As I went around my district and I heard from the owners of the pharmacies, they say they come in, they cannot afford it, we try to find a way for them. They said we would pass on the cost savings. If you require them to sell it at the same price, we would pass that on to the senior citizens. So I think that is a very simple solution.

When we talk about staying here and doing our work, if we did not want to look at Medicare, and we wanted to try this as a first step before we put a Medicare prescription drug benefit into place, we can try that as a first step, because we know what a big impact it will have.

Mrs. THURMAN. Mr. Speaker, we have also and actually passed on this floor the importation, another way we were trying to figure out ways to drive costs down. The biggest problem is that, if I remember correctly, one of the problems was that there was no safety protections for seniors and making sure that the drugs that they were going to import or the pharmacist that would import it would have those safety measures.

To the point of the gentleman from New Mexico (Mr. UDALL), that is the point, we are trying to find everyday ways. Do my colleagues know what, instead of having to stand up here and find those ways, I think we could, I mean I think we could actually craft something. I think we could be doing some things. But, unfortunately, I have to go home and tell Lucy and Bingo that we are not going to be able to help them this year. But we are going to be working again for them next year.

Mr. PALLONE. Mr. Speaker, I just wanted to comment on some of the things the gentlewoman from Florida (Mrs. THURMAN) said, because I think they are so important.

First of all, on the whole prevention issue, obviously if one has a Medicare prescription drug benefit, one is going very far towards looking at the prevention issue. Because, I mean, the biggest prevention issue right now is that Medicare does not include prescription drugs.

When Medicare was started in the 1960s, prevention, particularly with regard to the prescription drugs, was not a major issue. There were not that many. People did not rely upon them so much.

But the modern miracle, if you will, for the last 30 years has been the fact that we have been able to produce, and the pharmaceutical industry has produced, all these drugs that actually make it so people do not have to go to the hospital, do not have to go to the nursing home.

It was ironic to me, though, because when I saw the prioritization of this Medicare reimbursement rate, this money that the Republicans put in the tax bill last week that was going to try to help out with various health care providers, that the least amount of money went to those providers. In other words, if we think about it, if we think about it, the HMOs really, they are insurance companies. So when one gives them money, they have got all the overhead and the lobbying and the advertising and everything we have already discussed as opposed to giving it to the basic providers.

A lot of those basic providers are prevention oriented, for example, home health care agencies. Prescription drugs are a method of prevention. But home health care is a way of avoiding nursing home care or a way of avoiding hospital stays. So why not give more money to home health care agencies, because they will prevent people from having to be institutionalized.

Mrs. THURMAN. Mr. Speaker, if the gentleman will yield, I would like to go back to something that the gentleman from New Mexico (Mr. UDALL) said about running things as a business. One of the things that we have been critical about in this bill as well is to look at the dollar amounts but also look at the time period in which we would extend these until we could get some accurate information back in.

We know that the Balanced Budget Amendment Act in 1997 that we made some decisions that may have gone deeper than what has been anticipated. So in this bill, as in the 1999 bill, every year, we keep giving them a year extension, a year extension, a year extension. Now they have already been through one-eleventh of their fiscal year, or what potentially would be their fiscal year, and they cannot plan.

When we are in a crisis of having health care services available to folks, how do we go to these nursing homes and say, okay, you can go out there for 11 more months, and you can staff like we should have to make sure that your patients are being taken care of? Or how do we say to these nursing practitioners who are going to these homes, we are going to beef up our agency now because we have got 2 years to work through some of these problems and show what is going on?

Again, they have 11 months. This had happened to them every year. I mean, it is just, as a plain business, you cannot plan around crisis.

□ 1730

Mr. PALLONE. Just to give you an example, I had a hospital in my district close, South AmBoy Memorial Hospital, last year. It closed the door, Medicare reimbursement rate.

I visited with some of the nursing homes a couple weeks ago and was told a number of them are facing bankruptcy. They cannot get the skilled nurses to come in. I mean, there is no way. They are suffering, and we are giving the money to the HMOs.

I just wanted to comment because I thought my colleague brought up the issue of price discrimination and that is important. If you listen to Governor Bush, and this goes back to I guess the first debate or each earlier around Labor Day, when he just came out and slammed Vice President GORE when he said that their Medicare prescription drug benefit was price controls. He did not even get into the Allen bill. He said that even our benefit plan was price control.

One of the things that really bothers me with the Republican leadership is that so often, and the prescription drug issue is a good one, they just get into this whole ideology that Government does not work and we do not want to do

anything with the Government and that is why they cannot accept a prescription drug benefit under Medicare because Medicare is a Government program, or at least ostensibly a Government program, so they get into all these ways trying to get around that by throwing money in the private sector.

And the same thing with the Republicans on this issue of price discrimination. They do not call it price discrimination. They say it is price control. And they cannot accept the notion that we have in the Allen bill that somehow the Government should be negotiating to try to bring costs down. They do not have anybody to negotiate with them.

In our Medicare bill, we do not even have the Allen provision. We do not go that far. We just say that in each region of the country we are going to have a benefit provider that will go out and negotiate a good price, which will probably bring the cost down 10 or 15 percent. But even then Governor Bush says that is price control.

I just want the Republicans to forget about the ideology and talk about what works particularly. I do not care, I am not concerned with idealogy, government versus no government, left versus right. I just think we have to look at what works. Medicare works. It does not make any sense to have Lucy and the others suffer because of some idealogy.

Mrs. THURMAN. Mr. Speaker, if the gentleman would continue to yield, I just want to make one point before we walk off this floor. The reason that we are even able to have this debate today, the only reason we have this debate today, is because our House is in fiscal responsibility right now. Because I have heard on this floor over and over, Well, you could have done it. You could have done it before. You could have done it here then.

They talk about this education. They talk about that and everything. The fact of the matter is that, until this last year or so, we had been looking at deficits; and now we have an opportunity to strengthen some areas within and for the people of this country because we believe that we can do the Medicare prescription drug benefit and we can do the school programs and we can pay down the debt. And we should be making no doubt about it. Because I am really tired of hearing that about you could have done this for the last 8 years.

Well, first of all, we have not been in the majority for the last 8 years but about 6. And secondly, there was no surplus of money. There was nothing in this Congress except deficits. It is time that the American people understand. All we are doing is standing up for the things that we believe are right that we have an opportunity to debate and talk about now which was not available to us before.

Mr. PALLONE. Mr. Speaker, if my colleagues listen to what the Democrats are saying about the surplus versus what the Republicans are saying about the surplus, the whole emphasis for the Democrats is paying down the debt and retirement security.

The idea is that the majority of the surplus would be used to shore up Social Security and Medicare because we know at some point down the road that they are going to have shortfalls in their trust fund, and we need to shore up those programs. And the two go hand-in-hand because, as you pay down the debt, you make it possible to have the money available to shore up those two programs.

The Republicans keep talking about this huge tax cut. They actually tried to pass it. Governor Bush keeps saying he wants to do it. It would take us back to deficits. Then the money would not be available for prescription drugs, for shoring up Social Security and Medicare and there would not be any retirement security. I mean, in many ways I think that is the most crucial aspect of this election November 7 is who is going to favor having the money available to shore up those two retirement security programs.

Mr. UDALL of New Mexico. Mr. Speaker, I wanted to go back to the point of the gentleman about the argument that is out there about Government not working.

Well, the HMOs have not worked when it comes to Medicare+Choice. And it is evident in my district. You cut off 17,000 people. Many of them are in rural areas. And the thing I did not like about the bill that came before the House of Representatives is it discriminated between rural areas and urban areas and you had a cut-off. You were going to increase the reimbursement to $475 in rural areas and then have the cities at $525.

Well, it is more expensive to provide health care in rural areas. I think if we were going to raise it, we should not have discriminated; and I think we needed rural provisions in that Medicare+Choice Medicare bill that we were considering along with these accountability provisions that we talked about.

I mean, what is so bad about saying to an HMO, you are going to stay in a community for 3 years? It seems to me if they get in there and they start setting up their program and they start providing service, with the kind of money we are throwing at them and the billions of dollars, they ought to stay there for 3 years. And I think that we are all in agreement on that.

Unfortunately, we were not able to get a bill. This is another example of something that we need to finish before we go home. We need to put that in place because there are senior citizens out there in my district, in New Jersey, and in Florida and all across the country that today do not have Medicare+Choice and are hurting as a result of it.

Mr. PALLONE. Mr. Speaker, my understanding is we only have 15 percent of Medicare recipients, seniors, that are in HMOs. Yet, in that tax bill, over 40 percent of the money was going to HMOs. And they had a certain pot of money in this Republican tax bill and when you started taking out over 40 percent for the HMOs, you do not have much left to deal with rural hospitals and rural health care facilities and some of these other things. That is the problem, they just prioritize the HMOs too much with no strings attached.

Mrs. THURMAN. Mr. Speaker, on that point, I think this is the other problem that it is the providers that have to contract with the HMOs to even be able to have a network system available for the Medicare+Choice program to work. And so, it really meant you had to do two things. One was you had to make sure that there were providers available. That would be your hospitals and other assorted benefit groups that would be helping you with these patients. And when you keep them on a yearly string, or what I might call a lifeline, they cannot plan, they cannot make any decisions as to whether or not they can have a contract with an HMO because they may not be there the following day.

So it is not just about money. It is also about having the networks within those rural areas to provide those services. We do not hear much about that, but it is a very important part of this debate.

Mr. PALLONE. Mr. Speaker, I want to thank both of my colleagues for joining me tonight. The point is we are going to probably be here a few more days, and we just have to keep pressing. Whether we deal with the larger issues of Medicare, prescription drugs, HMO reform, or even if we are just able to do something to provide more funding for the basic providers, like the hospitals and nursing homes, as opposed to the HMOs, we are just going to continue to speak out and make that point.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 5110. An act to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the ''George E. Brown, Jr. United States Courthouse''.

H.R. 5302. An act to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse''.

H.R. 5388. An act to designate a building proposed to be located within the boundaries

of the Chincoteague National Wildlife Refuge, as the ''Herbert H. Bateman Education and Administrative Center''.

The message also announced that the Senate recedes from its amendments to the bill (H.R. 4846) ''An Act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.''

TRANSFER OF RUSSIAN TECHNOLOGY TO ISRAEL'S ENEMIES

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

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to share with our colleagues some very startling information and some information that should concern every citizen in America but also every citizen in Israel because Vice President AL GORE has caused increased danger to the security and safety of every man, woman, and child living in Israel today.

That is a pretty bold statement. Why do I make that? Is it because the election is on Tuesday? No. It is because of what this Congress has just learned. The greatest threat to Israel's security is the transfer of technology from Russia to Israel's enemies, Iran and Iraq especially, and Syria and Libya.

For the last 10 years, this Congress, with bipartisan votes, has worked diligently to stop the transfer of technology to Iran because Iran's goal is to annihilate Israel and to do it with weapons of mass destruction, missiles, weapons of mass destruction involving chemical biological or nuclear agents. But Iran or Iraq do not possess that capability. They have got to buy it. They have got to acquire it.

Mr. Speaker, over the past 8 years, we have worked with this administration in what we thought was a good-faith effort to stop proliferation. I have been down in the White House twice in personal meetings with the Vice President along with colleagues from the House and the Senate where we talked specifically about stopping technology from flowing to Iran because Iran will use this technology not only against Israel but to destabilize the Middle East and eventually to harm America and its allies.

Well, Mr. Speaker, we now have found an unbelievable revelation. In 1995, unbeknownst to anyone in this Congress despite our Constitution that says that no one, including the President, can negotiate a treaty without the advice and consent of the Congress, Vice President AL GORE arranged for a secret memorandum with the Prime Minister of Russia, Viktor Chernomyrdin.

Mr. Speaker, I will include for the RECORD articles and direct quotes from this memorandum which I am holding up in front of me.

MOSCOW JOINT STATEMENT OF MAY 10, 1995

(4) Russia will terminate all arms-related transfers to Iran not later than 31 December 1999. The United States will continue not to engage in any arms-related transfers to Iran.

* * * * *

(6) In light of the undertakings contained in the Joint Statement and this Aide Memoire, the United States is prepared to take appropriate steps to avoid any penalties to Russia that might otherwise arise under domestic law with respect to the completion of the transfers disclosed in the Annex . . .

Mr. Speaker, what does this memorandum, signed by AL GORE, our Vice President, and Viktor Chernomyrdin say that was not given to anybody in this Congress? It is a joint statement called the Moscow Joint Statement of May 10, 1995. It talks about Russia's obligations to stop proliferation of technology to Iran specifically. Let me read section 4.

''Russia will terminate all arms-related transfers to Iran not later than 31 December 1999. The United States will continue not to engage in any arms-related transfers to Iran.''

Number 6: ''In light of the undertakings contained in the Joint Statement and this aid memoir, the United States is prepared to take appropriate steps to avoid any penalties to Russia that might otherwise arise out of domestic laws with respect to the completion of the transfers discussed and disclosed in the annex.''

The Vice President on his own, without informing anyone in this body or the other body, arranged for a secret deal with Viktor Chernomyrdin that said to Russia they could continue to sell technology to Iran which directly has increased the threat to every man, woman, and child living in Israel and every one of our allies that are within the range of Iran's weapons of mass destruction.

And to add insult to injury, Mr. Speaker, there was a classified memo that our Secretary of State sent to the Russian foreign minister in January of this year. I want to quote from this memo. I am quoting the U.S. Secretary of State Madeleine Albright. This is to the Russian foreign minister.

''We have also upheld our commitment not to impose sanctions for those transfers disclosed in the Annex of the Aide Memoire. The annex is very precise in its terms and we have followed it strictly. It does not include missile and nuclear-related cooperation with Iran,'' in other words allowing it, ''nor does it include conventional arms transfers to other state sponsors of terrorism.''

□ 1745

Listen to what Secretary Albright went on to say. ''Without the Aide Memoire,'' without this document that GORE negotiated privately, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.''

Following is the excerpt from the memo:

We have also upheld our commitment not to impose sanctions for those transfers disclosed in the Annex to the Aide Memoire. The Annex is very precise in its terms and we have followed its strictly. It does not include missile and nuclear-related cooperation with Iran, nor does it include conventional arms transfers to other State Sponsors of terrorism.

Without the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.

So now we have the Secretary of State acknowledging publicly in a letter that we got declassified, thank goodness we have a media that is willing to stand up and expose this kind of action, while the Congress was working in good faith to stop proliferation of technology to Iran, Vice President AL GORE was allowing that technology to flow to Iran and never told the Congress.

Mr. Speaker, this is outrageous. This is unconstitutional. This is immoral. Because we through one person, and he is not the President and he is not the Congress, through one person, our country allowed Iran to receive technology from Russia that is covered under our arms control agreements with Russia which no individual has the right to overtake or to supersede. Yet Vice President GORE did it. Every Member of Congress, Democrat and Republican, needs to ask the question of the Vice President, who do you think you are? The President could not even do this without the advice and consent of the Congress, to arrange a secret deal with his friend Viktor Chernomyrdin that allowed for 5 years Russia to continue to transfer technology to one of Israel's boldest and most aggressive enemies.

Mr. Speaker, tonight we are going to expose this in detail. We are going to talk about the policies of this administration. Before I yield to my good friend and colleague, I want to say one final point. 1992 was the start. When Boris Yeltsin stood atop that tank outside the Russian White House in Moscow, with tens of thousands of Russians around him announcing he was throwing off Communism, that the Soviet Union was disbanding, he waved a Russian flag and an American flag and he declared that Communism was dead and a new strategic partnership. That was in 1992. Russia and America together.

This was the scene last fall in downtown Moscow, Mr. Speaker, as tens of thousands of Russians stood outside of our embassy throwing paint at our embassy, firing weapons at our embassy and burning the American flag. The first speech given by President Putin

when he took office in January of this year was to announce a new strategic relationship for Russia, Russia and China against America. The policies of this administration and this Vice President have now put us at odds unlike any other time since the height of the Cold War against the Russian people.

Tonight we are going to discuss those issues. I now yield to our distinguished leader, our whip, the honorable gentleman from Texas (TOM DELAY).

Mr. DELAY. I thank the gentleman for yielding to me. I want to congratulate the gentleman from Pennsylvania (Mr. WELDON), who really understands these issues on bringing this special order to the floor. The gentleman speaks Russian as many in the House know and has been to Russia many, many times, so he knows what he is speaking about. The gentleman has met with many members of the Duma, many members in the Russian Government, and has been a great liaison with Russia and this House of Representatives.

I wanted to say that because he has the most credibility of any Member in this House on issues dealing with Russia. And he understands how the failed Clinton-Gore administration's foreign policy has affected Russia.

Mr. Speaker, the recent revelations that Vice President GORE and former Russian Prime Minister Chernomyrdin entered into a secret agreement to allow the Russian Government to sell dangerous weapons systems to Iran, contrary to a nonproliferation law that the Vice President himself authored with Senator JOHN MCCAIN, shed more light on the Clinton-Gore administration's inability to effectively provide for our national security. Allowing these systems to be delivered to Iran, a nation that is at the top of the list of terrorist states, again reveals this administration's failed, rudderless foreign policy based on appeasement rather than strength. Perhaps nowhere has this failed foreign policy borne more bitter tasting fruit than in those missed opportunities in Russia.

Mr. Speaker, when this administration first took office in 1993, Russia was an emerging democracy that for the first time looked to America with open eyes and open arms. But, sadly, after years of misplaced policies, Russia's optimism has been replaced by skepticism.

The Vice President headed up the administration's Russia policy, a policy which can now only be judged as a total failure. Unfortunately, the Vice President was in over his head and the results were disastrous. Anti-American sentiment, as the gentleman says, and look at that chart that shows the anti-American sentiment among the Russian people. It is at its highest point since the fall of the Soviet Union. Russia continues to be a major proliferator of weapons of mass destruction and, most troubling, to me at least, it has entered into a strategic military partnership with Communist China, one of our most serious potential adversaries. The administration has done nothing to discourage this emerging military relationship and incredibly insists that the Russian Government selling dangerous sunburn missiles to China, missiles specifically designed to destroy American warships, poses no serious threat to U.S. security.

Instead of leading Russian policy with a very firm hand, Vice President GORE led with closed eyes and an open pocketbook. The collapse of Russia was fueled by the administration's insistence on pouring good money after bad. Billions of dollars were wasted propping up failing, inefficient, and corrupt institutions. The administration was committed to Boris Yeltsin at all costs while he and his cronies used the government to fuel their own appetites for wealth and power.

According to the Speaker's Advisory Group and the document, the document that was produced just a few weeks ago by that group, by the way, I would tell the Speaker that the American people can get this document on the Web site at policy.house.gov and receive a very complete analysis of the failed Clinton administration policy when it comes to Russia.

According to this group, and I am quoting here from this study, ''The Gore-Chernomyrdin Commission contributed to a deliberately uninformed U.S. policy toward Russia. It refused to acknowledge failure and, even worse, celebrated failure as if it were success. The Clinton administration's dependence on the Gore-Chernomyrdin Commission, coupled with the commission's refusal to listen to independent information, meant that the administration's Russia policy was both procedurally and substantively unsound.''

This administration had an opportunity to help Russia enter into the 21st century as an emerging and thriving democracy. Unfortunately, the Vice President's misguided policies helped fuel Russia's economic collapse and led to our relations being worse than any time since the end of the Cold War.

Mr. Speaker, it is time we stopped feeding failure. Russia needs to take responsibility for its future and be held accountable for its mistakes. The Russian Government should know that we are committed to building a very strong friendship, but the foundation of that relationship must be a mutual commitment to freedom, democracy, and individual liberty. We should not restructure or forgive the billions of dollars Russia owes us until they show progress towards building democratic institutions committed to the rule of law, that they stop selling weapons to the Chinese, Iranians and other potentially dangerous states and dismantle their spy facility in Lourdes, Cuba.

Contrary to the view of this administration, the Russian Government does not have veto authority over our national security policy. We should not be held back from building a national missile defense system by an invalid and outdated ABM treaty predicated on an absurd Cold War notion that the only way our people can be totally secure is to be totally vulnerable.

The Russian Government should know that the American people are committed to building a comprehensive missile defense to protect our people and our allies, and we will not be deterred in doing so.

Mr. Speaker, there is still great potential in Russia, and with real leadership we can build our relationship. But we must acknowledge that real reform does not lie in any single man or leader, but in the institutions that build the foundations for democracy. Without those foundations, without the rule of law, democracy cannot take hold. Russia is blessed with a rich heritage and tremendous resources. I hope the next page in their long history will show a commitment to democracy, the rule of law and individual liberty. If it does, the United States will be ready to stand with them as true allies.

But our relationship with Russia must be based on respect and trust, not personal friendships and wishful thinking. Serious problems require serious leadership. The Russian Government should know that the United States will hold out a helping hand when that hand will be welcomed as a symbol of democratic partnership, not some sweetheart deal.

I just challenge the national media. As the gentleman knows, I think the national media has shirked its responsibility, particularly in this campaign, by not looking at the actual actions that Vice President GORE took in carrying out the Clinton-Gore foreign policy. If they would look at what part Vice President GORE played in foreign policy, they would find a situation where there was no leadership, where there was appeasement rather than strength, where there was a complete disaster in most cases.

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to thank our distinguished whip for appearing tonight. He is very busy. I want to also thank him and point out to our colleagues, the whip is very much interested in working together to build a solid foundation with the Russian people. In fact, he led a delegation to Russia in the last session of Congress to try to foster that one-on-one positive relationship between the people of Russia and the people of the U.S.

We do not have a problem with the people of Russia. We want to be their friends. We want to be their strong trading partners. What we do not want

to have is the reinforcement of a government that is not acting in the best interests of Russia. That is why the Russian people no longer trust America. In fact, as I pointed out the other night, one of my Duma friends was visiting here 2 years ago; and he made the statement that for 70 years, the Soviet Communist Party spent billions of dollars to convince the Russian people that Americans were evil and they failed. He went on to say in just a matter of a few short years, your government has managed to do what the Soviet Communist Party could not do, and that is to convince the Russian people that Americans are evil.

Mr. Speaker, we have a real problem right now. You cannot blame the Russians. If they saw billions of dollars of IMF money that was supposed to go to help them build roads and bridges and schools and communities end up in Swiss bank accounts and U.S. real estate investments and if they saw our President and our Vice President going like this and like this pretending they did not see it because they did not want to embarrass their personal friends, Boris Yeltsin or Viktor Chernomyrdin, no wonder the Russian people do not trust Americans. No wonder they do not trust what our intentions were. That is why 8 years after Russia became a free democracy, the people of Russia question what America's real intentions are.

With that, I would like to yield to one of our most eloquent and outspoken rising stars in the Congress from the great West from the State of Arizona, our good friend J.D. HAYWORTH.

Mr. HAYWORTH. I think my friend from Pennsylvania for yielding.

Mr. Speaker, tonight we gather here because still we must do the people's business. Mr. Speaker, I am well aware of the fact that there are those who look at the calendar and the pending national elections and seem to think that everything must inevitably be colored with the hue of partisan politics.

Mr. Speaker, it should be our goal, no matter our partisan labels, whether Republicans or Democrats or Independents, to put people before politics. It is in that spirit that I rise this evening with my colleagues, because what has been discovered is so disturbing that it transcends traditional party politics. We are not talking about typical disagreements or differences in philosophy. To amplify the words of our majority whip, the gentleman from Texas, in his remarks, Vice President GORE, while a member of the United States Senate, worked closely with my Senator from Arizona, JOHN MCCAIN, and a bill was passed, written by those two gentlemen, that became law that dealt with weapons sales by the Russian republic to the nation of Iran.

□ 1800

It was an effort on the part of our government to issue sanctions to try and prevent the sale of those weapons of mass destruction, because of their destabilizing, in effect, Mr. Speaker, because they represent a clear and present danger to allies of the United States and indeed the United States itself. My friend from Pennsylvania mentioned the State of Israel, still in the news, still involved in conflict and uncertainty, and the tragedy of the situation, as revealed in the documents now entered into the RECORD, and I thank my friend from Pennsylvania because the State Department has been reticent in even allowing copies of those documents to be in the possession of the proper committees of this House, even though that has happened.

What the documents reveal should shock every American. The Vice President of the United States, one of the architects along with Senator MCCAIN, of a policy that would impose sanctions on Russia if weapons of mass destruction continue to be sold, worked out an agreement in private with the Russian leader, Viktor Chernomyrdin, excusing the Russians from continued sale of those weapons to Iran; in fact, inviting those sales to continue.

Mr. Speaker, stop and imagine the implication of what is part of the RECORD. Understand these were not six disabled tow missiles. We are talking about an arsenal that included three Kilo Class submarines, the best technology heretofore developed for conventionally powered submarines for silence and stealth and secrecy as those submarines patrol the oceans and seas of the world; an incredible advantage for a nation which sadly remains on the outside looking in, in essence an outlaw nation.

Indeed, Mr. Speaker, we will remember at the outset of this Congress, and I violate no confidences, I violate no classified documents, a bipartisan committee, including a former Member of this House who later became Secretary of Defense, the gentleman from Illinois, Mr. Rumsfeld chairing the Commission, along with the first director of the CIA under President Clinton, Mr. Woolsey, came to this House and talked about the growing proliferation of weapons of mass technology by outlaw nations, including Iran, Iraq, North Korea, where trouble continues; and our Secretary of State just returned from a visit.

We are talking about a situation that goes directly to the heart of our future, perhaps to the survival of our friends, and ultimately to the type of national security we can provide from those who would aspire to become Commander in Chief. The whip was quite right, Mr. Speaker. Our colleagues in the fourth estate, the journalists, aside from a front page article 3 weeks ago in The New York Times, followed up with work in The Washington Times and other periodical publications such as Insight on the News, aside from those publications, Mr. Speaker, the silence of the television networks in this Nation has been deafening.

Madam Speaker, who will tell the people? Who will tell the people of this breach of faith? It falls to this House, to this people's house, and the grand design of our founders in this constitutional republic with separate and coequal branches of government.

Madam Speaker, to stand and tell the people something is seriously wrong, the State Department should turn over every document related to this; and the Vice President of the United States, Madam Speaker, should stand before the people he hopes to lead not with excuses, not with fables, not with stories, but with the truth. At last, Madam Speaker, at long last, is not the truth what the American people deserve?

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my distinguished friend and colleague, the gentleman from Arizona (Mr. HAYWORTH), for his eloquent statement.

Let me say to our colleagues who are watching us back in their offices, everybody may be saying, well, there go those Republicans 1 week or a few days before the election trashing AL GORE. Why were not they bringing this forward last year?

Let me remind my colleagues, this story broke October 13 of this year in The New York Times. Prior to October 13, none of us knew that Vice President GORE had worked out a secret deal in 1995 that Madeleine Albright referred to in a January 2000 memo this year. Prior to October 13, none of us knew this. Well, that is only 2 weeks ago, 2 weeks ago. Thank goodness we have a free press. Two weeks ago The New York Times ran a copy of this document that I have now put in the CONGRESSIONAL RECORD that our Members of Congress were not aware of, that no member of the Intelligence Committee, no member of the leadership was asked to see by the Vice President when he cut the deal in 1995.

We were not made aware of this until we read the story in The New York Times, along with the rest of America on October 13, and then The Washington Times reported the story after that, and other media. It has not been picked up by the TV media, and that is a legitimate question. Why has it not been?

Now, why is this so outrageous, Madam Speaker? Why? Because this technology that has been transferred is used to improve the accuracy of systems against America and our allies. Is this isolated? Let me give you two examples. Madam Speaker, I was in Moscow in January of 1996. The Washington Post had just run a front page story with the headline, America Has Caught the Russians Illegally Transferring Guidance Systems to Iraq. I was in Moscow. I went to our embassy, and I asked for a meeting with our ambassador, who, at that time, was Tom

Pickering. He is now the number three person in the State Department. I said, Mr. Ambassador, what was the response of the Russians when you asked them about the transfer of the accelerometers and gyroscopes to Iraq?

He said, Congressman WELDON, I have not asked the Russians yet.

I said, Mr. Ambassador, you are our representatives here. Why would you not ask the Russians? It was a front page story back home. It is a violation of an arms control treaty, the missile technology control regime.

He said, that has to come from the White House.

So I came back to Washington, and I wrote the President a letter in the end of January, 1996. Dear Mr. President, you must have read the story in The Washington Post. What are you going to do about it? If this occurred, it is a serious violation because it gives Iraq a capability that they cannot build on their own.

The President wrote me a response in March of that year.

Dear Congressman Weldon, you are correct. If this transfer took place, it would be a serious violation of the missile technology control regime and there are required sanctions in that treaty; and I assure you if we can prove it, we will impose the sanctions. But, Congressman Weldon, we have no proof that this transfer took place.

Well, as I have done in speeches around the country, I bring the proof for the American people to see. This is a Soviet-made gyroscope and a Soviet-made accelerometer. I cannot tell you where I got these devices, but I can say they were clipped off of an SSN–19 Soviet missile that used to be aimed at an American city. We caught the Russians transferring these devices not once, not twice, but at least three times. The American government has over 100 sets of these devices today. We never imposed the sanctions required by the treaty; yet we have the proof. We have the evidence.

Now, what would Iraq use these devices for? They would use them to improve the accuracy of the same missile that killed those 28 young Americans in 1991 who came home from Desert Storm in body bags because their country let them down, because we could not defend against a low complexity SCUD missile. These devices Iraq cannot build. They have to buy them, and the only place to get them is from Russia.

We caught them. It is a violation of an arms control treaty. The President told me, if we could prove it he would take action. We have the evidence, and we never took any action.

In fact, Mr. Speaker, the logical question is, why would we not take action against Russia if we know they were deliberately violating a treaty? And the answer is rather simple. Our policy for the past 8 years toward Russia has been based on personal friendships; the personal friendship of President Clinton with the leader of Russia, Boris Yeltsin, and the personal friendship between AL GORE and Viktor Chernomyrdin.

In 1996, when we caught the Russians transferring these devices to Iraq, it was the reelection year for President Yeltsin. Unbeknownst to us but now available to our colleagues as an appendix to a book written by Bill Gertz called ''Betrayal,'' is a classified cable that President Clinton sent to Boris Yeltsin in that election year, the same year this transfer took place. What did that cable say? Dear Boris, we wish you well in your election, and I will make sure that nothing happens in America that jeopardizes your reelection.

That must have included holding Russia accountable for illegally transferring technology to the enemies of America and our allies.

The second example, a year later, Madam Speaker, the President of Israel, President Netanyahu, goes to the great length of announcing to the world that Israel has evidence that Russia's space agency has signed contracts with the agency in Iran building their missile systems, which is again, a violation of treaties and U.S. laws that Russia has agreed to abide by.

The Congress was incensed. Democrats and Republicans said, what is going on here? What is wrong with Russia? We are helping them with their space station. We are working with them on technology, on helping their economy. Why are we not stopping this technology transfer?

So the Congress introduced legislation, bipartisan, the gentleman from New York (Mr. GILMAN) and Jane Harmon, immediately got over 200 cosponsors to force the imposition of sanctions on Iran for violating arms control agreements.

The Congress called over the CIA. The director of the Nonproliferation Center for the CIA at that time was Dr. Gordon Ehlers; and Dr. Ehlers did something you cannot do very often in this administration. He told the Congress the truth. He said, yes, the CIA has evidence, and we agree with Israel, that the Russian space agency has contractual relations with Iran to help them build their missile systems. Gordon Ehlers was forcibly removed from his job because he simply told the truth.

The Congress was incensed. The bill was scheduled to come to the House Floor for a vote. Three days before or 4 days before the bill was to come up on the House floor for a vote, my office got a call from the Vice President's office. Would you tell your boss, the staffer said to my staff, that Vice President GORE would like to meet with Congressman WELDON in the Old Executive Office Building. My staff told me. I said, sure, I will be happy to go down and meet with him. I said, what is the topic? They said the Iran missile sanctions bill.

I drove down to the White House, went into the Old Executive Office Building where the Vice President's office is, and there in the meeting room, along with myself, were some of the following people: Senator CARL LEVIN, Senator BOB KERRY, Senator JOHN MCCAIN, Senator JON KYL, Congressman Lee Hamilton, the gentleman from New York (Mr. GILMAN), Congresswoman Jane Harmon, Democrats and Republicans from the House and the Senate who were assembled while the Vice President and Leon Firth, the security adviser, pleaded with us for 1 hour not to bring up the Iran missile sanction bill. He pleaded with us that this would harm the personal relationship that Bill Clinton had with Boris Yeltsin and that AL GORE had with Viktor Chernomyrdin.

When the Vice President finished lobbying us, all of us, Democrats and Republicans together, said, Mr. Vice President, it is too late. The technology is flowing. It is continuing to flow into Iran, and it is not being stopped.

Later that week, that bill passed the House with 396 votes. That was not a partisan bill. Almost every Republican and most all of the Democrats supported the bill to slap the administration across the face because they were not enforcing an arms control agreement that we had entered into with Russia to stop technology from going to Iran.

□ 1815

Two months later, after we came back from Christmas break, the Senate was going to take up the same bill. My office got another call from the Vice President's office. Again, they asked me to go down to the White House to meet with the Vice President, and again I drove down to the Old Executive Office Building. Again, while I was there, along with the same core group of people, in fact, I think Senator LIEBERMAN may have been in the meeting, the Vice Presidential candidate, I think he was in the meeting with us; and for 1 hour and 30 minutes with Jack Caravelli from the NSC, the National Security Council, and with Leon Firth, the Vice President lobbied us not to have the Senate pass the Iran missile sanctions bill. When he finished we said the same thing: it is too late, Mr. Vice President.

The following week, the Senate voted that bill; 96 Senators voted for the bill, which meant it had a veto-proof margin in the House and in the Senate. But let me tell my colleagues what is so disgusting, Madam Speaker. In neither of those two meetings, which were private meetings with the Vice President and Members of Congress, did the Vice President tell us that he had worked out a secret deal with the Russians to stop proliferation. In neither of those two meetings, with CARL LEVIN, with

BOB KERREY, with JOHN MCCAIN, with Lee Hamilton, and with the gentleman from New York (Mr. GILMAN) in neither of those meetings did the Vice President hold this document up and say, well, do not worry, fellows, I have a secret deal with the Russians. He never told us. Yet, that deal had been concluded 2 years earlier.

Now, why am I so incensed? Because, Madam Speaker, for the past 8 years, this administration has called upon me time and again to get Republicans to support their objectives in regard to Russia. Every time a vote would come up for cooperative threat reduction funding for the Nunn-Lugar program, I would get a call from the White House to help out, and I would help out. Every time the administration wanted something done on our side, I would be glad to help out. When they wanted to convince the Russians that we were taking the right action in Bosnia, I traveled to Moscow with information from the State Department to convince the Russians of the merits of the President's position. Yet, the Vice President did not have the decency to tell not only me, but Members of Congress, that he had cut a secret deal with the Russians to continue to allow technology to flow to Iran.

Madam Speaker, that is not allowed under our Constitution.

Now, the President can set foreign policy; he can enter into treaties, although they have to be ratified by the Senate, but he can do that. The Vice President has no ability to negotiate secret agreements with any Nation, especially when he does not come back and tell the Congress. In fact, the most outrageous part of this whole thing, Madam Speaker, is there is another document I have not gotten ahold of; I will have it and it will be in the CONGRESSIONAL RECORD eventually. That other document is a letter that Viktor Chernomyrdin wrote to Vice President GORE after this deal was cut. I know how the letter started. It said, Dear AL. Dear AL. This was in late 1995. I am going to quote from the letter. I do not have the letter yet, I am getting it. Quote: ''It is not to be conveyed to third parties, including the U.S. Congress.'' So the Prime Minister of Russia sends a letter to our Vice President where he confirms the fact that Russia will continue to send technology to Iran, even though it violates our laws and treaties, and furthermore, Chernomyrdin says, and you cannot tell your Congress that we have entered into this agreement.

Madam Speaker, that is not just outrageous, that is sickening. That is absolutely sickening, that the leader of Russia, Victor Chernomyrdin, could have an agreement with our Vice President that the Congress should not be informed. And there it is, Madam Speaker. It is a quote directly from that letter. I will have that letter in the RECORD.

So a secret deal is cut by AL GORE with Viktor Chernomyrdin that allows technology to flow to Iran, even though those of us in the Congress in both parties are saying it has to stop, it is getting out of hand, it is threatening Israel, APEC is going crazy because they know what happened to the Israeli people in the midst of Desert Storm when they were killed by those Scud missiles, and we are seeing some of that today over in the Middle East. And our Vice President agrees to a letter from Viktor Chernomyrdin that the U.S. Congress should not be informed, and this man supposedly wants to be our President.

I now yield to the gentleman from California (Mr. ROYCE), who has traveled to Russia. He has been a leader in working with their corruption problems. As a member of the Committee on Banking and Financial Services, he has reached out to help them put into place their financial house. He has offered to assist them in bringing stability to the Duma, using some of the techniques we use in our Congress in a bipartisan manner to help oversee the financial transactions that have occurred in Russia. I am happy that he is here tonight, and I yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I just want to mention that the gentleman from Pennsylvania (Mr. WELDON) is one of our foremost experts in the House on advanced weapons technology, and also he has led some 21 trips now to Russia. He speaks Russian, and he has been perplexed, as I have, by this report in The New York Times that without reporting to Members of the House and the Senate, the Vice President had concluded his secret agreement with then-Russian Prime Minister Viktor Chernomyrdin, a secret agreement not to enforce U.S. laws requiring sanctions on any country that supplies advanced conventional weapons to Iran.

As we look at the list of those particular weapons, we see that it includes the advanced submarines, the ultra-quiet, ultra-silent kilo-class submarines that are so difficult to detect, that it includes torpedoes and antiship mines and hundreds of tanks and armored personnel carriers. I think these submarines are but one example of exactly the type identified by Congress when it passed the law as posing a risk to U.S. forces operating in the Middle East.

Madam Speaker, the report of the Speaker's Advisory Group, and I would just mention to the Members, this can be found on policy.house.gov, if Members would like to get a copy of Russia's Road to Corruption. That report notes the unjustified confidence in unreliable officials like Chernomyrdin; it notes the refusal by the administration to acknowledge mistakes and revised policies accordingly; and it notes the excessive secrecy designed to screen controversial policies from both Congress and the public.

This secret agreement, I think, exemplifies every one of these flaws and, tragically, as the Times reported, the decision to flout U.S. law gained us nothing from the Russians. In spite of evidence that both Russian government agencies and private entities were directly involved in proliferation to such states as Iran and Iraq, the Clinton administration continued to rely on personal assurances from a very small cadre of contacts in the Russian Government. Our administration officials, including Vice President GORE and Deputy Secretary of State Talbot, accepted these assurances, despite clear evidence of continued proliferation, rather than believe or admit that proliferation could continue, despite the stated opposition of their partners.

Now, I wanted just to bring to light a second secret Gore-Chernomyrdin deal that was described in the Washington Times on October 17 in a classified ''Dear Al'' letter to AL GORE in late 1995. Chernomyrdin described Russian aid to Iran's nuclear program, and the letter states: ''This information is not to be conveyed to third parties, including to the United States Congress.'' Not to be conveyed to the United States Congress.

As with the first Chernomyrdin deal, this agreement too has been kept secret from us. This letter from Chernomyrdin to GORE indicates that GORE acquiesced to the shipment of not only conventional shipments to Iran in violation of the act, but also of nuclear technology to Iran. According to Vice President GORE, when we listen to his rationale, he says, well, the purpose of this secret deal was to constrain Russian nuclear aid to Iran in the construction of two nuclear reactors. If that is so, Vice President GORE plainly did not succeed, because in August of this year, the CIA reported that Russia continues to provide Iran with nuclear technology that could be applied to Iran's weapons programs. That is what our Central Intelligence Agency is telling us.

The chairman of the House Committee on International Relations, the gentleman from New York (Mr. GILMAN), asked the administration on October 18 if it had pointed out to GORE's Russian partner that it is not the American way for the President to keep secrets from Congress when it comes to such serious national security concerns as the proliferation of nuclear technology. The chairman has yet to receive an answer. The law requires, and I am going to quote it here, that ''The text of any international agreement to which the United States is a party be transmitted to Congress as soon as practical, but in no event later than 60 days after it is reached.'' The law does not contemplate, as the gentleman from California (Mr. COX), the

House Policy chairman, pointed out, does not contemplate that Congress will discover such agreements 5 years after the fact by reading about them through leaks to a newspaper. The Senate Foreign Relations Committee requested the first secret Gore-Chernomyrdin agreement on Friday, October 13, the day that The New York Times revealed it; and now, weeks later, the administration has yet to produce this agreement, or the second Gore-Chernomyrdin letter dealing with nuclear transfers to Iran.

Madam Speaker, I yield back to the chairman.

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my colleague for his eloquent statement and for his tireless work, and I want to acknowledge his leadership in trying to build a stable relationship with Russia. I know the Russians appreciate that, I know the respect the gentleman has, and as a member of the Committee on Banking and Financial Services, they look to him for guidance as they did last year when he was there to help establish a sound financial system.

Now, someone listening to this in their office or one of our constituents might say, well, wait a minute. The President does have a right to negotiate secret agreements, and we are not saying that that is not the case. The President does have a right to act in our best interests and sometimes he may have to make an agreement. But there is a process in place for a few Members of the House and the Senate to be told about those kinds of arrangements. We have a House Select Committee on Intelligence and a Senate Select Committee on Intelligence. They are a very small number of Members from both parties, they are bipartisan, most of their meetings are held in private on the fourth floor of this building, and they are briefed by the administration or the CIA on sensitive issues that cannot be disclosed in public.

Madam Speaker, that is not what we are talking about. Because number one, this was not the President acting; this was an agreement between the Vice President and the prime minister of Russia. Number two, the Vice President cannot make treaties. There is no place in the Constitution for the Vice President to represent America, unless the President for some reason is incapacitated. Number three, any agreement has to be shared with the leadership in the Congress so that Congress is aware of what is transpiring.

□ 1830

None of those things happened, Madam Speaker. We only found out about it 5 years later because a New York Times writer got a copy of this memo and spread the story out on the front page of the New York Times.

Madam Speaker, how could it come that our Vice President could have this kind of a relationship with Viktor Chernomyrdin? It goes back to what I said at the outset, our policy with Russia has been flawed. It was based on personal friendships as opposed to support for institutions.

I wanted Boris Yeltsin to succeed as much as President Clinton did when he took office. I was a big supporter of his. But instead of supporting a person, as Republicans did with the Shah of Iran, for instance, we should have been supporting the institution of the presidency. We should have been supporting the institution of the parliament, which in Russia is the Duma and the Federation Council. We should have been supporting the institution of a court system, of a free market system.

But instead, our policy was based on personal friendships between two sets of people, Bill Clinton and Boris Yeltsin, AL GORE and Viktor Chernomyrdin.

In fact, Madam Speaker, there is another document that needs to be brought forward so the American people can see it. That relates to the special relationship that Vice President GORE had with Viktor Chernomyrdin.

During the days that Viktor Chernomyrdin was the Prime Minister of Russia, there was a process started called the Gore-Chernomyrdin Commission to work in a very positive way, much of which I supported, on helping build stable relations. But the Vice President became too enamored with the man, as opposed to the process.

Our intelligence community got some evidence that Viktor Chernomyrdin was involved in corrupt activities in Russia with the oil and gas industry. So as they do frequently, our CIA wrote a memo that went to the Vice President, a classified memo, which they do frequently, to the Vice President telling him that the CIA had evidence that his partner and friend, Viktor Chernomyrdin, was involved in corruption with the Russian oil and gas industry.

What was the Vice President's response? He was very upset, red-faced, and allegedly wrote the word ''bull,'' and I cannot say the last four letters, but Members can use their imagination, across the front of the memo, and sent it back to the CIA, because he did not want to hear it. He did not want to hear that our intelligence community said his partner was involved in corruption. The Russian people knew he was involved in corruption, which is why he ultimately had to leave office. But our Vice President did not want to hear it.

Here is the rub, Madam Speaker. When the Vice President was asked about this memo on Tim Russert's show nationally telecast just a few weeks ago, the Vice President's statement to Tim Russert was that it never happened, it was not true.

However, in our Russia Task Force, we interviewed a CIA lawyer. Guess what he informed the committee: that more than one CIA analyst saw the notation on a document relating to Chernomyrdin. So now we have a CIA lawyer saying, yes, we have a document that at least two people have seen with the word ''bull'' scribbled across the front of it relating to Chernomyrdin.

The White House stated in a letter in October of this year that, after a diligent search, ''We cannot locate that document, and neither can the CIA.'' If that is the case, it means the document is either lost or stolen. Federal law prohibits the destruction of White House records. If that occurred, that is a Federal offense.

But now, mysteriously, the White House counsel now acknowledges that the Vice President ''recalls having a strong reaction to a CIA report when it was originally shown to him,'' and that ''he may have uttered such a comment and it may have been written down by someone else.''

So we went from a complete denial by the Vice President of ever having written any such statement down and ever knowing about it to now having White House counsel saying, well, yes, he did perhaps utter that statement when he saw the report, but he does not think it was he that wrote it down. Somebody else must have written that word down based on what the Vice President was saying.

The problem was, Madam Speaker, the President and the Vice President did not want to hear the bad news. We all wanted Yeltsin and Chernomyrdin to succeed, but the to deal with Russia, we have to be candid and consistent.

Do Members know why the Russian people hate Americans today, Madam Speaker? It is because they feel we let them down. When Boris Yeltsin left office last fall, the polls in Moscow were showing his popularity was 2 percent. Only 2 percent of the Russian population supported Boris Yeltsin, but Bill Clinton and AL GORE still support him.

When the Russian people knew that Boris Yeltsin's friends, including his daughter, Tatiana, and the bankers that he put into office, the oligarchs, were stealing billions of dollars of money that were going to Russia to help improve the economy, the Russian people knew what was going on. They knew that we knew what was going on. We pretended we did not see it because Bill Clinton and AL GORE did not want to embarrass their friends.

When technology was being transferred to Iraq and Iran, the Russians knew that we knew it was taking place, but they knew that we were hiding that fact. They lost respect for us, because they knew that all America was trying to do was to basically wash over any problems that Russia had.

When Lieutenant Jack Daley, a 15-year career naval intelligence officer, was lasered in the eye by a Russian spy

ship out in Puget Sound, the administration's response was to send a secret cable to Moscow telling the Russians that we have caught them lasering one of our military persons in the eye.

What was the response of the administration? They tried to ruin the career of Jack Daley. After 15 years of the highest ratings in the Navy, in two consecutive ratings he was given the lowest rating that he could get, and his superior officer told him this, and I quote directly, ''Jack, you don't know the pressure I am under to get rid of your case.''

Thank goodness we have a group of stalwart Democrats and Republicans in this body, people like the gentleman from Washington (Mr. DICKS), who joined with us and called the Defense Department and said they cannot do this to an American soldier in uniform. He has been injured. He has been lasered by the Russians, and they were taking the side of Russia.

Thank goodness we stood up, and in September of last year former deputy Secretary of Defense John Hamre called me on the phone and said, Curt, we have just convened a special board of inquiry and they have just reported that Jack Daley was wronged. He got his promotion.

How about Jay Stuart, a career Department of Energy intelligence official who had an outstanding career, given the highest award, but because he was telling Hazel O'Leary that there were problems with Russia's nuclear weapons, his job was eliminated. His career was ruined.

Or how about Notra Trulock, whose simple offense was he told the truth? He has not been able to work for the past 3 months.

Time and again, Madam Speaker, this administration has played politics with our relationships. Today our relationship with Russia is as bad as it ever was under the Communist rule. In fact, I would say it is far worse than that, because the Russians no longer trust us. They do not know what our foreign policy is. They think it is a roller coaster, up and down. We use Russia when it is to our convenience, and we ignore them when it is in our best interests, according to our administration.

Madam Speaker, I can tell the Members this, that it is absolutely unacceptable that the Vice President of the United States 5 years ago entered into a secret agreement with the Prime Minister of Russia that allowed technology to flow to Iran, as acknowledged by Secretary Albright in her letter that I just put in the RECORD, that would have been subject to sanctions under U.S. laws and arms control treaties.

The President wonders why this Congress will not support treaties that he has brought up, like the treaties involving strategic arms reductions, or treaties involving chemical weapons, or treaties involving a nuclear test ban? How can this Congress trust this administration on treaties when we have had secret deals and arrangements made by individuals that basically say those treaties are not worth anything?

Madam Speaker, this is not the way this country has operated. We have had some embarrassing things occur in our history by leaders in both parties. I am not saying this is only done by Democrats, because that would be false. But I have never seen an incident where a Vice President negotiated a secret deal to allow technology to continue to flow to one of our enemies, and agree with the leader of that country that the Congress should be kept uninformed, even though we admitted that every violation that occurred was a violation of an arms control agreement that would have required sanctions.

Madam Speaker, there is no wonder why we do not have the respect around the world from China, Russia, from the Middle East, the Palestinians, North Korea. Foreign policy has to be based on consistency and candor, and we have neither.

Mr. GILMAN. Madam Speaker, I want to commend the gentleman from Pennsylvania, Mr. WELDON, for organizing this discussion of the Clinton Administration's policy toward Russia, and I thank him for inviting me to participate in it.

During the six years that I have chaired the Committee on International Relations, we have been keenly interested in U.S. relations with Russia. The members of our Committee have become increasingly concerned in recent years as the optimism that we had about the prospects for reform in Russia have evaporated. Sadly, the policies of the Clinton Administration have failed to consolidate democracy, free markets, and respect for human rights in Russia.

The failure of the Clinton Administration policy has many dimensions, and my colleagues have touched on many of those dimensions today. I will focus my remarks on one dimension that is of particular concern to me: the failure to stem Russian proliferation of dangerous weapons and weapons-related technologies to Iran.

Congress has tried repeatedly over the years to force the Executive branch to do something about Russian proliferation to Iran. When Vice President AL GORE was still a Senator, he joined with Senator JOHN MCCAIN to author legislation known as the Iran-Iraq Arms Non-Proliferation Act of 1992. More recently, Congressman GEJDENSON and I worked with Senator TRENT LOTT and Senator JOE LIEBERMAN to enact the Iran Nonproliferation Act of 2000.

These laws, and others that have been enacted between 1992 and this year, attempted to discourage Russian proliferation to Iran by threatening to impose U.S. sanctions.

I regret to inform my colleagues that these laws appear to have failed. They have failed not because they were badly written, but because the Clinton Administration has put at least as much effort into avoiding having to apply them as it has put into applying them.

Our Committee held a hearing three weeks ago on the Administration's systematic disregard of the recently-enacted Gilman-Gejdenson-Lott-Lieberman Act. Our hearing revealed that the Administration has failed to submit either of the first two reports on proliferation to Iran required to be submitted under that law, and that the National Aeronautics and Space Administration has adopted a legal interpretation of the law designed to eviscerate it. Clearly NASA wants to continue business as usual with Russia as if this law had never been enacted. NASA's legal interpretation of the Gilman-Gejdenson-Lott-Lieberman Act was denounced on a bipartisan basis at our hearing.

Even more alarming, we have learned from press reports that Vice President GORE signed an agreement with Russia in 1995 in which he agreed to permit certain Russian arms sales to Iran to proceed, and he promised that no sanctions would be imposed under the Gore–McCain Act. To get to the bottom of this alarming news, we have asked the Administration to let us see the full text (including all attachments) of the agreements they signed. To date, the Administration has refused to show the full text to anyone in this body other than the Speaker and the Minority Leader.

Madam Speaker, it is clear that this Administration has a lot of explaining to do about its policy toward Russia.

Yesterday I joined with the distinguished Chairman of the Committee on Armed Services, the gentleman from South Carolina, Mr. SPENCE, and the distinguished Chairman of the Permanent Select Committee on Intelligence, Mr. GOSS, in sending a letter to the President demanding full disclosure to Congress of all secret deals with Russia regarding proliferation to Iran. I submit our letter to be inserted at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, October 31, 2000.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT. We are deeply concerned about information that has emerged recently about secret understandings reached between your Administration and the government of the Russian Federation regarding proliferation to Iran. A distinguished bipartisan group of eleven former secretaries of state, secretaries of defense, national security advisors, and CIA directors has also expressed alarm about your Administration's acquiescence in such proliferation from Russia to Iran, as well as the Administration's failure to fully disclose its policy to Congress.

We share the view of these distinguished former officials that there can be no justification for your Administration's acquiescence in the transfer to Iran of advanced military equipment such as modern submarines, fighter planes, and wake-homing torpedoes. Such transfers jeopardize the lives of our military personnel in the Persian Gulf region and put at risk the security of our nation and of our allies in the region. Moreover, Iran, as the world's leading sponsor of international terrorism, may well be a conduit for arms and technology to terrorist groups. Obviously these groups pose an imminent threat to U.S. personnel worldwide, as demonstrated by the recent attack on the U.S.S. Cole.

The Administration's failure to fully inform Congress of this policy presents a threat of a different character. Congress cannot effectively exercise its constitutional responsibilities if kept in the dark about such matters. Continued efforts by the Administration to withhold information about such policies from Congress is inconsistent with the constitutional separation of powers.

We are especially troubled by the fact that both the policy adopted by the Administration, and the Administration's decision to withhold from Congress key documents relating to that policy, may have violated U.S. law. The Gore-McCain Act (50 U.S.C. 1701 note) may have been violated by the Administration's commitment in the June 30, 1995, Aide Memoire not to sanction certain weapons transfers from Russia to Iran. That agreement was required to be transmitted to Congress under the Case-Zablocki Act (1 U.S.C. 112b), but the Administration chose instead to withhold that agreement from Congress. And against this background, the Administration has persisted in disregarding the recently-enacted Gilman-Gejdenson-Lott-Lieberman Act (Public Law 106–178) regarding proliferation to Iran.

In view of the serious questions that have been raised, we believe that the only acceptable course for the Administration at this point is full disclosure. In order to permit you to clear the air regarding allegations that officials of your Administration have secretly committed our nation to policies which at best undermine our national security, and at worst may violate U.S. law, we respectfully submit the following request for relevant documents.

We would appreciate your transmitting the documents described in paragraph (1) to the Committee on International Relations no later than Thursday, November 2nd. We would appreciate your arranging for the custodians of the remaining documents to transmit them to their oversight committee of the House of Representatives no later than Friday, December 1st. Please be assured that we will properly protect all classified information submitted in response to this request.

(1) Documents in the custody of the Secretary of State:

(A) The Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, along with all annexes thereto that have at any time been in effect (including any amendments to such annexes).

(B) The letter dated December 9, 1996, from Russian Prime Minister Viktor Chernomyrdin to Vice President Al Gore, any correspondence from the U.S. Government to which that letter was responding, and any U.S. Government response to that letter.

(C) The letter dated January 13, 2000, from Secretary of State Madeleine Albright to Russian Foreign Minister Igor Ivanov, transmitted by the Department of State on January 13, 2000, in a telegram designated ''State 008180''.

(D) The letter dated December 17, 1999, from Russian Foreign Minister Igor Ivanov to Secretary of State Madeleine Albright.

(E) The Department of State telegrams designated ''State 243445'', ''State 244826'', ''Moscow 32441'', and ''Moscow 362'', referred to in the Department of State telegram designated ''State 008180'' of January 13, 2000.

(2) Documents in the custody of the Secretary of State, the Secretary of Defense, the director of Central Intelligence, or any agency or establishment within the Intelligence Community:

(A) All documents that contain, refer, reflect, or relate in any way to transfers or possible transfers of goods or technology from Russia to Iran in violation or potential violation of commitments contained in the Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, or the letter dated December 9, 1995, from Russian Prime Minister Viktor Chernomyrdin to Vice President Al Gore.

(B) All documents that contain, refer, reflect, or relate in any way to possible revisions to the understanding set forth in the Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, and the annexes thereto.

(C) All documents that contain, refer, reflect, or relate in any way to possible application of the Case-Zablocki Act (1 U.S.C. 112b) to the Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, or the letter dated December 9, 1995, from Russian Prime Minister Viktor Chernomyrdin to Vice President Al Gore.

(D) All documents that contain, refer, reflect, or relate in any way to consideration of whether goods or technology transferred from Russia to Iran contributed to efforts by Iran to acquire destabilizing numbers and types of advanced conventional weapons.

(E) All documents that contain, refer, reflect, or relate in any way to consideration of whether weapons transferred from Russia to Iran destabilized the military balance in the Persian Gulf region, or enhanced Iran's offensive capabilities in destabilizing ways.

(F) All documents that contain, refer, reflect, or relate in any way to other secret understandings or agreements, or secret provisions of understandings or agreements, reached by the Clinton Administration with Russia regarding transfers to Iran or any other country of weapons-related goods, services, or technology.

(3) Documents in the custody of the Administrator of the National Aeronautics and Space Administration:

(A) All documents that contain, refer, reflect, or relate in any way to the rationale or justification for purchase from the Russian Aviation and space Agency of the items referred to in the letters dated February 11, 2000 and February 15, 2000, from the Administrator of the National Aeronautics and Space Administration to Chairman F. James Sensenbrenner, Jr., of the Committee on Science (exclusive of those items that, as of the date of the adoption of this resolution, already have been acquired from the Russian Aviation and Space Agency).

(B) All documents that contain, refer, reflect, or relate in any way to utilization of the exception for crew safety contained in section 6(f) of the Iran Nonproliferation Act of 2000 (Public Law 106–178), or interpretation of the term ''necessary to prevent the imminent loss of life by or grievous injury to individuals aboard the International Space Station'' as contained in that section.

We appreciate your prompt attention to this request.

With warmest regards,

Sincerely,

BENJAMIN A. GILMAN,
Chairman, Committee on International Relations.

PORTER J. GOSS,
Chairman, Permanent Select Committee on Intelligence.

FLOYD SPENCE,
Chairman, Committee on Armed Services.

GENERAL LEAVE

Mr. WELDON of Pennsylvania. Madam 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 the subject of my special order.

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

There was no objection.

TIPPING THE BALANCE: GEORGE W. BUSH AND THE SUPREME COURT

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

Mrs. MALONEY of New York. Madam Speaker, when women and Americans go to the polls on Tuesday, I believe there will be two words more important and more at stake than any other. These two words are not ''Democrat'' and ''Republican,'' they are not ''House'' and ''Senate,'' and they are not even ''Gore'' and ''Bush.''

The two words that this election comes down to are ''Supreme Court.'' The next President of the United States will appoint at least two or three, maybe even more, Supreme Court Justices. He will define our constitutional rights not for the next 4 years, but for the next 40.

If G.W. Bush is elected and the balance of the court tips right, which it will, far right, the consequences are clear: civil rights, privacy rights, and reproductive rights will be in jeopardy. Our environmental protections, affirmative action, and the separation of church and State will all be on the line, because the fact is these two words, ''Supreme Court,'' can come down to just one vote.

Right now, one single vote protects a woman's right to choose and recognizes her fundamental control over her own body. Both Planned Parenthood versus Casey and Stenberg versus Carhart demonstrated that a woman's right to choose is fragile. It hangs by the slimmest of margins five to four.

Without the protection of Roe v. Wade, Congress and many State legislators have proven that they are willing to pass laws restricting abortion procedures, even when a woman's health is at stake. Yet, to overturn Roe, to put a woman's health and her very life at risk, G.W. Bush would not need to use three appointments or even two. It would just take one.

He says he trusts the people and not the government to make their own decisions. He must not be talking about

women. One vote. There are those who say there is no way to predict. They say Justices are independent; that Reagan appointed Sandra Day O'Connor, who is pro-choice; that the would-be impact of G.W. Bush on the bench is exaggerated.

But I think that the best way to measure someone is through not what they say but what they do. When asked what kind of Justices he would appoint to the bench, Governor Bush said very clearly, strict constructionists, like Scalia and Thomas, the far right of the current court. Governor Bush is not just looking to tip the balance to the right, he wants to knock the scales over.

If Members doubt that Scalia, Thomas, and Bush would wipe out many of the protections Americans hold dear and undermine decades of Supreme Court decisions, just look at the Scalia and Thomas dissents.

Scalia, Thomas, and Bush would exempt elections for State judges from all provisions of the Voting Rights Act.

Scalia, Thomas, and Bush would permit sex discrimination in jury selection.

Scalia, Thomas, and Bush would eliminate affirmative action.

Scalia, Thomas, and Bush would restrict remedies for discrimination, while at the same time making it harder to prove discrimination.

And who would join Scalia, Thomas, and Bush? Let us look at the possible short list: J. Michael Luttig of the Fourth Circuit. He wrote the opinion that prevents women from suing their attacker in Federal court under the Violence Against Women Act.

Judge Luttig, along with another potential Bush pick, Fourth Circuit Chief Justice J. Harvie Wilkinson, led the charge to overturn the Miranda decision that says, you should know your rights if you are arrested.

Judge Emilio Garza said Roe v. Wade may not be constitutional law.

Justice Samuel Alito is so conservative that he is now referred to as ''Scalito,'' and Judge Edith Jones, a severe critic of death penalty appeals. She overruled a decision that a Texas death row inmate deserved a new hearing, even though his lawyer literally slept through part of the trial.

□ 1845

These judges are not the extreme on Bush's list. They are the list. They are not the exceptions to the rule, they make the rules, and we will have to abide by them.

If you believe in women's rights, AL GORE should shape the court. If you believe that minorities should be counted and respected; if you believe everyone is innocent until proven guilty; and if you believe, like I do, that justice should be blind and not asleep, AL GORE should shape the court.

AL GORE, not Scalia, Thomas and Bush, should protect our rights for the next generation.

When we vote, we will elect a President for 4 years. Supreme Court appointments last a lifetime. Two words, Supreme Court; one vote, one choice, AL GORE.

THE HORRIBLE DEBT OUR NATION FACES

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 60 minutes.

Mr. TAYLOR of Mississippi. Madam Speaker, I want to thank the gentleman from Texas (Mr. STENHOLM), my colleague, for joining me tonight.

Madam Speaker, I have come to talk about what I consider to be one of the greatest threats to our Nation, and that is the horrible debt that our Nation faces and the absolute reluctance on the part of both Presidential candidates and almost everyone who seeks higher public office to deal with it.

Mr. Speaker, when I go down the street in my home State of Mississippi and folks ask me where do their tax dollars go, they are almost dumbfounded when I tell them that the largest expenditure of their Nation is interest on our Nation's debt.

Yesterday our Nation spent $1 billion on interest on the national debt. We did the same thing today. We did it 3 days ago. We did it 5 days ago. We have done it every day for the past year. Unless we change the way we are doing business here in our Nation's capitol, we will spend at least a billion dollars on the national debt tomorrow, the next day, and every day for the rest of our lives.

What do we get for that? It does not educate one child. It does not build one inch of highways. It does not build one war ship to defend our Nation. It does not pay the kids in uniform. It is squandered down a rat hole and most appropriately, and something most Americans would find very disturbing, is about one third of the interest on our Nation's debt is fully paid to foreign lending institutions. See German and Japanese lending institutions actually control the papers on about one third of our Nation's debit.

For my father and your fathers, those who fought the great World War II to save us from the tyranny of then Nazi Germany and Imperial Japan, you have to imagine how upset they would be to realize that the nations they saved us from now control America's financial future because they control our debt.

Madam Speaker, I often wonder how this incredible misperception of a big budget surplus could come from, because we hear it every day. I hear otherwise educated people talk as if they are mindless idiots. So when they talk about an alleged surplus, I really wonder again where it comes from.

I think I know one of the places that it came from. This was an ad that was run in several national publications, including the USA Today. It was run December 6 of 1995, and it features then head of the Republican National Committee, a face that most of you would remember, a guy named Haley Barbour from the State of Mississippi.

It is a full-page ad. He is holding a million dollar check, and it says up top, heard the one about the Republicans getting Medicare? It says down here the fact is that the Republicans are increasing Medicare spending by more than half. I am Haley Barbour. I am so sure of this fact that I am willing to give you this check for a million dollars if you can prove me wrong.

He goes on down here to have the actual terms of that challenge. Here is why you have no chance for a million dollars. The Republican National Committee will present a cashier's check for $1 million to the first American who can prove the following statement is false, in quotations, in November of 1995, the U.S. House and Senate passed a balanced budget bill. It increases total Federal spending on Medicare by more than 50 percent from 1995 to the year 2002 pursuant to congressional budget standards.

Madam Speaker, what was called to his attention in a hand-delivered letter just a few days later is that the bill that they passed for that year to run the Nation was not a balanced budget bill.

For you at home, for me, for our Nation, for my State, a balanced budget is when you spend no more than you collect, where you are collecting your salary and what you spend or what this Nation or my State collects in taxes and what they spend. If you spend more than you are collecting, then it is not a balanced budget, that is a deficit budget.

Remember this change was made on a budget that passed in November of 1995, so that would have been the budget for the fiscal year 1996, running from October 1 1995 through September of 1996. As we can see, and this is for those of you who have your computers at home, the source for this is the United States Government annual reports for the fiscal years 1996, 1997, 1998 and 1999, all taken from the monthly Treasury statements for the month of September for those years.

What you can see is for the fiscal year 1996, the first year that the challenge would have been in effect, the Republican Congress passed a budget that was $221 billion, $960 million in deficit. That is almost a billion a day that they were spending more than they were collecting in taxes, so maybe they did not get to the balanced budget quite as quick as they thought they could.

For fiscal year 1997, Federal funds were $145,217,000 in deficit. As you can

see, these are the trust funds, things like the Social Security trust fund, but for the Federal trust funds, the real portion that we determine, there was no balanced budget. Fiscal year 1998, $88,088,000 in deficit. Fiscal year 1999, $82,998,000 in deficit.

All of these years later, the Nation finally turned a surplus in September of the year 2000. It was not easily accomplished. I came to the House floor in the month of July to point out that through the end of June, our Nation was running an $11 billion annual operating deficit. Again, these are from the monthly Treasury statements, Department of Treasury, table 8, page 30.

What you do not see is and what you do not hear is when they talk about a big surplus, they are not telling you that that surplus is in the Social Security trust fund, the military retiree trust fund, the Medicare trust fund, the highway trust fund. The key word in each of these sentences is the word trust.

These are taxes that are collected from a specific group of people and set aside by people who trust our Nation to spend them on nothing but that one purpose. When my young daughter teaches sailing lessons during the summer and she pays Social Security on that paycheck, she trusts that money will be set aside so that years from now when she is a senior citizen that money will be available for her Social Security.

When you go to the gas pump and pay gasoline taxes, you trust that that money will be set aside to build roads.

When a military person serving our Nation in places like Korea, places like Bosnia, Kosovo pays into his trust fund, he trusts that that money will be set aside for when he retires so that his retirement check is sent every month.

When someone pays into the Medicare trust fund, all of us are counting on that money being set aside so that when we need those services, that money will be there.

The only surpluses that are out there are in the trust funds. So to say that I am going to have a big tax break or we are going to spend a whole lot more money because of these big surpluses, my question to those people are, who are you going to steal it from? Are you going to take it from people's Social Security trust fund? Are you going to take it from their Medicare trust fund? Are you going to steal it from the military retirees? Are you going to steal it from the people who bought gasoline and paid the tax on that?

Madam Speaker, the one bright light of this year, I think, as far as this Congress is concerned is that for the first time in 30 years, the Nation collected more than it spent. It collected about $8 billion more than it spent on expenditures for the Nation. So for the first time in 30 years, there actually was a surplus.

What that fails to note is that there was an extraordinary amount of money collected in the month of September and a reduction in normal operating expenditures. It was an accounting game that was played so that we could have a surplus.

One of the games that was played was a very unfortunate trick to the people who serve our Nation in uniform. They are normally paid on the last of the month, but because September 30, 2000 fell into fiscal year 2000 and October 1 was in fiscal year 2001, Congress voted to delay their pay to October 1, so that that $2½ billion accounting cost would go on this year and not on last.

If you are a Congressman, and everybody knows congressmen make good money, having to wait between a Friday and a Monday for your paycheck, not that big of a deal. But if you are an E–3, an E–4, an E–5 out there, if you are a young lieutenant with a couple of kids running around the house, that weekend of waiting to buy baby formula or Pampers or whatever was an incredible inconvenience to them.

So from my Republican colleagues who are regularly telling me that they support the troops, I ask my colleagues if they support them so much, why did they delay their pay just so they could pretend to balance the budget?

Madam Speaker, this is the American financial portfolio that the next President of the United States will inherit. There is no surplus. Our Nation is almost $6 trillion in debt. The public debt on September 30, 2000 was $5,674,178,209,887.

For George Bush or AL GORE to say because we had an $8 billion surplus that we should go out and start great, new spending programs or cut taxes by over a trillion dollars is literally like a fellow who has not made his way for 30 years.

He has not broken even 1 month for 30 years, and he finally clears a profit of $1,000 and he is getting ready to celebrate with that $1,000 and going on a spending spree, totally ignoring that during those 30 years he has grown the equivalent of $686,000 of credit card debt, $686,000 versus 1; that is what $8 billion compares to this debt that we owe and we continue to pay a billion dollars interest every day.

Madam Speaker, that is the public debt of the United States, again, contrary to what my Republican colleagues are saying, they are not paying it down. It increased by $17,970,308,271.43 last year.

For those of you who doubt my figures, I would encourage you on your computers http://www.publicdebt.treas.gov/opd/opdpenny.htm. It is public record, that is what we owe.

Mr. Barbour, since my Republican colleagues have made such a good point about the need for people to be honest, to be forthright, to stick to their word, I am asking you tonight on national television to stick to your word. You made a promise. You made a pledge. You laid down a challenge. I accepted your challenge. I hand delivered my response to the Republican National Committee a couple of blocks from here.

□ 1900

Your response to my challenge was to sue me and about 80 other Americans who did nothing more than to answer your challenge.

I am a Congressman. It is pretty easy for a Congressman to find a lawyer. Some of the people that you sued served in the United States military. Many of them were retirees on fixed income. I call that low-balling tactics. So in response to your suing me, I have also had to hire an attorney. But I will make this promise to you when you keep yours. And after I have to pay the attorneys that I had to hire because you sued me, I will take that million dollar check and what I do not have to pay to the lawyers and donate it to the University of Southern Mississippi.

But I am going to remind every American that I do not want to hear you or any of my Republican colleagues talk about honesty in government until you keep your word.

Mr. Speaker, I yield to my friend, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank my friend from Mississippi for yielding to me, and I thank him for continuing to come to the floor and to make the very valid points about this so-called surplus.

I also appreciate him bringing up the word ''honesty.'' Because each and every one of us that is elected to this body are basically honest people, 435 Members; but many times in the heat of political battle we tend to stretch the truth when it is perceived to be politically advantageous.

And when we start talking about the debt and the fact we are here tonight, Mr. Speaker, three of us in this Chamber right now working, at least three of us are working, and I would renew the invitation to any of my colleagues on the other side of the aisle who might be back in their offices working to come to the floor and to participate in this discussion, challenge the gentleman from Mississippi (Mr. TAYLOR) on that which he has said and challenge me on some of the things that I am going to say. Because I do not intend to misrepresent the truth tonight.

But things are getting a little ridiculous around the House of Representatives. The Senate went home today. ''With the budget unresolved, the Senate agreed to adjourn until after the election.'' And they are gone. But yet, we have already heard speakers on this floor today saying we are going to work throughout the weekend.

I would like to work throughout the weekend to resolve this budget impasse

before the election, because I am not real sure we are going to do a very credible job after November 7, any better than we are doing before. There are a lot of people out in the country now beginning to talk about the job that the 106th Congress is doing.

The San Jose Mercury News, on October 24: ''Congress has been doing very little but doing it very expensively. What the Republicans have not needed from Clinton is any encouragement to spend money. Facing a close election, they have not only been giving Clinton what he wants but pumping money into their own districts with a fire hose.''

Eight of the 10 appropriations bills that Congress has passed and sent to the President would spend more than the President had requested. According to the estimates of the Congressional Budget Office, the 10 appropriations bills that this Congress has sent to the President would spend $505.5 billion in outlays, which is 10.7 more than the $494.8 billion the President requested including the supplementals calculated by the Congressional Budget Office.

The increase in discretionary spending caps for fiscal year 2001 adopted by the House on a party line vote as part the Foreign Operations appropriations conference report, rollcall No. 545, would allow Congress to increase discretionary spending above the amount requested by the President by $13 billion in the budget already and $8 billion in outlays.

Now, what has this got to do with what the gentleman from Mississippi (Mr. TAYLOR) has just been saying? Everything.

Discretionary spending is that which the Congress appropriates. The only way we can spend that money, the only way the President can spend that money, and we keep hearing about the President spending money, and I have now been privileged to serve in this body with four Presidents and they are all alike regarding the Constitution, but no President may spend money that the Congress does not first appropriate, whether it is for foreign aid, whether it is for highways, whether it is for agriculture, whatever it may be.

According to the bipartisan Concord Coalition, if discretionary spending continues to increase at the same rate it has over the last 3 years under the Republican Congress for the next 10 years, nearly two-thirds of the projected $2.2 billion surplus that is non-Social Security will be wiped out.

Now, that is a fact. That is why the chart of the gentleman and what he says about the surplus is critical to the actions that we are taking today.

Let me quote another newspaper. Everybody gets all upset when we talk about newspapers from the Northeast, but let us talk about the Des Moines Register, October 27: ''If nothing else, this session of Congress should lay to rest the cliche about Democrats being the party of big spenders and the Republicans being the party of less government. The Republicans that control this Congress are setting the record for big spending. The Republican majority stands accused of wallowing in classic pork barrel politics.''

Now, here is the main point that I want to plug into the discussion tonight. We should have completed our work we said by October 5 or October 6. We are now 32 days into the new fiscal year, and we still have not gotten an agreement.

Now, there is a lot of finger-pointing going on. And, oh, have we heard it again today, who is to blame for the stalemate, and a lot of rhetoric about who wants to work. And I think it is going to get even more ridiculous tomorrow. Because here we are basically having completed our work for today at 4 o'clock in the afternoon as far as legislation is concerned and we will not go back into the session for any work, ''legislation,'' until 6 o'clock tomorrow evening. But most of us and my colleague and the gentleman from Mississippi (Mr. TAYLOR) and I, we understand that the work we are talking about should be going on in a conference between the appropriators and the House, majority and minority, and appropriators in the Senate, majority and minority.

But we have already heard the Senate has gone home. There are no meetings going on. And again, if someone can clarify this, if there are meetings, then I want to stand corrected. Because I do not wish the CONGRESSIONAL RECORD tomorrow to have me saying something that is untrue. If there are meetings going on at this moment or were there any meetings to work out the differences yesterday, I would love for the CONGRESSIONAL RECORD to show documentation that there was one meeting to resolve the budget differences that we are talking about that have kept the House in and that are going to keep us here through the election.

This is the rhetoric going on. That is fine. We can talk about work all we want to. But if there is no work going on, who are we kidding? 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? Why was there not that invitation?

You would think, based on the rhetoric that we have heard on the floor, that the President has been out of town campaigning. But I believe if you check the White House attendance record you will find that the President was available all day last Friday, all day last Saturday, all day Sunday, of which the first meeting that occurred, the first work that occurred in the Congress over the weekend occurred beginning at 10 o'clock Sunday night and concluded at 1:20 with an agreement that then blew up. The President was available all day Monday. He was available until 1 o'clock yesterday. He was in town today. His schedule is flexible for the remainder of the week. Why has the leadership of the Congress not engaged the President on any one of those days? That is, I think, a serious legitimate question.

The administration and the Democratic negotiators tell me that they continue to be available and will be available to meet with the Republican leadership to negotiate on these items. Can anyone from the other side tell me of a single invitation to meet and negotiate over the remaining items that the administration or Democrats from Congress have refused to attend?

Now, we can stay here and pretend that we are working by having one vote each day or two. We will approve the Journal and then we will have a 24-hour extension. But who are we kidding? Who are we kidding if there are no negotiations going on between our leaders?

Now, I think it is important to remember that the leadership of this House said early this year we were going to complete our work on time, we were going to run the trains on time, but we would not negotiate with the President of the United States. That is fine. That is a prerogative of leadership to make a plan. But I think again a little practical constitutional reminder is in order.

This President, the previous three Presidents, the next President, you cannot be a President in the Congress unless you have two-thirds of the vote. You can disagree. You can dislike him. You can call him names. That is one of the great privileges that we have in this country is to criticize the President and criticize the Congress. It is one of the marvels of our system. It is called freedom of speech. We can be as critical as we want to. But in the end, it is incumbent upon the Congress to get our work done.

And the majority party in the Congress is responsible for getting our work done. It is not the minority. You cannot blame it on the minority leader as some are doing now. You cannot blame it on the minority in the Senate. Oh, you can do it. It is the easiest thing in the world to say it. But the truth is, under our constitutional form of government and our rule of majority, the only action that can be taken is that which is approved by the majority.

Now, if you want to override a Presidential veto, there is a way to do it. You find 73 Democrats to vote with you, assuming all Republicans are in agreement. It is called two-thirds. To

get two-thirds, though, you have to at least try to work with the other side of the aisle. At no time in these last few days as we are talking about working has there been any serious overtures over to this side of the aisle that I am aware of to begin working on compromises. We are basically down to three or four things that are keeping us from completing our work and going home for the election. Immigration. A lot of controversy on that one. But there is a good solid middle ground that I think the majority on both parties can support. School construction. Again I think there is a good solid middle ground that could be worked out if folks sat down and just worked on that issue or awfully, awfully close.

The appropriators, the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), have done great work and they are deserving of no criticism. And I mean no criticism of the gentleman from Florida (Chairman YOUNG) and the other appropriators. That is not the problem.

We have a crisis of leadership of refusing to do that which is necessary to get the work of the House completed. And here I have seen charts, bringing up charts here saying, ''How much is enough?'' I hope we have burned those charts because they are inaccurate. They are inaccurate. We have stated how much money is going to be spent in 2001. The majority party very clearly voted to increase the cap by over $100 billion more than the budget that they had originally called for in the 1997 Budget Act.

□ 1915

So that is all behind us. Anyone that is proposing to spend new money or more money, whether it is the President or anyone else, knows that if it is an appropriated dollar, that it is going to have to come out of somebody else's pocket. The gentleman from Mississippi has pointed out that when we start talking about spending, we are taking it out of somebody's pocket. It is coming right out of somebody's pocket, no matter how you choose to spin it.

Well, I hope that sometime tonight, or tomorrow or by 6 o'clock tomorrow that the leadership of this House will realize that it makes no sense to continue to say that we are working if nothing is going on.

Mr. TAYLOR of Mississippi. I thank the gentleman from Texas. The gentleman from Texas and I come from different parts of the country and therefore represent different interests. The gentleman from Texas comes from an extremely agricultural part of Texas. He chose to serve on the Committee on Agriculture. As a matter of fact, he is the ranking Democrat on that committee. I come from an extremely patriotic part of the country. I happen to be fortunate enough to know two living Medal of Honor recipients, and we have a number of military installations and defense contractors in south Mississippi, one of them being Ingalls Shipbuilding, built over half the ships in the fleet.

One of the misstatements that is often said on this House floor is that it is somehow President Clinton's fault that the fleet is shrinking, that there are fewer airplanes, fewer people in uniform. I would like to remind my colleagues that say that, and I am sorry that none of them are on the floor here tonight, to read the Constitution of the United States. Article 1, section 8, that part that gives Congress its responsibilities, says it is Congress' job to provide for the national defense, that it is Congress' job to provide for the Army and the Navy.

I would further remind my colleagues that article 1, section 9 of the Constitution, and I encourage all of you to read it at home, says that no money may be drawn from the Treasury except by an appropriation by law. So what does that mean, when they say the President did not build enough ships, he did not build enough airplanes? No, what it really means is that they have not put enough money in their budget that passed with an overwhelming majority of their votes to build those ships.

Specifically, Mr. Speaker, I would like to remind the American public that on January 1, 1995, the day the Republicans officially took over the responsibility of running both the House and the Senate, our Nation's fleet had 392 ships in the Navy. Today, the fleet is 318 with the *Cole* being out of commission. So it is 317. Our fleet is now the smallest it has been since 1933. This with a Republican majority in the House and the Senate that can put all the money they choose to, if they choose to, into the defense budget.

Mr. Speaker, my criticism is that in search of tax breaks geared mostly toward the wealthiest Americans, you have shortchanged the troops. We have got kids flying around in old helicopters 30 years old. The newest Huey out there that our soldiers are flying around in is over 30 years old. The newest C–141 out there that our Air Force crews are flying right now is nearly 30 years old. We have the smallest number of ships that we have had since 1933 during the Depression. Again, article 1, section 9 says that no money may be drawn from the Treasury except by an appropriation by Congress.

Now, somebody out there will say, maybe the President vetoed those defense bills. And he did veto some of them. But never over spending. He vetoed them over social issues, and I disagreed with him on those social issues. I do not think we ought to be performing abortions at military hospitals. I was not for the ''don't ask, don't tell'' policy. But those are social issues. He never vetoed a defense bill over spending. So when I hear people come to the floor and say, Well, it's Clinton's fault, I beg to differ. It is your fault. In search of tax breaks for the wealthiest Americans, you have shortchanged America's defense, and I will scream it from the highest mountaintop because I know it to be true.

One of the things that I hope the next President will concentrate on is America's defense, because again I hear many of my Democratic colleagues talking about everything but defense, and quite frankly I hear far too many of my Republican colleagues talking about everything but defense. We have a Nation that wants to get involved in school construction. Where I come from that has traditionally been a local responsibility. We are talking about getting involved in all sorts of things that are normally State and local responsibilities when the greatest national responsibility is to balance our budget and defend the Nation. That is what we ought to be doing, and that is what we ought to be doing very well.

I want to point out to my colleagues that I do not think my Republican colleagues have done that very well.

Mr. STENHOLM. Mr. Speaker, another area that we have been very derelict on in the 106th Congress and that has to do with energy policy. We paid a pretty good price, it was not nearly as bad as it could have been, with Desert Storm. But we had to send our youngest and finest into harm's way, and it was one of the toughest votes that I have had to cast in support of President Bush's move to send our troops over to the Middle East. Everyone knew we did not go over there to put the emir back on his throne in Kuwait. We went over there to defend the Free World's access to oil.

There for a while after that, I thought that Congress and the administration would begin to recognize that the lack of an energy policy in the United States is a national security policy. But we have gone through one more Congress now and one more administration without dealing with an energy policy. Oh, the finger-pointing has been going on, but you do not solve problems with finger-pointing. One of the things that I think the gentleman from Mississippi and I, and I believe the gentleman in the chair fits right into this mix, whether it is Idaho, Mississippi or Texas, my folks do not like to hear criticism of the other guy. They do not like to hear Democrats criticizing Republicans, Republicans criticizing Presidents unless you offer a constructive alternative, unless you say, I'm against this but here's what I'm for.

And here I believe that the reason that we are here tonight and we still have not completed our work, it has been a failure of leadership, of recognizing that we had, or we should have,

passed a budget that could have restrained spending. We did not agree with the President's original call. We, the Blue Dogs, did not agree with the President's original spending call of $637 billion. And we did not agree with the Republicans' call for $625 billion, because we did recognize there needed to be some additional spending, in the defense area in particular but in rural America, in education; and, therefore, we suggested a compromise between what the President proposed and what the majority in the Congress proposed.

We got 138 Democrats to support our budget, and we got 37 Republicans to support it. Hindsight being 20/20, I just wonder where we would be tonight had we passed the Blue Dog budget and had 290 votes if that was a problem, but I do not see where that would have been a problem with the President. If he had 138 Democrats and all of the Republicans saying let's hold spending down, I doubt seriously you would have had a President saying, let's spend more. We will never know the answer to that. That is the kind of rhetoric that everybody has fun with.

I want to mention one other area and this one really bothers me today. That is in the area of health care. The balanced budget agreement of 1997 cut the Medicare and Medicaid reimbursement rates way too much. We have literally destroyed our small hospitals, and quite a few of our large hospitals are having trouble. Therefore, I do not choose to say just rural, that happens to be my district, and a lot of times communities like Abilene and San Angelo of 100,000 population do not consider themselves rural but for purposes of health care come a lot closer. But we have reached an impasse. The Senate has gone home without even taking up the so-called tax cuts and/or balanced budget giveback for 2001. If we should end up doing nothing, we will do irreparable harm to the health care delivery system. Nursing homes, we have, I am told, over 200 bankrupted today. I know I have several in my district that, unless we do our work and recognize that we do have to put some more money back into Medicare-Medicaid, we have got real troubles.

But yet the chairman of the committee has said unequivocally we will not renegotiate that which the committee did in a purely partisan way, with no input from the administration, no input from our side of the aisle. The same gentleman that wrote the balanced budget agreement health care provisions in 1997 is the same gentleman that tonight is saying under no circumstances will we renegotiate the health care provisions, because he believes he is right.

Well, he may be right. But some of the rest of us may also be right, and this is where our Constitution provides that you seek compromise. Compromise is not a four-letter word. There are sincere Members of Congress on both sides of the aisle that would like to sit down and to reach a compromise on some of these issues and not have a confrontation. But you cannot do that from the minority side of the aisle.

I spent the first 16 years of my life here in the Congress in the majority and found myself defending myself from some of the same things that I hear my colleagues today accusing me of today, big-spending, liberal Democrats. How can this be, Mr. Speaker? When you are in the minority, you do not control what comes out of the Congress. When you control both the House and the Senate, it is your game plan. If the President is from the other party, you have got to override him. To override him, you have got to reach out to folks on the other side of the aisle and the current leadership of the House; and I want to say this very respectfully, the current leadership has chosen confrontation over compromise. That had something to do with political strategy. And we are sure going to find out come next Tuesday what worked and what did not.

But in the meantime, look at what we are doing. We will have a new President come November 7, at least elect a President-elect, and we will have a new Congress. I do not know whether it is going to be a Democratically controlled Congress, which I kind of hope for, or Republican, but whoever is in control is really immaterial. It is really immaterial. Somehow, some way we have got to get back on track. We have got to listen to the gentleman from Mississippi when he points out validly that our debt is still going up.

My last comment at this stage is yesterday I was back home in my district, and I had a group of seniors from Paradise High School that came out. We got into a little bit of this budget and impasse and you do not want to get too detailed because most folks' eyes glaze over when we start talking about these numbers, but I made the point of $4.6 trillion projected surplus and how can you spend projected surpluses when you cannot predict tomorrow and that the Blue Dogs have said we ought to use most of this money to pay down the debt because that is the only way you change the charts of the gentleman from Mississippi where they are meaningful is by paying down the debt.

One young lady raised her hand and said, ''Mr. Congressman, how can we have a surplus when we owe $5.7 trillion?'' Try answering that question to a senior and getting away with it.

Mr. TAYLOR of Mississippi. I thank the gentleman. Just two last points I would like to make because I know the gentleman from Florida (Mr. MICA) has been very patient waiting on us.

Number one, getting back to defense. I would gladly compare the last 6 years that the Democrats ran the House versus the first 6 years of the Republicans. In the last 6 years of the Democratically controlled House, this Nation funded 56 new naval vessels. In the first 6 years that the Republicans ran the House, they funded only 33. I have heard people this day give speeches about Democrats being weak on defense; and yet in the 6 years, the last 6 years we controlled the House, we built almost 20 more ships than the present majority.

I would also remind people that as we begin to look at paying off this horrible debt, I would ask every American from a patriotic point of view to keep one thing in mind. Almost $5 trillion of this $5,676,178,209,886 worth of debt occurred in the lifetimes of those of you born since 1980. One of the common misperceptions is that, well, if we are this far in debt and our Nation has been around for almost 200 years that we somehow have done a proportional share of that debt. That is wrong.

□ 1930

Almost all of this debt, if you have been born since 1980, has occurred in your lifetime on benefits that were there for you, either winning the Cold War, building roads, taking care of health care, whatever.

I think that this generation has a moral obligation to pay our bills. I am the father of three. I am not going to stick my children with my bills. To do so would be morally wrong. As a United States Congressman, I think it is morally wrong for this generation to stick the next generation of Americans with our bills. I would pray that those seeking this office, I would pray that those seeking the office of the Presidency of the United States, would come to the conclusion that before we talk about trillion dollar tax breaks, mostly geared towards those people who could write thousand dollar contributions to their campaign, or before we talk about new spending for new programs that have traditionally been handled by the States, that we pay our bills and not stick our kids with our expenses.

Mr. STENHOLM. Mr. Speaker, he reminded me of two other points that need to be made regarding the debt. Nothing up on your chart shows the unfunded liability of our Social Security system; almost $8 trillion that that system is unfunded. Now, that will not affect anyone on Social Security today. Anybody 55 years of age and older does not have to worry about that, but my two grandsons have to worry about it because no one disagrees that unless we make some changes soon in the Social Security system that our children and grandchildren are going to have a real, real problem. That is the relevance of the charts that the gentleman from Mississippi (Mr. TAYLOR) was pointing out to us a moment ago. When you start borrowing from the trust funds, which

we did, which we did for year after year after year, but now we have an opportunity to stop it. When you have an opportunity to stop it, we would like to really stop it, not just rhetorically but actually.

The record is going to show that this Congress has spent a good bit, we do not know how much yet because we are not through, will have spent a good part of this projected surplus.

Now, I want to also call attention to the alternative Medicare and Medicaid give-back bill that some of us would like to see considered. It is a much better bill than the one that we have been told by the current majority that we have to take or leave. It offers stronger protections for beneficiaries. It makes major improvements for beneficiaries, especially low-income seniors, children and working families. It will really help your hospitals, nursing homes, home health agencies and hospices get the help they need so that they can stay open and provide access for seniors. It gives them certainty. Instead of giving just 1 year of guarantee of certainty, we say give our hospitals, our nursing homes, 2 years so that they can begin to plan to undo the terrible damage that has been done over the last several years.

It requires HMOs to offer a stable 3-year contract of service to your constituents as a condition of getting increased payments. What is wrong with that? Or at least why would we be opposed to giving 3 years guarantee if you are an HMO while at the same time saying we cannot give but 1 year certainty, why not give a little more certainty to all involved in health care? Now, this is an alternative. I mentioned that if you are going to be opposed, as I very strongly am, to the version that we have been given on a take it or leave it basis, we have offered something that negotiators could sit down and not give everybody everything of what they want perhaps but at least have a good discussion.

Mr. Speaker, that is the problem. I want to repeat so that every one of our colleagues who are hard at work in their offices tonight, that we are getting a little bit ridiculous in saying we are going to stay here and work when the only people that are required to stay here and work are our staffs, when the negotiators that are responsible for pulling together this last bit of compromise necessary are not even meeting. Some of the most vocal critics on this floor have missed vote after vote after vote, which indicates they have been on the floor criticizing inaction and pointing the finger at the other end of Pennsylvania Avenue but have not been here themselves and working.

We can stop there. Mr. Speaker, there is a lot of folks on our side of the aisle that are willing to help stop it, but it has to start somewhere and it has to start with leadership. Let me remind everybody again, the Senate has gone home. They have said in the climate that we are operating in now we cannot get any more work done.

If that is true, and that was the will of the Senate, the majority in the Senate have said let us go home. If we are not going to work, which we are not, then what are we going to do, Mr. Speaker? Let us not indicate we are going to work over the weekend and all we are going to do is cast two votes every day, a 24-hour CR and an approval of the journal. We will look awfully foolish. In fact, we have already looked rather foolish.

In the meantime, we are spending this surplus at a record rate. One Member, a very, very distinguished Member on the other side of the Hill has stated that he has found $21 billion in this $645 billion that is questionable spending. Well, that is done. Boy, it really makes our challenges for the future greater. In the short term, we are sure looking ridiculous as a Congress. Quit pointing the finger at those on our side of the aisle. We are in the minority. You cannot blame the minority for not getting our work done. That is a responsibility that comes with the majority; and I hope after November 7 I can get the criticism honestly.

REPUBLICAN AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to address the House tonight. Many of the Members are curious as to what is going to happen. The House and Congress have a responsibility to pass measures to fund our Government. I do want to say that the two previous speakers on the minority side, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Texas (Mr. STENHOLM), are not usually part of the problem; they are usually part of the solution. They are conservative and very moderate in their views and also very fiscally responsible, and I applaud their efforts. I worked many times with the gentleman from Texas (Mr. STENHOLM), on the balanced budget amendment. I remember coming as a freshman with a gleam in my eye, coming from the private sector saying that we must balance the budget. He, in fact, was one of the leaders on the other side calling for fiscal responsibility. So I do not consider the gentleman from Mississippi (Mr. TAYLOR) or the gentleman from Texas (Mr. STENHOLM) part of the problem.

We do have disagreements on some of the reasons why we are here. The reason why we are here is we have 435 folks. I always joke that my wife and I almost not a day passes, although I love her dearly, been married 28 years and there is only two of us but there is not a day that the two of us do not disagree on something. That does happen. As the gentleman from Virginia (Mr. WOLF) says, imagine serving in a place where you have 435 class presidents and all of them think they are right; not to mention that we have to deal with another body, the very esteemed Senate that Bob Dole used to say one of the things he enjoyed over there with the Senators is watching paint dry.

They sort of take their time in getting things done. That may be the case here, and that was really what the Founding Fathers intended that we do have someone that can look at problems with a longer term and then the House, which is the people's house and immediately responsible, we are all up for election every 2 years and responsive to the people, but we are here because there are differences. Some of them are glossed over by the media and not apparent, and many people in America, my colleagues, are out there just trying to make a living, get their kid through school and pay their bills and make certain that they provide for their future and they do not pay a whole lot of attention until hopefully an election comes up or some major issue, but there are some differences. There are some things in the bill that are unpalatable that are just not acceptable to us on this side.

I come from a State, Florida, that has suffered from illegal immigration. In fact, I held a hearing in Fort Lauderdale yesterday and after the hearing I met with Coast Guard officials; and they said, Mr. MICA, we have some news for you and it is not too pleasant. They said the numbers of illegal immigrants coming in to Florida off the coast has dramatically increased. I said, where are they coming from? They said, it is from all over, Chinese, coming in through the Caribbean and the Florida waters, Haitians, Dominicans, South Americans in large numbers. We have a number of countries in South America that are undergoing severe crisis, Colombia. The situation in Panama has been difficult since the United States left there. Ecuador, Venezuela has been destabilized by some of its current government and other problems throughout Latin America.

So I think that one of the provisions that has raised some great concern is the President's insistence on granting amnesty to literally millions of individuals. Now, I must also speak from the standpoint of being the grandson of immigrants on both sides of my family, Italian and Slovak immigrants who came here almost 100 years ago, worked in the factories and worked real hard to raise families and did not have any government programs; had to come here in good health; had to fend for themselves and something has gone

wrong if, in fact, we do agree to granting amnesty at this time. What a message that would send to so many people abroad. The United States does not pay any attention to its laws. You can come in illegally and you will be granted amnesty and can stay here. It is sad. We have also created sort of a haven and magnet.

One of the ladies that I talked to recently at home came up to me and she said, Mr. MICA, I have a neighbor down the street and she is here. She is not a citizen. And she said to me, Mr. MICA, I get less than $500 a month in Social Security. I worked all my life. I am an American. I was born here and the lady down the street is not a citizen, not here in the same manner that others have come here. She gets more payments than I do. She has all kind of benefits and health care and other things that she did not have. Somehow the system has skewed in the wrong direction. But for us to cave in at this point and to go along with the President's demand to grant amnesty to millions of people who are here illegally, it just sends the wrong message.

For those who came legally and worked and raised families, were contributing citizens, one of the neat papers I have in my family's little folio is the naturalization papers of my grandparents. I know how much they treasured becoming citizens in a legal manner. Again, we throw a lot of that out the window if we just cave and accept this. What a wrong message we send. Here we are increasing the bipartisan and immigration spending in these bills, but why bother if we ignore the laws that set some parameters and some standards by which you become a citizen in an orderly fashion? Let me say I am a strong proponent of legal immigration.

□ 1945

It has made this country great. It is diversity; it is bringing people from all over the world together in a melting pot and allowing people to be their best. To have the best opportunity is something I would never want to diminish in any way. But this is wrong. It is a wrong message. I am sorry we have a disagreement on this; but again, it is something that I think lies below the surface, but also creates opposition at this juncture.

There are other serious differences: school funding. Now, all of these differences are not money, and I have to agree with the gentleman who just spoke on the other side, we are spending in these bills more than we would want. Some of us like myself and some of the others who spoke again from the other side are fiscal conservatives, and we want to stay within those limits that we worked for in 1997 to create a balanced budget, to get our Nation's finances in order. Mr. Speaker, one can do amazing things when one has their finances in order, whether it is personal or Federal. It is not that complicated. We just had to limit the amount of expenditures not exceeding the money coming in, the revenues; and we balanced the budget in a short period of time. But we have to stick to that formula.

Now, we are very fortunate. The economy has dramatically improved. We have more money coming in. The estimates are somewhere around $240 billion. We do not know exactly how much we are going to spend of that annual surplus. It may be $30 billion, $40 billion, I have heard estimates as high as $60 billion, and some of us on both sides of the aisle disagree with that.

But at some point we have to stop the expenditure of that surplus, because then our promises and our pledges to balance the budget that we made in 1997 are meaningless. So there are many people who do not want to go home. They will stay here through the election; they will stay here until the Potomac freezes over and we can put up the Christmas lights and begin that celebration of the holiday, because they do not want to spend us back into deficit. They do not want to spend the surplus.

One of the things we have tried to do on our side is come up with a 90–10 formula, that we use 90 percent of the surplus to pay down the national debt. I know one of the hardest things I have when I go home is convincing folks that we have actually paid down a little bit of the national debt. When I leave here, whenever I leave here, I think I am going to look back and say that under my service, and under the service of some of those who were fiscally responsible, we began paying down that enormous debt, and it is not $3 trillion to $5 trillion. Even the previous speakers alluded to the incredible debt we have of money that has been taken out of Social Security, taken out of trust funds, taken out of pension funds, unfunded liabilities. So it is much more. We have just paid down a little tiny bit. But for those of us who feel it is important to be here, to be responsible, to not yield any further on spending, it is another reason to be here.

We do have differences. There are people who would spend it all; there are people who have been here who have spent it all. There are differences in Medicare and payments for HMOs.

I sat on the floor and heard the debate this week. One of the great things about being here when we do not have a full legislative agenda and running to hearings and all of that is one can actually listen to more of the debate. I thought the HMO debate was quite interesting. I have had folks write me and say, Mr. MICA, I want to address my concerns to you, and one gentleman from Winter Springs, Florida, wrote and said, Mr. MICA, I want to address you and the other dummies in Congress. I thought he had a very good point, because he was trying to illustrate that we are not paying attention to what is happening out there with HMOs. He said, you are arguing about whether I can sue my HMO. He said, Mr. MICA, my third HMO has gone under, out of business. I am concerned I do not have an HMO that I could even sue. And that is part of the problem, is that HMOs which were designed to give broad health care at low cost with a minimum package of benefits have now been forced to go under.

But the debate was interesting. Some from the other side say, we are paying HMOs too much money. Part of the debate here also is how much in this final bill that we do pay HMOs. We have HMOs that are closing, they are closing for our seniors, they are closing in rural areas. They are not closing because they are making too much money. Some folks on the other side said, well, they are getting huge amounts of money. Well, part of the debate here is over whether we pay them 1 percent or somewhere in the neighborhood of 4 percent. I would venture to say that if someone is going under, it is not because they are making too much money. Some HMOs are for profit.

We also heard accusations that executives of HMOs were getting huge fees, and that may be true in some cases. We also heard the gentlewoman from New Mexico (Mrs. WILSON), who came up and said, I hate to tell my colleagues, but my HMOs in Mexico are all not-for-profit, run by various churches, Catholic and other churches, so they are not getting too much money in her State. They need the funds to survive and to provide health care.

Mr. Speaker, we cannot have people forced out of nursing homes. There have been record bankruptcies in nursing homes in this country. We cannot have people forced in rural areas not to have health care provided.

Now, it would be nice, in one of the motions to instruct, to require HMOs to provide service forever and ever, but that does not happen. It does not happen in the real world. HMOs, whether they are not-for-profit or for-profit, if they do not meet the bottom line, they will fold. So we have a responsibility to make certain that these health care service providers, whether it is home health assistance, which is so important; whether it is hospitals, nursing homes. Again, not-for-profit or for-profit, HMOs do require our attention.

There has been agreement on almost all the points, although I know there is a disagreement on the lawsuit point, but I can tell my colleagues that as chairman of the Subcommittee on Civil Service for 4 years in the Congress, I oversaw the largest health care plan in the country, the Federal Employees

Health Benefit Program. It serves 4.2 million Federal retirees and employees. I will tell my colleagues, I watched that program, and partly under my tenure, the President came up with a so-called Patients' Bill of Rights, or patients' protection proposal. We conducted hearings on that, and I lined the folks up and said, well, what is the patients' protections going to do? What medical benefit is there going to be to it? No one could testify to a medical benefit. This particular proposal did not have a lawsuit element in it. But each of them testified that there is no specific medical benefit.

What we saw happen is that the President, by Executive Order, which he does so often, instituted that on the Federal Employees Health Benefit Plans. There were almost 400 to choose from before he imposed these new regulations and requirements and paper work and reporting on them, and that has dropped dramatically the last I heard, 60 or 70 had dropped out, because again, when we impose more regulations, more costs to deliver the health care, some of these marginal providers will not be able to perform. What was interesting too is we saw dramatic increases, almost double digit, when the private sector was having 4, 5, 6 percent Federal employees, including Members of Congress have been getting close to double digit increases.

So the more regulation we put on health care, the more restrictions we impose, and we do need some reform of HMOs. The law has not kept up with the delivery of service. But we have to understand, the more we require of them and the more paperwork and the more reporting, the more the cost is.

We are going the wrong way in looking at suits. Talk to anyone in the medical profession today. It is no longer a question of getting compensation where someone has been negligent. It is almost a case now of extortion, where suits are being filed. They never even make it to court. If we do not think that adds into our health care costs, whether it is drugs or hospitals or any health care provider, every health care provider is conducting what they call defensive medicine. You go in for a hang nail and they are going to run 20 tests on you, because if something goes wrong, they are liable to be sued. But we are headed in the wrong direction there.

Prescription drugs is a similar issue. I do not know if my colleagues have noticed the lack of some vaccines on the market. I held hearings on the question of some of the immunization vaccines; and immunization vaccines, I am told, can be produced for $1 or less per vaccination. But what has happened is, first of all, very few people, I think we are down to one or two manufacturers, who will even produce vaccines. The cost of the vaccine, the substance, may be $1, but the insurance on the vaccine and the other costs may, in fact, be $18 to $20, if we can find someone who will insure you, and if someone will produce it in the United States.

That is why drugs are cheaper in Mexico. We do not have the protections, we do not have the liability, and if we talk to those involved in drug manufacturing even in Europe; in Europe, I asked the drug manufacturers when I met with them how much R&D they do, and they said zero, zip. We do not want to discourage R&D; we should be supporting R&D. By research and development, we can bring the costs down, and that is something we should be looking at.

By limiting some of the exposure on these suits, we can also bring the costs down. If you have someone who has lost a loved one or a limb or someone who has been negligent, they should be properly compensated for that negligence, but the whole system is out of kilter; and that is part of the problem.

But part of the reason we are here is to make certain that our nursing homes are provided adequate compensation, that they are not closing down, and that our HMOs are adequately compensated. We cannot continue to limit their reimbursement to 1 or 2 percent, when even inflation is higher than that rate or their cost is higher. It will not work. They will go out of business. We can play these games, but we cannot force people to provide health care if the bottom line is not met.

So those are some of the reasons that we are here tonight. There are differences. I am hoping they can be settled. I do not enjoy being here; I would much rather be with my family.

One of the other issues, and I am going to really talk about two issues here, Mr. Speaker, and I want to talk a minute about something I heard yesterday morning. I turned on the television and in his bombastic manner, Vice President GORE, he was saying he was going to save Social Security. I sort of broke into chuckles, having come to the Congress in 1993, I sort of thought, I guess yesterday was Halloween and here was the Vice President saying he is going to save Social Security. It just struck me as very humorous. Because when I came here, as Vice President, I never heard him ever offer a solution to Social Security. In fact, he is one of the people who was in the other body, the United States Senate in the Congress, when year after year they raided Social Security. We have to remember, in 1993, when he became Vice President of the United States, they submitted, the Clinton-Gore administration submitted a budget to this Congress; I came here as a freshman, and that budget had in it a $200 billion-plus deficit that they presented to us.

□ 2000

Now, that deficit alone was bad enough because that is $200 billion, but on top of that, they were taking all the money out of the social security trust fund.

So here is the person who is now saying he is going to save it proposing a budget that had a $200 billion deficit, and raiding all the money in social security. Not only had they raided it in 1993, they raided it in every year I believe he served in the United States Congress.

So for him yesterday on Halloween to get up and say he was going to save social security, and I am sorry I have to chuckle, I just could not keep a straight face. Here he had proposed a budget again that was running us further into debt, $200 billion just for that year, and on top of that taking the money out of the trust fund, and had done that year after year after year. So suddenly he has become the savior of social security.

What is sad about that budget too is if we looked at that budget, and we have copies of the budget that was presented by the Clinton-Gore administration in 1993, this year in 1999 it would have projected a close to $200 billion deficit this year. That was with, in 1993, the largest tax increase passed in the history of Congress being part of their package and remedy.

So they increased taxes. The deficit was running $200 billion plus, a $200 billion plus projected deficit, even with that tax increase they proposed to us. The records are there. I am not exaggerating this in any way.

It does concern me that the people who raided the trust funds, and if it was just social security, that would not be excusable, but they took from the highway trust fund. They diverted money from the infrastructure of the country. When we fill up our tank and pay gasoline tax to the Federal government, now it is 18.4 cents, they were taking money out of the highway trust fund dedicated for infrastructure and spending it on other programs. They were taking money out of aviation trust funds.

As chairman of the Subcommittee on Civil Service, I was absolutely appalled, stunned. When I came from the private sector as a businessperson to take over chairing the Subcommittee on Civil Service and I looked at Federal employees' pension funds, there are about 38 Federal employees' pension funds, it is absolutely incredible that about 33, I believe, of the 35 had zero dollars in them.

They did the same thing to social security that they did to these pension funds, Federal employees' pension funds. They put in nonnegotiable certificates of indebtedness of the United States, paying the lowest possible interest rate, but there is no hard cash in all but a couple of these funds. The few

that have some hard cash in them, it is a minuscule amount.

The gentlemen that were speaking before me talked about unfunded liabilities for social security. If we start adding in unfunded liabilities for these pension funds, we are talking probably in the neighborhood of a $19 trillion-plus deficit. There are trillions of unfunded liabilities. So here again, the folks that were taking out, the tax and spenders were taking out of these funds money that should have been set aside.

This raises a very important issue. I really admire the courage of our Republican nominee, George W. Bush, because it is a very tricky issue. Seniors become very concerned when they hear anything about reforming social security. Everyone knows we have a problem.

I borrowed these charts from the gentleman from Michigan (Mr. SMITH), who comes to the floor very often and does a great job on explaining the problem with social security.

But for a presidential candidate to stand up and say, we have to do something about this, and propose some reforms, I think is very significant. He is not brushing over this issue. It is an issue that needs addressing.

Members can see from this chart that the gentleman from Michigan (Mr. SMITH) provided, we have a short-term surplus right now if we continue with a good economy and all of that, and we are good stewards, we keep the money in the trust fund, we do not raid the trust fund. But if we get down here to somewhere around 2011, it begins to go south. This is the problem we have to face.

Now, some of the solutions that are being proposed are not realistic. Governor Bush is in the private sector. I came from the private sector. There are only several things that one can do.

First of all, we can either increase the contribution, the payroll tax for social security. We have done that. If Members have not looked at their paycheck lately, and the gentleman from Michigan again brings out a great chart, it even caught my eye, but 78 percent of the workers in this country pay more in payroll taxes than they do in income taxes.

This is part of the problem. We have gone from a 2 percent charge for social security back in 1940 to 12.4 percent, so people are paying as much as $9,448 in the year 2000. We cannot tax our way into making this solvent. It just will never keep up to get us out of this red hole.

The other part of the problem is, and this is, again, one of the charts of the gentleman from Michigan (Mr. SMITH) which I will borrow tonight, it just shows we have 38 workers, I believe, in 1940, or at the time we started social security a little bit before that, I believe, and in 2000 we have six, and we go down to just four here in 2025. So we have fewer workers contributing, even paying. That makes the equation even worse.

Another factor is, just like the gentleman from Florida (Mr. MICA), who is getting older by the hour serving in Congress, particularly in these long sessions, the population is growing older. We are living longer. People used to retire and they died earlier. Now, through medicine and again many health improvements, people are living longer. So we have fewer people contributing, we have people living longer, and we are starting to max out on our tax base.

So this is the coming problem. Governor Bush has said very simply, we have to get, first of all, some pressure and some relief. No one wants to touch the benefits of anyone now. The only way we could really change this equation without either increasing taxes, now, there is another source of taxes that would be Federal taxes to put in to subsidize this, but again, it would be a very awesome responsibility.

So today we have to start planning for retirees for tomorrow, young people. They are not going to get that, first, when we have no money. There was no hard money in the funds. And again, the folks who I chuckled about who are here to save social security were taking any hard money out, putting in these nonnegotiable certificates of indebtedness of the United States.

What were they paying in return? They are paying on average 1.9 percent. Even a senior citizen who does not know much about finances would be very reluctant to put their savings account in a bank that paid a 1.9 percent return.

I know we want also security for our social security dollars, or any trust funds or pension funds. That is important, that they be secure. But even with government-backed securities, we could double and triple the return. Even by giving people a small option to take part of their money in an account with their name on it, they could get a better return. There is no way we can solve this problem without owning up to the problem. There is no way we can solve it without reforming it.

Now, no one will change any of the existing benefits. In fact, we can grow the benefits if there is a better return from the funds, and again, on only secured investments. We are not talking about penny stocks or investment in speculative issues, we are talking about backed by the security, full faith and credit of the United States of America.

But a few dollars of these funds could turn this situation around. It is the only way we can turn it around. We are starting to max out again on what we can tax folks for.

We have this expanding population of elderly. I read a report from the University of Florida, my alma mater, their school of medicine. By mid century, we will have 2.5 million centenarians, I believe that is the term, people who are 100 years old, 2.5 million.

It also said in the article that when Willard Scott started announcing the birthdays, I guess it was in 1980, they got in about 400 requests maybe in the year in 1980. Now they are coming in by the thousands. The population of elderly is dramatically growing.

So we have to be honest, we have to own up. We cannot scare senior citizens. All Republicans have elderly relatives, parents, and many of them, my family has many who have relied on social security, who have worked hard and did not have any pensions, and rely on it. My mother did, and other family members. So we would not want to do anything that would reduce benefits or endanger the fund.

But I am so glad to have someone who comes from the business sector look at this, as Governor Bush has done, and said, we have to make a change.

It is interesting, if Members travel around the world to Third World countries or other countries who have had failed social security systems, they are making some of the same changes that are proposed. So we do not want to be behind the Third World countries, we want to push off the inevitable disaster that we can face here in not preparing for retirement security for our young people today and those who are older.

One of the other provisions that we have had in the tax bill that the President vetoed, we had actually two provisions, that was to increase IRAs from $2,000 to $5,000. It was a good provision. It allows people to save money for themselves. Not everybody can save that amount of money.

One of the other provisions we had in there was to allow people over 50 to double some of their contributions, because people who are 50 are going to need to retire early.

I regret that the President vetoed those measures. We thought we had an agreement. That is another reason why we are here, because it is unfortunate, but I think the President put politics in front of people. We cannot do that, we really cannot. I know it is sort of a last gasp here to focus attention on his presidency. But people, I think, have tired of that method of bickering, of a lack of agreement.

We thought we had a gentleman's or a gentlewoman's agreement on some of these issues, and now at the last minute to cloud them, to politicize them, to put the political fortunes ahead of the people's fortunes I think is really unfortunate. I am dismayed by it. I think we will all be happy when this era is behind us. People do not send us here to bicker and fight, they send us here to solve their problems. This is a problem that we face, a very serious problem.

Mr. Speaker, I also want to talk tonight about something that I have talked about for probably some 40 or 50 special orders, something that is extremely important. I chair the Subcommittee on Criminal Justice, Drug Policy, and Human Resources. I inherited 18 or 19 months ago from the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House, the responsibility to oversee our national drug policy.

The gentleman from Illinois during his tenure and service in this subcommittee's responsibility made a great attempt and some tremendous progress in restarting our war on drugs. Quite frankly, I have heard many people say that the war on drugs is a failure. I cite that the war on drugs basically closed down with the beginning of the Clinton-Gore administration in 1993.

The Clinton-Gore administration took some very specific steps that got us into a situation that we are trying to bail out of right now with drug abuse at record numbers, with drug deaths at record levels. I inherited that responsibility. I take it very seriously.

Even when I was a Member of the House in 1993 to 1995, when the Democrats controlled the White House, the House, and the United States Senate, I requested hearings on the House side. There was one oversight hearing in 2 years conducted.

□ 2015

It was shameful that they would dismantle a serious war on drugs that had been developed by the Reagan-Bush administration and had made such tremendous progress and declining drug use in this country, but they made some very serious mistakes and they have had some serious consequences.

When you close down a war on drugs, you pay the price, and we are now paying the price. It is an expensive price. As our subcommittee learned in the last month, drug-induced deaths in the United States now exceed homicides for the first time. I believe these are the 1998 figures. I do not have 1999, but I think the situation that we will get from last year is even worse.

More people are dying from drug overdoses and drug-related deaths than by homicides. It is a problem that has been swept under the table. A problem that has been compounded by some horrible policy decisions of the Clinton-Gore administration.

This chart illustrates where we have come from, 11,700 deaths to 16,926 deaths. I have not doctored these figures. They are provided by the administration. They are, in fact, a record of failure, a record of illegal narcotics becoming a national epidemic, a national scandal and very little being done.

I do want to say that we have made an attempt as a new majority to try to put back together Humpty Dumpty, try to put together a serious war on drugs. One of the things, of course, that is lacking is a national leadership on the issue, which we saw under President Reagan, who made this an issue, which we saw under President Bush.

They started initiatives, the source country programs, to stop drugs at their source, the most cost-effective way to keep the flood and tide of illegal narcotics coming in. If that is not a responsibility to protect our shores from deadly death and destruction of illegal narcotics, I do not know what is a Federal responsibility.

But they dismantled those programs, slashing the international and source country programs by more than 50 percent, by slashing the interdiction programs, by taking the military out, by cutting the Coast Guard budget and the antinarcotics effort.

A report that was released to me in the early part of this year by the General Accounting Office said that antidrug smuggling efforts flights, surveillance flights, had been cut some 68 percent from 1993 to 1999 by the administration. Maritime interdiction had been reduced by 62 percent, and those actions have some very serious consequences, and that is a tide of hard drugs, drugs that are pure and deadly, unlike anything we have seen in the past.

One of the problems that we have is again the administration closing down the war on drugs.

I did not say this, the Drug Czar, Barry McCaffrey, he said in 1996, in September of 1996, the U.S. took its eye off the drug war, and this is the results as of 1996. Unfortunately, the story gets even worse. This is what Barry McCaffrey said. Of course, this is the consequences of, first of all, coming in and firing everyone but 20 of the 120 folks in the drug czar's office. That was cutting the size of government.

Then hiring Jocelyn Elders as the chief health officer who just said maybe, or comments of the President, which he was quoted as having said if I had it to do over again, I would inhale.

These things have a direct effect. Young people pick this up, and we see the results. We also saw the results of their closing down some of these antinarcotics efforts.

This is not my quote; this is the DEA official, when I was with the DEA just a few years ago, I was spending half of my time figuring out ways to eliminate or downsize agency operations, while the drug cartels were expanding theirs. And this is Phil Jordan, a high-level DEA official. He said that in 1998. Again, reflecting on the closedown on the war of drugs, not what I am saying, what DEA officials said.

Mr. Speaker, since this may be my last special order for some time, I want to make sure we get all of this in here. Again, these charts and information were provided, some of it, by the administration. This is by our Subcommittee on Criminal Justice, Drug Policy and Human Resources. We know where the problem has been, where cocaine and heroin have been coming from, and they have been coming from South America, primarily Colombia and also Peru and Bolivia that we do not see on here, up until the Clinton administration, they were transited and actually the dealerships and cartels were located in Colombia, and then came up through Mexico into the United States.

Mr. Speaker, to deal with this, in the Reagan administration, at Panama, and this is Panama here, I have this little sticker, this is where we headquartered our forward-operating locations, FOLs they call them, to go after drug traffickers, at least as far as surveillance, getting the information to the countries, the countries would either go after the traffickers, shoot them down or whatever.

The first thing that the Clinton administration did was stop these flights and also sharing the information, which even the Democrats went crazy over. Then the next step that the administration took was to decertify Colombia without what they call a national interest waiver, that was to allow Colombia to get aid to fight narcotics.

So they blocked aid to Colombia in a policy decision of the Clinton-Gore administration. From 1993 to present, Colombia has become and almost produced absolutely no native poppies or heroin, it came from zero in 1993 in this chart, producing 75 percent of the heroin coming in to the United States, and I guess it is now world production. That again is through some direct policy decisions.

Incidentally, the Panama-forward surveillance operations which were closed down while the administration unfortunately bungled the negotiations to let our antinarcotics surveillance missions continue there, we are now building in Aruba; Curacao; El Salvador; and Manta, Ecuador; and three more operating locations which will not be available until 2002. So we have dramatically reduced our ability to conduct surveillance operations.

Again, that is why we see this flow of incredible flow of heroin coming in to the United States. A whole series of bungling by the Clinton-Gore administration, made Colombia the number one producer of heroin from zero when they took office, and that would not be bad enough, but we have had to fund a $1.3 billion emergency package after Barry McCaffrey declared last year that Colombia had become what he said was a flipping nightmere.

We had to have an emergency package, which never got to our desk until February, but we did pass it, got it through here, did a responsible thing. I am not happy that we had to spend

that much money, but there are consequences to policy actions that are failure, and the Clinton-Gore administration turned Colombia into a basket case and a major producer of narcotics.

The same thing happened with cocaine, almost no cocaine was produced there. Interestingly enough, Mr. HASTERT, the former chair of this subcommittee and current Speaker of the House, and I went down to Peru and Bolivia. We worked with President Fujimori, with President Hugo Banzart, and we have been able to cut almost 60 percent of the production of cocaine with very little money.

The opposite is true where the Clinton-Gore administration blocked assistance to Colombia back in 1993, 1994, 1995, 1996, could not even get last year helicopters down there that had been appropriated by us to go after some of this stuff. So we turned Colombia, through, again, inept policy from just a transit country and minor producer into the major producer of cocaine coming in incredible volumes.

Another failure of the administration is when you just say maybe or you have the lack of leadership or appoint a health surgeon officer who sends out just say maybe to our kids, this is the result. It is not a doubling, but a dramatic increase in the amount of kids that have used marijuana, students who have used marijuana in this country.

Today I saw in the paper, statistics that have been released that, in fact, marijuana use among college students rose 22 percent between 1993 and 1999, according to the study this week released by Harvard School of Public Health.

There are consequences to a lack of leadership and lack of policy. And these are pretty specific. Now, a lot of people say marijuana is a soft drug. Marijuana that is coming in, it is not soft. It will damage young adults and adults. It is highly potent. It is not the stuff of the 1960s and the 1970s. And everyone who has testified before our subcommittee says it is a gateway drug, almost everyone who uses it goes on to another drug. I might correct myself, not everyone, but a large percentage, unfortunately, and almost all of those, and I should correct myself there who have used harder drugs say that they, indeed, have used marijuana to begin with.

The long-term prevalence of drug use, in the Reagan- Bush administration, there was a 50 percent drop in drug use in the United States, when you have a policy and a policy that deals with the supply, deals with demand, deals with leadership, even going into Panama, remember in 1989, President Bush went in to Panama with our troops and took out Noriega, put his rear-end in jail in the United States for drug trafficking and drug money laundering, that was leadership.

This is a successful war on drugs, a 50 percent decline.

This is the Clinton-Gore record. A little help was on the way here from when we sort of restarted the efforts. So you see a slight change in that, hopefully that will continue. But this is what their policy did, a flood of drugs; and drug use dramatically increased, and you can look at it. This is the heroin chart, again, supplied by the administration, and also reputable sources, this one is from the University of Michigan who does a study.

Look at the use, the prevalent use of marijuana dramatically under the Bush administration, you see drops leveling out here.

And the trends in lifetime cocaine use, back in 1991, 1992, you see the bottom, so to speak, this is 8th grade, 10th grade and 12th grade in cocaine use. The administration also has the distinct record of having the average heroin user age drop from 25 in 1993 to 17 today.

Again, the Clinton-Gore legacy that I do not think you will hear about in any of these commercials or ads.

Now, we do require also, and as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, we do require that we have a specific plan. This is the plan. We are trying. This plan is supposed to have a goal of getting us down to a 3 percent drug use, instead of a 3 percent drug use, the latest reports are going from 6.4, 6.20 to 7 percent.

This is a performance measure that we have asked, so instead of heading towards this goal, we are reaching 7 percent of the population who are now drug users. So this is their plan. This is the results. If your children, you feel, are at risk, you should be very concerned about these trends.

□ 2030

You can look at this chart, too, and see what they did. They cut the interdiction funds. They cut the international source country fund. They put all the money into treatment, and we have just about doubled the money on treatment. The Republicans have even added money in treatment. We have added money in education. You do have to have a balanced approach. But when you cut interdiction in international, you have a surge of narcotics that you cannot keep up with. That is partly what we have faced.

A lot of people say just keep putting more money in treatment. They said that in Baltimore. In Baltimore they have gone from just a handful of addicts to somewhere in one in eight in the population are now drug addicts in Baltimore. They sloughed off on the law. They had a liberal mayor. We have put tremendous amounts of money into treatment. We will continue to do that for successful programs, but you cannot treat yourself out of the problem. This is the Baltimore record. Not only have they have had record numbers of homicides in that locale in Baltimore, they have stayed in the 300 range consistently. We see 1999 also 300, with some 60,000, 70,000 addicts.

Tough enforcement locales like Rudy Giuliani in New York have cut dramatically the murder rate which was some 2,000 a year down to the mid-600s; incredible changes of a 58 percent reduction in crime. This man should be nominated for a Nobel Peace Prize for what he did for one of the largest cities in the world. It is just incredible what he has done. All the seven major felony categories have had dramatic decreases, an overall 58 percent reduction in those major felony crimes. Murders, thousands of people are alive in New York because he had a tough zero-tolerance policy. Thousands of people are dead in Baltimore for a liberal policy, if you look at the record over these years.

What is interesting is, Mr. Giuliani also did it with fewer incidents of using firearms in going after folks, fewer complaints against his officers; and he also increased the officers by some 20 percent. You can go back and look at the complaints filed against the Koch administration, the Dinkens administration. They were two and three times what they were under Mr. Giuliani. In spite of the comments of some of those who say to the contrary, those are the facts.

The Washington Times outlined just a few months ago what we are facing now is we face heroin in record numbers, overdose deaths. Now we are facing Ecstasy and cocaine in tremendous proportions. Massachusetts, here is a headline from this week: ''Massachusetts Worst in Drug Use Survey; some categories highest in the United States. Half of the principals polled say drug use getting worse.'' Heroin in inner-cities worse, and if we looked at the population of our most at-risk in this country, according to 1999 National Household Survey on Drug Abuse, drug use increased from 5.8 percent in 1993 to 8.2 percent in 1998 among young African Americans.

Our minorities are the hardest hit. You will not hear that in the campaign commercials. Among Hispanics from 4.4 percent in 1993, the beginning of the Clinton-Gore administration, to 6.1 in 1998, even worse I am sure in 1999. They do not want to release those figures before the election. But our African Americans, our Hispanics are dying at a disproportionate rate, jailed at a disproportionate rate, and victimize the people of those communities by drug abuse. It is not a pretty picture. It is not a legacy I would be proud of. I have done my best to try to bring solutions, to restart the war that was sabotaged by the Clinton-Gore administration.

The next President, whoever that is, must provide the leadership. The Congress must put together a plan that includes education, prevention, interdiction, use of military, whatever resources possible. We have never lost this many people even in some of our battles that we are losing to drug deaths in this country. No family in this Nation now is spared from the destruction of life and well-being and happiness from drug abuse.

With one final warning to my colleagues who may be listening at this late hour, I will just put this chart up. This does show methamphetamine. I talked about Ecstasy, but in closing here anyone who is watching this, this is a normal brain and this is a brain that we could put Ecstasy up here and show you the same thing, the brain scans that have been provided to our subcommittee. Basically, it induces a Parkinson's type destruction of brain tissue.

This is what methamphetamine will do to you, Ecstasy. People think that these are harmless drugs and young people are dying and having their brains damaged, their bodies damaged by use of this. This is what these illegal narcotics and designer drugs will do to you today. They are not harmless, and that is why we have laws to control them.

So people look at what this does to your brain. I hope Members will convey this to their constituents, particularly the young people who we are now seeing as the victims of so many of these drug tragedies throughout the United States.

Mr. Speaker, again I appreciate your patience. I know that we have further business to conduct, but I am not sure if I will have another opportunity. I want to thank the staff who have endured my 50-some Special Orders. I take this very seriously, and it is a serious problem for the country. Again, we must address it in a bipartisan manner but learn in fact from the past and do a much better job to bring the most serious social problem our Nation has faced in a generation under control.

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 3:00 p.m. on account of business in the district.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. SCOTT (at the request of Mr. GEPHARDT) for today on account of personal business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today after 12:30 p.m. and November 2 on account of a death in the family.

Mr. HANSEN (at the request of Mr. ARMEY) for today and the balance of the week on account of his wife's major surgery.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

OMITTED FROM THE CONGRESSIONAL RECORDS OF TUESDAY, OCTOBER 31, 2000

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2638. An act to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; to the Committee on Resources.

S. 2751. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Resources.

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes; to the Committee on the Judiciary.

S. Con. Res. 158. Concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II; to the Committee on International Relations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 660. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 848. An act for the relief of Sepandan Farnia and Farbod Farnia.

H.R. 1235. An act to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 1444. An act to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

H.R. 2941. An act to establish the Las Cienegas National Conservation Area in the State of Arizona.

H.R. 3184. An act for the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3388. An act to promote environmental restoration around the Lake Tahoe basin.

H.R. 3414. An act for the relief of Luis A. Leon-Molina, Ligia Parron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 3621. An act to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 4312. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 4646. An act to designate certain National Forest System Lands within the boundaries of the State of Virginia as wilderness areas.

H.R. 4794. An act to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

H.R. 5266. An act for the relief of Saeed Rezai.

H.R. 5410. An act to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

H.R. 5478. An act to authority the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

H.J. Res. 102. Joint resolution 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.

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 700. An act to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1474. An act providing for conveyance of the Palmetto Bend project to the State of Texas.

S. 1482. An act to amend the National Sanctuaries Act, and for other purposes.

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

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 2, 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:

10850. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sodium o-nitophenolate, sodium p-nitrophenolate, sodium 5-nitroguaiacolate, and the End-Use Product Atonik Exemption From the Requirement of a Tolerance and Temporary Exemption From the Requirement of a Tolerance [OPP–301043; FRL–6740–9] (RIN: 2070–AB78) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10851. A letter from the Counsel for Legislation and Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting the Department's ''Major'' final rule—HUD's Regulation of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) [Docket No. FR–4494–F–02] (RIN: 2501–AC60) received November 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10852. A letter from the Acting Assistant General Counsel, Regulations, Department of Education, Office of Postsecondary Education, transmitting the Department's ''Major'' final rule—Federal Perkins Loan Program (RIN: 1845–AA15) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10853. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 99F–2673] received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10854. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Poland for defense articles and services (Transmittal No. 01–00), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10855. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Poland (Transmittal No. 01–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

10856. A letter from the Acting Deputy Solicitor, Department of the Interior, transmitting the Department's final rule—Legal Process: Testimony of Employees and Production of Records (RIN: 1090–AA76) received August 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10857. A letter from the Executive Director, Marine Mammal Commission, transmitting the annual report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act for FY 2000, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

10858. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report under the Inspector General Act for FY 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lamoni, IA [Airspace Docket No. 00–ACE–10] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bonham, TX [Airspace Docket No. 99–ASW–34] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10861. 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 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10862. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Coffeyville, KS [Airspace Docket No. 00–ACE–15] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10863. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D and Class E Airspace, Great Falls International Airport, MT; Removal of Class D and Class E Airspace, Great Falls Malmstrom AFB, MT [Airspace Docket No. 00–ANM–03] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10864. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the State of Wisconsin, and Final Rule [FRL–6896–9] (RIN: 2040–AD66) received Novemebr 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10865. A letter from the Chief Counsel, Bureau of the Public Debt, Department of Treasury, Fiscal Service, transmitting the Department's final rule—Regulations Governing Fiscal Agency Checks, Regulations Governing Book-Entry Conversion of Detached Bearer Coupons and Bearer Corpora—received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 665. Resolution waiving points of order against the conference report to accompany the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 106–1022). Referred to the House Calendar.

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 November 2, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than November 2, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 2, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than November 2, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 2, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than November 2, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 2, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than November 2, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 2, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than November 2, 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. TRAFICANT:

H.R. 5611. A bill to ensure the availability of funds for ergonomic protection standards; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. DINGELL, Mr. SPRATT, Mr. STENHOLM, Mr. BROWN of Ohio, Mr. BERRY, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Mr. BOUCHER, Mr. CARDIN, Mr. COSTELLO, Mr. COYNE, Mr. DEFAZIO, Mr. DIXON, Ms. ESHOO, Mr. GREEN of Texas, Mr. HALL of Ohio, Mr. HILLIARD, Mr. JACKSON of Illinois, Mr. KLECZKA, Mr. LEVIN, Mrs. LOWEY, Mr. MATSUI, Mr. MCGOVERN, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. OBERSTAR, Mr. RAHALL, Mr. SAWYER, Mr. SKELTON, and Mr. STUPAK):

H.R. 5612. 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 Mr. KNOLLENBERG (for himself, Mr. LAHOOD, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. DUNCAN, Mr. MANZULLO, Mrs. MYRICK, Mr. CHAMBLISS, Mr. SAM JOHNSON of Texas, Ms. GRANGER, Mr. JENKINS, Mr. FOSSELLA, Mr. MCINTOSH, Mr. HEFLEY, Mr. TRAFICANT, and Mr. BARTON of Texas):

H.R. 5613. A bill to require an extension of the comment periods relating to certain proposed rules; to the Committee on Commerce.

By Mr. ACKERMAN:

H.R. 5614. A bill to amend part C of title XVIII of the Social Security Act to improve the Medicare+Choice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBURN (for himself and Mr. NORWOOD):

H.R. 5615. A bill to prohibit the use of Federal funds for the conduct or support of programs of HIV testing that fail to make every reasonable effort to inform the individuals of the results of the testing; to the Committee on Commerce.

By Mr. CROWLEY:

H.R. 5616. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to taxpayers who purchase and install qualified security devices; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 5617. A bill to amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 5618. A bill to authorize the Secretary of Agriculture to convey National Forest System Lands for use for educational purposes; to the Committee on Resources.

By Mrs. LOWEY (for herself, Mr. BROWN of Ohio, Ms. MCKINNEY, Mr. KILDEE, and Mr. RANGEL):

H.R. 5619. A bill to require the Federal Communications Commission and the Federal Trade Commission to prevent fraudulent and misleading advertising by carriers providing ''dial-around'' long distance services; to the Committee on Commerce.

By Mrs. MALONEY of New York:

H.R. 5620. A bill to require operators of electronic marketplaces to disclose the ownership and management of such marketplaces to market participants, and for other purposes; to the Committee on Commerce.

By Mr. RUSH:

H.R. 5621. A bill to amend the Balanced Budget Act of 1997 to apply the Medicaid disproportionate share hospital payment transition rule to public hospitals in all States; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

487. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Resolution 2000–H8125 petitioning the Congress of the United States to Fulfill Its Commitment of Forty Percent Federal Funding in its Reauthorization of the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

488. Also, a memorial of the General Assembly of the State of Rhode Island, relative to Resolution 2000–H8119 petitioning the State Department, The German Government and German Industrial Complex Resolve the Remaining Issue Left in the Aftermath of World War II, Namely a Just Equitable and Inclusive Settlement of the Slave Labor/Forced Labor Discussions in Bonn and Washington; 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. 908: Mrs. CHRISTENSEN.
H.R. 1214: Ms. SLAUGHTER.
H.R. 1228: Ms. DELAURO.
H.R. 1625: Mr. UDALL of New Mexico.
H.R. 1657: Ms. CARSON.
H.R. 4536: Mr. HILLIARD.
H.R. 4966: Mr. COYNE.
H.R. 5152: Ms. LOFGREN.
H.R. 5185: Mr. KILDEE.
H.R. 5219: Mr. FOLEY, Mr. RANGEL, and Mr. PRICE of North Carolina.
H.R. 5259: Mr. ROGERS.
H.R. 5274: Mr. LEACH.
H.R. 5330: Mr. PRICE of North Carolina.
H.R. 5438: Mr. BOUCHER.
H.R. 5469: Mr. KINGSTON.
H.R. 5499: Mr. KLECZKA.
H.R. 5516: Mr. SMITH of Texas, Mr. GUTKNECHT, Mr. WELDON of Florida, Mr. CALVERT, Mr. EHLERS, and Mr. BARTON of Texas.
H.R. 5530: Mr. BERMAN, Mr. WAXMAN, Mr. BOEHLERT, Mr. GOODLATTE, and Mr. ETHERIDGE.
H.R. 5585: Mr. FARR of California, Mr. MEEKS of New York, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. HOEFFEL, Mr. NADLER, Mr. BAIRD, Mr. WEINER, Mr. BRADY of Pennsylvania, Ms. LOFGREN, Mr. BLUMENAUER, and Mr. THOMPSON of Mississippi.
H.R. 5603: Ms. MCKINNEY.
H. Con. Res. 337: Ms. SANCHEZ.
H. Res. 420: Mrs. TAUSCHER.

EXTENSIONS OF REMARKS

HONORING ROXCY O'NEAL BOLTON

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, today, I would like to honor Roxcy O'Neal Bolton, a pioneer feminist in my congressional district, who championed the rights of women by widening the gate to equality.

Born in Mississippi in 1926, Roxcy Bolton has always been a trailblazer. She was a persistent advocate who served as a powerful voice for women whose needs were not being addressed.

Through her actions, Roxcy demonstrated her courage and conviction. She showcased the problems facing the women of her time, and encouraged them to take action and expand the fight for equal rights.

In South Florida, Roxcy's plight for equality helped to facilitate change. In the workplace, Roxcy demanded equal respect, equal opportunity and equal pay for men and women. In dining clubs, as was the custom of the time, working men had special dining areas. During business day lunch hours, men were seated and served quickly while women, and even working women with short lunch hours, had to wait in line, looking at empty seats in the men's section. By writing letters, meeting with restauranteurs, and organizing women, Roxcy Bolton changed this policy and, soon, the "men only" policy became obsolete.

Roxcy was also a fighter on behalf of abused women. In 1972, she founded Women in Distress, the first women's rescue shelter in Florida to provide emergency housing, rescue services, and care to women who found themselves in situations of personal crisis. During that time, no one talked about rape, much less did anything about it. Brave victims who actually reported their trauma were often treated callously. Roxcy was not afraid to speak on behalf of these women, and she did so publicly with a march against rape down Flagler Street in downtown Miami. Approximately 100 women gathered to march with Roxcy to make the community take notice of their concerns. It was the first time women had taken to the streets, and Roxcy knew that if women banded together they were going to make a difference. Shortly thereafter, Roxcy approached every local official and persuaded them that something had to be done. In 1972, her efforts resulted in the first Rape Treatment Center in the country located in my congressional district at Jackson Memorial Hospital in Miami. In 1993, this Rape Treatment Center was named after Roxcy Bolton.

Roxcy also organized Florida's first Crime Watch meeting to help curb crime against women. She has served on many boards and commissions working for women's rights, and has been the recipient of numerous civic awards relating to her work with women's rights.

In 1992, she helped form the Women's Park, the first park in the United States dedicated to all women who have made contributions to our community.

Roxcy continues to be a champion for womankind. She continues to preserve and recognize women's role in history, and fight for human rights, social welfare issues, and an end to sexual discrimination in employment and in education.

Mr. Speaker, I am proud to have Roxcy O'Neal Bolton in my congressional district, and I wish her many more successful years in the ongoing struggle for women's issues. I ask my colleagues to join me in saluting this Florida heroine for her remarkable dedication to women and for making South Florida a better place to live.

TRIBUTE TO THE ALLIED ORGANIZATIONS OF GUYANA, INC.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. TOWNS. Mr. Speaker, today I pay tribute to a remarkable cultural and humanitarian organization which has helped to promote and sustain the national pride of the Guyanese community in America and to provide humanitarian assistance to indigent groups in Guyana. Today, I celebrate the 40th anniversary of the Allied Organizations of Guyana.

This organization was established in 1960 to promote the cultural, social, economic, and political welfare of the Guyanese American community and to provide humanitarian assistance to indigent groups in Guyana. During its stewardship of 40 years, it has achieved both objectives. It has helped to create a national pride among Guyanese in America, while providing vital humanitarian assistance to indigent groups in Guyana, such as the Archer's Home, the Dharma Sala, the Children's Wing of the Georgetown Public Hospital, and the Convent of Mercy.

The organization was founded in 1960 by two outstanding Guyanese Americans—Dr. Aaron (Neddy) Peters and Dr. Thomas E. Thompson. Neddy Peters was a successful physician of Guyanese descent who had established a large and successful medical practice in the Bedford Stuyvesant section of Brooklyn. He devoted a considerable portion of his time, energy and financial resources to promoting humanitarian efforts in the U.S. and Guyana. So devoted was Neddy Peters to the nation of Guyana that he requested that his body be returned and interred in the soil of Guyana. He died in 1971 and his body was interred in Guyana.

Dr. Thomas Eustace Thompson was a well-known teacher and administrator in the public school system in New York, who has lived in the Crown Heights section of Brooklyn. Like Neddy Peters, he devoted a considerable portion of his time, energy, and financial resources to promoting the arts and culture of Guyana. Together with his wife, Dr. Marguerite Thompson, he had accumulated the largest collection of Guyanese artifacts in the world. The collection was recently destroyed by fire, and it is our fervent hope that Guyanese organizations can put together the resources to replenish and restore this magnificent collection.

The name of those associated with this organization are too numerous to mention, but among the prominent supporters were Eustace Bowen, Frank Applewaite and P.J. Storey from the Georgetown Dramatic Club; David Nurse, Euphemia Nurse and Clarence Griffith from the Help Guyana Movement; Pearl Softleigh from Daneco; Rev. Gladwyn Frazer and Edward S. Butts from the British Guiana Benevolent Association; Theresa Bowling, Ivan Cameron, Dolly Davis, Leslie Hendricks and Claire Johnson from the Guyana group in Queens; Dr. Thomas E. Thompson. Victor Blair and Dr. Marguerite Thompson from the Guyana Educational and Cultural Association.

HONORING CLAYLA DAVIS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. THOMPSON of California. Mr. Speaker, today I honor Ms. Clayla Davis for her 41 years of dedicated service to the people of Napa County, California. Ms. Davis is retiring on December 31st of this year from an exceptional 25-year career as Director of the Saint Helena Public Library.

Ms. Clayla Davis has lived in Napa County for most of her life. Prior to being hired as Director of the Saint Helena Public Library in 1975 she distinguished herself in several posts at the Napa City-County Library.

Ms. Davis shepherded the Saint Helena Public Library through several difficult transitions. Soon after taking over she oversaw an ambitious expansion plan to move the library into a new building. When a series of budget cuts in 1978 imposed a 29 percent funding reduction midway through construction, Ms. Davis rescued the project through a series of sort-term fiscal austerity measures. In the 1990s Ms. Davis saw the library through two major remodeling and expansion efforts, effectively doubling its size.

Ms. Davis was instrumental in modernizing Saint Helena library resources. She led the library into the computer age; from one computer to aid circulation to comprehensive resource integration throughout the library. Furthermore, Ms. Davis was instrumental in the

development of Solano, Napa, and Partners (SNAP); a library consortium that provides patrons in two countries with shared data base and efficient interlibrary loan services.

Ms. Davis cultivated a strong ''Friends of the Library'' organization which succeeded in raising over $2 million for building projects and capital funds. Ms. Davis also established a partnership with the Napa Valley Wine Library Association, increasing the library's extensive collection of wine-related books and other resource materials into a nationally recognized collection.

Ms. Davis' commendable career was marked by exceptional customer service as a librarian and Director. A friendly atmosphere and superior service prevailed in both libraries where she worked, a result of her positive outlook that was contagious among her staff. Ms. Davis was particularly attentive to the needs of children and families, ensuring a welcoming atmosphere of warmth and curiosity for every visit.

In addition to her considerable contributions to the public library, Ms. Davis has been a dedicated wife, mother and grandparent. She and her husband Buz have been blessed with three children and several grandchildren and great-grandchildren.

Mr. Speaker, it has been my great honor to represent Ms. Clayla Davis as her Congressman. Clearly, her life has been one of great public service, dedication and commitment. For these reasons, it is necessary that we honor this woman for her distinguished service to the people of Saint Helena and all of Napa County, California.

MIRIAM G. CANTER MIDDLE SCHOOL DEDICATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. RUSH. Mr. Speaker, I recognize the dedication of the renaming of Chicago's Louis Wirth Experimental School to the Miriam G. Canter Middle School. Miriam G. Canter, my constituent and my friend, died on October 22, 1999. However, her dedication and commitment to her community and the public school system, lives on in the lives of the students at Louis Wirth Experimental School.

This school, located in my district, was founded in 1969 by a group of influential parents and community residents, led by Mrs. Canter. As a parent and long time, proud resident of Chicago's Hyde Park neighborhood, she had a vision for her community's children. She believed they needed a school that would offer modern, flexible educational programs designed to use children's experiences to enhance their learning.

Over the years, Mrs. Canter's vision has been realized. Since its founding, the school has provided enriching educational programs that prepare children for success in high school and beyond. In addition, Mrs. Canter retained an active interest in the Wirth School long after her own children graduated. She served as president of the Parent Teachers Association and remained an active member of the Local School Council under her passing. In fact, her last fight was to get a new gym and lunchroom added to the facility.

So, in a lasting tribute, on October 12, 2000, the community, Local School Council and the Chicago Public School System will dedicate the renaming of the Louis Wirth Elementary School to the Miriam G. Canter Middle School. I stand in total agreement with this action and believe it is a most appropriate way to honor this mother, community leader, and public school advocate.

Truly, her work embodies the spirit of advocacy that will ensure educational excellence in the nation's public schools for our children.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. WELLER. Mr. Speaker, on Saturday afternoon, October 28, 2000, I had a family matter to attend to in my district and I was unable to cast votes on two Motions to Instruct the Conferees on H.R. 4577, the Labor-Health and Human Services Appropriations Act for FY2001.

The first Motion to Instruct the Conferees, which passed the House by a vote of 305–18, instructed that the highest level of funding for Low Income Home Energy Assistance Program (LIHEAP) be enacted.

Mr. Speaker, I fully support this Motion to Instruct the Conferees and had I been present for the vote, I would have voted yes. I have long been a strong supporter of the LIHEAP program. As you know, the LIHEAP program was fully funded in the preliminary conference agreement at the President's requested funding level of $1.1 billion for fiscal year 2001, plus an additional $300 million for emergencies. It is my understanding that recent negotiations on H.R. 4577 resulted in an additional $300 million for LIHEAP, bringing the FY 2001 total to $1.7 billion. Additionally, Republicans have agreed to advance-fund another $1.4 billion for FY2002, so that States can begin to plan for next year. The President requested a total of only $1.1 billion for LIHEAP this year, therefore we are $600 million over the President's funding request.

Again, Mr. Speaker, I fully support the LIHEAP program and these increased funding levels. Had I been present, I would have voted yes on the Motion to Instruct the Conferees to help my constituents in Chicago and Chicago's South Suburbs cope with rising heating costs and the upcoming winter.

The second Motion to Instruct the Conferees on H.R. 4577 failed to pass the House by a vote of 150–159. This motion would have instructed the Conferees to agree with President Clinton's proposals on classroom size reduction and school construction.

Mr. Speaker, I have long been an advocate of making educating America's children one of our top priorities here in Congress. Preliminary funding levels for H.R. 4577 included more than $43 billion for federal education funding. This is $562 million more than the President requested and $5 billion more than last year. Special Education Grants would be funded at $6.3 billion, $1 billion over the President's request. Impact Aid would be funded at $1.3 billion, $258 million more than the President's request, and $78.5 million more than last year. Head Start is increased $33 million over the President's request bringing total FY01 funding to $6.3 billion.

Certainly, I believe that education should be a top priority, as should smaller classrooms and neighborhood schools that are not falling apart. Had I been present for the vote, I would have supported the motion to instruct which encourages the conferees to work with the bipartisan proposal on school construction and efforts being led by Congresswoman NANCY JOHNSON on this issue.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. TIAHRT. Mr. Speaker, on October 31, I was unavoidably detained and missed rollcall vote 585. Rollcall vote No. 585 was on passage of H.J. Res. 121, making further continuing appropriations for the fiscal year 2001, and for other purposes. Had I been present, I would have voted ''yea'' on H.J. Res. 121.

IN MEMORY AND HONOR OF DAUNE MARIE WEISS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. STUPAK. Mr. Speaker, when Andrew called me in Washington and asked me to honor Daune today, I was honored.

In Washington, we still do not have a budget and we are operating on a 24-hour continuing budget resolution—one day at a time—one day at a time.

For Chris and Sarah, Peter, Andrew, Robert Palmbos, the Langestaff, Weiss, and Weber families, and for all of us who knew and loved Daune and Dick, we must take it one day at a time—every day will be a challenge—some days, you feel like you cannot or do not even want to get out of bed, to face another day without Daune—without our loved one.

For my family, we know, we still struggle each day without our B.J.

But like Daune—we must move forward each day with all the confidence and gusto. Daune, the mother, the wife, the teacher, the sister, the friend, the community leader and business woman, showed us, taught us with her ''can do'' attitude to approach each challenge with enthusiasm, because behind that ''Buergermeister'' smile there was a strong woman who would not be denied, she was a kind, gentle, loving person—a love that engulfed her family and penetrated throughout the Gaylord community.

I still remember when we were staying at the Holiday Inn, and my sons forgot their swimming suits. Great disappointment was written all over them. Of course, Daune asked them, what was wrong? When our young sons told her their dilemma of having to spend a day at the Holiday Inn without their swimming suits—it just wasn't going to be fun.

Daune just smiled and said to our sons "Come on, follow me" and she marched them back to a storage room with a box full of suits, and sure enough there were two suits that fit the boys. They were thrilled as they ran off to the pool.

When we told our son Ken about the sad news, he used one word to remember Daune by, "Lederhosen."

In 1993, our first Alpenfest parade, Daune made sure we all had the appropriate dress and "Lederhosen," all the way down to the little Alpine hats for our boys, ages 11 and 13. I told them they did not have to wear the hats, but they had to wear the "Lederhosen"—they did, but only once. I still have my "Lederhosen" and they have taken on a new meaning.

No matter what time I would arrive at the Holiday Inn, it seemed like Daune was always there. Usually it was late at night. I would look "wrung out" and Daune would see me—her motherly instincts would take over—she would put her hands on her hips, and through that smile, would sternly ask me why was I not getting enough sleep and when was the last time I ate, and quite frankly, I could not remember, so she would say, "Come on, follow me" and we would go back into the kitchen and she would build me a sandwich, no matter what time it was.

The last time I checked into the Holiday Inn it was late. Dick Bebbell was at the front desk. He learned from Daune and asked if I was hungry, and no offense to Dick Bebbell, but Daune's sandwich had a better touch to it.

By her example, Daune taught us all kindness. That is what made her Holiday Inn staff the best!

For all of us Democrats, from all the campaigns of Irwin, Weiss, STUPAK, all Democrats, we knew we had an ardent supporter, an unending volunteer, and a great friend in Daune Weiss. There may not be a lot of Democrats in Otsego County, but we had Daune and she never let us down!

Daune, you never let us down. As we continue on in life, one day at a time, whether we are working in Washington, DC, Newberry, Gaylord, Moran, Northern Michigan University, Colorado, MSU, or Lake Superior State University, the mother, the sister, the teacher, the businesswoman, our "Buergermeister," now with "angelic" wings will guide us, as we face each day, as we face each challenge. Through Daune's warm, contagious smile, we can do it, we will do it—for Daune, one day at a time.

SHAMBALA WILD ANIMAL PROTECTION ACT WILL REGULATE POSSESSION OF WILD ANIMALS TO PROTECT PUBLIC AND ASSURE ANIMAL WELFARE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. LANTOS. Mr. Speaker, hardly a week goes by without a child or an adult—a member of the family or an innocent neighbor—being injured or even killed by a "pet" lion, tiger, or other wild animal. Owning these wild animals is a serious responsibility, but it is unfortunately a responsibility that is not taken seriously by some people.

In response to this serious problem, Mr. Speaker, earlier this year I introduced H.R. 5057—the Shambala Wild Animal Protection Act. The legislation would amend the Animal Welfare Act to protect public safety by placing restrictions and controls on the personal possession, breeding, import, export, transfer, or sale of protected wild animals such as lions, tigers, leopards, and similar animals. The bill directs the Secretary of Agriculture to establish standards that must be met to permit personal possession of these wild animals where no regulation currently exists. The purpose of this legislation is to establish criteria for ownership both to protect the public and to assure that these beautiful animals are treated humanely.

In developing this legislation, Mr. Speaker, I have worked with leaders of the animal sanctuary community who, like me, have been alarmed about the many incidents relating to death and injury resulting from irresponsible possession of wild animals. The principal leader of this effort is Tippi Hedren of the Roar Foundation and the Shambala Preserve in California. Ms. Hedren is the star of Alfred Hitchcock's classic films, The Birds and Marne, and other films.

The legislation would require a permit for the personal possession of such animals, but any agency or official of the Federal Government or of a state or local government or research facility which is currently regulated under the Animal Welfare Act would not be required to obtain this additional permit. Zoos, animal parks, and wildlife sanctuaries also would not need this additional permit if the facility has been licenced by state or local authorities whose standards meet or exceed the requirements that would be established in bill.

Individuals currently possessing protected wild animals on the effective date of the enactment of this legislation would retain possession if they apply for a permit within one year of the date of the enactment of the legislation. The Secretary of Agriculture through the Animal and Plant Health Inspection Service would establish specific personal permitting requirements, as well as housing and care standards for each species covered by the legislation.

Mr. Speaker, a number of our distinguished colleagues have joined me as cosponsors of H.R. 5057, including Mr. ABERCROMBIE of Hawaii, Mr. DEFAZIO of Oregon, Ms. ESHOO of California, Mr. FARR of California, Mr. FILNER of California, Mr. GALLEGLY of California, Mr. KASICH of Ohio, Mr. KLECZKA of Wisconsin, Mr. KUCINICH of Ohio, Ms. LOWEY of New York, Mr. MORAN of Virginia, Ms. MORELLA of Maryland, Mr. NEAL of Massachusetts, Mr. PALLONE of New Jersey, Mr. PORTER of Illinois, Ms. RIVERS of Michigan, Mr. SHAYS of Connecticut, Mr. STARK of California, and Mr. WAXMAN of California.

This fall, Mr. Speaker, under the sponsorship of my friend and colleague from California, RICHARD POMBO, we introduced H.R. 5360, which would direct the Secretary of Agriculture to conduct a comprehensive evaluation of federal and state laws that regulate private ownership of these exotic wild animals and would also direct the Secretary to make recommendations to the Congress regarding these matters. We felt that such a study would provide the necessary groundwork to deal effectively and knowledgeably to achieve the goals of H.R. 5057.

I regret, Mr. Speaker, that despite the length of time we have spent in session this fall, we have not been able to deal with either the Shambala Wild Animal Protection Act or, at the very least, with the more modest proposal I made with Congressman POMBO in H.R. 5360 to undertake a thorough analysis of existing laws and regulations at the state and federal level and to propose to the Congress ways to deal with the matter of private ownership of these animals.

Mr. Speaker, if my constituents return me to the Congress in the upcoming elections, I intend to pursue this matter in the next session of the Congress. I strongly urge my colleagues to join me in the effort to deal with this serious public safety and animal welfare issue.

INTRODUCTION OF THE SECURITY FOR ALL ACT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. CROWLEY. Mr. Speaker, I introduced legislation today to provide important tax deductions to both individuals and businesses who invest in security devices for their property.

Fortunately, during the past several years the rates of property crime have been decreasing nationally. Even then, we still do have a real problem of property crime in this Nation.

Annually, millions of dollars are lost by robberies or thefts to people's homes and businesses. This Congress should do everything it can be encourage crime prevention and protection for law-abiding citizens.

It is for that reason, that I introduced the Security for All Act. My legislation would amend our current Federal Tax Code to provide for deductions to individuals and businesses for the installation of qualified security devices.

According to the FBI's 1999 Uniform Crime Reports, in my hometown of New York City, there were over 40,000 burglaries and over 140,000 larcenies of both personal and commercial property.

Besides the high monetary costs burdened by our society by these crimes, there are the uncounted personal costs of recognizing a

stranger came into your home, riffled through your stuff and stole your possessions.

The need for his technology has already affected consumers and businesses. The need for hotels to switch to electronic access control locks to replace traditional key locks was done out of a necessity to protect the consumer and to protect the hotel industry for insurance purposes. In a similar fashion, discounted insurance rates would benefit the homeowner and the small business owner.

We must do everything in our power to stop these criminals, and I view my bill as a solid preventive effort at accomplishing this goal.

CONGRATULATIONS TO COFFEE REGIONAL MEDICAL CENTER

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate Coffee Regional Medical Center located in Douglas, GA, for receiving the 2000 Georgia Rural Health Association Rural Hospital of the Year Award.

Moving into their new facility in 1998, Coffee Regional Medical Center is serving our community by promoting health and delivering health related services. Furthermore, this new facility has enabled Coffee Regional Medical Center to reduce operating expenses and increase profitability. This new facility has become a source of pride for the citizens of Coffee county, and I want to congratulate them on their accomplishments.

The Rural Hospital of the Year Award is given on the merits of demonstrated excellence in service and organization and can be viewed as a model institution for others.

Furthermore, I want to congratulate George Heck, President and CEO, as well as the entire staff of the Coffee Regional Medical Center for excelling in efficiency, quality of care, community support, volunteer programs, and relevance to the rural community of Coffee County. I wish them all continued success in serving the people of Coffee County, GA.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mrs. MALONEY of New York. Mr. Speaker, I was unavoidably detained in my district on Monday, October 30. The following indicates how I would have voted had I been present.

For rollcall vote No. 577, I would have voted ''aye.''

For rollcall vote No. 578, I would have voted ''aye.''

For rollcall vote No. 579, I would have voted ''nay.''

For rollcall vote No. 580, I would have voted ''nay.''

For rollcall vote No. 581, I would have voted ''aye.''

For rollcall vote No. 582, I would have voted ''nay.''

For rollcall vote No. 583, I would have voted ''aye.''

A TRIBUTE TO SID YATES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, Sid Yates was an exemplary democrat. I have never met anyone who did a better job of helping the citizens of this country govern ourselves. Sid Yates belied the view that passion about issues and civility towards people were somehow inconsistent. He cared deeply about a broad range of issues, and knew a good deal about all of them because he was a man of deep learning and high intelligence. But he never let either his knowledge or his commitment interfere with the respect he showed to others, and his interaction with his Congressional colleagues was, as I have said, a model of how government should be carried out in a democracy.

Others will be describing his extraordinarily effective advocacy of the arts, an advocacy that meant so much because it came from someone who was himself deeply appreciative of the value of culture to the quality of human life. We knew him as well as a dedicated defender of our common natural heritage, embodied in our parks, and of his fierce defense of civil liberties and racial fairness. I want to talk here about one particularly important aspect of his work that did not get a great deal of publicity, because he did not want it to, but which was of great significance in this nation.

For all of the years that I served in Congress until he retired. Sid Yates was the senior Jewish Member of the House in point of service—as well as in other ways of an intangable sort. He presided regularly over an informal Caucus of Jewish Members on issues that were of particular importance and often of great sensitivity. During the period that Sid performed this role, there were efforts in our society to drive wedges between Jewish and African American Members of the House, as people sought to drive those wedges between our two communities elsewhere. Many of us on both sides worked hard to prevent this from happening, and no one was more important in our success in this regard than Sid Yates. Sometimes the important accomplishments of a person are the things that he or she kept from happening, as much as the things he or she caused to happen. In Sid Yates' case, among the towering monuments that this great man left us is his leadership role in frustrating the efforts of those who would have set Jewish and African American Members of Congress quarreling over the fate of negotiations in the Middle East, over the foreign aid bill, over affirmative action and other important issues. I am very proud that throughout my service we have remained largely united in defense of important steps towards justice in our nation and in the world, and Sid Yates' important role in this should be acknowledged.

Mr. Speaker there are people whom one admires, but whom one does not necessarily want as a seatmate on a long plane ride. Sid Yates was a wonderful man who did great things for society, and was a delight to be with, listen to and learn from. We miss him greatly.

TRIBUTE TO RAMON B. PRICE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. RUSH. Mr. Speaker, I pay tribute to Mr. Ramon B. Price, who passed on Friday, September 29, 2000. While Ramon was the youngest brother of Chicago's late mayor Harold Washington, Ramon was better known as a great costume designer, painter, sculptor, illustrator, historian, educator, and ambassador of Afro-American Art, who devoted his life to the service of his community.

Ramon Betrell Price was born on July 18, 1930 in Chicago, Illinois. He earned a Bachelor's Degree in Art Education from the School of the Art Institute, and went on to receive a Master's Degree at Indiana University.

From the beginning of his career, Ramon had been engaged in education. His early career in education not only helped him develop his passion for art, but encouraged his enthusiasm for public service. After his honorable discharge from the Marine Corps, Ramon spent the next 17 years teaching art at various High Schools, and colleges, in and around Chicago.

In 1973, Ramon began his tenure as Chief Curator of the DuSable Museum of African American History—the oldest museum of African American History in the nation.

In an effort to create an exchange of ideas, and culture, Ramon traveled extensively on behalf of the DuSable. Not long before his passing, he led a group of artists and patrons to the Festival del Caribe in Santiago, Cuba. Ramon regularly traveled to Africa, and to Bahia, Brazil, where he worked closely with the ''Sisterhood of Boa Morte,'' a sorority which traces its origins back to the time of slavery. He was also a co-founder of both the Afro-American Artist Round Table (AVAR); and the Artists for Senhora Vadente's Settlement House in Salvador de Behai, Brazil.

Ramon worked on many projects, assisting anyone who asked. When his friends needed assistance, support or guidance, Ramon was always one on which they could depend. To Ramon, art was inexorably linked to education. This philosophy is most beautifully, and poignantly expressed through his own words: ''Art, in its broadest sense, is a culmination of all human experiences. If one is faithful to the idea that art is essentially a means of communication, then the artist as teacher is as he should be. This is especially important to me in relation to my art and its most immediate audience . . . my black brothers and sisters.'' Ramon was a true gentleman and scholar; and he will truly be missed.

HONORING KARAN MACKEY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. THOMPSON of California. Mr. Speaker, today I honor Karan Mackey for her 22 years of dedicated service to the people of Lake County, California. Ms. Mackey is retiring on January 2, 2001 from a distinguished 16-year career as a member of the Lake County Board of Supervisors.

Karen Mackey was raised in the Sacramento area and has resided in Lake County for over 25 years. Prior to commencing elected service, her professional background was in youth counseling, casework, adult volunteer programs, and senior center development.

Karan Mackey's career in public service began with the Lakeport City Council where she was first elected in 1978. Not long afterwards Ms. Mackey was selected to serve as Mayor of Lakeport City and did so for two terms. In 1984 she was elected to her first term on the Lake County Board of Supervisors representing the Fourth Supervisorial District. She served several terms and attained major leadership positions that included Vice Chair and Chair of the Board of Supervisors (BOS), California State Association of Counties representative for the BOS, Chair of the Clear Lake Resource Management Committee, BOS representative to the Redwood Empire Association, BOS representative on the North Coast Emergency Services Joint Powers Authority, and numerous other committees and advisory groups.

Ms. Mackey has been a tireless representative of the Fourth Supervisorial District. As spokesperson for Lake County's largest agricultural district has she has been a steadfast advocate of farming issues. Ms. Mackey was also instrumental in seeking out and securing funding for jail construction, a critical district issue. Other important district issues to which she has distinguished herself include water quality (including the Basin 2000 project), flood protection, transportation, seniors, economic development, enhancement of the Clear Lake Fishery, and public safety.

In addition to her considerable public successes, Ms. Mackey has been a dedicated wife and mother. She is married to Hugh Mackey and the two have four children: London, Chelsey, Cody and Tad.

Mr. Speaker, it has been my great honor to represent Ms. Karan Mackey first as her State Senator and now as her Congressman. Clearly, her life has been one of great public service, dedication and commitment. For these reasons, it is necessary that we honor this woman for her distinguished service to the people of Lake County, California.

10TH ANNIVERSARY OF CHRISTIAN FAITH BAPTIST CHURCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. TOWNS. Mr. Speaker, as Christian Faith Baptist Church of Raleigh, North Carolina celebrates its 10th Anniversary, let me congratulate the members of the congregation and their pastor, the Rev. Dr. David C. Forbes, Sr. for their dedicated work in serving the emotional and spiritual needs of Raleigh residents. I also want to recognize Sister Gladys Graves and Sister Delores Steele for their leadership in making the celebration a success.

Since Christian Faith Baptist Church was founded on February 18, 1990, your distinguished pastor and congregation have exemplified the very best in humanity through a common commitment to the Christian faith. That's why it is altogether fitting that you chose these simple words as your anniversary theme: "Remembering God's Call, Rejoicing in God's Faithfulness and Re-committing to God's Work." Christian Faith Baptist Church has lived by these words for the past ten years.

I commend you on your immense contributions during these past 10 years. Those sixty-five kindred souls, who came together at Roberts Park Center on Sunday, February 18, 1990, are a celebration of His provision in church growth and discipleship. Now, as a closely-knit church family with over five hundred disciples working diligently to support twenty-eight ministries, the established discipleship and service has been firmly established as the focus of Christian Faith Baptist Church.

Let me again offer my sincere congratulations on this, your 10th Anniversary Celebration.

"CUBA FOR KIDS" TEACHES CHILDREN ABOUT CUBAN HISTORY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, on November 12, 2000 the Cuba for Kids Foundation will celebrate the official launch of "Cuba for Kids," a bilingual book dedicated to stimulating in children an interest in Cuba and Cuban history.

"Cuba for Kids" is a children's book which explains some of Cuba's most significant historical periods, teaches important historical lessons, and recounts many of the unique social and political figures in Cuban history.

Unveiled by the non-profit Cuba for Kids Foundation, "Cuba for Kids" is the product of a collaboration by noted scholars, psychologists, and social workers, including Dr. Jaime Suchlicki, Director of the University of Miami's Institute of Cuban and Cuban-American studies.

Founded by a group of young professionals and led by Dr. Ismael Roque-Velasco, author of "Cuba for Kids," the Cuba for Kids Foundation is dedicated to promoting Cuban heritage, and arousing in younger generations an interest and appreciation of Cuban culture and history.

As a former school administrator, and the mother of two school age girls, I am hopeful that parents, grandparents, and teachers will find "Cuba for Kids" a useful tool in making Cuba's dynamic culture and history accessible to children.

Noted artists including actor Andy Garcia, and musicians Gloria and Emilio Estefan have described "Cuba for Kids" as an essential document in educating our children on Cuba's beautiful heritage, as well as a beautiful way to keep Cuba and its history alive in the hearts of children.

I wish to add my voice to those community leaders in Miami such as Jon Secada, Christina Saralegui, Celia Cruz, and Arturo Sandoval who are taking part in the ceremonial launching of "Cuba for Kids."

I also wish to specifically congratulate Dr. Ismael Roque-Velasco, and men and women at the Cuba for Kids Foundation, on the release of this wonderful new book.

IN MEMORY OF JOSEPH DONNELLY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. MURTHA. Mr. Speaker, it is with deep sense of personal loss but also enduring respect and admiration that I come before my Colleagues in the House of Representatives to pay tribute to the memory of Joe Donnelly.

Joe Donnelly was a journalist. The long-time editor and co-publisher of the Indiana Gazette in Indiana, Pennsylvania, he recently passed away at the age of 76. However these statements of fact do not begin to describe or define the man or the impact his life had on his profession and his community. His departure leaves at once both a gaping hole and an enduring legacy in the region served by the newspaper he and his late wife Lucilla published for years under the hundred-year-old daily header: "The Gazette wants to be the friend of every man, the promulgator of all that's right, and a welcome guest in the home."

That phrase could describe Joe Donnelly, the man, as well. In an age when national newspapers increasingly come under influences that are often negative and at odds with the ideals of journalistic ethics and objective reporting, Joe Donnelly remained a positive force not only through his leadership of a venerable publishing operation but through the examples he set every day in his community involvement. He was extremely well respected by his colleagues both for his ethics and his management style. And, acknowledged for his active involvement in civics and his church, he once received the Benemerenti Award from Pope Paul VI in person.

It is probably no accident that the same town that produced an American hero like Jimmy Stewart also produced a man like Joe Donnelly, a Marine combat veteran of two wars. His long list of interests, awards and achievements indicate a tireless pillar of American values, which he certainly was. In his church, his town, and his family life, he set an example that will continue to influence the values of the generations who follow him. A colleague at the Gazette recalled him, "He came up the long way, form the bottom and really

worked hard at it.'' The journalistic legacy of Joe Donnelly lives on in his son and daughters, who continue to run the Gazette even as they raise his four grandchildren. The broader lessons of the importance of hard work, of giving of oneself to church and community, and of humility, are what we can all take from the memory of this unique American.

Joe, we miss you and we thank you. Goodbye, Marine.

INTRODUCTION OF CORRECTED VERSION OF DEMOCRATIC MEDICARE AND MEDICAID GIVE-BACKS BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. RANGEL. Mr. Speaker, on behalf of Representative DINGELL and myself, we are re-introducing today the Democratic version of the Medicare and Medicaid give-backs bill, that includes the provisions in the House-passed bill of Thursday, October 26th plus the beneficiary and provider improvements requested by the President and detailed in the Administration's veto letter of October 17th.

Yesterday, a version of this bill was introduced (H.R. 5601), but because of mechanical problems in the electronic transmission of the bill, a number of errors occurred.

When considering the Democratic position on how to improve the Medicare, Medicaid, and S–CHIP programs, please refer to the bill introduced today H.R. 5612, not to H.R. 5601.

IN HONOR OF ELLEN COKINOS ON THE OCCASION OF HER RECEIVING THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION'S COMMUNITY LEADERSHIP AWARD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. BENTSEN. Mr. Speaker, I rise to honor Ellen Cokinos, Founder and Executive Director of Houston's Children's Assessment Center, on the occasion of her receiving the Director's Community Leadership Award from the Federal Bureau of Investigation. Ellen Cokinos, through her leadership and unwavering commitment to protect the most defenseless in our community—children, deserves to be held up as a national role model.

For nearly a decade, Ellen Cokinos and the Children's Assessment Center have conducted a ''quite revolution'' in the treatment of child sexual abuse. Under Ellen Cokinos' direction, the Children's Assessment Center has set the standard for creating child-friendly intervention systems for sexually abused children by developing a comprehensive, coordinated team approach that draws from both the public and private sector. Ellen Cokinos has led a movement to change the way government agencies deal with sexually abused children by instituting a multi-disciplinary approach to the prevention, assessment, investigation, and treatment of child sexual abuse.

An internationally-recognized expert in her field, Ellen Cokinos deserves praise for her role in educating the larger community about violence prevention through establishing programs to foster greater awareness of child sexual abuse. I have had the great privilege of working with Ellen Cokinos on initiatives to promote the health and safety of Houston's children. The impact of the Children's Assessment Center, Ellen Cokinos' brainchild, reaches well beyond the more than 38,000 children it has served. This award is recognition of the invaluable contribution Ellen Cokinos has made to bringing about a fundamental change in how abused children are treated.

Mr. Speaker, as one who has worked closely with Ellen Cokinos, I know what she is a child advocate without equal and one of our community's great leaders. Therefore, Mr. Speaker, I rise with great pleasure to honor Ellen Cokinos, on the occasion of her receiving the FBI's Director's Community Leadership Award.

MEDICARE, MEDICAID, AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. CRANE. Mr. Speaker, as we continue to consider the fate of the tax bill passed by the House of Representatives last week, I would implore the President not to veto this bill. As you know, this package includes the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 that provides much needed relief from the unintended consequences of the Balanced Budget Act of 1977 to a variety of Medicare providers including: hospitals, nursing homes, home health agencies, hospice services, and Medicare+Choice.

Among the various provisions included in the Medicare relief portion of this package aimed at improving the quality of care our nation's seniors depend on, I would like to call your attention to an important public health issues that is in the Medicare relief portion of this package. We have all heard from our nation's hospitals about the unintended consequences of the Balanced Budget Act of 1997 and it's effect on their ability to provide a variety of services to their patients. One area that has been hard hit is hospitals' ability to treat patients with state-of-the-art blood products. In testimony before the Committee on Ways and Means Subcommittee on Health, the American Hospital Association specifically cited the costs associated with blood as one of the reasons that Congress should restore the full market basket index.

Patient access to a safe and adequate blood supply is a national health priority and has been recognized by members of this body, the American public, and the nation's public health leaders. Yet, many of us have heard from the American Red Cross, America's Blood Centers, and the American Association of Blood Banks over the past year about hospitals having trouble affording new, innovative blood therapies that help to ensure that the nations blood supply is safe for patients. Additional funding is needed if we are going to remain commitment to providing the safest blood supply possible.

The blood banking and transfusion medicine communities are constantly working to assure that safety improvements for blood are implemented as soon as they become available. Two recent initiatives have been introduced to increase the safety of the blood supply—Nucleic Acid Testing and leukoreduction. Nucleic acid testing allows for early detection of infectious diseases (such as HIV and hepatitis C (HCV)) in blood by detecting the genetic material of viruses. Leukoreduction, the removal of leukocytes (white cells) from blood components can reduce the frequency and severity of complications from transfusions. Unfortunately these new screening protocols significantly increase the cost of blood products. Nucleic Acid Testing and Leukoreduction increase the cost of blood products by over 40 percent for both hospitals and blood banks.

Our Nation's nonprofit blood collection centers operate in the same managed care environment as our hospitals. While volunteers freely give the gift of blood, our nonprofit blood centers must recover the cost associated with providing a safe, state-of-the art product. This includes the cost associated with collecting, testing processing, storing, and distributing blood for patients in need.

Nonprofit blood centers pass these charges onto hospitals, which, in turn, must get timely and adequate reimbursement for these life-saving and life-enhancing products. Unfortunately, the current system by which the Health Care Financing Administration (HCFA) determined hospital inpatient reimbursement rates does not account for these new and improved safety measures in a timely manner.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act directs HCFA and MedPAC to review how hospitals are reimbursed for blood and to make the necessary changes to provide for fair and timely reimbursement. While those studies will not be complete, nor will the recommendations be acted upon during the current fiscal year, we must act now to ensure that patients are receiving the safest possible blood products.

The American Hospital Association along with the American Red Cross, America's Blood Centers, and the American Association of Blood Banks have all recognized the importance of this legislation. By restoring the full inflationary update to the Market Basket Index for hospitals, Congress is providing the nation's hospitals and blood centers with the means to afford new blood therapies and to ensure that patients are treated with the safest possible products.

HONORING TOBY ROSENBLATT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. PELOSI. Mr. Speaker, Toby Rosenblatt is a remarkable individual we are fortunate to have in our San Francisco midst. He has accomplished extraordinary feats in various roles and over many years of public service to the community.

Toby was honored today by Secretary of Interior Bruce Babbitt for his outstanding work to preserve the scenic and recreational lands of our Golden Gate National Parks in the San Francisco Bay Area. He has made an immense and indelible contribution to our natural landscape. The San Francisco community joins the Department of Interior in congratulating Toby on this special recognition to a most deserving individual.

One of the highlights of this lifetime of accomplishment is Toby's leadership to return Crissy Field, a former World War II airstrip, to historic wetlands along the Presidio's window to the Bay. This is a phenomenal accomplishment—to bring the resources, talent and energy together in a great success that reverberates for the entire Bay Area Community, as well as for all of our national parks.

As Chairman of the Golden Gate National Parks Association (GGNPA), Toby has led the successful drive to bring over $50 million in private donations to this spectacular project. By engaging the public in this effort, Toby had sparked a new awareness in the importance of our national parks and has led the way in forging the most successful public-private partnership in the history of the National Park Service. As the Secretary's citation notes: Under Toby's leadership at the GGNPA, ''the Parks Association has become a national leader of NPS friends groups . . .'' with contributions totaling over $50 million, ''the largest of any individual friends group.''

In addition to serving as the volunteer Chairman of the GGNPA, Toby also wears the hat of Chairman of the Presidio Trust. In this capacity, he has led the Trust in preserving the Presidio's integrity as a national park and in meeting the goal set by Congress to reduce costs.

On behalf of our community, I extend my congratulations to Toby for this well-deserved honor, and also to his wife, Sally, and their sons Jamie and Adam.

Toby has served as the epicenter for many great accomplishments at the GGNPA and the Presidio and we look forward to his continued leadership in our community on behalf of our national parks.

TRIBUTE TO DAVID M. EVANS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. HOYER. Mr. Speaker, on October 4, a man of great knowledge, talent and dignity passed away. David Meredith Evans was an officer in the Foreign Service, serving his country in that capacity from 1963 until 1995. He was 64 years of age. I came to know him during his last assignment before retiring, when he served as the Senior Adviser on the staff of the Commission on Security and Cooperation in Europe, better known to us as the Helsinki Commission.

I was Chairman of the Helsinki Commission at the time and relied heavily on his expertise in the early 1990s, when the former Soviet Union and the countries of East-Central Europe were in a state of transition and, in some cases, turmoil. With the Cold War coming to a close, it was a challenge for many foreign policy experts to understand the new world into which we were heading. David, however, had a keen sense of where things were heading, both in terms of the wonderful possibilities and of the dangerous obstacles that stood in the way. Thanks in large part to him, the Helsinki Commission played a prominent role during that period: observing the first multi-party elections countries from the Warsaw Pact held in at least four decades; organizing congressional delegations to these countries to learn firsthand what was happening; attending meetings of what is now the Organization for Security and Cooperation in Europe (OCSE) to raise concerns about human rights violations in particular; and overseeing the drafting of Commission reports which helped educate policy-makers about what needed to be done.

David Evans had a strong background in Soviet and East European affairs going back to his education at Harvard University and his tours at the U.S. embassies in Moscow, Belgrade and Warsaw. He had focused considerably on economic and trade issues, and he understood early on that the entrepreneurial spirit and free market, not the collectivism and central planning of communism, were what the people in these countries needed. He further understood that this could not happen without the development of democracy, and he became a committed human rights advocate. Indeed, the Commission's first encounters with David Evans were during OSCE negotiations on economic, scientific and environmental questions. Rather than pushing generic ''international cooperation'' in these areas, he pushed for improved human contacts through developing the tourist industry; he criticized the Soviets for taking action against scientists like Andrei Sakharov who expressed independent political views; he promoted the right of environmental activists in the Soviet Union and East-Central Europe to raise their concerns without being punished by the state.

David also had a particular expertise on Yugoslav affairs, and while the violent demise of Yugoslavia beginning in 1991 had a strong affect on all of us, it brought him a personal anguish. He spoke the language fluently, traveled there frequently with the Commission staff and worked tirelessly to make us aware of what was happening and why. He was in Sarajevo in March 1992, when the city was first surrounded by Serb militants, and got a glimpse of the nightmare that Bosnia and its capital would have to endure one month later and the more than three years thereafter.

I worked mostly with David, however, in dealing with the break-up of the Soviet Union and the emergence of new countries about which we knew little. I can remember mostly his seriousness of purpose combined with a good sense of humor. Among other things, he introduced us all to the word ''gefuffle,'' his description of a scene of chaotic confrontation where people are shouting at each other. And, as I said, he was a man of great dignity. He was, for example, generally conservative and formal in his attire. Still, he would travel to some of the muddiest, dustiest, dilapidated places in Europe without hesitation in order to carry out the Helsinki Commission's mandate.

In the five years he was with the Helsinki Commission, the staff truly appreciated his presence and sense of purpose. They could rely on him to provide the direction and judgment needed to carry out their tasks. They could also count on his support for their efforts to promote human rights when those from other branches of government or countries sought to minimize human rights in international relations. Many of the same staff are still at the Commission, and kept in touch with him in his retirement. Indeed, he continued his activism during this period, working to preserve country estates and museums throughout Russia.

Along with his wonderful family, friends, fellow foreign service officers and Commission staff, I will miss David Evans and will always remember and value his advise and presence while at the Helsinki Commission. He was, Mr. Speaker, an American who dedicated his life to representing his country and the ideals on which it is based, and I am grateful to have known him.

MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 2000

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. REYES. Mr. Speaker, I rise today in support of S. 1880. This bill, the ''Health Care Fairness Act'' will improve the health of minority populations including Hispanics, African Americans, Native Americans, Alaska Natives and Asian-Americans. I am a cosponsor of H.R. 3250, the House companion to S. 1880. Mr. Speaker, as you know, minority communities suffer disproportionately from many health problems and have higher mortality rates than whites for many treatable health conditions. They also continue to suffer from inequities in the U.S. health care system.

The legislation that is on the House floor today will increase federal commitment to biomedical research on minority health and will improve health related data collection on minorities. This legislation will implement demonstration projects that address bias in the health care system that adversely impact minority populations and will establish pilot projects in medical schools to reduce racial and ethnic health disparities. This bill will also make grants available for the development of health care education curriculum and for continuing health education professional development. Another important aspect of this bill is

that it will elevate the Office of Minority Health to a Center of Research on Minority Health at NIH. The Center will conduct and support basic and clinical research, training, the dissemination of health information, and other programs with respect to minority health.

Mr. Speaker, more needs to be done in our country to address the disparities in healthcare for minorities. The Health Care Fairness Act is a step in the right direction and I urge my colleagues to support this important piece of legislation.

THE RIGHT TO KNOW ACT OF 2000

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. COBURN. Mr. Speaker, a young woman visits a health clinic. She consults with a nurse, undergoes a series of tests and exams and then is sent home with a clean bill of health. She is not, however, perfectly healthy. She is infected with HIV. The clinic tested her, without her knowledge, and never told her the results. Because she was never told, she has been denied medical treatment that would have kept her healthy. Because she is never told, she unknowingly places others at risk for contracting the disease, including her husband and children. And because she is never told, her life is prematurely cut short and she dies from AIDS.

At 51 clinics across the country, the federal Centers for Disease Control and Prevention (CDC) is financing such a project. As a practicing physician, I find this to be highly unethical and appalling. In essence, government scientists have reduced men and women to bacteria in a Petri dish, disposal subjects for experimentation.

Because the CDC has failed to properly monitor the HIV epidemic with the same reliable reporting system used to track every other disease, the agency implemented these so called serosurveillance, or ''blind'', studies to determine the size and demographics of the HIV/AIDS epidemic.

The director of research at the Pediatric AIDS Foundation in California, Arthur Amman, has compared the CDC's blind testing to the notorious Tuskegee study that followed 400 black Alabama sharecroppers infected with syphilis in order to observe the disease's progression. Begun in the early 1930s, the Tuskegee 'experiment' financed by the Public Health Service, continued until 1972 despite the fact that treatment became available in the 1940s.

Likewise, the CDC's 'blind' HIV testing began in the 1980s and continues today even though medical treatment for HIV is now available.

Of those found to be HIV-positive through these government funded tests, up to 90 percent did not themselves receive an HIV test at some clinics according to the CDC's own data. That means at these locations, nine out of ten individuals that the CDC diagnosed as infected, were never told they are infected with a terminal and contagiouis disease.

The CDC rationalizes these 'bline' tests by conducting the surveys in facilities which offer counseling and voluntary HIV testing to all patients. Regardless of whether testing is or is not otherwise available, it is criminal that anyone diagnosed with a life threatening, contagious disease is not told and is instead allowed to die and infect others. It is even more despicable that those charged with protecting the public's health are running this program.

The Right to Know Act will prohibit the CDC, or any other federal agency, from conducting or supporting such an unethical practice. It will require that whenever an HIV test is conducted using federal funds that every reasonable effort is made to find and disclose to the tested individuals the results, together with appropriate counseling. Never again should anyone ever be denied the knowledge of an HIV diagnosis or the medical care that can save their lives.

I am hopeful that Congress in the remainder of the 106th Congress will include this life saving proposal in an appropriate legislative vehicle headed to the President's desk.

COMMEMORATING THE 75TH ANNIVERSARY OF THE WILMER EYE INSTITUTE AT JOHNS HOPKINS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. STEARNS. Mr. Speaker, today I pay tribute to the Wilmer Eye Institute at Johns Hopkins in Baltimore, Maryland. The Institute celebrated its 75th anniversary in April of this year and is known throughout the world for its outstanding staff and exceptional care that is delivered at the facility.

The Wilmer Eye Institute has been designated as the best overall department of ophthalmology in the country. This distinction marks the fifth consecutive year that it has received this honor. This is the first year that Wilmer has been designated best in all categories by the Ophthalmology Times, which includes best overall, best research, best clinical, and best residency. The fact that it is the only department to be given such recognition by a peer survey of department chairmen and directors of residency programs across the United States makes this an even greater honor.

The Wilmer Institute has an interesting history. Back in the 1920's, Mrs. Aida Breckenridge, who suffered from glaucoma, was treated by Dr. William Holland Wilmer. To show her gratitude Mrs. Breckenridge persuaded 700 other grateful patients to build an eye hospital to honor him. Through her efforts $3.7 million was raised and the Wilmer Eye Institute was dedicated in 1929. It was the first eye hospital to combine patient care with teaching and research.

Since it was founded, the Institute has made many significant contributions throughout the years. In 1947, physicians on staff at Wilmer were responsible for writing the textbook on the subject of Nueroophthalmology and are still considered to be the authority on this subject.

I would like to mention several major achievements made by Wilmer Institute to correct diseases that impair eye sight. In 1956, scientists at Wilmer discovered that excess oxygen in incubators causes retinal damage in many premature infants. This discovery resulted in a dramatic decrease in the number of blind preemies.

Then, in 1979, the Dana Center under the auspices of Wilmer opened the first and only preventive ophthalmology center in the United States. The Center has been instrumental in saving the sight of millions of people all over the world. The Dana Center can list among its many accomplishments the following discoveries by its researchers; overexposure to ultraviolet light from the sun significantly increases the risk of developing cataracts; demonstrated the link between smoking and cataracts; found that glaucoma strikes African-Americans at five times rate of white Americans, and are developing more effective screening techniques for this disease; and the Center was also instrumental in leading to the development of the first safe drug to treat and control river blindness.

Perhaps one of the most meaningful discoveries made by its researchers occurred in 1983 when Vitamin A capsules were given to children in developing countries to prevent blindness. Another benefit of this discovery was a 30 percent drop in the death rate among these children.

The Wilmer researchers continued to make other noteworthy discoveries throughout the 1980s. In 1987, the Institute developed one of the most effective eye drops to treat the eye pressure caused by glaucoma. Cornea surgeons at Wilmer successfully used excimer laser energy to erase scars on the cornea which delayed and in some cases eliminated the need for a transplant.

These are but a few of the many, many contributions that have been made since the founding of the Wilmer Institute 75 years ago. I believe we all owe Mrs. Breckinridge our gratitude for her keen insight and tireless efforts to promote the establishment of this premiere eye institute.

Mr. Speaker, I can't speak highly enough about the Wilmer Institute which is responsible for preventing the loss of sight of millions of people around the world. It is precisely for this reason that it is regarded as the best eye hospital in the world by doctors surveyed in the U.S. News and Report. It has proven time and time again that it is on cutting edge when it comes to treatment of eye disorders. I'm not surprised the first ophthalmic genetic center in the United States was established at Wilmer.

The leading causes of blindness are cataracts, infection, diabetes, macular degeneration, and glaucoma. In the words of Dr. Morton Goldberg, Chairman of the Wilmer Eye Institute, ''My prognosis for the future of eye care and eye research is higher than it ever has been.'' This type of optimism from the number one ophthalmology institution in the country should be very comforting for every individual who has a history of eye disease in his or her family.

Many of us here in Congress have had first hand experience with being treated at the Wilmer Institute and know that it has and will continue to do an outstanding job in caring for its patients. Let me offer my congratulations and best wishes to the staff for their years of

hardwork and dedication. Congratulations to the Wilmer Institute at Johns Hopkins in Baltimore, Maryland as they celebrate their 75th anniversary this year.

GENETIC ENGINEERING: A TECHNOLOGY AHEAD OF THE SCIENCE AND PUBLIC POLICY?

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. KUCINICH. Mr. Speaker, genetically engineered (GE) food is and should be controversial. However, one voice has tended to dominate official discourse on the subject—that of the agri-business industry. These corporations and their paid public relations spokespersons have claimed: that GE food is identical to foods bred by selective (traditional) breeding; GE food is safe; GE food is associated with good environmental practices; and GE food will cure world hunger. Federal regulators have largely left these claims unchallenged, permitting the industry to introduce GE food rapidly and widely without producing scientific evidence to back their claims.

The public is skeptical. There is a growing popular movement that is critical of GE food promises and suspicious of its industry proponents. In other countries, consumers have flatly rejected GE food, and opposition to GE food is growing in this country. I believe that GE food is an example of a radically new technology, the massive commercialization of which has out-paced science and public policy.

In this article, I wish to examine the industry's claims and scrutinize federal actions. I will then present alternatives.

IS GE FOOD JUST LIKE TRADITIONAL FOOD?

There are significant and obvious differences between the genesis of traditional food and the manufacturing of GE food. Scientists note that conventional breeders rely on processes that occur in nature (such as sexual and asexual reproduction) to develop new plants. By contrast, genetic engineers use "gene guns" and bacteria among other methods to forcibly insert or "smuggle" foreign genetic material into a plant or animal. Genetic engineers also use genetic elements such as viruses which "turn on" the foreign genes in the new host organism as well as genes for antibiotic resistance that mark which cells have accepted the foreign genetic material.

Conventional breeders are bound by species boundaries that allow them to transfer genetic material only between related or closely related species. By contrast, the very purpose of genetic engineering is to allow scientists to transfer genes from completely unrelated life forms, creating such concoctions as corn that exudes toxins found in soil bacteria or tobacco that glows due to the insertion into its genome or a firefly gene.

Scientists warn that genetic engineers cannot always accurately predict the outcome of their experiments. Many scientists argue that the genetic engineering process is inherently unpredictable and that genetic engineers are operating with incomplete knowledge about how genes interact with each other and with their external environment. While genetic engineers can with some precision locate and isolate a trait or gene to be inserted, they cannot control with any precision where that gene will be inserted into the host plant or how it will interact with other genes in the host plant. The new gene may disrupt the function or regulation of a plant's existing genes.

Field trials and lab research have documented the unpredictable nature of GE plants. In a 1990 study, scientists attempted to suppress the multiple colors of petunia flowers by turning off pigment genes in the plant. Researchers predicted that all the engineered flowers would be the same color. The flowers, however varied in terms of the amount of color in their flowers and in the pattern of color in individual flowers. Some flowers also changed color as the season changed.

The unpredictability of GE crops was further highlighted in 1997, when farmers growing GE cotton reported that the plants had stunted growth, deformed root systems and produced malformed cotton bolls.

IS GE FOOD SAFE?

Despite endless reassurances by biotechnology companies and the Food and Drug Administration (FDA) that GE food is safe to eat, several concerns have arisen. Genetic engineering has the potential to introduce new alergens and toxins into food, increase levels of natural toxins, reduce the nutritional quality of food and increase the rate of antibiotic resistance in bacteria. Yet, our experience with GE crops is limited. They have only been growing on a wide scale for five years and, consequently, have only been part of the American diet for the same amount of time. The long-term consequences of a diet of GE food are therefore unknown. To date, not a single peer-reviewed study has been conducted on the long-term consequences for humans of eating a diet of GE food. Moreover, without segregation and labeling protections in place to inform consumers about what they are eating, it will be difficult to pinpoint and monitor whether the presence of GE material in food products is impacting human health.

The lack of long-term safety studies has correctly led the Environmental Protection Agency (EPA) to not approve Starlink corn for human consumption because of concerns with potential allergens. Unfortunately, this corn was found in Taco Bell taco shells found on our grocery stores. Kraft, the maker of these taco shells, recalled 2.5 million boxes of these contaminated shells.

ENVIRONMENTAL IMPACTS ASSOCIATED WITH GE FOOD

Despite claims that GE crops will help the environment, to date, the main focus of biotechnology has been to generate herbicide resistant crops and pest and disease resistant crops—crops that encourage more intensive use of pesticides. The failure of GE to move agriculture in a more sustainable direction is a serious threat to the environment.

Equally serious is the threat of genetic pollution which is potentially irreversible. Studies are revealing that predictions of gene flow, harm to beneficial insects, insect resistance, and the

Numerous studies have shown the potential fallout of transgenic "insect-resistant" crops on the environment. Both lab and field studies have confirmed that pollen from B.t. corn is lethal to monarch butterfly larvae. Swiss entomologists have found that lacewings and lady bugs are negatively impacted when they feed on organisms that have ingested the GE corn. Research undertaken at the New York University shows that contrary to expectation, B.t. toxins bind to soil particles and can persist in the soil for up to 250 days. These toxins have been shown to harm soil microorganisms that break down organic matter.

Given that half of our cotton crop and nearly one-third of our corn crop are GE "insect resistant" varieties, it is alarming that such studies were not conducted earlier, underscoring the fact that the experiment with GE crops is taking place in farmers' fields and on consumer plates rather than in controlled, laboratory settings.

Insect resistance to the B.t. toxin poses a serious threat for organic farmers who use the toxin in a natural spray as part of an integrated pest management scheme. A study published in Science found that a common pest of cotton was able to build up resistance to insect resistant varieties very quickly. If the toxin is rendered useless, organic farmers will be deprived of an essential tool.

Not content with simply engineering food crops, biotechnology companies are introducing new test tube "products." GE engineered salmon that are close to commercialization may be able to "outcompete" wild salmon in reproduction and further deplete this endangered species. Genetically engineered trees are also in the product line and may introduce ecological threats to our national forests.

CAN BIOTECH FEED THE WORLD?

There is no question that the nations of the world must take action to stop global hunger. It is a travesty that 800 million people go hungry each day. Biotech proponents argue that genetic engineering is the solution to the problem because it will increase crop yields to feed a growing population. A techno-fix, however, ignores the root causes of hunger.

Hunger persists today despite the fact that increases in food production during the past 35 years have outstripped the world's population growth by 16 percent. Indeed, the United Nations Food and Agriculture Organization recently stated that growth in agriculture will continue to outstrip world population growth. The Institute for Food Policy notes that there is no relationship between the prevalence of hunger in a given country and its population. The real causes of hunger are poverty, inequality and lack of access. Too many people are too poor to buy the food that is available (but poorly distributed) or lack the land and resources to grow it themselves.

The much heralded "Green Revolution" was an example of the failure of new technology applied to farming to reduce hunger. Using the technology, developing countries significantly increased crop yields, but they nevertheless failed to eliminate hunger, because they failed to address the root social and economic causes of hunger. Furthermore, the Green Revolution exacerbated poverty and social inequality. It favored larger, wealthier farmers who could afford the new high yielding crop varieties and the chemical fertilizers, pesticides, and irrigation systems that accompanied them. Left behind were poorer farmers

unable to afford such inputs. In the meantime, the heavy use of chemical fertilizers and pesticides generated resistant pests and degraded the fertility of the soil, undermining the very basis for future production.

The growing use of patents to ''protect'' biotechnology innovations also threatens subsistence farmers in the developing world and could exacerbate hunger. Patents have been taken out on plants, animals, bacteria as well as genes, cells and body parts. Sanctioned and imposed by the global trading system, this ''commodification of life'' has allowed multinational companies to patent staple crops in developing countries such as yellow beans in Mexico, South Asian basmati rice as well as medicinal herbs, livestock and marine species. Such a predatory system threatens to enable companies to maximize their control over farming processes and the world's food resources.

Landmark studies are showing that traditional farming methods, including multi-cropping and small scale techniques are proving to be just as effective in producing high yields as conventional farming. Most recently, in one of the largest agricultural experiments ever, thousands of rice farmers in China were able to double the yields of their crops simply by planting a mixture of two different rices—a practice that did not require using chemical treatments or investing any new capital. Clearly, these types of farming methods are suited to local needs and ecosystems. They will protect the environment and increase an affordable food supply. Biotechnology, however, will likely repeat the failure of the Green Revolution's fertilizers and pesticides. Biotech will not solve the problem of world hunger but may exacerbate it.

HONORING BRUCE S. HASLAM

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. HOEFFEL. Mr. Speaker, today I recognize Lieutenant Bruce S. Haslam, who is retiring after 26 years from the Abington Township Police Department in Montgomery County, Pennsylvania.

Lt. Haslam began his career in law enforcement as a Patrol Officer and moved up the ranks to Detective Lieutenant. He has been involved in many programs throughout his tenure and the community has benefited greatly from his service.

Lt. Haslam developed and implemented one of the first Officer Street Survival programs in the region. He has been involved in the Abington Police D.A.R.E. program from its inception. Today, the D.A.R.E. program is taught in all Abington schools.

Helping victims of domestic violence has been a priority for Lt. Haslam. He coordinated domestic violence issues for the department by working with state and county agencies to combat this abuse.

Lt. Haslam served the larger community as well. He was in active duty in the United States Army and is now a Colonel in the U.S. Army Reserves. He participated in special assignments in Haiti in 1994 and returned to service in Bosnia from 1998–1999.

It is an honor and privilege to recognize Lt. Bruce Haslam as he retires from the Abington Township Police Department. I congratulate him on 26 years of extraordinary service to the people of Abington and the United States of America.

INTRODUCING A BILL TO DEFEND AMERICAN JUDGMENT AND FREEDOM

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. KNOLLENBERG. Mr. Speaker, today I submit legislation to save Americans' opportunities and to embrace Americans' judgment and freedom. This legislation defends the people's right to fully participate in government and to retain some measure of control over our own lives against this insatiable Administration, ever seeking greater powers over us, the people.

My bill extends the public comment period on the flawed regulatory proposals pertaining to clothes washers, air conditioners and heat pumps. I am proud that a bipartisan group of fifteen esteemed colleagues join with me as original cosponsors of the bill. The bill will ensure that the voice of America's working people is heard.

The special interests left the American consumers and taxpayers out of the backroom scam. The American family and the working people are being asked to bear the burden of these proposed regulations.

The average American family is not yet aware of the proposed mandate. They have not been informed of the cost they will be asked to shoulder—over one thousand dollars in total per household according to the scant government estimates. They have not been told of the loss of consumer choice that these intrusive regulations would entail.

Today's struggle hits American families where we live, in our homes.

1. The proposed mandate would hurt working Americans by severely limiting our options of clothes washers, air conditioning, and heat pumps.

2. Worse yet, the proposed mandate would force us against our will to buy products that we refuse to buy.

3. It gets still worse—we will have to pay hundreds of dollars more per product—paying as much as five times the cost of the product we currently select.

4. It gets even worse—the special interest groups know and have publicly stated that they know the American people don't want these products.

5. No, we're not done yet. The special interest groups themselves wrote the mandate!

6. Consumers and taxpayers were not represented.

7. In a backroom scam to benefit themselves, the special interest groups took an oath to work together purposefully to the detriment of consumer selection and to subjugate the will of the people.

8. Is there no end to the hypocrisy? A key part of the scam includes taking hundreds of millions of taxpayer dollars over and above taking hundreds of millions of consumer dollars. That's right—the scam includes 60 million dollars per manufacturer in tax breaks over and above the hundreds of millions of dollars per manufacturer in increased revenue forcibly taken from the purchasers in sales of the products.

9. Worse yet, the U.S. government colluded with the special interests and the U.S. Department of Energy has rubber stamped the mandate that the special interests concocted.

10. On top of all that, taxpayer dollars are being used in egregious public relations for the mandate against the people's will. Specifically, our tax dollars are being used for a free country/western music concert series to promote the mandate. Also, our tax dollars are being used to give away free washing machines to the people in Bern, Kansas, and Reading, Massachusetts as a promotion for the mandate.

Americans are not able to respond without additional time over and above the absolute minimum 60 days allowed by law. American working families are not equipped to read the voluminous and tediously technical Federal Register each day. In contrast, the special interest groups have fleets of lobbyists and computers and lawyers to comb through and analyze on a daily basis the regulatory proposals that affect them. The special interest groups exploit the disparity to tread on the will of the people. Well, sixteen of us Members of Congress have already taken up the ''Don't Tread on Me'' flag and more will join us.

A real issue here is the rush to regulate. Secretary Bill Richardson stated the Department is ''on a rush to establish a . . . legacy.'' The Department has done the absolute minimum it can to allow the people's voice to be heard by setting the minimum comment period of 60 days. The Department has given Congress virtually no time to act, just proposing the regulation on October 5, 2000. we the people deserve more time than the minimum to defend our will.

This situation is exactly the type in which more time for people's comments is in order. All the elements for a comment extension are present here:

1. Virtually all American families are affected by the mandate;

2. The burden of regulations affects the American people so directly;

3. The inclination of the American people is thwarted by the mandate;

4. These mandated products are available now and people, as a rule, refuse to purchase them;

5. The cost increase of the mandate is so high, more than doubling the cost in many cases;

6. A last-minute rush to regulate has been admitted by the Secretary;

7. Having stated on May 23, 2000, that the rule would be proposed in June of 2000, the Department of Energy is grossly behind schedule with an October 5, 2000 publishing of the proposal;

8. Working Americans should not suffer as a result of gross bureaucratic delays and ineptitude, thus we Americans should not have our

comment limited as a result of bureaucrats rushing to make up for their administrative problems and errors; and

9. American families do not have the luxury to read the Federal Register daily.

We are here to represent Americans' interests in a government of the people, by the people, and for the people.

When it comes to clothes washers, these regulations will impact the vast majority of households in America—over 81 million households. The Administration's own analyses show that millions of consumers will never be able to recoup the higher cost. Low-income households, households with fewer occupants—such as senior citizens living alone—who use washers less frequently, and those households in areas where energy costs are disproportionately harmed.

Purchasing a new washer, air conditioner or heat pump for one's home or apartment is not a trivial matter. Several hundred dollars must be parted with, typically with little if any ability to plan for such a large expenditure. Now the Administration is making such a purchase much more expensive and in the process eliminating consumer choice. Even according to the most favorable determinations, the cost of a new washing machine will increase by at least an extra $240. In viewing available costs for front-loading machines, that number appears quite low. Several of the front loading machines are actually twice the cost of a standard top-loader and in some instances cost over $1000. When it comes to new air conditioners and heat pumps, the added initial costs are estimated to be at least $274 and $486 respectively. Keep in mind that these products are available now and the people refuse, as a rule, to purchase them.

Apart from the higher cost and reduced freedom of choice, the Administration has not been fair to consumers and taxpayers during the development of the standards. DoE is supposed to disclose potential standards and impact analyses in a public process. Instead it bases its regulatory decisions on proposals submitted by special interest groups meeting in backrooms. Persons and groups who normally would speak to and defend the interests of consumers and taxpayers, and who have in years past been invited to participate, have been excluded.

Under the clothes washer standards, the agreement reached by the special interest groups and submitted to DoE on July 27, 2000 demonstrates that the interests of consumers and taxpayers are not represented. Not only would the proposed standards impose huge additional costs, but also the "joint stakeholders" have proposed and agreed to lobby jointly for massive new tax credits for appliance manufacturers for each energy-efficient appliance that they produce. Up to $100 per new unit manufactured with a cumulative of up to $60 million per manufacturer. This new tax shelter for appliance manufacturers means that the U.S. taxpayer carries an even larger share of the federal tax burden in addition to the higher appliance costs.

Congress must assure that consumers are protected against faulty Administration regulations. A public comment period of 120 days more is necessary, given that the public has been largely excluded from the rulemaking process. This time will allow a thorough review and evaluation to be conducted and a proper determination as to whether consumers interests are being protected.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. ISAKSON. Mr. Speaker, on rollcall No. 585, had I been present, I would have voted "yes."

IN HONOR OF DIANE JOHNSON FOR HER PUBLIC SERVICE AND FOR HER COMMUNITY INVOLVEMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Diane Johnson, who has been a dedicated public servant, working tirelessly to implement housing programs and promote community development across the State of New Jersey.

As the housing director of Mt. Carmel Guild, Newark, Diane Johnson was responsible for publicly funded housing programs for low- and middle-income families, which placed over 150 families in jobs or training programs, enabling many families to purchase their first homes.

Mrs. Johnson has worked for the New Jersey Office of Housing and Urban Development (HUD) since 1972, during which time she has held a variety of leadership positions, such as director of the Housing Management Division, deputy office manager, and acting office manager.

In 1994, President Clinton appointed Mrs. Johnson as a HUD State Coordinator. Her duties included overseeing a staff of 126 employees, and administering HUD funds and $300 million of HOPE VI grants. Mrs. Johnson also manages one of our Nation's largest housing and community development portfolios, and she is HUD's representative to New Jersey's congressional delegation, Governor, and State legislature.

Mrs. Johnson is the chairperson of the Federal Executive Board of Northern New Jersey; vice chair of St. James Prep School; vice chair of Newark Federal Kids-Care, Inc.; member of the board of trustees of the United Way of Essex & West Hudson; and member of the board of trustees for the New Jersey Symphony Orchestra.

In recognition of her hard work and dedication at HUD and her community service, Diane Johnson has received many distinguished service award certificates, proclamations, and commendations from the New Jersey congressional delegation and a variety of State agencies, community groups, and professional associations.

Today, I ask my colleagues to join me in honoring Diane Johnson for her hard work at HUD, and for her years of service to the State of New Jersey, where she has helped build houses, develop and revitalize communities, and change lives for the better.

TRIBUTE TO JAPANESE DIPLOMAT CHIUNE SUGIHARA, HONORED AT LAST IN JAPAN FOR SAVING LIVES OF JEWS DURING THE HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. LANTOS. Mr. Speaker, on September 1, 1939—the day the Second World War began with the Nazi invasion of Poland—the government of Japan named Chiune Sugihara its consul in Lithuania. As the war progressed in its destruction and as the Nazi anti-Semites began their systematic extermination of Jews in Nazi-conquered territory, Sugihara was besieged by Jews seeking visas to flee the Nazi Holocaust.

After requesting authorization three times to issue Japanese visas to these victims of Nazi persecution and being rejected twice and ignored once, he disregarded his government's instructions and issued thousands of visas to Polish Jews. Mr. Sugihara signed visas day and night for thirty days. Thanks to these documents, many of the refugees were able to escape to Kobe, Japan, and from there were able to find refuge in other countries.

Not long after issuing these visas in Lithuania, Mr. Sugihara was assigned to serve in Germany. When he returned to Japan at the end of World War II, the Japanese government forced him to resign from the diplomatic service. He was told that this was because of "that incident in Lithuania." Mr. Sugihara died in 1986 at the age of 86 without ever being officially recognized for his outstanding humanitarian service by the government of Japan.

Outside Japan Chiune Sugihara has long been recognized as a hero. The government of Lithuania named a street in his honor. Israel has designated him a "Righteous Gentile." The United States Holocaust Memorial Museum here in Washington has presented a special exhibit paying tribute to his efforts.

Mr. Speaker, earlier this month—at long last—the government of Japan acknowledged the true heroism of its own citizens. On the 100th anniversary of the birth of Chiune Sugihara and 14 years after his death. In a modest ceremony at the Foreign Ministry in Tokyo, Japanese Foreign Minister Yohei Kono apologized to Yukiko Sugihara, the widow of Chiune Sugihara: "Here we praise Chiune Sugihara's courageous and humanitarian act conducted in an extreme situation amid the Nazi persecution of Jews." He apologized to Mrs. Sugihara "for the long neglect" and promised that he would "see that his achievements are known to future generations."

On this occasion, the Foreign Minister unveiled a plaque honoring Mr. Sugihara. The copper plaque was placed on the wall of the Foreign Ministry's Diplomatic Record Office in Tokyo, and it reads, in part: "A courageous diplomat of humanity. In commemoration of the 100th anniversary of his birth."

Also this month in Los Angeles a documentary film, ''Sugihara: Conspiracy of Kindness'' which chronicles the heroism of Chiune Sugihara, was awarded the Pare Lorentz prize of the International Documentary Association. The IDA prize has been called ''the Oscar of the documentary world.'' The film also received the Best Documentary award at the Hollywood Film Festival this past August.

Mr. Speaker, I invite my colleagues in the Congress to join me in honoring Chiune Sugihara on the 100th anniversary of his birth. I welcome the action of the government of Japan in belatedly recognizing the courage and humanity of this outstanding diplomat. Long after the faceless nameless bureaucrats who blindly and timidly followed instructions are forgotten by history, the determination and compassion of Chiune Sugihara will continue to serve as an example of the finest of human action and bring honor to his memory.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS OF 2000

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I rise in strong support of H.R. 207, to amend title 5, of the United States Code, which provides that federal physicians comparability allowances be treated as part of basic pay for retirement purposes.

Across our country, hundreds of federal physicians are working on cures for AIDS, epilepsy, cancer, and heart disease, protecting the safety of food and drugs, and providing medical care to such segments of our population including Native Americans, Defense personnel and their dependents. In the district that I represent, more than 200 of these federal physician's are employed either by the Indian Health Service or the Veterans Administration.

Today, the government does not pay physicians on the same scale as physicians employed in hospitals, HMOs, and universities. Therefore, one of the most important points of this legislation is that the inclusion of this special pay in retirement calculations will further help the recruitment efforts by federal agencies such as the Indian Health Service, the National Institutes of Health, and the Food and Drug Administration. This legislation will strengthen the quality of our federal clinical and medical research programs and have a beneficial effect on health care both on the national and local levels.

I am pleased with the bi-partisan support for H.R. 207, co-sponsored by myself, and CONNIE MORELLA. This legislation would ensure that all federally employed physicians are treated equally in terms of retirement pay calculations.

This is a good bill because it is the fair, equitable, and a just course of action that we should take.

HONORING LIEUTENANT PETER C. HASSON

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. HOEFFEL. Mr. Speaker, today I congratulate Lieutenant Peter C. Hasson upon his retirement from the Abington Township Police Department in Montgomery County, Pennsylvania. It is an honor to recognize Lt. Hasson and his outstanding service to the entire Abington community.

Lt. Hasson served the Abington Township Police Department for 28 years and is currently Chief of Police of Lower Moreland Township. He began his career as a Patrol Officer and was promoted to Patrol Sergeant and then Patrol Lieutenant.

For 12 years, Lt. Hasson served as Patrol Commander, which oversees the single largest division of the police department. He served as Commander of the Abington Police Tactical Team and as Commander of the Abington Police K9 Unit. Lt. Hasson was also instrumental in starting the Abington Police Community Policing Division.

In addition to serving the people of Abington, Peter Hasson served his country on active duty in the United States Marine Corps, serving in Vietnam and receiving the Purple Heart.

It is a privilege to honor the contributions of Lt. Peter Hasson to the Abington Township Police in Montgomery County, Pennsylvania. His dedication and service is appreciated by all those whose lives he has touched.

HONORING SAINT JOSEPH'S UNIVERSITY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. BORSKI. Mr. Speaker, today I honor the sesquicentennial of Saint Joseph's University, a liberal arts university that has been striving for excellence and balance in its academic programs since 1851. For working within the framework of the Jesuit tradition of service to others for 150 years, St. Joseph's University should be commended for its commitment and dedication.

Originally established at Saint Joseph's Church on Willing's Alley in Philadelphia, one block from Independence Hall, the University has moved to several locations within the city as it has grown, including 17th and Stiles Streets, where Saint Joseph's Preparatory School is still located. Saint Joseph's College moved to its present location on City Avenue in the Overbrook section of Philadelphia in 1927. It was recognized as a university in 1978.

Saint Joseph's University is a proud member of the Big 5 and the Atlantic 10 conference. Its sustained commitment to ever-rising SAT test scores of incoming freshmen. The University is ranked #10 among all regional colleges and universities in the northeast quadrant of the nation by U.S. News & World Report. The school's academic excellence is reflected in the ever-growing number of undergraduate applications received each year.

More than 36,000 active alumni from all walks of life are proud to call Saint Joseph's University their alma mater. By providing high-quality education, the University contributes to the intellectual and economic infrastructure of the city, the commonwealth, and the nation.

With a 150 year tradition of academic excellence, the University remains dedicated to its founding principle: that a liberal arts based education teaches disciplined reasoning, effective communication, and a love of learning. It is this philosophy that has brought the university so much success and I wish to recognize its commitment to society and the community. I offer my best wishes to St. Joseph's University for all its future endeavor.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. WELLER. Mr. Speaker, on rollcall Nos. 572 and 573 I was unable to be present. Had I been present, I would have voted ''yea'' on both.

A TRIBUTE TO LOS ANGELES POLICE OFFICER LOUIE VILLALOBOS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to a law enforcement officer who has fallen in the line of duty.

Police officers undertake a solemn oath to protect and serve their fellow citizens and if necessary, sacrifice their lives to fulfill this duty. Los Angeles Police Officer Louie Villalobos has paid the ultimate price for the preservation of public safety and civility in the cities of my district.

When honoring the memory of Officer Villalobos, I can say that he was truly a hero, some who was selfless and always giving to others. Without trepidation, he confronted the dangers inherent in his line of work and ultimately gave his life while serving our community. Moreover, he carried out his duties each day with courage and honor. His commitment and courage will serve as an inspiration for all of us.

Mr. Speaker, distinguished colleagues, please join me in honoring officer Louis Villalobos of the Los Angeles Police Department. He gave his life to protect the residents of our community, doing so with extraordinary courage, valor and honor.

IN HONOR OF CELIA CRUZ, THE QUEEN OF SALSA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Celia Cruz, ''the queen of salsa,'' one of the greatest singers of salsa music, who has entertained audiences around the world for five decades.

Celia Cruz has mesmerized audiences for five decades with her exceptional singing talent and her wonderful charisma. She has been one of the single greatest influences on salsa music, recording more than 70 albums, and receiving more than 100 awards, which included a Grammy in 1989 following twelve nominations. In addition, she has been honored with stars and street sections in some of the world's most visited avenues, such as the Walk of Fame in Hollywood and the Calle Ocho in Miami. Celia has also received honorary degrees from Yale, Florida International University, and the University of Miami.

Celia began her illustrious career in Cuba in the late 1940s, and joined the legendary group La Sonora Matancera in the early 1950s. After several successful recordings, the group's music was in demand beyond the borders of Cuba.

In 1960, Celia left Cuba for the United States, where her career blossomed and where she became a household name. During her first decade in the United States, she recorded several albums with the great Tito Fuente, and together they captured the hearts of nontraditional fans of salsa, a phenomenon known as ''the Salsa of the 70s.'' Celia has also collaborated with other great Latin artists, including Johnny Pacheco, Willy Colón, and la Fania All Stars, as well as great American artists, such as Dionne Warwick, Patti Labelle, David Byrne, Gloria Estefan, and Wyclef Jean.

Today, I ask my colleagues to join me in honoring Celia Cruz—a great artist and entertainer, and a salsa icon.

TRIBUTE TO CHARLES E. BRYANT, HI-DESERT WATER DISTRICT GENERAL MANAGER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. LEWIS of California. Mr. Speaker, in California's High Desert, water is one of the most valuable commodities, and the people who obtain and distribute this precious liquid are among the hardest working public servants in the 40th Congressional District. I would like today to offer a salute to an exemplary public servant who had spent years ensuring water is delivered in a dry place: Charles E. Bryant, general manager of the Hi-Desert Water District, which serves 25,000 people in Yucca Valley, California.

Mr. Bryant came to the Hi-Desert Water District in 1992 after serving as city administrator for the City of Hawaiian Gardens, California and a member of the board of directors of the Elsinore Valley Municipal Water District for 10 years. His extensive background prepared him to help run a far-flung but growing water district, but no amount of experience could prepare him for what happened within two weeks of his arrival. The Landers Earthquake, a massive 7.4 on the Richter Scale, damaged 40 percent of the district's 274 miles of pipelines. Working around the clock, Mr. Bryant and the dedicated staff of the district had everything repaired and working within two weeks.

Under Chuck Bryant's leadership, the district has joined with the Mojave Water Agency to build and operate the Morongo Basin Pipeline and the Hi-Desert Pipeline Extension and a 5 million-gallon reservoir that brings the area's residents water from the California Aqueduct. Working with my office, the district has joined the Bureau of Reclamation's Title 16 Program, and could qualify for $12 million in grants for wastewater treatment facilities. The district has also sought and received other grants for wastewater facility construction and for removal of nitrates from local water.

Looking ahead to the future, Mr. Bryant oversaw creation of an ''in-house capital replacement program'' to replace and modernize the district's delivery system over 12 years. Other efficiency measures have improved customer service and placed the district on its most stable financial foundation.

Mr. Speaker, Chuck Bryant has decided to retire from the Hi-Desert Water District, and I would ask my colleagues to join me in thanking him for his years of public service, and wishing him well in his future endeavors.

HONORING DR. HOWARD SILVER FOR HIS SERVICE AS CHAIR OF THE COALITION FOR NATIONAL SCIENCE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. BENTSEN. Mr. Speaker, as Co-Chair of the Congressional Biomedical Research Caucus, I want to recognize the outstanding contribution that Howard J. Silver, Ph.D. has made during the past six years as the Chair of the Coalition for National Science Funding (CNSF). As the volunteer leader of this volunteer organization dedicated to increasing support for investment in science, Dr. Silver has worked tirelessly on behalf of researchers in all fields of science. His efforts at building and mobilizing a coalition of diverse organizations has been a model of effective advocacy. Under his direction, the scientific community has brought the accomplishments of the National Science Foundation (NSF) to a broad audience, explaining the many ways in which NSF-funded research has improved our understanding of the world and increased our standard of living. These achievements and their clear benefit to all Americans are why I have been, and will remain, a staunch supporter of increased funding for NSF.

Dr. Silver has been with the Consortium of Social Science Association (COSSA since 1983. He has been COSSA's Director since 1988 and is responsible for planning and directing all of the consortium's programs and initiatives. Dr. Silver previously was a consultant for legislative and political research, a political manager, and a legislative analyst in the Department of Education. He earned his Ph.D. in political science from Ohio State University, and he has taught political science and public policy at several colleges and universities.

In recent budgets and appropriations bills, the Administration and Congress have recognized the value of the NSF and the research that it supports. These actions will result in continued progress in science and technology that will benefit Americans now and in the future. The contributions of Dr. Silver and CNSF to the heightened appreciation of NSF have been substantial. Through his advocacy, I am pleased that this year the NSF will receive $4.4 billion an increase of $514 million than last year and a 13 percent increase above this year's NSF budget. This increase will help to ensure that move merit-based, peer-reviewed grants will be funded. Today, one in three grants is not funded because there is insufficient funding for them.

Samuel E. Rankin, III of the American Mathematical Association will have the honor of succeeding Dr. Silver. He should have the scientific community's continued support as he endeavors to continue the course that Howard J. Silver charted so ably for the past six years.

TRIBUTE TO STEVE ALLEN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. SHERMAN. Mr. Speaker, today I pay tribute to the late Steve Allen, one of the most prolific comedians, actors, and writers in our country for the past 50 years. Mr. Allen, the original host of the ''Tonight Show,'' passed away at his youngest son's home in Encino, California, on October 30, 2000.

Mr. Allen started his show-business career at a radio station in Phoenix, Arizona. He was drafted by the Army during World War II, but was released shortly thereafter because of his asthma. He then moved to Hollywood for a job with a radio station. Mr. Allen transferred his radio act to television with ''The Steve Allen Show,'' which debuted on Christmas in 1950.

Mr. Allen's greatest success came with the ''Tonight Show,'' which began in New York in 1953. He is credited with establishing almost all of the conventions of late-night television—the opening monologue, chatting with the bandleader, and relying on a regular lineup of characters. His successors, Jack Paar, Johnny Carson and Jay Leno on ''Tonight,'' and David Letterman on ''Late Night with David Letterman,'' followed suit.

Mr. Allen's show involved madcap antics and was wholly unpredictable. For example, Mr. Allen, who was 6-feet 3-inches tall, plunged into a huge bowl of salad for a wrestling match on the show. He once peddled hot dogs on the street, dressed as a vendor. He also featured actors Bill Dana, Louie Nye, Tom Poston and Don Knotts for a scripted version of ''Man on the Street'' interviews. Mr.

Allen also did these for real. Another recurring routine involved Mr. Allen reading actual angry letters to the New York Daily News with all the artificial righteous indignation they indicated. The skits were hilarious. Mr. Allen left "Tonight" at the end of the 1956 season. From 1956 through 1961, Mr. Allen hosted a reprise of "The Steve Allen Show," which was in the time slot against "The Ed Sullivan Show."

Throughout his television career, Mr. Allen showcased improv actors, and on-the-edge bookings for the era, including Lenny Bruce and Bob Dylan. He also invited jazz musicians to his shows. Mr. Allen showcased soloists with the "Tonight" band and interviewed legendary musicians for a television program called "Jazz Scene U.S.A."

Mr. Allen appeared on other television shows. He created "Meeting of Minds," which won an Emmy in 1981 for best informational series. The show presented imaginary debates between historical figures such as Charles Darwin, Attila the Hun and Marie Antoinette. Mr. Allen also appeared in several movies, wrote over 8,000 songs, and wrote numerous books on a variety of topics.

Mr. Allen is survived by his wife, the actress Jayne Meadows, four sons, 11 grandchildren and three great-grandchildren.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Mr. Steve Allen for his contribution to the entertainment world and for helping each of us laugh.

PROVIDING FOR SPECIAL IMMIGRANT STATUS FOR CERTAIN U.S. INTERNATIONAL BROADCASTING EMPLOYEES

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill S. 3239 which would amend the Immigration and Nationality Act to provide special immigrant status for certain international broadcasting employees.

S. 3239 would establish a new immigrant visa category for international broadcasting employees which would be subject to numerical limitations. It would provide a maximum of 200 visas in the first year, which would deal with the current critical shortage of international broadcasters. Then it would provide a maximum of 100 visas annually for three successive years. Also, it would waive the labor certification requirement for the broadcasters who receive the visas.

The people who work in the international broadcasting industry are highly skilled individuals. They must have journalistic skills. They must be fluent in a number of languages. And they must have an in-depth knowledge of the people, history, and cultures of other nations. Historically, it has not been possible to find a sufficient number of people in the American workforce who have this combination of skills.

The availability of these visas would help to provide needed broadcasters for the Voice of America ("VOA"), Radio Free Asia, Inc. ("RFA"), and Radio Free Europe/Radio Liberty, Inc.

This bill would provide the assistance that the international broadcasting industry needs to continue to provide essential news coverage around the world. I urge Members to support it.

REPRESENTATIVE SIDNEY YATES: A GENTLEMAN, A STATESMAN AND A HERO

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. SCHAKOWSKY. Mr. Speaker, to all those who love the arts, cherish the environment, or are part of the ongoing struggle for human rights, Sidney Yates was a hero. He will be remembered for his tireless support of the National Endowments for the Arts and Humanities, his advocacy for Native Americans, his work to protect treasures of nature from the Sequoias to Chicago's lakefront. He was elected in 1948, the year the state of Israel was born and he worked throughout his career to foster U.S.-Israel friendship. Millions of people can thank Sid Yates for the Holocaust Museum for which he was largely responsible.

For the occasion of his 90th birthday last summer, Congressman BARNEY FRANK and I circulated a huge card for Sid Yates, and members were literally lined up waiting for their chance to sign. I was pulled into the Republican cloakroom so that more of his former colleagues could wish him well. The words that kept coming up as members talked about him were "gentleman" and "statesman." There was reverence in their voices when they spoke of his elegance and eloquence.

The voters of the 9th District were proud to elect Sid Yates as their Representative twenty-four times because they knew that he would never fail them. He never wavered from his principles and values, liberal values he shared with the vast majority of his constituents. Through all the years—the McCarthy era, the Reagan and Bush years—Sid Yates was steadfast, never bending with the political winds or polls. He was beloved in his district and he is deeply missed.

HONORING THE CAREER OF MR. GARY S. THURBER

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. DAVIS of Virginia. Mr. Speaker, today I pay tribute to Mr. Gary S. Thurber, who is retiring from the Defense Logistics Agency (DLA), Fort Belvoir, Virginia, on November 3, 2000. His distinguished government career spans 30 years. Mr. Thurber currently serves as the Executive Director, the highest civilian position, at Headquarters, Defense Logistics Agency. His record of achievement during this period reflects great credit upon himself and upon the organizations with which he has served. His contributions to the National Defense will be missed as he moves on to new opportunities.

Mr. Thurber is a member of the Senior Executive Service and has received numerous awards over his 30-year career, including the Meritorious Executive Presidential Rank Award in 1994 and the DLA Exceptional Civilian Service Award in 1995 and 2000.

After serving in the U.S. Army for three years, Mr. Thurber worked at the Air Force Contract Management Division, Air Force Systems Command, Kirtland AFB, New Mexico, from October 1973 through July 1990. He joined the Defense Logistics Agency in July 1990 and has served in the following leadership positions: Chief, Plans, Policy and Systems Division; Executive Director, Contracting; Deputy Director, Corporate Administration; Associate Director for Operations, Defense Contract Management Command; Associate Director for Acquisition, Defense Contract Management Command; Director, Defense Energy Support Center; and Director, Corporate Administration.

Mr. Speaker, in concluding, I am honored to ask my colleagues to join me in congratulating Mr. Gary Thurber on his retirement from Federal Civil Service. He epitomizes the dedication and professionalism that make our Federal government a model all over the world.

CONCERNING VIOLENCE IN MIDDLE EAST

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. LEE. Mr. Speaker, I rise in strong opposition to H. Con. Res. 426, which states that "The Palestinian leadership not only did too little for far too long to control the violence, but in fact encouraged it."

Israel has been the United States' strongest ally in the Middle East, and I continue to support Israel's statehood and efforts to maintain secure borders. At the same time, I support the Palestinians' effort to have a homeland. Consequently, I support the peace process and I strongly believe a negotiated settlement is the only way Israel and the Palestinians will develop a lasting peace.

It is specifically for that reason that I voted against H. Con. Res. 426. If the United States is to be able to maintain its role as a credible peace broker, it is my belief that we must maintain our legitimacy by avoiding adopting one-sided resolutions. For that same reason, I voted to condemn the United Nations Resolution ES–10–6, which singled out and opposed Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory.

Israel's security is a priority in our foreign policy. As Israel's ally, we should do everything we can to help reduce tensions in that part of the world. This resolution will not stop the violence or end instability in the Middle East.

The Primary objective of the United States should be to help end the current violence so that all parties can begin to resume peace talks. We must focus on supporting balanced measures that restore peace, stability, and the confidence of both parties.

I urge my colleagues to support balanced measures that promote peace and stability during this dire time in the Middle East.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. PORTMAN. Mr. Speaker, it was necessary for me to be in my district yesterday to meet a long-standing obligation. Consequently, I was unable to be present for rollcall No. 584 and rollcall No. 585. Had I been present, I would have voted ''yea'' in both cases.

INTRODUCTION OF THE ELECTRONIC MARKETPLACE OWNERSHIP DISCLOSURE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mrs. MALONEY of New York. Mr. Speaker, today I introduced the Electronic Marketplace Ownership Disclosure Act.

The intent of this legislation is to increase the information available to businesses and consumers who conduct commerce on the Internet.

The Internet has transformed the economy, increasing efficiencies and allowing commercial transactions to take place on a global scale never before contemplated. Increasingly, Internet commerce websites serve as neutral third-party platforms that match buyers with sellers.

The value of these sites, whether they serve as marketplaces for financial services products or airline tickets, is their neutrality and convenience. Industry and consumers can be confident that they are receiving the best possible prices based on the fact the Internet platform over which they are conducting business does not have an interest in the transaction.

The Electronic Marketplace Ownership Disclosure Act is intended to prevent the creation of sites that appear to be neutral third-parties but are actually owned by business interests that take part in the transactions conducted on the site.

This legislation requires the proprietors of Internet commerce websites to disclose, on the site, the extent to which an Internet marketplace's controlling equity holders plan to become trading participants on the site. It also requires Internet commerce websites to disclose the identity of their corporate parents.

As a member of the Banking Committee, I believe businesses and consumers have the right to know when they conduct a foreign currency exchange on an Internet commerce site, that the proprietors of the site are participating in the transaction. The global, amorphous nature of the Internet is its great strength. This legislation only seeks to increase public confidence in it as a tool for commerce.

I am an ardent believer in government taking a hands off approach to Internet commerce. This legislation merely requires disclosure and is not intended to create a burden on Internet companies. I look forward to comments on this legislation and will introduce it again next year.

CONGRATULATING THE JUNIOR LEAGUE OF SANTA BARBARA FOR 75 YEARS OF SERVICE TO THE COMMUNITY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. CAPPS. Mr. Speaker, I honor the Junior League of Santa Barbara for 75 years of service to the community of Santa Barbara. I have had the privilege of working with the Junior League for several years and know of the impact the League has had on countless children and young people.

The Junior League of Santa Barbara was founded and admitted to the Association of Junior Leagues on January 2, 1925. The Santa Barbara League's first program included a camp for underprivileged children and a program that saved many children from tuberculosis. In 1948, the Volunteer Bureau was organized as a clearinghouse for volunteers for civil, cultural and education agencies, and in 1957, the Welfare Council was established with the Junior League's assistance to improve health, recreation, and welfare of Santa Barbara County. During the 1960's the Junior League provided funds to the Fellowship House, the Goleta Boys and Girls Clubs, Head Start, the January 28th Committee, and the educational facility at the Child's Estate. The League was reorganized in 1971 and began a number of new projects, including a matinee concert series with the Santa Barbara Symphony, a workshop for elementary school teachers in environmental education, and the Courthouse Tours program.

In the early 1980's the League began the Alcohol Abuse and Youth Project, donated funds toward the renovation of the CALM house, and began the Hospice Volunteer management project, followed by projects on foster care and alcohol abuse prevention, and community advocates for quality child care. Through its Public Affairs Committee, the League focused on crime prevention in 1985, and worked with local law enforcement entities and nonprofits such as Shelter Services for Women, and later began several new projects, including Anger Management, Volunteer Support for Senior Services, Friday Night Live Safe Rides, and the Literacy Support Project. In the early 1990's the Junior League began the Teenage Pregnancy and Parenting Project, made a substantial donation to the Red Cross for victims of the Painted Cave Fire, and initiated the Valued Youth Partnership program, participated in the Sexual Abuse Response Team Coalition, and started the Peace Education Project. In the late 1990's, the League partnered with the Blood Bank, the Storyteller Preschool for homeless children and began the Community Health Collaborative Project focusing on a Pediatric Enrichment Project including STARBRIGHT World and Well Gowns.

Mr. Speaker, I believe that it is organizations like the Junior League that serve as an example of dedication and commitment to those in need for our community and the nation. I ask my colleagues to join me in honoring and commending the Junior League of Santa Barbara on the League's 75th anniversary.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. KILPATRICK. Mr. Speaker, due to a death in the family, I was unable to vote on the floor today. Had I been present, I would have voted ''aye'' on H. Res. 665 (rollcall No. 589), ''aye'' on the motion to instruct offered by Mr. HOLT (rollcall No. 590), and ''aye'' on the motion to instruct offered by Mr. WU (rollcall No. 591).