HOUSE OF REPRESENTATIVES—*Thursday, April 13, 2000*

The House met at 10 a.m.

Rabbi Jacob J. Schachter, the Jewish Center, New York, New York, offered the following prayer:

Almighty God, we express our deep gratitude to You for the gift that is the United States of America. Like millions of others in this exceptional land, all four of my grandparents came to these blessed shores from countries far away to create a better life for themselves and their families. Like millions of others, my father served in the armed forces of this wonderful country and fought to make the world safe for democracy and human freedom. Help us, O Lord, to continue to make these United States a center for justice and decency, integrity and opportunity.

Our country is blessed with unprecedented power, plenty and prosperity. Grant us the wisdom, O Gracious God, to appreciate these gifts and use them wisely for the benefit of all who live in our midst and to ensure that peace and security reign in this great Nation and throughout the entire world.

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. 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 the 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 365, nays 49, answered ''present'' 1, not voting 19, as follows:

[Roll No. 123]

YEAS—365

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

NAYS—49

Aderholt
Baird
Bilbray
Bonior
Brady (PA)
Brown (OH)
Clyburn
Costello
Crane
DeFazio
Dickey
English
Etheridge
Filner
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilliard
Hooley
Hulshof
Johnson, E. B.
Lewis (GA)
LoBiondo
McDermott
McNulty
Moore
Oberstar
Pallone
Peterson (MN)
Phelps
Pickett
Ramstad
Riley
Rogan
Sabo
Schaffer
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—19

Borski
Clay
Combest
Cook
Fattah
Forbes
Hall (OH)
Herger
Houghton
Larson
Martinez
Myrick
Oxley
Sanchez
Stark
Stearns
Weller
Wynn
Young (AK)

□ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON. Mr. Speaker, on rollcall No. 123, I was out of the building on legislative matters. Had I been present, I would have voted "yea."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 123 on April 13, 2000, I was unavoidably detained. Had I been present, I would have voted "yea."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. PEASE). Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H. Con. Res. 278. Concurrent resolution authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service.

H. Con. Res. 279. Concurrent resolution authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress.

H. Con. Res. 281. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

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

S. 2323. An act to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 41. Joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. Joint resolution providing for the appointment of Manuel L. Ibáñez as a citizen regent of the Board of Regents of the Smithsonian Institution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair advises the Members that it will entertain one 1-minute request only from the gentleman from New York (Mr. NADLER). All other 1-minute requests will be postponed until the end of the day.

HONORING RABBI JACOB J. SCHACHTER

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

Mr. NADLER. Mr. Speaker, I rise today to honor this morning's guest chaplain, Rabbi Jacob J. Schachter of the Jewish Center in New York City whom I have known for almost 20 years.

Rabbi Schachter has been the spiritual leader of the Jewish Center since 1981. Under his leadership the Jewish Center has tripled in its membership. Rabbi Schachter has brought enthusiasm for Jewish life to the synagogue and to the local community throughout his tenure.

Rabbi Schachter received Rabbinic ordination from Mesvita Torah Vodaas and holds a Ph.D. in Near East languages from Harvard University. Among his many accomplishments, Rabbi Schachter is an accomplished author, having collaborated on ''A Modern Heretic and a Traditional Community, Orthodoxy, and Americana Judaism'' and is the founding editor of the Torah u-Madda Journal. He is also the founding president of the Council of Orthodox Jewish Organizations of Manhattan, is a much sought after speaker on interdenominational dialogue under the auspices of the Jewish Community Center and the 92nd Street Y, and is a member of the Board of Governors of the New York Board of Rabbis.

Unfortunately, Rabbi Schachter will soon be leaving the Jewish Center to become the dean of the Rabbi Joseph Soloveitchik Institute in Brookline, Massachusetts, where his daily insights, wisdom and leadership will be invaluable to the State of Massachusetts and to the Jewish community, especially in Massachusetts. I want to wish him well in his new endeavors and thank him for all that he has done for the Jewish Center, for the Jewish community, and for the entire community in New York over the last 20 years.

□ 1030

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 290, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 474

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 474 is a straightforward typical rule providing for the consideration of the annual budget resolution conference report. The rule waives all points of order against the conference report and against its consideration and provides that the conference report be considered as read. The rule further provides for 1 hour of debate, equally divided and controlled between the chairman and ranking member of the Committee on the Budget.

The two Chambers have come to a speedy agreement on the fiscal year 2001 budget resolution, sorting out differences between the Houses in a responsible manner. I am pleased to note that the conference report to be considered today adheres to the six major principles that we outlined when this process began, including continuing our historic achievement of paying down the national debt, protecting 100 percent of the Social Security trust fund, boosting our national defense, providing for prescription drug coverage and Medicare reform, offering tax relief, and supporting our localities in the all-important arena of education of our youth.

In each of these areas, the budget package we have before us today keeps the faith with our pledge to the American people. We are delivering on our promise to make the government work better for taxpayers, while managing this extraordinarily blue sky fiscal period in a very responsible manner.

In this budget we are reaffirming our commitment to maintaining fiscal discipline, something that can prove even harder to do when times are good than when times are bad. Yet, in this budget we have provided for $1 trillion, $1 trillion, in payment on the national debt. That is something that we are doing that will benefit every American today and, of course, all of our children and grandchildren for years to come.

$1 trillion in debt reduction. That is a concept that was totally unimaginable for most of us just a few short years ago when deficits were soaring and the debt was mounting at a terrifying pace. What a long way we have come.

Mr. Speaker, this budget document outlines an important set of priorities that highlight preservation of the programs Americans count on most; reinforcement of our ability to defend the national security in today's ever more dangerous world and the necessity of enhancing tax fairness for families and businesses.

I would like to emphasize the importance of the defense and security component of this budget which would, of course, include intelligence. Last night in the Committee on Rules, we discussed the significance of the investment this budget makes in our defense, not for fancy or high-priced or untested projects, but rather for the core capabilities that have been so underfunded and so severely tested in recent years.

I applaud those who fought for and won the increase in funding, and I stand ready to work to make sure we put those resources where they will matter the most in our personnel, in our readiness, in our basic equipment, in our eyes and ears, that is our intelligence, and in our training to make sure our military folks are the best trained in the world and can take the best possible care of themselves.

Unlike the budget presented to us by the President, we have here today a budget that realistically meets the needs and the challenges of the coming year, without returning to the bad old days of spending for today without any eye to the future at all.

I am proud of our Committee on the Budget Members and the leadership for their efforts in this budget blueprint. Specifically I would like to thank the gentleman from Ohio (Mr. KASICH), our courageous Committee on the Budget chairman, for all his work, not just this year, but throughout his distinguished tenure in the House. I know there will be many accolades to come for the gentleman from Ohio (Chairman KASICH), as this is the final act of his official House budget career, all of them well deserved.

Mr. Speaker, I hope my colleagues will join me in voting for this budget, and, in the meantime supporting this fair and appropriate rule, so we can get to the debate.

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

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

Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I rise in opposition to the rule because I oppose the hasty process that this rule embraces. This resolution waives the rule that requires the availability of conference reports for 3 days before their consideration. This House rule, an important rule, allows Members time to read and study the report before they cast their votes. Since this conference report has been available to most Members for less than 12 hours, I have grave doubts that most Members have any real knowledge of about what it includes.

From what I can tell, the conference report once again repeats the follies of the leadership's continued obsession with large tax cuts. It does little to extend the solvency of Social Security or Medicare and cuts funding for critical education and housing programs.

I wish my colleagues would drop the charade and reflect for a moment. These surpluses on our horizon, if they materialize, offer an extraordinary opportunity. They allow us to pay down the large public debt, thereby providing the ultimate tax cut for our constituents in the form of lower interest rates.

The surpluses allow us to make Social Security and Medicare sound and solvent for future generations. They mean that we can close the gaping hole in the Medicare coverage and provide a true prescription drug benefit. They make it possible for us to do more for education at all levels. But this document squanders that opportunity and instead we continue to pass billion dollar tax breaks for wealthy special interests.

The conference agreement suffers from the same fundamental flaws as the House-passed resolution. The $170 billion tax cut is so large that it pushes aside Social Security and Medicare solvency, debt reduction, education, and all other national priorities.

The conference agreement is a political gesture, rather than a credible budget plan that would provide a meaningful guide for subsequent budget legislation. The spending cuts are so deep and unrealistic and the tax cuts so large that the resolution puts us on a track for another appropriations train wreck in September.

Like the House-passed resolution, the conference agreement puts the budget on course to spend the Social Security surplus. Even taking at face value this budget's implausible cuts in non-defense programs, it skates along the edge of on-budget deficits for the first 5 years and invades the Social Security surplus after 2008, if not sooner.

Moreover, the conference report puts funds for education and training on hold. In 2001, the conference agreement provides $4.8 billion less than the Democratic alternative budget, and $4.7 billion less than the President's budget for appropriations for education, training, and social services. This low funding level will require the majority to cut current education programs or to eliminate the President's proposals to renovate the crumbling schools, to hire and train more teachers, to add $1 billion to Head Start and to double the amount for after-school programs. Outlays for 2001 actually are $400 million below a freeze at last year's level.

Mr. Speaker, I would also like to focus for a moment on how the measure came up short on Medicare prescription drugs. The conference agreement allows a prescription drug benefit of up to $40 billion over 5 years, but only if accompanied by unspecified Medicare reforms. By contrast, the Democratic alternative budget required that a full $40 billion be devoted to a prescription drug benefit, with or without other changes in Medicare.

In both 1998 and 1999, the American people rejected these same unrealistic cuts in essential Federal spending and excessive tax cuts. Why on Earth would anyone believe that the American people will suddenly change their minds and reject essential government services like Social Security and Medicare in favor of tax cuts?

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

Mr. GOSS. Mr. Speaker, I am privileged to yield 3 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, my friend and colleague.

Mr. SHUSTER. Mr. Speaker, if you care about building America, this is a rule and budget resolution that one can support. In fact, it is one of the best budget resolutions that we have seen in many a day.

I want to commend the leadership of the Committees on the Budget of both the House and Senate for honoring their commitments to fully fund transportation. The conference report allocates sufficient transportation function funds so that we can fully fund TEA 21, the highway and transit legislation, including the adjustments resulting from the increased revenues going into the gas tax collections into the Highway Trust Fund.

It also fully funds AIR 21 capital programs and it fully funds the President's request for FAA operations, which is at the full AIR 21 level. In addition, there are no cuts in Coast Guard or in Amtrak, despite the predictions of the critics during our debate and consideration over AIR 21. So those predictions simply have not come to pass in this budget resolution.

The conference report keeps faith with the American people. The taxes collected for highways and transit improvements will go into the Highway Trust Fund for highway and transit improvements. The taxes collected for aviation will go to aviation improvements. Gone are the days of using trust funds to mask the size of the deficit.

The budget resolution restores honesty to the budget process. This is a budget resolution which we can be proud to support, because it is a budget resolution which helps build America.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. Speaker, this is another rule that was passed late at night to bring to the floor a conference report that, in all due respect, does not deserve the name. It is hard to call this a conference report when nobody has conferred. We have had no consultation. There is no

mutuality in the process, so it is not hard to believe that there will be no mutuality, no common ground, in the final result.

I am not just saying this because I am miffed at being left out of the process. If you cannot take rejection, you better not be in politics. But we set a model 3 years ago for how to do this. We sat down and tried to negotiate a common agreement, given the fact that we have a divided government, and, when we got to the end, it was a pretty good product. We called it the Balanced Budget Agreement of 1997. We have not had such mutuality, such collegiality, since, and certainly not in this result here.

As I said, I am not miffed, but we have meritorious arguments to make. We made them on the House floor, we made them in the committee markup. I am not sure they were heard in either place, but if we could have made them in conference, I think we could have improved this product, because in conference if we had had a conference, we would have said you are asking for $121.5 billion now in real reduction and budget authority for non-defense programs over the next 5 years. Is this realistic?

Let us look at the last 5 years that have gotten the attention in conference. Let us look at the last 5 years. The reduction in the increase in the last 5 years was 2.5 percent.

□ 1045

That was a time when we had caps, spending caps. That was a time when we were coping with the deficit and trying to reduce the deficit.

Now we have surpluses and no spending caps, because that is one of the omissions of this bill, it does not reset the spending caps at all. It simply assumes, with no enforcement mechanism, that we can achieve what we have not achieved over the last 10 years, $121.5 billion in real reduction in our defense spending. Too bad we did not have an opportunity to look at that argument realistically in conference.

This bill calls for $175 billion in tax reduction. We showed on the House floor how if we do $40 billion for Medicare and a $200 billion tax cut, we will wipe out the surplus in 1 year and thereafter have a zero balance, no cushion whatsoever. In case there is a downturn we are back in deficit. We are back into the social security count, putting the budget on thin ice, perilously close to deficit for the next 5 years.

They have mitigated that. I think they maybe after all read our chart, and mitigated that to the tune of $25 billion. They say they want to pay down the national debt. That means over 5 years we will pay it down by $12 billion by our calculation, over 10 years by $1 billion.

Why is that? What looks like a more moderate tax cut than last year, what looks like a moderate tax cut, a tax cut of $175 billion, over a 10-year period of time works out to a tax cut of $929 billion, by our calculation.

Last year the tax cut was $156 billion over 5 years, and $792 billion over 10. This year, if we do $176 billion, the out-year implications are $929 billion of revenue reduction plus debt service adjustment. It literally puts us back in deficit.

But they conveniently did not run the budget out 10 years, in this case. That is another thing we could have done in conference, give us a 10-year run-out of the budget, not a 5-year run-out, because in the second 5 years it becomes harder to defend.

These are some major issues we did not touch on. We certainly did not touch on Medicare and prescription drugs. There is a time-honored tool that is put in the Budget Act in 1974 that the Committee on the Budget uniquely can use. If it wants to see something done, it can say to the committee of jurisdiction, you have the authority and the obligation, and here is the money to report out a prescription drug benefit by a date certain so that the House can vote on it.

But every time we mention that, they dodge. This bill right here not only dodges again, because it does not have reconciliation mandates in it. This particular resolution does not even resolve the issue. There is $40 billion for Medicare reform and prescription drugs if the Committee on Ways and Means gets around reporting such a bill, and then in the Senate, there is a totally different prescription.

The idea of a conference report is to bring the two bodies together. On this most critical issue, which is at the top of the chart, they fail to do it. We do not have a clear course and we do not have a mandate to get it done.

I know what we will hear today is the budget resolution is on time, we are going to pass it by April 15. I am going to tell the Members what I said last year, it is on time for a train wreck that will be coming in September. That is what this budget resolution will do for us.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I have been on the Committee on the Budget for a full 7 years. This is my eighth year. This will be only the second budget that we have passed on time by April 15 during that time. In fact, in the total history of the Committee on the Budget, this will only be the third time that we have passed a timely budget resolution.

So I would like to compliment the Committee on Rules, certainly the gentleman from Ohio (Mr. KASICH) on the Committee on the Budget. If we look at where we were 7 years ago, we were looking at deficits as far as the eye could see, between $200 billion and $300 billion a year. We have come a long ways.

We made the decision last year that we are not going to spend any of the social security trust fund surpluses on anything except social security. This has been a huge change, huge progress. We have agonized as we have tried to hold down spending to make sure ultimately that our kids and grandkids are not going to be saddled with a huge burden of Medicare and social security.

If there is one disappointment in this budget, and I met and talked to John Podesta this morning from the White House, it is that we could not get leadership from the White House to move ahead on social security reform. It is going to come up and be a tremendous disadvantage to our kids and our grandkids if we do not attack and face up to the huge problems of resolving the unfunded liability of social security and Medicare and the entitlement programs.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, this budget resolution sort of reminds me of one of those good news-bad news jokes. The good news is that this law says that we should pass a budget resolution by April 15. We are going to do that. That is the good news. The bad news is that it is a joke.

If we look at this and listen to what the gentleman from South Carolina (Mr. SPRATT) said, the gentleman is one of the most thoughtful, one of the most intelligent people. He actually was a banker once. He knows about money. He gave a very erudite explanation of this budget.

If we listen to the gentleman, the most important thing he said was that this resolution puts us on record for the train wreck in September. We are right on track. We are going to do it all over again this year what we did last year.

We could talk about Medicare, Medicaid, and all those issues, social security and education, all the issues that are not dealt with here. But this budget resolution contains $100 billion more in cuts. We did not do that last year, we added, and we are heading right down the same track.

I know people's eyes kind of glaze over when we talk about the budget resolution. What is this? This is an outline for what is going to happen in this country in this Congress.

One of the issues on $1.9 trillion, that is a figure that is sort of out of the reach of most of us, but let us just take one issue. That is the issue of pharmaceutical prescription drugs; how people, how seniors are going to get that paid for. Everybody says it is a good idea. But when we look at this budget

resolution, I have brought this chart here because it really points out what is all about this budget resolution.

The Democratic proposal was for $40 billion locked in for the drug benefit. The Republican budget says, if the Committee on Ways and Means gets around to it, we could spend up to $40 billion. Which would we rather have, have it locked in, or if they happen to get around to it?

Does it require action this year? The Democrats say yes. The Republicans say no. There is no requirement in this budget.

The gentleman from South Carolina (Mr. SPRATT) talked about reconciliation and all those fancy words. What that means is that the Committee on Ways and Means must do something, and it is not in this bill.

Who is covered? In the Democrats' proposal, every senior citizen is covered. In the Republicans' budget, they have to be poor. So we are going to turn this into a welfare program, it is not a Medicare program.

Mr. Speaker, this turns this program, the Republicans', into a welfare program. Senior citizens are not entitled to it, they have to go down and prove at the welfare office that they are poor enough and ask for help, beg for help. What kind of a benefit is that for us to be giving to senior citizens?

The Democratic proposal says all seniors are covered. As an American over 65, you are entitled. But the Republicans do not believe in that.

The benefit? The Democrats define what people are going to get. What the Republicans say is, here is a little money. Why do you not go out and see if you can buy yourself an insurance policy?

The HIAA, the health insurance industry, says that the private insurance market will not sell policies simply for drugs, for pharmaceuticals. They are not going to do it. It is too risky. So the Republicans are giving them the money and saying, okay, folks, go out and find it. But it is not there. They will never find it.

This budget resolution is basically a PR document. Pass it on time, we want to get it done, we will all stand up here and say it is the first time in 29 years that we have had a budget resolution, and all the rest, but the fact is that it is a nonsense piece of paper.

It is really sort of like Alice in the Looking Glass. The more we look at it, and the reason they ran it through at midnight last night, is because they did not want us to have any time to look at it, because it becomes curiouser and curiouser.

I urge Members to vote against this budget resolution.

Mr. GOSS. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. GREEN), a member of the committee.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is going to be very interesting to watch this debate today. Everyone here today recognizes that some great things have been happening with the economy. Unemployment is at a 30-year low, the economy continues to grow.

Now there are some on the other side who want us to go back to the old days, the days of tax and spend and spend and tax. That is really what they are talking about when they bring out their numbers, their interpolated charts and numbers. That is what they are trying to do. They are trying to move us backward.

Still others want us to sit back and do nothing. They want us to enjoy the fruits of our labor and the fruits of this growing economy.

But the majority budget, the budget we take up today, recognizes that we have a once-in-a-generation opportunity to make progress, to secure America's future. That is what this reform budget does. This budget reinforces retirement security to the social security lockbox.

Secondly, it pays down the debt, reduces it by $1 trillion over 5 years. It eliminates the public debt by the year 2013.

It reinvests in public education, a 9.4 percent increase over last year. It sets in motion a plan for providing prescription drug benefits to seniors. It begins to rescue our military from years of neglect and misuse.

Yes, and I know this is blasphemy to some, yes, it does provide tax relief. It allows Americans to keep more of what they earn.

I hope today will be a good debate. I think it will show the clear differences between the two parties, between those who want to move backwards and those who want to charge ahead. Today should be a good debate.

I urge my colleagues to support this good, open, fair rule. More importantly, I urge my colleagues to vote for this budget. When we go home over the Easter break, I urge them to talk about the great things we are doing, the challenges that we are meeting, and the steps we are taking.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding time to me.

Mr. Speaker, allow me to thank the ranking member, the gentleman from South Carolina (Mr. SPRATT), for a very detailed analysis of the process. Many of us are concerned about process. But in the course of his defining the process, he really captured the substance of my opposition to this resolution at this time.

The gentleman from South Carolina (Mr. SPRATT) is right, the 1977 budget reconciliation was one of our finest hours. The reason is that some of us agreed with aspects of it, and some of us disagreed. But we found that the synergism of providing a budget surplus was a key element to our support.

We now find ourselves in the year 2000 with a budget surplus, but we also find ourselves with a budget where many of us disagree because the principles of opportunity are denied. We give a tax cut that I imagine is to cater to a candidate running for president of the United States on the Republican ticket.

We do not do anything to deal with extending social security and Medicare. One thing that we certainly throw to the winds and leave it encumbered with all kinds of problems is the senior citizen prescription drug benefit.

Members can imagine in a district like the Eighteenth Congressional District, probably representative of many across the Nation, with a high number of senior citizens, there is not a place that I go that they do not say, what choices do you want me to make, food, housing, or my health care?

I do not see why we are prepared to give a $929 billion tax cut, if we project it over 10 years, to placate the presidential politics when we have individuals in our community who have worked, who have paid taxes, who are living by themselves and cannot provide for their health care, cannot get prescription drugs?

We have a plan. The Democrat plan is unencumbered. Yet, we could not get that resolved in this budget process.

□ 1100

In my State, a mere 20 percent of our young people get college degrees. We are fighting this whole issue of the digital divide, realizing that e-commerce is driving the economy, begging to get our young people educated, needing more teachers professionally developed, needing our crumbling schools being rebuilt, and, yet, this budget does not provide for that in its educational piece.

It slows up on the idea of education. In particular, Mr. Speaker, it does not allow for the President's proposals to renovate crumbling schools. We leave out money to hire and train more teachers. I was in a meeting with members of the e-commerce industry, and one of the things that we noted in that discussion was we appreciate our teachers, but we must make them professionally aware of the technology.

We do not have the money, Mr. Speaker, for Head Start. How many Head Start graduates do we have in leadership positions and owners of small business. There is a definitive measure that we can have to determine that Head Start is a successful program.

So I certainly ask my colleagues and my Republican colleagues, in a time of

opportunity, what are we challenged to do? We are challenged to give opportunity to others who may not have walked that walk before. We need to be fiscally responsible, but we did that in 1997, and that is why we are here today.

Now we need to establish priorities. A prescription drug benefit for seniors that is unencumbered, education for our children, compensation for our teachers, the rebuilding of crumbling schools, the protection of Social Security and Medicare, and the heck with the $929 billion tax cut that no one is asking for except presidential politics. We can do better than that, Mr. Speaker. I ask to vote down the resolution and do a better job.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I think we know what this budget resolution conference report is all about. The majority wants to provide the Republican presidential candidate with a budget that he can work with, and that is fine. I read on the front page of the Washington Post today that Presidential Candidate George Bush has recommended another $46 billion of spending this week alone, $13 billion more for education, $25 billion more for defense, and then, of course, he wants a tax cut of over one and a half trillion dollars over the next 10 years.

Well, that is great. We are all for many of those things. But the thing that troubles us the most is that we have what may be a once in a lifetime opportunity to do right by our children's generation. We have an unprecedented surplus ahead of us. Is it right to use that surplus for our own benefit, or is it better to use that surplus to pay off the debt that we incurred so our children do not have to pay it off and so our children do not have to pay the quarter of a trillion dollars in interest costs that are due every year. And those interest costs will be a lot more when they are our age.

We are the ones who had the benefit of running up that enormous deficit during the 1980s. We now have the responsibility to pay it off. First things first. Pay off the $3.7 trillion of our public debt so that our children are not burdened with that debt.

Second thing, provide for our own retirement, provide for our Social Security and Medicare. That is our second responsibility. Do not leave it to them to have to provide for our retirement and our health care when we are no longer working and doing so well.

How wrong a legacy to leave the public debt to our children's generation, to leave it to them to pay for Social Security and Medicare. How right to pay off our debt now, to provide for our own retirement, and, to the extent we can, target tax cuts where they will benefit the economy, where Allan Greenspan will not have to raise interest rates to offset their stimulus effect. Target them and then invest in the next generation in education, prescription drugs research and development, and infrastructure. That is what we should be doing. That should be our legacy for our children.

This conference report does not accomplish that legacy. Let us do the right thing, the responsible thing. Reject this selfish, short term budget policy. We can do better than this. Much better.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I simply rise in strong support of this rule and the budget conference report itself.

We are making history here by, on time, proceeding for the first time in the quarter century since we have had the 1974 Budget Impoundment Act with doing back-to-back budgets on schedule. I believe that that is a very clear signal that this Congress, under the leadership of the gentleman from Illinois (Mr. HASTERT) is on track towards doing the kinds of things that he said when he stood in this well in January of 1999. He has proceeded with regular order following with the rules and the structure that we have in place here.

What is it that we are doing? Well, we have established the priorities the American people very much want us to address. Education is a great concern to the people whom I am honored to represent in Southern California. It is a concern all across this country. We need to make sure that, as we deal with this global economy, that the American people have the expertise that is necessary to be competitive. The best way to do that is to enhance the education level that we have in this country. This measure goes a long way towards doing that.

We have a priority. The gentleman from Ohio (Mr. KASICH) who came before the Committee on Rules last night made it very clear in his testimony that, what is it that the Federal Government can do and has the responsibility to do that no other level of government can do whatsoever? That is those very, very important words right in the middle of the preamble of the Constitution, ''provide for the common defense.'' That is exactly what this budget does by dramatically enhancing our ability to deal with our national security and the security of our interests around the world. Ensuring that we get our very brave men and women off of food stamps, that is a priority that we have here.

So as we look at this budget, it is a very, very important conference report.

I will say, since I am standing here in the well and I am looking at the gentleman from Ohio (Mr. KASICH) who is in the back of the Chamber, that he will be sorely missed. It has been his leadership over the past several years that has played a big role in getting us to the point where we are today, and I look forward to great things from him in the years to come.

The best way that we could send him off when he does leave here months and months from now is to overwhelmingly pass this rule and to pass this budget conference report with strong bipartisan support.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, there were three main issues associated with this conference. First, should we add $4.1 billion to defense spending, increasing overall spending by that amount, and reducing the surplus by that amount? The conference said ''yes'' to that question.

Second question: Should we increase efforts to fight dreaded diseases by increasing spending for NIH by $1.6 billion, which would increase overall spending by that amount? The conferees said ''no'' to that question.

Third: Should we increase student assistance by as much as $200 per grant in order to offset the higher cost of higher education and pay for that by a small cut in the size of tax breaks planned for the high rollers in this society? The conference again said ''no.''

Those are the issues before the conference. Those are the issues before the House today.

This huge Republican tax cut will simply not permit us to do what nearly everybody knows we ought to be doing to help students get the kind of education they need. That reflects what Candidate Bush said in my State last week. He is reported in the Eau Claire newspaper saying as follows: ''George W. Bush gave strong indications Thursday he is not inclined to increase Federal spending to give more grants to students to go to college. Bush, who attended both Yale and Harvard, conceded that some people have complained that loans carry a repayment burden. ''Too bad,'' he said. ''That is what a loan is.'' There is a lot of money available for students and families willing to go out and look for it. Some of you are just going to have to pay it back, and that is just the way it is.'' What this really is is Richey Rich indicating that he does not have a clue about how the other half lives.

What this conference also does today is gut our ability to deal with the problems we need to deal with respect to health problems.

This chart shows the amount by which every appropriation to attack major diseases will be cut from the Senate amendment in order to make room for my colleagues' Republican tax cut today. They have been talking to folks about how they are going to

promise to help increase research on diabetes. This says they are going to have to cut $47 million below the amount in the Senate amendment. They are going to have to cut $14 million for Parkinson's disease. They are going to have to cut $350 million for all types of cancer research. They cut $41 million from research that could have taken place on Alzheimer's and $180 million from research that could have taken place on AIDS.

So when my colleagues vote on this conference today, think of the 150 people a day who will be diagnosed with cancer this year, think of those suffering with diabetes and Parkinson's and Alzheimer's, and think of all of the students who are struggling every day to get a decent education who my colleagues will not be able to help.

That may be consistent with the Republican values. It is not consistent with the values of the people I represent.

[From the Leader-Telegram, Mar. 31, 2000]

BUSH AVERSE TO MORE COLLEGE GRANT FUNDING—LET STUDENTS GET LOANS, CANDIDATE SAYS IN EC

(By Doug Mell)

Texas Gov. George W. Bush gave strong indications Thursday he is not inclined to increase federal spending to give more grants to students to go to college.

Instead, Bush said, he has more affinity for giving students loans.

''I support Pell Grants (the federal government's main college grant program),'' Bush told reporters after visiting Locust Lane School in Eau Claire. ''I support student loans.''

Bush, who attended both Yale and Harvard, conceded that some people have complained that those loans carry a repayment burden.

''Too bad,'' he said. ''that's what a loan is.''

Bush, the Texas governor and likely GOP presidential nominee, added: ''There is a lot of money available for students and families who are willing to go out and look for it.

''Some of it you are going to have to pay back, and that's just the way it is because there is nothing free in society. College is not free.''

He also said the federal government should not get involved in setting tuition levels for state colleges and universities.

Here are edited remarks from a question-and-answer session between Bush and reporters after visiting Locust Lane School:

What are your plans to increase school accountability?

We are going to ask the question, are children learning? We are going to say to states, ''If you accept federal money, you have to develop an accountability system.'' I believe a national test will undermine local controls of schools.

Under the Title 1 initiative, it says that after a three-year period, if standards aren't being met for disadvantaged students—in other words, if students remain in failed schools—instead of subsidizing failure, something must happen. You can't have an accountability system, you can't measure, unless ultimately there is a consequence. Otherwise, there is no accountability.

And the consequence is, the parents get to make a different choice. It's funding children and it's battling failure.

I believe if you set high standards and hold people accountable, people will learn. I've seen it with my own eyes.

Is it the school's fault when test scores are low or is it a combination of things?

I think it's the system's fault. When you have kids that can't pass a basic test, it sounds like to me that they have just been shuffled through the system. Because nowhere along the line has someone blown the whistle and said, ''Now wait a minute; we are not going to move you through until you know what you are supposed to know.''

When you have high school kids who can't pass basic reading comprehension exams, you've got a problem. If a kid can't read when he gets to high school, something is fundamentally wrong with the system.

That's why it is so important to address these problems early, before it is too late.

What has been the response to your proposals from teachers?

I differentiate between the union leaders and the teachers. I think the teachers are helping. I think teachers want the best. I think really good teachers do not care about being held accountable. I think they understand that accountability is not a punishment.

We need to expand the program at the federal level that encourages, trains, pays stipends to, ex-military people who come into classrooms.

I want to increase the teacher training, teacher recruitment aspect of the federal expenditures, but I want to send it back to the states with a lot of flexibility.

One of the cornerstones of the education reform package at the federal level is maximum authority and maximum flexibility back to the states. The more flexibility states have to spend federal money to meet their needs, the more money is freed at the local level as well.

I think there needs to be a teacher protection act, which will say that if teachers uphold standards of discipline in their classrooms, they can't get sued under civil rights statutes.

Could Gov. Tommy Thompson play a role in your administration?

Tommy is a friend, and he's smart and he's capable. He's led the way on a lot of interesting initiatives and education reforms. There is a lot of different roles Tommy could play.

Have you approached anyone concerning being a vice presidential candidate?

No, and I won't with anybody. I obviously have thought about it. People say to me all the time, ''Why don't you consider so and so, and why don't you consider this and that?''

But I have yet to put a process in place. Over the next couple of weeks, I will be thinking through the strategy.

I think there is going to be a need to have a different attitude in Washington. There has to be a different type of politics and a different type of attitude about expending political capital.

And I tell people point-blank in this state and every state: If you want four more years of Clinton-Gore, I'm not the right guy. That's really what much of the election is about.

What are your plans on dairy policy?

I'm going to say the same thing that other presidents have: We need to have a national plan, a national dairy policy. Until there is one, until there is one that the country can agree to, there is going to be compacts.

Do you oppose dairy compacts?

I'd like to see a national dairy plan.

That includes something on compacts?

It would include a national plan that all regions of the country could live with. If you had a national dairy plan, hopefully, if it made sense, it would make them moot.

I'm going to be a president for everybody. Surely there is plan that is best for the nation.

Would Wisconsin dairy farmers get a fair break under your administration?

I think what Wisconsin dairy farmers can expect is a fair, even-handed policy that tries to develop a national dairy strategy. I recognize it's going to be difficult to do.

What is your position on the Elian Gonzalez controversy?

He should have his day in a family court in Florida. And the (Clinton) administration has been heavy-handed on this issue, and I disagree with them, I strongly disagree with them.

There needs to be a full hearing, and I hope his dad gets to come over (from Cuba) and testify.

I don't trust Fidel Castro. I don't trust the system. I do not believe we ought to trade with Cuba and Fidel Castro, because foreign trade with Castro becomes an avenue for propping the administration up.

I hope the dad is given the chance to make the decision in a free world, give him a chance to make a decision about his son in a totally free environment. There needs to be a venue to make that decision.

What is your position on trade with China?

I do believe we ought to have China in the World Trade Organization. But as opposed to trading with government entities, most of the trade with China, as a result of the World Trade Organization, will be with private entities.

What is your position on campaign finance reform?

I think we ought to have campaign funding reform. It starts with people being honest about the law. Secondly, I think we ought to ban corporate soft and labor union soft money, so long as you have paycheck protection.

We need instant disclosure who the campaign contributors are and I want full instant disclosure on what went on in the White House when the vice president was there.

I think we can make it more fair, more open and more realistic so people know what is going on.

I'd love to work with Sen. (Russ) Feingold and Sen. (John) McCain on that issue. I would hope he (Feingold) would allow paycheck protection so union members don't have their money spent by union bosses without their permission.

What is the first bill you would send to Congress after you are elected.

First is to go to the Defense Department, the secretary of the defense, and ask for a top-down review, a top-to-bottom review of the strategies in place to reconfigure our military.

I worry about haphazard spending, political spending when it comes to procurement, research and development. And I want there to be a procedure in place to reconfigure how war is fought and war.

Our military needs to be lighter, more lethal, easier to move, harder to find. We need to think 20 or 30 years down the road.

The first bill I would like to see coming out of education is Title 1 reform with flexibility to states.

I would like Congress to pass a tax-relief package, with a tax fairness component, I think we need to get rid of the death tax.

This code we have today penalizes people who live on the outskirts of poverty. If you

are a mother making $22,000 a year and you have two children, for every additional dollar you earn, you pay a higher marginal return than someone making $200,000. It's not right.

So my simplification plan drops the bottom rate from 15 percent to 10 percent and increases the child credit, which facilitates upward mobility among people who are struggling.

It may sound strange to hear a Republican talking that way, but I'm passionate about this subject. Al Gore is going to say it's risky.

But what is risky is locking people in place in America. What we ought to believe in is having a tax code that encourages upward mobility, not discourages upward mobility.

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

Mr. GOSS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) has 18 minutes remaining.

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

Mr. Speaker, whenever anybody leaves an institution, an institution is obviously diminished, a little poorer, especially when it is a good person. Obviously people get replaced through the election process and through the hiring process here, but there is still always a sense of loss when we lose one of our spectacular people.

Much has been said about the gentleman from Ohio (Chairman KASICH), and I want to be associated with those remarks, the extraordinary job he has done through the years here today. We acknowledge that.

I know in the general debate, he is going to have the great opportunity to display his brilliance, and we are going to have the opportunity to further thank him.

Mr. KASICH. Mr. Speaker, I wonder if the gentleman will yield to me.

Mr. GOSS. I am happy to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I want to point out what the Republicans have done since they took the majority in dramatically increasing the funding for the National Institutes of Health.

□ 1115

Mr. GOSS. Mr. Speaker, reclaiming my time, I appreciate the gentleman from Ohio (Mr. KASICH) bringing that forward.

I was going to make the observation that this is really a debate about the rule, and I think we agree it is a brilliant rule and deserves everybody's support; and we are trying to get to the debate when the distinguished chairman can make the kinds of points that are so relevant to the debate and the final vote on the budget.

But today I also want to recognize and publicly thank an outstanding Hill staffer who has set an admirable standard for the past 12 years and who is now heading for new challenges.

Today's rule is the last piece of legislation that Wendy Selig will handle before she heads off to a leadership position of the American Cancer Society.

Wendy personifies skill and professional competence in her work, whether it is as a press secretary, an administrative assistant, the majority counsel on the Subcommittee on Legislative and Budget Process that I chair, or as a special assistant on the House Committee on Intelligence. All of these jobs she has done at one time or another or sometimes simultaneously.

Wendy brings a special brightness to whatever she touches, as all those who have worked with her knows. We wish her all success in her new endeavor. We will miss her a lot.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

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

Ms. SLAUGHTER. 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 221, nays 205, not voting 8, as follows:

[Roll No. 124]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter

Smith (WA)	Thompson (CA)	Visclosky
Snyder	Thompson (MS)	Waters
Spratt	Thurman	Watt (NC)
Stabenow	Tierney	Waxman
Stenholm	Towns	Weiner
Strickland	Turner	Wexler
Stupak	Udall (CO)	Weygand
Tanner	Udall (NM)	Wise
Tauscher	Velazquez	Woolsey
Taylor (MS)	Vento	Wu

NOT VOTING—8

Borski	Houghton	Stark
Combest	Myrick	Wynn
Cook	Northup	

□ 1137

Mr. SAWYER and Mr. BALDACCI changed their vote from ''yea'' to ''nay.''

Mr. HULSHOF changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KASICH. Mr. Speaker, pursuant to House Resolution 474, I call up the conference report on the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 474, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of April 12, 2000, at page H2206.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

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

Mr. Speaker, let me one more time run through what this budget proposal and outline does today, because it is, I believe, the right combination and the right direction for our country, although I will tell my colleagues right off the bat, it spends too much. But with what we are working with here, with a narrow margin and a lot of diverse interests, I think we have come up with a very good proposal.

First of all, for the second year in a row, the second time in 40 years, we are not going to touch the Social Security surplus. We are not going to take any money that is in surplus that comes in from the Social Security taxes to pay benefits for our seniors; we are not going to take it and spend it on any other government program. That means that that surplus is going to be available to fix Social Security for the baby boomers and their children. So we will keep our mitts off of that.

Secondly, we are going to strengthen Medicare with a prescription drug program and other Medicare reforms. We think that is important. Now, we hear people on the other side of the aisle criticizing our Medicare proposal. The President first of all cuts Medicare and secondly does not have a prescription drug program until 2003. I like to call it the ''somewhere over the rainbow program.'' We believe we ought to get Medicare reform and prescription drugs today, and we are going to be unveiling our plan to strengthen Medicare.

Thirdly, we are going to retire $1 trillion of the publicly held debt. Now, for so long around here, we talked about passing all this debt on to our children. We are going to pay $1 trillion of the publicly held debt down; and in fact we are on track, if we wanted to, to pay off the public debt by 2013. We are also going to strengthen education and science. Let me just make the point that some folks have said on this House floor that we do not do enough for Pell grants.

□ 1145

Well, we have had a 50 percent increase in Pell grant funding since 1995 when we took charge. As you can see, under a Democrat President and Democrat Congress, Pell grants were not a priority, but under the Republican Congress, starting in 1995, we have significantly increased Pell grants every single year.

Now, I know that some people say it is never enough, but the fact is that we do, in fact, want to accomplish these other missions, having to do with Medicare and retiring debt, and having a small tax cut at the same time. I will get to that in a second.

For those who do not think we make education a priority in this budget, they are wrong. We significantly increase education, primary and secondary, and we continue our march to make Pell grants more available. But I would suggest to many of my colleagues, why do we not have a few conversations with these university presidents who cannot seem to control costs that are going up in higher education by far faster than the rate of inflation? No matter what we do in this body, we cannot solve the problems of the cost of higher education until we get some help on the side of the people who run these institutions who have not been able to manage costs. But let there be no mistake, we have increased the amount of money for Pell grants in this Congress by 50 percent.

In addition to our support of education and basic science, a basic science program that we believe stresses programs like the human genome project, which offers so much hope for everyone in this country for a healthier life for our families; not just extend life, but improve the quality of life with the major breakthroughs that are occurring by the ability to code the human gene.

Mr. Speaker, they say that sometimes advanced technology is indistinguishable from magic, and the fact is when we think about efforts that go on today to decode the human gene system, it is just remarkable. We believe in basic science research in this House.

In addition to that, we are promoting tax fairness for families and farmers and seniors. Let me talk a little bit about this. We have a guarantee of $150 billion in tax cuts out of a $10 trillion budget. I can only define that as puny. The President today is going to say that that is too much of a tax cut. Well, of course it is for the President. He raises taxes. But to cut $150 billion, guaranteed, out of a $10 trillion budget, and to somehow say that is risky and out of line, well, sure it would be for somebody who thinks that we ought to just get our paychecks and send it all to the government. Of course, they think that is too much.

But I tell you, it is interesting when we have votes on things like repealing the earnings test tax, so that seniors can be independent and not get penalized on their Social Security, everybody votes for it. When we put the elimination of the marriage penalty tax on the floor, it is amazing the bipartisan support we get for that.

I will tell you another thing. We bring a bill up here to reduce the inheritance tax, the death tax, on farms, you watch the people that will vote on a bipartisan basis in this House, because, you know what? The day you die, you should not have to visit the IRS and the undertaker on the same day.

The fact is that we need more tax relief. I am disappointed we do not have four times as much tax relief in this bill, because the American people know that America is strengthened from the bottom up, not from the top down; that in this new era, bureaucracy and centralization is not the key. In this new era, it is the power of the individual to compute and to communicate and to re-knit our families together, in our schoolhouses, in our churches, in our synagogues, and community organizations. Let us strengthen them, not strengthen the power of the central government in a far-away place.

Finally, we are going to restore America's defense. We are going to restore it because we do not think that our soldiers and sailors and airmen ought to be in a position where they are on food stamps, where we have spread them out all over the world and not given them the tools they need to be an effective fighting force.

Let us not forget that providing for the common defense is the number one priority of the central government. We need to rebuild our Nation's defense,

and, I hope at the same time, to reform our Nation's defense.

Mr. Speaker, I think we ought to come to this floor on a bipartisan basis and we ought to support a budget that saves Social Security, that strengthens Medicare and allows our seniors to have access to prescription drugs, that reduces the publicly held debt by $1 trillion, that gives our children a fighting chance to have a better tomorrow, that strengthens the support for education and basic science, that promotes tax fairness and reduces the tax burden on small business and families and family farms, and restores America's defense establishment. If we can accomplish all of that in one vote today, we should have no reluctance on a bipartisan basis being able to support this.

We should come here with a firm eye and send a message to the American people that we are starting to get it, we are starting to understand them. We want them to have the power, and we want them to have the responsibility to rebuild this country.

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

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, this conference report is essentially the same document as the resolution Republicans had on the floor last month. The Republican budget plan, if implemented, would threaten our record prosperity and undermine the values of middle-class families. This budget reflects the irresistible urge Republicans have to enact massive, irresponsible tax cuts above all other needs and priorities of the American people.

They give tax cuts a higher priority than extending the life of Social Security and Medicare, they are willing to sacrifice a real Medicare prescription drug plan for all seniors, and they are willing to make deep cuts in health and education in order to make their budget add up.

There is not one dime in this budget for Social Security and Medicare. Republicans' unwillingness to do anything to prevent the long-term insolvency of these programs that serve as the bedrock of retirement security for millions of Americans is inexplicable.

This budget pretends that it pays for a prescription drug plan. But, if you look closer, you will see there is not one penny appropriated for a drug plan. The money is ''reserved.'' It is a budget gimmick. It is not real. It will not happen. Talk is cheap; prescription drugs are not. This budget does not solve the problem.

This budget contains Draconian cuts in non-defense appropriations. Nearly $120 billion in cuts need to be made, and, if Republicans have their way, they will cut deep into important priorities like education, health, veterans' affairs, and the environment.

It is clear what the American people want. They want a fiscally responsible budget that will keep interest rates low and the economy growing, they want to strengthen Social Security and Medicare so that retirement security is protected for current and future retirees, they want a drug plan in Medicare that covers all seniors who want it, and they want to invest the surplus in their priorities, like making sure that children get the best public education we can provide.

Mr. Speaker, this budget did not get better in the conference. It probably got worse. It continues to ignore the voices of working families who have made it perfectly clear that they reject the efforts to bleed the surplus dry for political tax cuts instead of investing in Social Security, in Medicare, in paying down the debt, in ensuring the future of this great country.

Vote against this budget. We can do better than this.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I am a new Member of Congress, but I was not born yesterday, and I hear this rhetoric come to the floor of Congress every time we bring these budgets together. You hear the other side of the aisle castigate each other, as if the world is going to end tomorrow. You hear these inflammatory accusations of what is actually happening.

Mr. Speaker, I would like just to point to the facts. I would like to go over what is actually included in this budget, rather than inflammatory remarks about political posturing.

A budget outlines the priorities of a country. A budget outlines the priorities of Congress. That is what we are achieving in this budget, so it is more than just numbers.

What we are achieving in this budget is really truly historic. This budget, for the first time in 30 years, is stopping the raid on the Social Security trust fund.

Imagine that. In 1969, they passed a bill back then which gave the government the ability to dip into the Social Security trust fund, take the money out, both Republicans and Democrats did it, and then spend it on other government programs that have nothing to do with Social Security. We are putting an end to that. This budget is doing that.

This budget is also strengthening Medicare. It is reserving $40 billion to create a prescription drug plan for seniors beginning next year, not in the year 2003 as the President has been proposing. This budget retires the entire national public debt by the year 2013. It pays off our public debt by the year 2013. It supports education and science. It promotes tax fairness for families, for working families and for seniors, and it does restore our vital national defenses and the quality of life for our military personnel.

What I would like to guide you to is the Social Security part, because this is something that is very important to me. I am a younger Member of Congress, and I fundamentally believe that it is our obligation in this body to make Social Security a program that is not just solvent for this generation, but for the generation after that, which is the baby boomers, and the generation after that. So we have got to act now to prepare for the problems we have coming in Social Security.

Last year the President came to Congress in the State of the Union address and he said, ''Let's dedicate 62 percent of the Social Security surplus back to Social Security and take 38 percent out of Social Security to the government programs.'' He said he would take 38 percent out of Social Security to spend it on the government programs. That is the budget last year that the President brought to Congress. That was the culture in Washington, that was the way things were done.

We countered with a different proposal last year. 100 percent of the Social Security surplus should go to Social Security, and, by golly, we actually accomplished that. Last year, for the first time since 1969, we stopped taking money out of Social Security. This budget stops the raid on Social Security, not just for now, but forever, so we can pay off the debt and preserve Social Security for future generations.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, it is a joke to hear Members of the party that tried to blow up Social Security for 30 years now pretending that they are defending it.

I would like to just make two points: It has been suggested that our comments with respect to National Institutes of Health funding are inaccurate. Does the other side deny that they turned down the Senate amendment that would have added $1.6 billion to NIH?

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

Mr. OBEY. I have 1 minute. You can get your own time.

Mr. NUSSLE. You asked a question.

Mr. OBEY. Mr. Speaker, I would like order.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Wisconsin (Mr. OBEY) controls the time.

Mr. OBEY. The gentleman understands the rules.

Mr. Speaker, I would point out with respect to Pell grants, their standard bearer, Richie Rich, or, excuse me, George Bush, said in my state last week when asked if he would help students who have such a huge debt overhang, ''Too bad, that is what a loan is. There is a lot of money available for

students and families willing to go out and look for it. Some of you are just going to have to pay back, and that is the way it is.''

Do you disagree with that? Do you disagree with your standard bearer? You certainly cannot tell it from your budget resolution. You specifically eliminated the $600 million the Senate added for Pell grants. I think that makes clear where you stand.

The SPEAKER pro tempore. Is there objection to the gentleman from Connecticut (Mr. SHAYS) controlling the time of the gentleman from Ohio (Mr. KASICH).

There was no objection.

□ 1200

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from South Carolina for yielding time to me. I also would like to state how much I appreciate the leadership of the gentleman from South Carolina (Mr. SPRATT) in the Committee on the Budget.

Mr. Speaker, I am pleased to see the increase in the budget for research, especially for the National Science Foundation. This bodes well for the fate of the support of research in Congress this year.

Turning to the budget resolution overall, which is supposed to represent our national priorities, I would like to point out how skewed these priorities are contained in this blueprint that we have before us. They are not the ones that the families in New Jersey tell me about.

New Jersey families tell me that the things that are most important to them are shoring up social security, Medicare, education, environmental protection, and they see the benefit, the direct benefit, to them of paying down the national debt.

I would like to point out that the Democratic substitute would have devoted three times as much to paying down the debt as the one that is before us now. The majority's budget resolution has one overriding priority, exorbitant tax cuts at the expense of everything else.

In the Committee on the Budget, I offered an amendment that would have invested more resources in school construction, smaller class sizes, larger Pell grants. It was rejected in favor of enormous tax cuts.

We offered an amendment in committee to pay down our national debt faster. It was rejected in favor of tax cuts.

Earlier this week on the House floor Democrats offered motions, a motion that said simply, let us wait on the enormous tax cuts until Congress has had a chance to pass bipartisan legislation modernizing Medicare. That, too, was rejected.

Make no mistake, there are appropriate tax cuts. I myself have crossed the aisle to support marriage tax relief, estate tax cuts, and other reductions. But the irresponsible tax cuts contained in this legislation are a direct affront to our obligations, I mean the obligations of our society to provide a good education for all of our children, to give access to good health care for all, to protect our air and water and land for those who come after us. This headlong obsession with large tax cuts even puts at risk social security.

Mr. SHAYS. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I would say that only in Washington would a colleague have the motivation to say that a 2 percent reduction in taxes is an enormous tax cut.

We are going to have $11 trillion in revenue. We are cutting taxes $150 billion, and the gentleman calls that enormous?

Mr. Speaker, I yield 2½ minutes to my colleague, the gentleman from Texas (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, the previous speaker talked about priorities, that the priorities of this budget should be setting aside the social security surplus.

We set aside every penny of the social security surplus for the third year in a row. This was first proposed last year by Republicans in response to the President's suggestion that we should spend 40 percent of the social security surplus. That is simply wrong.

The speaker suggested that one of the priorities should be providing prescription drug coverage for Medicare beneficiaries. We set aside $40 billion to put together not just prescription drug coverage, but coverage that includes reforms that protect the options and choices of those senior citizens that currently have prescription drug coverage.

There was a suggestion that our priority should be paying down the debt. We do. We are on a glide path to pay down the debt by 2013.

The suggestion was that the priorities should be education and science, and they are. He pointed out specifically the additional funding for the National Science Foundation. Indeed, we also have over $1 billion that is focused toward the special education mandate that burdens cities and towns across the country.

We also have the kinds of tax fairness that the previous speaker suggested that he supported: eliminating the marriage penalty, getting rid of the social security earnings test, getting rid of death taxes for millions of our citizens.

Of course, we promote a strong national defense.

I want to talk specifically, though, about the record on debt reduction. The suggestion was that an alternative had three times the debt reduction that this resolution has. That is quite frankly a fiction, because this resolution has $1 trillion in debt relief over the next 5 years.

Was there any resolution brought to the floor that provides $3 trillion of debt relief over 5 years? Of course not. That is simply not possible.

However, we pay down $1 trillion over the next 5 years. That is not just a pie in the sky projection, because if we look at what we have already done, the achievement is quite significant: $50 billion in debt paid down in 1998, $88 billion in 1999, over $150 billion this fiscal year.

As we debate the budget here on the floor today, we are going to pay down over $170 billion in the next fiscal year, $450 billion in debt reduction over a 4-year period, an historic achievement. It keeps interest rates low, it keeps the economy on the right track.

Certainly we could keep penalizing seniors and pay down a little bit more debt, but that would be wrong. We could keep penalizing married couples and pay down a little more debt, but it would be wrong.

We have a proposal here that sets the right tone for the American economy and achieves the right goals for the taxpayers.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, the budget before us today is kind of like a decoy budget because it is like putting your duck decoys out in the pond. You have increased defense spending by $4 billion. Now we have locked that in. We know this September that money is now committed and there is no way of going back.

Then they are proposing to cut other spending by $7 billion. That is probably not going to happen because their own members on the Committee on Appropriations on the Republican side are not going to want to do it, but the decoy ploy has worked pretty well.

The budget is well crafted from the standpoint of getting a document done. It is not well crafted from a budget policy standpoint. I think at the end of the day it is going to be a failure, like the other budgets that the Republican Congress has tried to adopt.

We have heard a lot about the social security surplus. I will just say since I have been around here, since fiscal year 1995, the Republicans have been trying to spend the social security surplus on tax cuts. It was not until the economy under the Clinton administration had gotten so strong that we had such surpluses because of the Clinton recovery, and the political beating that they took for their attempts to do that, that now they are able to have this renewal of faith and say that, in fact we support social security and we are not going to touch it.

Their numbers do not add up. They say they want to increase NIH, but they rejected the amendment that the Senate had adopted to increase NIH. The way the function is in the budget, they do not leave any room to increase NIH.

They are going to cut community health, which is contrary to what the standardbearer said yesterday where he wants to increase community health by $4 billion. Their tax cut still works out to be about $800 billion over 10 years, which will probably push this budget, if it were to become law, into spending the social security surplus.

Finally, with respect to prescription drugs, we have yet to see the plan. It reminds me of when I was a boy, kind of, of President Nixon's secret plan, not yet President Nixon, to get us out of Vietnam. It never actually happened. I think that is probably true with the prescription drug plan. The budget resolution still says if, maybe, whenever, but it does not say when like it does with taxes.

We can pass this budget today. We will be here in September writing the real budget.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this conference report is good if one is among the few who are well off and healthy, but it is bad if one is like so many of our citizens, they are struggling and facing poor health.

This conference report gives a $150 billion tax cut to the wealthy while, in reverse form, Robin-Hood like manner, it takes from the old, the young, the students, families, communities, especially farming communities.

This conference report cuts programs from agriculture at a time when indeed our agriculture communities are struggling. Discretionary spending for agriculture is cut. Resources needed to process claims and make timely loans are cut. Funds for programs to provide vital information to farmers are cut.

Over a 5-year period, this budget resolution cuts the purchasing power of agriculture by 9.1 percent over the next 5 years. It provides $500 less in income assistance to farmers than the House-passed resolution, and that was, indeed, inadequate.

Mr. Speaker, with this conference report education funds are cut, the Head Start program is cut, after school programs are cut, Pell grants are cut, and there is no school repair nor monies provided for more teachers.

Rural seniors indeed need help. Rural seniors on Medicare are over 50 percent more likely to lack prescription coverage for the entire year over urban beneficiaries.

Mr. Speaker, this conference report is good, indeed, for those who need no help. Therefore, Mr. Speaker, I urge Members to reject this conference report. It is bad for America.

Mr. SHAYS. Mr. Speaker, to set the record straight on agriculture, I yield 1 minute to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I beg to disagree with the gentlewoman, who is my dear friend and who I work with very closely on the Committee on Agriculture. But as a member of the Committee on the Budget, I just want folks involved in agriculture to know and understand that we worked very hard over the last 2 years to provide money in the budget for real, meaningful crop insurance reform; that we have also provided money in this year's budget in anticipation of a bad year in agriculture for more money to go to our farmers in the form of an additional AMTA payment.

The gentlewoman is probably right, we are going to cut out some of the bureaucratic function of Washington, DC with respect to agriculture, but this budget, which is the best budget our chairman has ever produced, in my opinion, in the 6 years that I have been here, is going to put more money in the pockets of farmers than any other budget we have ever passed in the 6 years that I have been here.

It is at a time when our farmers are in dire straits all across the country, whether it is Georgia or Iowa or whether it is New England. This particular budget is going to go to put more money in the pockets where it is needed.

Sure, it is probably going to take some money out of the bureaucracy, but we are going to put it where it is important.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, the gentleman from South Carolina (Mr. SPRATT), the ranking member, a distinguished and thoughtful man, said earlier today that we are preparing to get the train wreck on schedule. That is what we have in front of us here is the schedule, where it is going to stop on the highway.

The reason I say that is that it is just like the one we did last year and the year before. It has built into it $100 billion worth of cuts in nondefense spending.

Most people say, what does that mean, nondefense spending? Well, I mean FBI agents, they want to cut some of those, or drug enforcement agents, they want to cut them, or maybe it is Pell grants they want to cut, or the National Institutes of Health. That is a nondefense area. There are $100 billion in cuts.

If Members think the level out there right now is too high, we have too many FBI agents, too much at the National Institutes of Health, then Members will think this is a real nice budget.

The only way they are going to get around that is that they are going to have to go over and get that social security money that is sitting there. They say, we have covered it, it is all protected, we have it in a lockbox. But all we have to do is come out here and pass a resolution on the floor and it is gone. It is a lockbox with a hole in the bottom. So we are looking at a budget that has built into it all the seeds of not passing the appropriations acts, and winding up being back here in September, 2 months before the election.

Mr. Speaker, somebody is going to get up here, and I have listened to the debate so far and I have never heard this phrase yet, because it is the favorite Republican phrase, where are we going to find that $100 billion? Fraud, waste, and abuse. That is the one, we get out here and beat our breast, waste, fraud and abuse.

When we start looking at what that really means, it is the Department of Social Health Services.

□ 1215

The Department of Human Services goes out to hospitals in our districts and starts going through the records of the doctors and the hospitals, and the place is flooded with Members back here saying we have to give them back that money.

So when one thinks they are going to find $100 billion in fraud, waste and abuse, they ought to think very carefully about that. What is going to happen is in September the election will be upon us, the Republicans will cave to the President of the United States, and we will get a decent budget.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I want to suggest five reasons why our colleagues should vote against this Republican budget resolution.

The first reason is that it contains indiscriminate and risky tax cuts that, under realistic assumptions about defense and nondefense spending, will take up more than the available non-Social Security surplus over the next 5 years. The tax cut in this budget resolution, $175 billion over 5 years, exceeds the total non-Social Security surplus forecast by the Congressional Budget Office under an assumption of discretionary spending frozen at inflation-adjusted levels.

Reason number two, it proposes to significantly undercut nondefense discretionary programs that Americans depend on. Over 5 years, the Republican plan would cut nondefense programs by $122 billion below inflation adjusted levels. That would mean, for example, Pell grants for 316,000 fewer students. It would eliminate Head Start for more than 40,000 children.

Reason number three, the Republican plan does nothing to extend the solvency of Medicare and Social Security. We ought to be using a portion of our surpluses to extend the solvency of these programs, which would have the important added benefit of locking in additional debt reduction.

Reason number four, under the Republican budget resolution's unrealistic spending targets, we are once again headed toward an end-of-the-session train wreck and efforts to circumvent the budget process through new and improved gimmicks. Appropriations leaders in both parties have already given warning that they may not be able to produce passable appropriations bills this year under this budget resolution's spending limits. This is simply more evidence that it is not really the budget process that is out of whack around here. What is needed is a responsible use of that process and a realistic budget resolution.

Finally, reason number five, a vote for this budget resolution would send a message to the American people that the cynicism they feel about Congress and their cynicism about the budget process are, alas, justified. We should be sending our constituents a positive message that in a time of budget surpluses we are going to invest in the future of this country, through affordable and targeted tax cuts, through continued debt reduction, and through adequately funding those programs on which older Americans and working Americans and the most vulnerable among us depend.

Take the responsible course. I urge my colleagues, vote against this irresponsible budget resolution.

Mr. KASICH. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. Mr. Speaker, I rise in support of this budget conference report, and I applaud the work of the Committee on the Budget. For the second year in a row, under the leadership of the gentleman from Ohio (Mr. KASICH), the Committee on the Budget has produced a quality work on time. If the House will look at this, it is the first time in the history of the House that we have met this budget on time ever.

When the gentleman from Ohio (Mr. KASICH) first became budget chairman, our government's finances were a mess. We had high taxes. We had expanding government. We had a huge debt and a budget deficit of $200 billion, and I quote the administration, ''as far as the eye could see.'' Today we have a responsible and a balanced budget which keeps America on the right track. Today we have a goal of balancing the budget, paying down the debt, securing Social Security; and, yes, we hear all the ifs on the other side, but that is our goal, that is our target and this budget gets us there.

Those who would like to spend more are not keeping their eye on the target, which is balancing the budget, paying down the debt, protecting Social Security. Also, besides protecting Social Security in this budget, the money that goes into Social Security is reserved for Social Security. We pay down $1 trillion of debt over the next 5 years, $1 trillion of debt. We modernize Medicare by providing $40 billion for a prescription drug benefit so no senior should be forced to choose between putting food on the table or taking life saving prescription drugs.

We provide additional educational spending; additional educational spending. I believe our goal is simple when it comes to education, that every child in this country deserves an opportunity to go to a good school.

We improve our national security by giving our men and women in uniform the resources they need to protect America from the dangerous world outside. We include tax fairness in this common sense budget. We believe it is morally wrong to penalize young couples who want to get married, up to $1,500, simply because they are married as opposed to being single. We believe it is unfair to tax people just because they die, and we believe that the Tax Code must encourage people to save for their children's future education.

Today, my friends, we continue to keep this Nation on the right track. We have balanced the budget; and we have a balanced, responsible approach to govern.

I commend the gentleman from Ohio (Mr. KASICH) for his hard work on this budget, to the Committee on the Budget and to this institution and to the American people for the many years of his service. I would say thanks to the gentleman from Ohio (Mr. KASICH).

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, unfortunately this budget is not about the past. It is about the future. Any way we want to explain it, the centerpiece of this budget resolution today is a massive tax cut at the expense of debt reduction, Social Security, agriculture and defense. The numbers do not lie.

It is gratifying to hear my friends on the other side adopting the Blue Dog rhetoric about the importance of paying off the debt. I only wished their resolution carried through on what they say. Once they take away all the double counting in this resolution, it would leave only $12 billion of the non-Social Security surplus, approximately 8 percent, for debt reduction over the next 5 years. That is $73 billion less than the Blue Dog budget and $430 billion less debt reduction over the next 10 years, and that is a fact. No rhetoric is going to change that.

I wish they paid more attention to what the tax cut does in 2010 to 2014 when the Social Security system is going to need this money. This budget and this tax cut, if it is implemented, which fortunately I do not believe it will be, will wreck the Social Security program beginning in 2014, and that is irresponsible.

Also, the budget provides money for another short-term agricultural relief package, which we all appreciate; but why did we not take the opportunity, as the Blue Dog budget suggested, of having a 5-year, fix-the-policy, look-at-the-baseline problem? Why are we doing a 1-year fix again? Why can we not find the support on both sides of the aisle to match our rhetoric with the needs of the country?

When we look at the agricultural needs today, this budget comes up tremendously short.

The American people continue to tell us that paying off the debt should be our first priority using the budget surplus. Over and over and over they tell us that. Unfortunately, this budget continues to ignore this message from the American people, and I am very disappointed that once again we have not been able to find a responsible middle ground, but that is what this is all about. If the priorities are a massive tax cut at the expense of debt reduction, Social Security, agriculture and defense, vote for this resolution.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, somebody very wise once said that everybody is entitled to their own opinion but not their own version of the facts. We need to get the facts down here today because the one thing we owe to the public is to have an open and honest debate about exactly what we are doing.

The major fact here that is going unstated is the 10-year price tag associated with this tax cut. Now today there is the admission that we are talking about $175 billion tax cut over 5 years. Last year we debated a $792 billion tax cut over 10 years that was fiscally irresponsible and wildly unpopular, rejected by the American public. By the math we have done over here, what we are debating today, but we are not willing to say, is an $875 billion tax cut over 10 years. It undermines everything that has been said on this floor about paying down the debt and spending.

I would be happy to yield to the chairman of the House Committee on the Budget if he wants to correct me and tell us what the real price tag is over 10 years on this tax cut. The gentleman from Ohio (Mr. KASICH), I would be happy to yield to him if he would like to tell me what the price tag is over 10 years on the tax cut contemplated by this budget resolution we are going to vote on.

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

Mr. DAVIS of Florida. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, it is our job to come up with a 5-year number. We believe that the 10-year number will fit. I also want to commend the gentleman from Florida (Mr. DAVIS) for voting for the tax cuts that we have brought to this floor, particularly eliminating the tax on the senior citizens. So it would be good if we could even bring a couple more to the floor that he would vote for, but the point is that we believe it will fit and we will be able to have tax relief plus save Social Security.

Mr. DAVIS of Florida. Mr. Speaker, this remains the dirty little secret about this budget resolution, that we do not have the 10-year price tag associated with the tax cut, and I stand on my assertion it is an $875 billion tax cut which undermines what should be our Nation's highest priority, paying down the debt.

In 1999, we spent $230 billion on interest payments alone on this $3.47 trillion Federal debt. That is 13 percent of our total spending. It is more than we spend on Medicare. It is slightly less than what we spend on national defense. Paying down the Federal debt should be our highest priority. It contributes to lower interest rates. It allows us to preserve the solvency of Social Security and Medicare for the retirement of the baby boomers, and we cannot do that and sustain an $875 billion tax cut. We ought to be willing to talk about it. We ought to be honest with the American public. We ought to do responsible tax cuts, but we ought to pay down the Federal debt first.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the House Committee on Armed Services.

Mr. SPENCE. Mr. Speaker, I thank the gentleman from Ohio (Mr. KASICH) for yielding me this time.

Mr. Speaker, I rise in support of the fiscal year 2001 budget resolution conference report.

This budget resolution provides $4.5 billion more for national defense than the level requested by the President. With this budget resolution, Congress will have increased the President's defense budget request for over 6 years in a row by a total of nearly $50 billion.

While this is a significant amount of money, it is not enough to offset the drastic cuts in defense we have experienced during the tenure of this administration.

Underscoring this point, the military service chiefs testified before our committee earlier this year that the President's budget, even with a significant increase, still leaves more than $84 billion short over the next 5 years, including a $15.5 billion shortfall in fiscal year 2001.

The budget resolution before us will once again allow us in Congress to step up to the plate. With these additional funds, the Committee on Armed Services has already begun to mark up the fiscal year 2001 defense authorization bill and to address the broad range of shortfalls that result from the President's request, serious shortfalls in military health care, modernization, readiness, and quality of life programs.

I want to thank the leadership for their support in arriving at this defense number; but especially I want to thank the gentleman from California (Mr. LEWIS), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Missouri (Mr. SKELTON), and the 285 other Members who joined with me in passing the amendment to the supplemental appropriations bill. Now is the time to carry through and protect this money. We have it in the budget.

The conference report before us, while not providing everything that is needed, does provide another significant installment payment by Congress toward restoring our military to the level of excellence that the American people expect and that national security requires.

I urge my colleagues to vote "yes" on this conference report.

□ 1230

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for his work on this resolution. I thank my colleagues on this side of the aisle for all of their work.

Unfortunately, I do not think this measures up. This budget is an important document, not because of what it says, but because of what it fails to do. This budget could have provided an opportunity to begin to pay down the national debt, but it will not. This budget could have been an opportunity to do some things to strengthen Social Security, but it will not. This budget resolution could have been a chance to provide some sensible Medicare prescription drug benefits for older Americans. It does not do that either.

Of course, it would be one thing if all this resolution did was to ignore the problems facing American families. But the problem here is that it just adds to their problems. It adds to them by failing to extend the solvency of the trust fund by one single day. In fact, this budget plan would even cut the funds Social Security and Medicare needs to perform some basic administrative functions to make it work.

Now, there is one group of Americans in this budget who will get some special help. It is the wealthy who stand to gain hundreds of billions of dollars from this budget.

If this all sounds familiar, it should. Because it is the same budget the leadership tried to sell us last year. It is, in fact, the same platform that George W. Bush is trying to sell the American people this year. It did not make sense then, and it does not now.

America does not need a huge tax cut for the wealthiest individuals in our society. We need a budget that allows us to, one, pay down that debt. With that interest savings we accrue by paying down that debt, strengthen Social Security, strengthen Medicare, invest in education, and invest in prescription drug care for our seniors. We need a budget that would move this country into the future. This budget, I regret to say, throws us back into the past.

Mr. SHAYS. Mr. Speaker, before yielding, can I just reaffirm how much time is remaining on each side.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Connecticut (Mr. SHAYS) has 9¾ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 8½ minutes remaining.

Mr. SHAYS. Mr. Speaker, I yield 3 minutes to gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, while I think I understand what the tactic is on the other side. We have heard about train wrecks today. In fact, the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip, came in and talked about how this is not going to work, how it does not mean the priority. We have heard about the Democrats rushing to the floor saying that, oh, at the end of the year, there is going to be a train wreck.

Well, if there is a train wreck, Mr. Speaker, it is for one reason. It is because the Democrats are in an election year, and they are running for their lives. They are slapping on the camouflage, and they are sneaking up, they are crawling up that hill, going toward that railroad track, and they are planting the dynamite. They are planting the demolition chargers, and they are trying to blow it all up because they know one thing. If this train makes it to the station, they lose.

That is unfortunate. Because in America, it does not have to be win-lose. It can be win-win. When we had our conversation with America, when we went to town meetings across the country, Americans in Iowa, Americans in Minnesota, in Connecticut, in Ohio, South Carolina, all across the Nation said that they wanted to have some goals in this budget put firmly in place.

Protect 100 percent of Social Security. The gentleman form Michigan (Mr. BONIOR) said it did not do that. What is he reading? What is he reading? Strengthen Medicare with prescription drugs. Forty billion dollars, the first time we have ever set up a Medicare lockbox to set aside $40 billion to do that. The previous speaker

says it does not do that. What is he reading? Who is he listening to? Who is writing his speeches these days?

At least read the document that my colleagues are going to be voting on today. It not only provides 100 percent set-aside for Social Security so that it is not touched, the first time we have been able to accomplish that, the first time in a row that we have been able to accomplish that; but, under Medicare, we not only set aside $40 billion, but we have a prescription drug benefit.

Now, it is not the one they want. Of course, Democrats have a different philosophy of the way prescription drug benefits ought to be administered. They say, let the government take it over. Give it all to the Health Care Finance and Administration, let them write the plan.

Of course Republicans have a little bit different idea. We say we do not trust the government to run this health care system very well. It has not done a good job. Let us look for some free market ways of doing it. So there is a difference of opinion. But do not say we do not have it when we have it.

Then of course we retire the debt by 2013. The gentleman from Michigan (Mr. BONIOR) said there is no debt retirement. Again, what is he reading? Three trillion dollars of debt retirement as a result of this bill, and we have to be proud of that, all of us, again, in a win-win situation. Strengthen support for education.

There has been talk today about NIH cuts. There is a $1 billion increase for NIH the last 2 years alone, 13 percent the first, 14 percent the second. Increases in NIH funding, not cuts. So let us vote for this plan, but it does the things that America wants, and it is win-win.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank our ranking member for yielding me this time.

Mr. Speaker, I am rising to oppose this resolution and this piece of legislation simply because we have not set our priorities straight.

There will be a lot of rhetoric today about some of the nuances of the bill and the conference report. There will be a lot of rhetoric about the little things that are in there. But let us talk about the broad stroke, the very large issues of priority.

In this bill, the Republicans have determined that their priority is a $175 billion tax cut. They do not hide that. They show that in the full light of the day. They say this is what we want. They also have said what we want is absolutely no money for school reconstruction, absolutely no money to reduce our classroom size, absolutely no money that is truly dedicated to prescription drugs.

Yes, there is some semblance of money that is in there. But if one reads the true fine line, one will find that there is really no money there for any one of those priority items.

Education and health care are simply smoke and mirrors. Tax cuts, they have the full force of law under this resolution, under this conference report. They would prefer to spend the $175 billion over the next 5 years, $800 billion over the next 10 years for tax cuts, but not for prescription drugs, not for reducing our classroom size, or not reconstructing our schools, as most Americans, most Americans, want to have.

Yes, this bill is about priorities. It is about leadership. It is about what the people of America want and do not need. What they do not need are the tax cuts. What they do need are prescription drugs, reconstruction of our schools, and smaller classroom size.

Mr. Speaker, I urge my colleagues to vote against this conference report.

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

Mr. SPRATT. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPRATT) has 6½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield myself 6½ minutes.

Mr. Speaker, this budget resolution was not produced until late last night; and this morning, we found it on our doorsteps. Some Members who have had only a cursory opportunity to look it over may think, well, they have touched it up here, tuned it up here. This resolution runs better than the last vehicle that left the House. But before my colleagues buy it, let me suggest we look under the hood.

It is true that, in this resolution, they have mitigated the unrealistic reduction in nondefense spending that they assumed in the last one, but it is only at the margin. This resolution still requires $121.5 billion real reduction in nondefense discretionary spending. This is not just another number among hundreds of numbers in the documents before us that we can hit or miss with impunity. This whole budget turns on this unrealistic assumption.

If we do not attain it, if we do not cut nondefense discretionary spending by 9.8 percent, on average, over the next 5 years, there is no surplus. There is no debt reduction. The budget is in danger of being in deficit again.

This chart right here in technicolor tells us why. For the last 5 years, if we look on the far side of the chart, we will see that, even though we had a deficit during much of that period of time, and even though we had spending caps on discretionary spending, under Republican dominion here in the House and the Senate, nondefense discretionary spending still grew by 2.5 percent above the rate of inflation.

Now, what we are asked to believe in this resolution is that we can reverse that trend, and in an era of surpluses, not deficits, and without any spending caps, because there is no mechanism for enforcement here, no spending caps extended in this budget, no sequestration, with no enforcement mechanism, we can go from 5 years with real spending growing 2.5 percent a year to 5 years where it declines 9.8 percent on the average over 5 years. I do not believe it will happen. I am not saying it is not possible. I do not believe it. It puts the budget in peril if it does not happen.

Look, tax cuts, same thing. The last time this budget was on the floor, they were proposing a tax cut of at least $200 billion. Here I have to say I think our Republican colleagues listened. Because we came to the floor of the House, and we took their spending numbers and their tax cuts, and we combined them, integrated them into one chart over 5 years. We show it by a chart here in the well of the House that, if this budget were adopted in 1 year, the surplus would vanish, it would be wiped out in 1 year. We challenged our colleagues to counter if we were wrong, and they never countered. They never corrected the numbers. When the debate closed, our chart stood.

I said, and I think the analogy is appropriate, they are going to put the budget on thin ice. No cushion. If anything happens, any reversal in the economy occurs, we are back in deficit, borrowing from Social Security again.

Well, this budget resolution is a bit less risky. That is because, instead of having $200 billion in tax cuts, it has $175 billion in tax cuts. But here is the bottom line on this chart. We have redone the chart. Look at the bottom line. One will see the numbers are very, very small. There is precious little cushion left, if my colleagues pass this resolution, for any kind of downturn in the economy or for the eventuality that $121 billion in real reduction and discretionary spending simply cannot be attained.

Let me tell my colleagues one other thing that is risky about this budget. There is a certain slight of hand here, as the gentleman from Florida (Mr. DAVIS) called it a minute ago, it is a dirty little secret. Last year, we had a 10-year price tag. Last year we very honestly ran out the projections of the budget, including the tax cut, over 10 years.

This year, we only have a 5-year projection. Why is that? Because in the first 5 years, the tax cuts seem much, much more modest. This budget, unlike last year's, only goes out 5 years, and it seems that we have got $175 billion tax cut.

But if we run that over 10 years, and if we use the same rate at which last year's proposed tax cut expanded, by

our calculation, the total tax cut with debt service adjustment is $929 billion, and look what happens. It is a small number, yes, but we are back in the red again. This budget brings back the deficit.

That is why we say it is risky. After all we have done to get rid of the deficit, that is why we say it is risky.

Let us take Medicare. The gentleman from Iowa (Mr. NUSSLE) here said, what are they reading? I will tell the gentleman what we are reading. We are reading their budget resolution. It has got two different paragraphs. Section 214 and section 215, they say different things. A conference report is supposed to reach agreement between the House and the Senate, but the Senate has one provision and my colleagues have another provision.

Instead of using this time-honored device we call reconciliation, one tool that is unique to the Committee on the Budget to get something done. What do they do? They say, here Committee on Ways and Means, here is $40 billion we are putting aside in reserve fund if you can use it, if you can come up with a prescription drug bill and structurally reform Medicare, then you can report a bill at some particular point in time. No dates are named.

Go back to our resolution, and we show one how to do it. So we do a prescription drug benefit. We say to the Committee on Ways and Means and the Committee on Commerce, go do it.

I do not have time to go through the other details. We have not had time to do it in a budget resolution. But let me tell my colleagues something, look at military health care. We tried to put a little bit of money in there to do something for the retirees, $5.4 billion over the next 5 years. Do my colleagues know what they provide? $400 million.

The Speaker was here talking about education. Well, we looked up the numbers on education. We have got $4.8 billion for next year. They have got a cut in education below a freeze for next year.

□ 1245

Health care, which the gentleman from Ohio (Mr. KASICH) was talking about. Look at function 550. They are $900 million below a freeze. We are above a freeze for health care.

So for all these reasons this budget resolution ought to be voted down. It ought to be sent back to a real conference where we can do debt reduction, do tax relief, do realistic spending levels, do Medicare prescription drugs, extend the life of Medicare and Social Security.

We can do it better, and we ought to do it better. Vote this resolution down.

The SPEAKER pro tempore (Mr. PEASE). All time for the gentleman from South Carolina (Mr. SPRATT) has expired.

Does the gentleman from Ohio (Mr. KASICH) reclaim his time?

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) reclaims his time and yields 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, let me just say to the ranking member that I was here last year and the year before, and I say to my colleagues that every one of his arguments he has used almost in the same format every year.

Now, what is interesting about his argument this year, it is all predicated upon a 10-year projection. But this is not a 10-year projection. We are talking about 5 years.

The gentleman from Florida (Mr. DAVIS) talked about a dirty little secret. There is no dirty little secret. This tax cut is less than 2 percent. Less than 2 percent. We do not even have accuracy charts around here in Congress that we can guaranty anything less than 2 percent. And for the gentleman to project out on his chart for 10 years, that it is possibly a deficit of $1 billion, is really pushing the numbers.

When we look at this tax cut for Americans, what are the components? It is a marriage penalty tax, a death tax, an education savings account, health care deductibility, community renewal, and pension reform. All these things are for Americans. So I urge passage.

Mr. Speaker. I rise to speak in favor of the budget resolution conference report which outlines our spending priorities for fiscal year 2001.

First of all it provides $150 billion in tax cuts, including repeal of the marriage-penalty tax and small business tax relief. Since Small Businesses produce so many new jobs and are responsible for the state of our economy, we need to make sure this prosperity continues.

This is long overdue and I wholeheartedly support providing America's working men and women the opportunity to keep more of their hard earned dollars.

The fiscal year 2001 Budget Resolution also protects the Social Security surplus by creating a "lock box" and dedicates the $161 billion surplus to the Social Security Trust Fund.

This budget also sets aside $40 billion for Medicare reform and to fund a prescription drug benefit. We should give seniors the same choices that other Americans already have, including Members of Congress and the President.

I believe that we must pay down the debt and this budget resolution dedicates $1 trillion over the next five years toward that end. What's more, by 2013 it will be completely eliminated.

It is vital that the men and women who serve our country are fully equipped and it is our responsibility to make sure that our military is no longer asked to carry out its duties without the necessary resources. The defense budget is increased by $20 billion for fiscal year 2001.

When the men and women who defend our country return home we must not forget them. That is why we have funded the VA at the level requested by he Veterans Committee, which represents $100 million for health care over the President's VA budget proposal.

To sum it up, this budget resolution taxes less, spends less, places restraints on government growth, provides for a strong defense, protects 100 percent of Social Security surplus and reduces the debt.

This is a budget that we can all be proud of and I urge my colleagues to vote for this conference report.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to congratulate him on the budget work that he has done over the last number of years.

What we are now taking a look at is we are taking a look at a budget that is not going to steal from Social Security. But perhaps one of the most important things about this budget is that we reinvest in education. We reinvest in education in a way that will make an impact for our kids.

What we do is we take dollars away from a Washington bureaucracy, and we move the rules and regulations away from the process and target getting dollars back to our children. We get the dollars into the classroom. We get the dollars into a school district where the people who are making the decisions for our kids and for the learning process are the people that know the names of our kids. But more importantly, not only do they know the names of our kids, they also know the needs of our kids. They know the needs of the community and the school district.

So what we will get is we will get more effective decision-making, we will get more dollars to the classroom where they actually make a difference.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank him not only for what he has done for this budget but what he has done over the years to bring some fiscal sanity to this city.

I can remember when I was back in the State legislature and we would marvel at how much the Federal budget would go up every year. It seemed like back in the 1980s that we were talking about budgets going up double, triple, and sometimes almost quadruple the inflation rate. It was no wonder they were piling deficits upon deficits.

Now, we have heard a lot of interesting arguments this morning, but John Adams said something pretty powerful about 200 years ago. He said facts are stubborn things. And if people

forget everything else that has been said today, I hope they will remember this: in the fiscal year that we are in today we are going to spend $1,780 billion. In my opinion, that is too much. Under this budget, we are going to spend $1,830 billion. I still believe that is too much. But more importantly, that means that total spending will only increase this year by 2.8 percent. That is less than the inflation rate, and it is almost half the rate the average family budget will go up.

That is a giant step in the right direction. This is a good budget, and I hope the Members will join me in supporting it.

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

The SPEAKER pro tempore. The gentleman is recognized for 3¾ minutes.

Mr. KASICH. Mr. Speaker, I would like to just take a moment and, before I finish with the policy, I would like to just spend a few minutes to say that any person who is trying to carry out a program, to run a committee, a committee chairman, cannot be successful without staff. They are the ones who are the least recognized and the hardest working of all the people here.

I do not want to leave anyone out, and I hope I have not, but I wanted to thank Greg Hampton, who came to my congressional office at the Committee on the Budget, the same with Mike Lofgren. Mike an expert on defense, Greg on health care. Jim Bates, who I do not see on the House floor, is a guy who worked until 2, 3 o'clock in the morning to try to be able to make sure that everything, all the T's were crossed and all the I's were dotted and that we followed all the parliamentary procedures. He has a very tough job. And Pat Knudsen, who was in charge of so many activities, including just being able to put together our communication program. And a very special ''thank you'' to my friend and staff director Wayne Struble. I have never known anybody who has come to this government with more conviction, more determination, and more absolute and total consistency to stay on a path to try to make this country a little better.

Now, they never get recognized; and I want their parents to know how important they were to me. They made me a much better leader because of the work that they put in. Oftentimes they are neglected, but they are not neglected with me.

Secondly, I was trying to think back to the members of the Committee on the Budget that have been with me since 1973. I think the gentleman from California (Mr. HERGER), who had contributed a great amount; and to my dear friend, the gentleman from Connecticut (Mr. SHAYS), who has sat there through thick and thin, has been on this Committee on the Budget since 1995; and the gentleman from Michigan (Mr. HOEKSTRA), my great friend, who actually went off in order to accommodate another member for a short period of time. It goes without saying that without their support, guidance, and advice we would not have been as effective.

I want to just close the debate by just suggesting that we get some bipartisan support for this product. I think it is a good product. It will allow us ultimately to have the money that we need in order to be able to fix Social Security for three generations.

We will be able to strengthen Medicare and pay down that trillion dollars in the publicly held debt, provide that tax relief, try to provide some more resources for education, and of course rebuild America's defense.

I would be remiss, by the way, if I did not take a second to thank my good friend, the gentleman from Ohio (Mr. HOBSON), who came on the floor and who sat with me in the tough times when we were trying to put these budgets together and make them work.

So let me just say to the membership today, I think we have a great opportunity to make another down payment on our goals. We have a long way to go, but I think we have come a long way and would ask for support for the conference report.

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

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that I be allowed to recognize my staff, just as the gentleman from Ohio (Mr. KASICH), has, before we go to the vote.

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

There was no objection.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for allowing me this opportunity.

Since January, when the budget first began emerging from the White House, through last night, our staff, which is a small staff because we are the minority staff, has worked diligently and really performed Herculean efforts to stay on top of the budget, and I could not ask for more and the House could not either.

My chief of staff is Tom Kahn. Richard Kogan is our policy director. Hugh Brady, Susan Warner, Lisa Irving, Jim Klumpner, Sarah Abernathy, Andrea Weathers, Sheila McDowell, Linda Bywaters, Sandy Clark, Kimberly Overbeek, Pepper Santalucia, Sarah Day, an intern from Winthrop College, and Joseph Ortiz. As I said, they have put in Herculean efforts, wonderful work on the budget; and without them we simply could not have mounted the arguments that we have on the floor.

I thank the gentleman very much for giving me the opportunity to recognize them for their wonderful work.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the conference report on the concurrent budget resolution for Fiscal Year 2001. As has been the case with previous budget resolutions, this budget not only tests the bounds of fiscal reality, but fails the test of fiscal prudence and priority. We all know that as soon as the appropriations process begins in earnest and the depth of the necessary cuts to non-defense programs come into focus, this budget will become irrelevant.

The Majority has chosen to spend virtually all of the budget surplus on tax cuts and on a $21 billion increase to defense spending, while requiring cuts of $7 billion below a freeze in Fiscal Year 2001 in other programs and $121.5 billion below inflation over 5 years. If enacted, this would result in 500 fewer FBI agents, 600 fewer DEA agents, 40,000 fewer kids in Head Start and 300,000 fewer students receiving Pell Grants to go to college. We would also have to cut community development and scale back funding increases for the National Institutes of Health.

Like the House-passed resolution, and other Republican budgets, this proposed budget sacrifices everything in the name of giving the largest possible tax cuts without doing anything to address the long-term needs of Social Security or Medicare. The solvency of Social Security and Medicare are in no way enhanced. Recall that the Democratic alternative budget, which all my Republican colleagues voted against, extended the life of Social Security by as much as 15 years and the life of Medicare by as much as 10 years.

With respect to debt reduction, the conference agreement devotes 8 percent (a mere $12 billion) of the on-budget surplus, over a five-year period, to paying down the national debt. Again, recall that the House Democratic substitute devoted 40 percent of the on-budget surplus to debt reduction over 10 years. When the Republicans claim to care about paying down our nation debt, clearly they are being disingenuous. While the Republicans claim that they will not spend any of the Social Security Surplus, their history indicates otherwise. Since gaining the Majority in 1995, Republican budgets have increased discretionary spending greater than the rate of inflation. If they were to enact their massive tax cut and increase spending as they always have, their budget would eat into the Social Security Surplus and add to the national debt.

Turning to a voluntary prescription drug benefit for Medicare beneficiaries, I am dismayed that Republicans have explicitly provided for tax cuts, particularly for the highest income bracket, but have done nothing to make definite their plans for a Medicare prescription drug benefit. While Medicare has been a tremendously successful program in providing health care for senior citizens and a better quality of life, the rising use and cost of prescription drugs demands congressional action. Prescription drugs now account for about one-sixth of all out-of-pocket heath spending by the elderly. The percent of beneficiaries without coverage who cannot afford to buy their medicine is about five times higher than those with coverage, ten percent compared to two percent. Almost 40 percent of those over age 85 do not have prescription drug coverage. The Republican budget only says there will be a benefit 'if' or 'when' the Ways and Means Committee proposes a plan.

While I opposed the conference report, I am pleased that it includes language from the amendment that I offered with Congresswoman BALDWIN to Republicans included language I proposed to increase access to Medicaid CHIP and fund access to Medicaid coverage for uninsured women diagnosed with breast cancer. In my state of Texas, there are more than 800,000 Medicaid-eligible kids who are not enrolled in the program but still get sick, and we have more uninsured women, whom if they contract breast cancer, are in dire straits.

Taken all together, the only reasonable conclusion I can arrive at is that the Republicans have once again thrown together a haphazard budget scheme that is not fiscally sound, does not pay down the debt, does not extend the life of Social Security or Medicare and provides no meaningful prescription drug benefit. For these reasons, I am compelled to vote against H. Con. Res. 290.

Mr. CLEMENT. Mr. Speaker, I rise today in strong opposition to this fiscally irresponsible budget resolution conference agreement. Not only is this agreement bad fiscal policy, but it is flawed economic strategy. America has emerged from an era of struggling to eliminate billion-dollar deficits into a new age of setting priorities for an expanding budget surplus. Instead of seizing the opportunity to help American families prepare for the future, this budget resolution proposes deep cuts in domestic programs to make room for a fiscally irresponsible tax cut that could force us to return to spending the Social Security trust fund.

We owe it to our nation's seniors to enact a Medicare prescription drug plan this year. Prescription drugs now account for about one-sixth of all out-of-pocket health spending by the elderly. Ensuring our seniors can afford the prescription drugs they need should be a higher priority than providing tax relief to the wealthiest members of our society.

This conference agreement allows a prescription drug benefit of up to $40 billion over five years but only if accompanied by unspecified Medicare "reforms." Under this agreement, the Republicans have chosen to hold the prescription drug benefit hostage to unspecified Medicare reforms which may or may not be enacted. By contrast, the Democratic alternative budget required that a full $40 billion be devoted to a prescription drug benefit.

We should be focusing on taking care of our elderly, ensuring the long term solvency of Social Security and Medicare, educating our children and paying down the national debt. This agreement sacrifices these national priorities for a massive tax cut. Passing such an irresponsible budget resolution will force the Appropriations Committee to either invent gimmicks that make a sham of the entire budget process or produce bills with significant deficits in funding. Mr. Speaker, I urge my colleagues to reject this conference agreement.

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

There was no objection.

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

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

The vote was taken by electronic device, and there were—yeas 220, nays 208, not voting 7, as follows:

[Roll No. 125]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—208

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

NOT VOTING—7

Borski
Campbell
Cook
Houghton
Myrick
Stark
Wexler

□ 1321

Ms. DANNER and Ms. HOOLEY of Oregon changed their vote from "yea" to "nay."

Mr. BARTON of Texas changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. KASICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on House Concurrent Resolution 290.

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

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3615, RURAL LOCAL BROADCAST SIGNAL ACT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; that the bill be considered as read for amendment; that in lieu of the amendments recommended by the Committees on Agriculture and Commerce now printed in the bill, the amendment in the nature of a substitute that I have placed at the desk be considered as read and adopted; that the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 1 hour of debate on the bill, as amended, equally divided among and controlled by the chairmen and ranking minority members of the Committees on Agriculture and Commerce; and (2) one motion to recommit with or without instructions; and that House Resolution 475 be laid on the table.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3439, RADIO BROADCASTING PRESERVATION ACT OF 2000

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations and that consideration of the bill proceed according to the following order: (1) the first reading of the bill shall be dispensed with; (2) general debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; (3) the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read; (4) points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived; (5) during consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read; (6) the Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and (2) reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes; (7) at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute; (8) the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions; and that House Resolution 472 be laid on the table.

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

There was no objection.

LAYING ON TABLE HOUSE RESOLUTIONS 356, 375, 382, AND 383

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following resolutions be laid on the table: H. Res. 356; H. Res. 375; H. Res. 382; and H. Res. 383.

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

There was no objection.

DATE CERTAIN TAX CODE REPLACEMENT ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 473

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986. The bill shall be considered as read for amendment. An amendment in the nature of a substitute consisting of the text of H.R. 4230 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a customary rule for Tax Code-related legislation. It provides for the consideration of H.R. 4199, the Date Certain Tax Code Replacement Act. H.Res. 473 provides that the bill be considered as read and that the text of H.R. 4230 shall be considered as adopted. The rule further provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of minority Members of the House.

Mr. Speaker, what we have learned after 87 years of the current system is this: if we had sat down at the beginning of 1913 and asked ourselves how could we build a tax system that would punish people for earning and working hard, a system that would be obstructive of capital formation, we could not have done a better job. Our tax system is the largest impediment to people moving from the first rung of the economic ladder to the second, because the harder you work, the more you save, the more you invest, the more we take. It is a system that is inefficient. We have seen testimony from the Kemp Commission to Harvard studies that says for a small business man or woman to comply with the code and to collect and remit $1 in business income taxes, it costs them anywhere from $4 to $7.

The current code is not understandable. Our own IRS tells us that if you call the IRS for help in filling out your own tax return, 25 percent of the answers they give you will be given in error. Over 50 percent of Americans have to pay others to decipher the Tax Code and do their taxes for them. In an effort to show how complex the IRS code has become, Money magazine created a fictional American family and asked tax professionals to prepare an IRS tax return. Incredibly, every one of the tax professionals came up with a different tax total, and not one of the tax professionals calculated what the editors of Money magazine believed to be the correct income tax.

The current code invades the privacy of every single American citizen. There are 100,000 people at the IRS who know more about us than we are willing to tell our children. I want them out of our lives. These are not bad people. They are people doing the job that this Congress by statute has directed them to do, but we should not have any agency of government that knows how much money you make or how you spend it. That should be none of our business. We should not have anybody who can look into your records and know your history. The government should not be looking over your shoulder counting every dime you earn. Unfortunately, to the IRS we are all presumptive tax criminals, required to open up aspects of our lives to auditors at any given moment.

□ 1330

For all of these reasons, we are here today to debate and pass H.R. 4199.

What the legislation before us today does is to sunset the current Tax Code effective December 31, 2004, and require that Congress approve a replacement system no later than July 4, 2004, to ensure a smooth transition to the new system on the first day of 2005. This legislation also establishes a bipartisan National Commission on Tax Reform and Simplification that is required to report to Congress on a new, fair, simpler Tax Code.

The overall intention of this bill is to do three things: One, sunset the current convoluted Tax Code; two, create a commission to consider alternative tax systems; and, three, foster a national debate on how to create a fair tax system for working Americans.

This is not a jump over the cliff, as some will say. There are several proposals before the Congress now that have been carefully thought out. The gentleman from Texas (Mr. ARMEY) has one that he has written a book about, the gentleman from Louisiana (Mr. TAUZIN) has one that he has pushed for several years, the gentleman from Pennsylvania (Mr. ENGLISH) has a very thoughtful proposal, and I have one too. All of these are ready to be placed in place. They are different, but every single one is better than the current system.

Mr. Speaker, my bill, H.R. 2525, that I introduced with my friend the gentleman from Minnesota (Mr. PETERSON) is a comprehensive tax reform bill. The national retail sales tax would put in place a transparent form of taxation that will end the confusion forever. This bill is known as the Fair Tax. It would repeal the Federal income tax, the capital gains tax, corporate and self-employment taxes, all payroll taxes, including Social Security and Medicare taxes, all estate and all gift taxes. Under the Fair Tax, Americans will be able to see exactly what they are paying in taxes, and the embedded costs of the IRS would be gone, because the IRS would be gone. Americans would be able to take their entire check home with them and the IRS would be shut down. Unlike the relatively simple tax return that you would get if we move toward a flat tax, under our system we would have no tax return at all, and you would never have to keep a receipt or a record, not one.

Let me simply say that any of these proposals, as I said earlier, any of these tax reform changes would be better than the current system.

I welcome the debate that will spread across America as we determine how to install a better system. All of us who introduced the legislation, the gentleman from Texas (Mr. ARMEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Pennsylvania (Mr. ENGLISH), and I simply want to give Americans a fresh break from a tired and unfair old system.

Also I wanted to commend the gentleman from Oklahoma (Mr. LARGENT) for his work in crafting this legislation today. The product he has crafted will effectively prompt the national debate on this important issue, and it should be supported in the House today.

Mr. Speaker, this rule was unanimously reported by the Committee on Rules. I urge my colleagues to support the rule so we may proceed with debate and consideration of the underlying legislation.

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

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

Mr. Speaker, the Republican majority has obviously decided that it is in their best interests to govern by press release rather than to actually work to pass legislation that addresses the most important needs of our great Nation. This bill, the so-called Scrap the Code Act, is a perfect case in point.

Mr. Speaker, there is not a single Member of this body who is not acutely aware that this weekend marks the deadline for the annual ritual Americans hate most. In order to suitably take advantage of the possibilities for press releases that April 15 presents to my Republican friends, this week has seen a schedule jam packed with Tax Code-related legislation. But, Mr. Speaker, why is it that two of the three tax-related measures that have been on the floor this week lend themselves more rapidly to press release, and, in the case of today's bill, a bumper sticker, of course, than to actually doing something that will provide real benefit to real people?

Mr. Speaker, Democrats in this body have said over and over again that the tax policies being pursued by the Republican majority serve the few at the expense of the many. It has been shown again and again that the American public agrees with our assessment. Democrats and the American public should view this latest proposal as the height of fiscal irresponsibility.

This is no benign press release; it is a nightmare waiting to happen. It is a creation of uncertainty in the business world that risks further stock market destabilization, and, with it, derailing of the American economy.

I would submit, Mr. Speaker, if the Republican majority in this body was truly serious about reforming the Tax Code, the past 5½ years have provided ample time to accomplish this. They could have brought a bill to the floor at any time during the last 5 years to change the Code in a sweeping way, and they have chosen not to do so.

Our colleague the gentleman from Oklahoma (Mr. LARGENT) contends that H.R. 4199 is a vastly improved version of his earlier legislative attempt to scrap the Tax Code. He has provided us with a new name for his legislation, a name that implies by a date certain the current code will indeed be replaced. This is indeed good fodder for a press release or two.

The gentleman from Oklahoma has also provided us with a colorful time line indicating who will act when, including the date July 4th, 2004, when Congress will approve a new Tax Code, thus setting the stage for the demise of the old code on December 31, 2004. The dates also lend themselves quite well to press releases. Of course, sometimes Congress does not act by dates, and what the gentleman from Oklahoma (Mr. LARGENT) would have us do is establish a date, and, if Congress were not able to act by that date, then there would be no Tax Code in effect at all and the business climate of this country would be substantially interrupted and jeopardized.

Again, let me point out the Republicans have had 5½ years to bring a revision, a rewrite of the code to the floor, and they have not chosen to do so during that time.

Mr. Speaker, I am not here to say that it is impossible for Congress to completely revamp the method by which we fund the important and necessary activities of this country by July 4, 2004. I would merely like to remind my Republican friends that with political will and a lot of hard work, this Congress can accomplish many important tasks that will make our country even better.

So perhaps this might be an appropriate time to ask why there seems to be no political will on the part of the Republican majority to address matters that are also of great importance, like a Patients' Bill of Rights, prescription drug coverage for seniors, public education reform, raising the minimum wage, investing in our future by saving Social Security and Medicare, and paying down the public debt. Resolving these issues will take real solutions and hard work, Mr. Speaker. These issues cannot be resolved by

issuing a press release. If the Republican leadership cannot work to find an answer to these pressing questions, how can we expect the Republican leadership to resolve the issue of creating a simple and fair, and the key word is ''fair,'' Tax Code?

Mr. Speaker, this proposal sounds good on paper and in a press release, but you really have to be able to read between the lines to understand the real intent. H.R. 4199 is a classic Trojan horse, Mr. Speaker. To the Republican majority, the bill presented by the gentleman from Oklahoma (Mr. LARGENT) represents an opportunity to force the country into accepting a national sales tax, as the gentleman from Georgia (Mr. LINDER) would propose, or a flat tax, or some other scheme to risk total chaos in the domestic and world markets.

Let us take a moment to examine what a national sales tax as advocated by the gentleman from Georgia (Mr. LINDER) would mean to working Americans. In order to replace the revenue that will be lost from scrapping the current code, however unwieldy and complicated, the Congress would have to pass a national sales tax of up to 60 percent, and that sales tax would also have to apply to the Internet, something which the Republicans recently have been claiming they do not want to do. By repealing all taxes currently in place, the national sales tax scheme would become the sole funding source for Social Security, which is a big part of the reason the percentage rate would be so high. I am forced to question how fair that kind of a tax would be to American families. In fact, such a tax would be a mammoth aggressive shift of the tax burden in this country.

Mr. Speaker, I have a number of requests for time on this rule, and each of these Members are prepared to detail the bad news that this Republican press release is really peddling. But let me close by saying the scheme behind the proposal of the gentleman from Georgia (Mr. LINDER) could result in 8 million Americans losing health insurance, a 17 percent decline in the value of the U.S. housing market, it could impose a $200 billion per year unfunded mandate on State and local governments, and would dramatically reduce the amount of charitable giving. Mr. Speaker, I doubt if these possibilities will be part of the Republican press releases this weekend.

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

Mr. LINDER. Mr. Speaker, I regret the gentleman characterized my bill without having read it.

Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. LARGENT) to respond to another inaccuracy of the gentleman.

Mr. LARGENT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would just like to respond to one thing that the gentleman from Texas said about the bill, and I would commend reading the bill to the gentleman from Texas. Perhaps he does not have time to read all 10,000 pages of our current Tax Code, but this bill is only 14 pages long, and I think he can wade his way through that.

At the end of the bill it says, ''If a new Federal tax system is not so approved by July 4, 2004, then Congress shall be required to vote to reauthorize the current code.''

If the gentleman from Texas would like to vote to reauthorize the current code, he can do that, thereby assuring all our business community friends that there will be a Tax Code.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman knows that just requiring Congress to vote does not mean that something will pass. Congress votes all the time and defeats legislation. The gentleman would have us vote, but he cannot guarantee that Congress would actually pass anything, and we would be faced with a situation where no Tax Code would be in place.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the rule and the Date Certain Tax Code Replacement Act. I can think of no other issue that strikes up more anxiety and frustration with the American people than taxes. By passing this rule and this legislation, Congress is committing to the American taxpayer to replace the present code that is commonly viewed as obsolete, burdensome, intrusive and unfair.

I am fully aware that many of my colleagues do not consider this an important issue. We have just heard the arguments once again, it is too risky, it is a scheme, total chaos.

We do not need any more excuses, because a lot of us here in America are wrestling with this modern cyclops, the IRS code, as we speak. We are doing our taxes. The Tax Code is a giant, with more pages than the Bible. It is more complex than the Justice Department's case against Microsoft. It is cold, it is heartless, and it punishes almost everything we consider successful. It costs us $300 billion a year just to prepare our taxes, not to pay our taxes, just to get ready to pay our taxes.

This Tax Code is a ball and chain locked on our leg. But there is hope. There is a solution, and it is in this rule and in this bill. Let us set a specific date to rid ourselves of this ball and chain, the IRS code. That will give us the discipline and the incentive to put in place a fair and flatter system to provide for those things we need.

Mr. Speaker, I encourage my colleagues to vote for this rule and vote for this Date Certain Tax Code Replacement Act.

Mr. FROST. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, all of us who recognize the importance of the new economy and who believe we should encourage its expansion by minimizing regulation and taxes and maximizing the freedom to innovate should join together today to express our concerns.

This cleverly packaged proposal that the Republicans are offering is really the very first vote in this Congress on whether to impose a new Federal tax on electronic commerce. I believe we should resoundingly reject it. Through 3 days of hearings this week before the Committee on Ways and Means, on which I serve, the same Republicans who are here today urging this proposal have been urging us to rely on taxation of electronic commerce as a major new source of Federal revenue.

The Republican-appointed Director of the Joint Committee on Taxation issued a report this very week noting that these new Republican tax proposals assume ''that retail sales through the Internet would be subject to the same Federal tax as other retail sales, notwithstanding the current moratorium.''

This same report notes that in order to maintain the existing level of Federal revenues, the tax that Republicans would impose on Internet sales and on sales across America would be 59.5 percent over 10 years. That is 60 percent. Those are not my numbers, those are the Republican numbers. I know that it sounds unbelievable that a Republican Congress would try to do this, but that is exactly what they are proposing, a 60 percent tax, in addition to any State and local taxes on electronic commerce that might be imposed.

□ 1345

To our Republican colleagues who say they are going to pull the Tax Code up by the roots and replace it with this new e-commerce tax, I want to tell them that Americans who understand the new economy are not going to sit idly by while the Federal government imposes a 60 percent tax, a 60 percent addition on the cost of every online purchase.

I believe that high-tech issues should be truly bipartisan in their consideration.

The problem we have too often experienced from the Republicans on behalf of working together on high technology is that they reject bipartisan approaches. They prefer the politics of division, trying to divide Democrats from high-tech, even on issues as esoteric on digital signatures.

Too often, as is the case here, they bear the burden of all their right wing ideological baggage. They have tied themselves to far right social groups who are endangering our educational

system with their insistence on rejecting evolution and the big bang theory of the origin of the universe, and it is those kinds of extremists who come here today insisting that Republicans must adhere to the doctrine that the progressive income tax system upon which this great Nation has relied for almost a century, that any form of this tax system is morally wrong.

As an early supporter myself of the Internet Tax Freedom Act, I believe that if we overburden e-commerce, as they propose, with taxation and regulation in its infancy, it will be stifled. It will never be able to achieve its full economic potential.

The Advisory Commission on Electronic Commerce, which has been meeting this past year, could not achieve agreement on the question of State and local taxation of the Net. But I do not believe that even they considered this much more radical Republican alternative of the gentleman from Georgia (Mr. LINDER) and his colleagues to use the Net as a major new source for Federal taxation.

Imposing too heavy a burden on the Net too soon will have devastating consequences. Do not scrap the Code by scrapping the future of the new economy. Let us reject another misguided doctrinaire Republican proposal.

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

Mr. Speaker, in a world in which all economists admit that the consumption base is larger than the income base and the average income tax to bring our revenues in is 28 percent, to suggest we have to have a 60 percent larger base is just silliness.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I think this is the very reason for this Code. We have heard the view of the left-wing extremists about the Tax Code. They think the present Tax Code is just real spiffy.

We have also heard the numbers: 17,000 pages, 7 million words, 54,000 changes, $134 billion in earlier compliance costs. Let me state that the last figure, $134 billion in compliance costs, imagine what our families, our small businesses, and even our big corporations could do with $134 billion they are spending on a hopelessly complex Federal Tax Code.

I think this is the greatest legacy this Congress could leave the American people is to scrap the Code we have now, get rid of the IRS as we know it now. Everywhere I go, talk radio, town meetings, when this subject is brought up, there is disagreement on what the new tax system should be, but there is almost no disagreement about getting rid of the present system.

No law-abiding citizen should be intimidated and made fearful by their government. Yet, if one gets an envelope in our mailbox, in our area it is from Ogden Utah, a little brown envelope from Ogden, Utah, we know it is from the IRS and we freeze in utter fear, no matter how honestly and carefully we have filled out our taxes, because we know we are probably about to get an audit.

That is not right. We need a fair, we need a simple code that we can all understand and it will make us not fear our government. We need to pass this bill and we need to pass this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, April Fool's day for the Republicans came a couple of weeks late. Every year they try to fool the American people during tax week into thinking that they are really doing something about the tax system that all of us struggle with and none of us are fond of.

Are the American people supposed to believe that the party that is throwing a party for their wealthy friends and supporters with nearly $1 trillion in tax breaks really cares about the tax burden on middle-income families? Do Republicans really think that most Americans would rather throw a party for the wealthiest Americans, instead of using this money to provide a prescription drug benefit for all seniors so that everyone, not just the wealthy, can afford the best health care coverage in the world?

The American people are not fooled by this tired routine. Republicans have controlled Congress now for 5 years, yet during this time they have never, never passed any comprehensive tax reform that would make the lives of Americans easier.

In fact, since the Republicans took over the Congress in 1995, the Tax Code has become more complex, and it takes the average person who files a form 1040 30 percent longer to fill out their forms. They talk about it for a couple of weeks in April, but that is the end of it. There is no follow-through. There is no new code coming into being.

One conclusion from the inaction could be that Republicans actually like a Tax Code that is riddled with special interest exemptions and they want to keep it that way.

This bill proposes ripping out the Tax Code by the roots, but does not put anything in its place. We do not reform the Tax Code by appointing a commission. We do it through the hard work of coming up with real reform, a real alternative, not burning down the current one and just hoping that something might come along.

Many of us have proposed tax simplification. I have done that, and I would like to work a plan through the Congress. That is the responsible way: Put forward a plan, let people criticize it, reform the current system. Republicans would rather pull a stunt to create an illusion that there is reform going on when nothing is actually happening.

What would happen if we just abolished the Code and put nothing in its place? It would be an economic disaster. The Tax Code influences so many economic decisions by businesses and individuals: Whether and when to invest in property, whether or not to save, whether or not to sell stocks. If we rip up the rules with indecision in its place, we create chaos. That is why the National Association of Realtors, the National Association of Manufacturers, have condemned this proposal as irresponsible.

Let us be clear about what we want from a new system. Two prominent Republican proposals, the national sales tax and the flat tax, both would hurt middle-income families in serious ways. If we are going to destroy the Code, let us pledge today that the replacement would be an improvement, not worse than what we have.

Let us join together on a bipartisan basis to declare that the new system should do the following:

First, we should not put a retail sales tax on prescription drugs and other health care services;

Second, that the reform should be fiscally responsible and protect social security;

Third, that it should be less complicated than the current code, and should be fair to people at different income levels;

Fourth, that we should not put a retail sales tax on Internet sales;

Fifth, that we should not shift Federal tax burdens onto State and local governments;

Seventh, we should not jeopardize the ability of people to get employer-paid health care;

Lastly, we should not shift the tax burden to low- and middle-income families.

If Republicans agree with these principles, they should vote for our alternative. If they feel compelled to vote against the alternative of the gentleman from New York (Mr. RANGEL), it is fair to ask why they are looking to tax prescription drugs and Internet sales, because that is exactly what the Republican national sales tax would do.

I think it is time to vote for the alternative. If the alternative does not pass, I hope Members will vote down this very bad but often repeated idea.

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

Mr. Speaker, let me just say, it is hard to take seriously the words of a gentleman who introduced a flat tax with five different levels several years ago.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the measure under debate today and in support of the rule.

Our Tax Code, the one that we currently live under, has been tweaked and modified and transformed to such a point that all that remains is layer upon layer upon layer of incoherence and inconsistency. We have allowed confusion to replace common sense. Our garden has become so overrun with weeds that we do need to tear it up and start anew.

I have heard several of my colleagues today express their concerns about tearing our Tax Code out by its roots. I guess I cannot fault them for their hesitancy. This is a monumental piece of legislation we are considering. As we work in the coming years to craft a new Tax Code, this legislative body will have no choice but to accept accountability for how much of the American family's paycheck the Federal government collects, and for all of the frustrations that they have to experience in filing their tax returns.

For those Members who prefer big government and increased Federal spending, that will be a heavy burden for them to bear, as well it should be. But please, Mr. Speaker, do not be fooled by those today who try to dismiss this measure that we are debating as a political act. This bill does not establish a new tax policy. We will have plenty of time to determine what policy we should pass once we have begun debate on this bill. Where we will have time to adopt a realistic tax policy.

Committing ourselves to replacing an overwhelming and inconsistent Tax Code is not a political issue, it is about making a promise to the American people that is long overdue. Passage of this measure clearly proclaims to American families in every congressional district that we know this Tax Code is broken, and that we are going to do everything that we can to replace it with one that works.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let us be very clear what is going on here. We have a group of Fidel Castros and Che Guevaras on the other side. They are revolutionaries. They want to tear down the system, but they have no plan. They do not know how to govern. They have had 5½ years to bring a revision of the Tax Code to the floor and they have not done it. What makes us think they will do it now?

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, we all got here the same way, we campaigned. During the campaigns we waged there were all kinds of political buttons, there were yard signs, there were balloons. Some people had hair combs with their names on, nail files. Of course, there is the traditional bumper sticker.

Today what is being brought to the floor of the House in my view is a political bumper sticker. Why do I say that? Because the American people really want us, once that campaign is over, to come here, to be thoughtful, to work with the kind of earnestness that is going to produce sound public policy for our country.

So what is on the floor? What are we debating for the American people that are tuned in today? Rather than a thoughtful, comprehensive alternative to our Nation's Tax Code, which is complex, which is confusing, and no one likes, we get a bumper sticker. It is flimsy because it is trying to sell a tax plan that taxes the Internet and derails our Nation's new economy.

Yesterday there was a large press conference where the Speaker of the House accepted the report of the Internet Tax Advisory Commission, which recommended that the Internet not be taxed. The Speaker said, we intend to take this report seriously.

Today, at this very moment, while we are here on the floor, the very same time, the chairman of the Committee on Ways and Means is holding a hearing where another Republican Member of Congress is testifying in favor of a national sales tax plan that will tax the Internet.

Representing a good part of Silicon Valley, I want to tell the Members something, my constituents are asking right now, who is on first, who is on third? This is a 59.5 percent sales tax, Federal sales tax, not including State or local taxes, on electronic commerce.

We cannot have it both ways. If we are going to pull something out by its roots, we have to plant thoughtful seeds that are going to produce something else for our Nation. Our Nation's economy, this new economy, is the envy of the entire world. If in fact we pile a 59.5 percent Internet tax on electronic commerce in this country, we will not only sink the Internet, sink the golden goose that is producing something for our Nation, but we will absolutely kill it off.

So I ask my colleagues to reject this political bumper sticker, this ill-conceived plan. Our Nation deserves better.

□ 1400

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

Mr. Speaker, I want to say only this: those who choose to not put a sales tax on the Internet are picking winners and losers. The Government ought to be neutral. Our neighbors down the street ought to have the same treatment as the people that sell on the Internet in competition with them.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I rise today in support of both the rule and this bill. Today is a good day because today is the day we learn which party really supports ethics and government reform, because this is where reform truly begins.

One cannot, one cannot, seriously and sincerely be in favor of reforming the so-called iron triangle unless you strike at its heart. What is the iron triangle made out of? The Tax Code. That is why the Democrats and that is why the establishment hate this bill so much, because it goes to the heart of their iron triangle.

Listen to the excuses they make; listen to how they try to change the subject. The truth is, what is it that Washington special interests focus on most? They focus on the Tax Code, because this Byzantine, complicated, confusing and complex Tax Code is such a monstrosity that it is this Tax Code where they can hide their special interest favors. That is why they support the current Tax Code. That is why they do not want the Tax Code scrapped. That is why they want to change the subject.

So I say to my colleagues, if they are truly in favor of ethics reform and government reform and changing the system and changing America, they must support this rule, support this bill, and let us launch ourselves on the real road to reform.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I am not a member of the Committee on Ways and Means and generally do not get terrifically involved in issues of taxation except when I, like all the other Americans, pay my taxes once a year. I know that I join many in America by saying that I do not like the current system. April 15 is not a delightful day, and I think we can agree on that on a bipartisan basis.

However, the fact that the current Tax Code could be improved is really no good reason to propose to simply blow it up and thereby threaten the new economy.

Now when I learned that the Republican-appointed director of the Joint Committee on Taxation had issued a report this week indicating that these proposals would require a 59.5 percent sales tax, well, heck let us round it up to 60 percent sales tax, and that that would have to be including Internet sales, I became actually pretty concerned.

I do not really believe that this measure is going to become law; but if it were at this point, it would have a severe negative impact on the new economy.

There are many who believe that the Internet eventually, the sale of goods on the Internet, will eventually be subject to taxation. I do not have a position on that at this point, but to suggest that a 60 percent taxation rate

would be appropriate for the Internet can do no good for the new economy.

Having served 14 years in local government, I would note that this would be on top of whatever local governments do. In my own county of Santa Clara, the Silicon Valley, we have a State sales tax of 6 percent; and we also have some voter-approved sales taxes that the voters have imposed on themselves to do highways and transit. So in Santa Clara County this would be a 68 percent Internet sales tax.

I would urge Members to vote no.

Mr. LINDER. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. PORTMAN), from the Committee on Ways and Means, to respond.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I just want to make the point to those in the Chamber and those who might be listening that the folks on the other side of the aisle who are talking about this bill must not have read it. This bill has nothing to do with a sales tax, nothing to do with a 60 percent tax or a 20 percent tax or a 5 percent tax.

This is about forcing Congress to deal with what the gentlewoman just said is a flawed Tax Code. We think it is broken. We think it ought to be fixed. We are not prejudging what it should be. This sets up a commission, which would be an 18-month bipartisan, bicameral commission, including the administration, that would analyze this situation and come back and report to Congress for Congress to make that decision.

I just want to clarify the debate.

Mr. FROST. Mr. Speaker, I would inquire of the time remaining on each side.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Texas (Mr. FROST) has 13 minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 14½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, there is nothing as absurd as blowing something up if one does not know what they are going to have to replace it. Today, the Committee on Ways and Means is considering a national sales tax as if it is a panacea for complexity and unfairness.

Mr. Speaker, for 6 years I headed the largest sales tax agency in this country, and I am here to testify that the sales tax offers an opportunity at every level for complexity, unfairness, special interest provisions. Everything that is hated about the Internal Revenue Code will be brought in to a sales Tax Code if the reasons for that complexity are not defeated, the reasons for that unfairness, and there is not real campaign finance reform.

What does this closed rule do? It prevents us from bringing section 527 and its unfair rules that hide political activity, prevent disclosure of campaign finance to the American people. So we have a rule designed to facilitate, not reform, but a national sales tax system to be implemented by a Congress put there by secret contributions, secret political organizations.

Mr. Speaker, we should instead be trying to reform our tax laws code section by code section.

This rule and the underlying bill is much sound and fury that will signify nothing, because what does a politician do if they want to do nothing? Appoint a commission. Great. We appoint a commission. It comes through with a national sales tax bill at 59.5 percent. We, of course, do not adopt that; and this Congress will be put in a position, having wasted years, having deflected any effort at real income tax reform, and be in a position where it must either let the Government expire or readopt a flawed Tax Code.

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

Mr. Speaker, at the risk of sounding remedial, I would like to point out to the previous speaker that this is not about campaign finance.

Mr. Speaker, I yield 2 minutes to the gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I think the question that we need to ask ourselves and the question that I think we owe to be answered by the American people is, does anybody in this Nation truly understand the Tax Code? I have yet to find anybody who truly understands the Tax Code.

So then we have to ask a follow-up question: Is that right? Is it right for the American people not to understand their own Tax Code; that the taxi driver or the small business owner or the nurse or the teacher that when they get their tax bills at the end of the year and they are trembling when they have to go see an accountant because they have no idea what they are doing; is that right?

Should the Congress be sending out a signal to the American people, here is the Tax Code and we do not care if they do not understand it? Is it not taken for granted the genius of the American people, the spirit of the American people, the productivity of the American people, the creativity of the American people, and then we give them this Tax Code?

Then we have a reasonable approach that says, know what, Congress has a habit too often of imposing mandates on the private sector, to say to the private sector do this by such and such a date, and we do not care what the costs are, we do not care what they have to do to meet those goals. Congress speaks; they do, they follow.

Well, now Congress, some people in Congress, are urging Congress to impose those standards on itself, to say to the American people we hear their plea, we hear their plea that the Tax Code is too complicated. We are going to give them a Tax Code that they can understand.

What is wrong with that? One would be led to believe that this building is going to crumble, that the world is going to fall apart; but in reality what is going to happen is the responsible people in this House and across our country are going to say give us something simple; give us something that encourages productivity, encourages economic growth and does not penalize the hardworking taxpayers of this country.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the previous speaker was asking about simplicity and how do we understand all of this.

Let me read a memo from the Joint Committee on Taxation. This ought to be simple enough for the gentleman to understand.

The memorandum is in response to their request for an estimate of the budget neutral tax rate for H.R. 2525. That is the bill of the gentleman from Georgia (Mr. LINDER), a bill to replace the current U.S. corporate and individual income, estate and gift and Federal income contributions act, payroll taxes, with a flat tax on retail sales of all goods and services.

Then on the second page it has a little chart here, neutral over 5 years, 59.5 percent. That is what they want to do, neutral over 5 years, national sales tax 59.5 percent. I believe the American people can understand that.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in strong opposition to this rule. I represent thousands of Oregonians that work in the high-tech industry. They tell me that the best way to encourage expansion of the new economy is to minimize government regulation and maximize a freedom to innovate. That is why high-tech issues should be considered on a truly bipartisan basis, and to date we have done that.

In October of 1998, we overwhelmingly passed the Internet Tax Freedom Act, a law to keep the heavy hand of government off the Internet. We passed this law because we all know that if e-commerce is overburdened by taxing it and crippling it with government regulations, then it will never achieve its full potential.

Then we turned around and last October overwhelmingly approved another bipartisan measure, the Global Internet Tax Freedom Act, to keep the Internet from being taxed by members of the WTO and the United Nations.

That is why I am so disappointed the House leadership would approve this proposal because it is nothing more than a back-door attempt to impose a new Federal tax on electronic commerce. We have absolutely no business scrapping our Tax Code and replacing it with up to a 59.5 percent national sales tax that would give the IRS jurisdiction over the Internet.

I am not fond of the current system, and I will work to reform it; but this defies all common logic. It is a surefire way to ensure that we cripple the development of our high-tech industry.

I urge my colleagues to reject this rule and support common sense, bipartisan tax relief.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, America was founded by revolutionaries. America has a $300 billion trade deficit. I agree with the gentleman from Missouri (Mr. GEPHARDT), the Tax Code is designed to modify economic behavior, and that is why we have to throw it out. If the Founders wanted to modify economic behavior, they would have hired someone like Sigmund Freud to write it.

The first Constitution allowed for slavery, treated women like property and Indians like buffaloes; but it had enough good sense to not allow an income tax.

When the income tax was brought forward, the Supreme Court struck it down, and Members of Congress screwed it up with an amendment.

I support the rule. I support the bill.

Now the Linder-Peterson bill may have been scored but they are honest. They throw FICA in. The Tauzin-Traficant 15 percent has not been scored. We leave FICA alone, and so help me God a combination of Linder-Peterson/Tauzin-Traficant will be the law of this land.

Now I can remember coming before the Democrats, and they all laughed at me. The Traficant bill would change the burden of proof in a civil tax case. It required judicial consent. They laughed at me. You never gave me a hearing. The Committee on Ways and Means laughed in my face. I want to thank the Republican Party for including the Traficant bill in the IRS reform.

Now Democrats, listen to what the Republicans did for the American people. In 1997, before the new reform law, there were 3.1 million attachments on wages and accounts.

□ 1415

In 1999, 540,000. Property liens, 1997, 680,000. In 1999, Mr. Speaker, 168,000. But listen to the big one. Life, liberty, and pursuit of property. The last amendment to the document we are talking about was life, liberty, pursuit of happiness, I say to the gentleman from Oregon (Mr. WU). Property seizures, 1997, 10,037. Requiring judicial consent, 161 in 1999.

My colleagues were wrong then. They are wrong now. They are going to be in the minority for a long time if they do not get progressive. Scrap this Tax Code. It will give King Kong a hernia. It rewards dependency. It penalizes achievement. It subsidizes illegitimacy.

What can we do to perfect this bad document? The 15 percent national retail sales tax leaves FICA alone. It exempts all property taxes up to the poverty level. It adjusts the Consumer Price Index that, if it affects seniors, the COLA will be increased. They are scoring it now.

The gentleman from Georgia (Mr. LINDER) and the gentleman from Minnesota (Mr. PETERSON) have been honest. They throw FICA in. We do not. We think we have got to study it. We have enough time in 5 years to change this code.

Let me say one last thing to Democrats, 25 percent of a manufactured item's clause is complying with the Tax Code. That Toyota made in Japan has a 25 percent advantage right off the start against my Cavalier in Lordstown. I will have no more of it. Damn it, I want a study. I want it to be known that there is a Democrat involved in the national sales tax that leaves FICA alone for now, and Tauzin-Traficant-Linder-Peterson must get a look, or we will have failed our people.

There is one last thing I would like to say to everybody in this room. We have a $300 billion trade deficit. We are not going to solve it modifying economic behavior.

We abolish the IRS, abolish all income tax, abolish all debt taxes, capital gains taxes, all taxes on savings, all taxes on investment, all taxes on education. Why should we be paying double taxes on an income dollar and then a dollar of savings. Beam me up here.

The American people are going to have to change the Tax Code. My colleagues should make it a part of the presidential debate. Because the Democrats do not have enough anatomy to address the progressive thinking that the American people need.

The Tauzin-Traficant bill is going to be scored. If my colleagues continue to scare people with the 59.5 percent, and, personally, I believe they were smoking dope when they gave it, then they are going to have a hell of a rough time with me.

I urge the Congress to overwhelmingly support this rule and to support this bill. The Democrats who would not listen to the burden of proof and judicial consent, they should pay a little attention and get on board. They might be able to help us make this new scheme a better one for all Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The gallery is advised that they are not supposed to applaud.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I agree with everyone who thinks that the current Tax Code is broken. I am on the committee. Let me say at the outset how hard it is to reach a consensus for any change in the Tax Code.

The Republicans know they have been in charge 5½ years now, and it is just not easy when one is running a train to reach a consensus. We cannot reach a consensus on things that the American people seem to have a consensus about. The danger of this approach, in my view, is for that very reason.

If we enacted a bill that did away with, pulled it out by its root, as has been said, on a day certain, and that Congress at that later date could not reach a consensus on what ought to replace it, we will throw, not only this country, but the world into a recession in the likes in which, in my judgment, have never been seen, because of one thing, the uncertainty of the American economy.

As bad as this is, and we must continue every time we meet to work on making it simpler, making it fair, all the things that everybody here agrees on, as bad as that is, the uncertainty injected into the markets, the uncertainty injected into what would happen to the American dollar, the bedrock of international currency if this actually took place is, in my view, appalling.

No sane, rational business person would say scrap it, but then we will just take a look and see whether what we can come up with a consensus on to replace it. That is not a thoughtful way to go about the Nation's business as stewards.

I tell my colleagues, this is a nice exercise in bashing the Tax Code, and I will join in on that one every day. But this approach, when we do not know if we can reach a consensus, in my view, is not only dangerous, but it is counterproductive.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. THUNE).

Mr. THUNE. Mr. Speaker, let me just say that this time of year, there are millions of Americans who are sitting in their living rooms and their kitchen tables and going through this process that we do annually, the annual ritual of filling out their tax return and thinking to themselves this is absolutely insane.

There is no justification. It is absolutely indefensible what we ask the American people to do to comply with the Tax Code. One looks at what we spend in terms of resources and time and energy, cost, it costs over $200 billion a year just to comply with the Tax

Code in this country. Annually, Americans spend over 5 billion hours filling out IRS forms, equal to about the equivalent of almost 3 million people working full time, doing nothing but complying with IRS paperwork.

There was a poll done about a year ago, Mr. Speaker, which asked the question, ''If you could just choose one person to have audited by the IRS, who would it be? Your mother-in-law? Your boss? Or your congressman?''

The mother-in-law ironically only got 3 percent. The boss got 8 percent. The congressman got 68 percent. People in this country are looking for us to help solve the problem.

If my colleagues cannot take the legislation that has been introduced by the gentleman from Oklahoma (Mr. LARGENT) who has accommodated a lot of the concerns that were raised by our colleagues in the last session of Congress, and address those, they cannot be against that without saying I accept the status quo. The status quo, in my opinion, Mr. Speaker, is a national tragedy.

We have to do better because the American people deserve better. They deserve a Tax Code that is simple and clear and fair and in which they do not have to be fearful every year when they go through this process of trying to fill it out that they may be audited by the IRS for something they do not even know about, because we go through the ritual of adding to and the myriad and the Byzantine regulations and the number of laws that are consistently put on the books each year to try to make this thing more complicated.

We have a responsibility to the American people. I urge the adoption of this rule and the passage of the bill.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 6½ minutes remaining. The gentleman from Georgia (Mr. LINDER) has 5½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

The other side has used words like absurd, Byzantine, ludicrous to describe the Tax Code. There are a lot of problems with the Tax Code. I would only add one word to that, and I would apply it to the other side, that is ''timid.''

They are too timid to bring a real bill to the floor that actually changes the code. If my colleagues want a change, they control the committee, they control the process here, albeit temporarily, bring a bill to the floor that changes the code.

They do not have, one of the other speakers made some reference to anatomy. I would only say they are very, very timid when it comes to actually solving the problems that face this country.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time. I thank the gentleman from Ohio (Mr. TRAFICANT) for his premature recognition. To further discuss what the gentleman from Texas (Mr. FROST) and the gentleman from Ohio mentioned, it is obvious that it was not anatomy that got me here. It was a sound consideration of policy, a measured approach to fiscal responsibility, and basically being responsible and exercising common sense.

Now, I do not like the current Tax Code. I do not know anyone who does. But to toss it out without a replacement is absolutely irresponsible. The business uncertainty that it injects into the economy alone, that uncertainty alone should get this bill tossed.

Even worse, the likely replacement for this, the likely replacement for the current system is a national sales tax.

I would like to say two things about a national sales tax, first of all, its devastating effect on e-commerce. E-commerce is burgeoning right now. It cannot stand the projected 50 percent tax. It would choke e-commerce in its infancy. It would consign e-commerce to an early crib death.

Secondly, and perhaps more importantly to me and to a few other folks, my home State of Oregon does not have a sales tax. We have voted on it several times, and we have repeatedly rejected a sales tax. Alaska does not have a State sales tax. Delaware does not have a State sales tax. Montana does not have a State sales Tax. New Hampshire does not have a State sales tax. My dear State of Oregon does not have a State sales tax.

I will be darned if I will see a Federal Government impose a form of taxation on my State that my constituents have repeatedly rejected.

Mr. LINDER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT), the sponsor of the measure we are about to take up.

Mr. LARGENT. Mr. Speaker, I would just like to say that I have been the husband of one wife for 25 years, the father of four children that are productive members of our community, been elected to Congress three times by overwhelming majorities, and I feel like that is some kind of track record on being a responsible person.

But sometimes it takes some irresponsible acts, some radical acts to make some changes that are needed. I would tell my colleagues that there would be many people that were probably in this House Chamber that said that dropping a bomb on Japan to end World War II, at least precipitate the end of World War II, was a radical act, and that we need to think about that, that we need to be more responsible. But, no, sometimes it takes something more radical to make significant changes.

I want to tell my colleagues the IRS and the Tax Code are waging a war on our families, on individuals, on small business, on the business community at large.

My colleagues say it would create uncertainty in the markets. What could be more uncertain than the 6,000 changes that this Congress has made since 1986? That is what is creating the uncertainty is the fact that, every time Congress messes with the Tax Code, it gets longer and it gets more complex. It is time to stop the nonsense.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I suppose, unlike some of the debates we have here in this House, that the amazing thing about this debate is that the comments that our colleagues on the Republican side have made confirm all of our concerns about this measure.

Indeed, they defend the principal sponsor of one of these measures to tax e-commerce. The gentleman from Georgia (Mr. LINDER) defends the taxation of e-commerce as a new Federal revenue source. One of his principal supporters testifying in the committee indicated it would be a major source of future Federal revenue.

No one, until this radical proposal was presented here in Congress, has proposed that the Federal Government should rely on e-commerce to finance the operations of the entire Federal Government. There has been considerable debate over whether there should even be State or local sales tax on e-commerce. That is a debate for another day.

But the idea of imposing on top of State and local taxes a major Federal sales tax on all e-commerce is likely to have a devastating impact on e-commerce. These are young companies. These are start-up companies.

Sometimes the true dream of American capitalism is that one can begin in a garage and grow to be a major part of the American economy. Those are the kinds of little companies that are out there that need to be given room to grow. Americans are finding as consumers that there are many opportunities offered through e-commerce.

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These Republicans would come forward and scrap the code by scrapping the new economy, by imposing up to a 60 percent tax on these major participants in our new economy.

Now, they claim that it is not 60 percent; that maybe it is just 20 or 30 percent. Is 20 or 30 percent not enough to alarm anyone who is concerned about whether or not we are going to encourage and develop e-commerce? But it is the Republicans' own analysis by the Joint Tax Committee, issued on April 7 by a Republican-appointed director, who says that the Internet is going to be subject to up to a 59.5 percent tax.

It is the gentleman from Louisiana (Mr. TAUZIN) who testified in writing to the Committee on Ways and Means yesterday that ''all goods and services for consumption would be taxed at the same rate. No exceptions.'' That means, just like the bill of the gentleman from Georgia (Mr. LINDER), that there is no exception for e-commerce.

So the proposal we have today before us is one that scraps the code by transferring the burden on to e-commerce. If my colleagues think that is a good idea, if they want to pay 60 percent, maybe just 20 or 30 on top of every e-commerce transaction, sign onto this Scrap the Code because that is what it is all about.

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

Mr. Speaker, let us be very clear what this is all about. This is a bumper sticker. That is what we are debating today. We are debating a bumper sticker and a press release. We are not debating action. We are not debating a legislative proposal that would actually help the American public.

I just want to reiterate. If the people on the other side really wanted to change the Tax Code, they have had 5½ years to do it, and they have not brought a proposal to the floor of the House to do that. All they want is the opportunity to give a speech and to issue a press release.

Well, they have had that, and I think the American people should understand that that is all they get out of what is going on today.

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

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

Mr. Speaker, the IRS has made criminals of us all, and it is time for it to go away. And that is what this is about, scrapping the code. This is real. Now, it may be a joke for Democrats, who have spent 40 years building up this monstrosity, but this is very real.

And there are some very real proposals to replace it, proposals that have been studied for years. My proposal, which has been ridiculed today, has been studied for over 3½ years, with $15 million spent in universities from Harvard to Boston College to MIT to Stanford to Rice, and none of them came up with a 60 percent tax rate.

Guess who did? A committee whose members have their entire political capital invested, or their intellectual capital invested in the Tax Code. They would lie to get this thing defeated, because we have depreciated their intellectual capital if we get rid of all the income taxes and all the difficulties and the taxes are transparent and easy to understand. They will not be needed any more.

If we get rid of this Tax Code with a single transparent, straightforward, simple sales tax, Americans will know what it costs every time they buy something, what it costs for government. What they are not telling the American public is that currently, as the gentleman from Ohio pointed out, we know that 22 to 25 percent, according to various studies, of what taxpayers currently pay for at retail is the current embedded cost of this tax system.

They would rather have a hidden tax than a transparent tax because they know, if taxpayers saw how much government was costing them, they would rebel and ask us to reduce the role of government in their lives. We are currently paying it. It is hidden. They like that.

This income tax was originally intended and promised to only tax the top 2 percent of the income earners in America. That was the promise that was made in 1913. And indeed, if we think back to the last two tax increases, 1990 and 1993, the promise was made we are only going to raise the taxes on the top 1 percent. Well, guess what? In 1990, the top 1 percent paid $106 billion in taxes. And after the tax increase on them, the following year they paid $100 billion. Because rich people are often smart people, they can find ways to rearrange their income.

But each of these tax increases, that these folks so love, reverberates through the system and we all pay. We all pay. All we want is to get rid of a monstrosity that no one understands; that confuses every taxpayer and keeps hidden what the actual cost of government is, and then let us have a debate on what to replace it with. It may not be my tax bill; perhaps it will be the bill offered by the gentleman from Texas (Mr. ARMEY) or the gentleman from Ohio (Mr. TRAFICANT) or the gentleman from Louisiana (Mr. TAUZIN). But it will be simpler, more understandable, and it will be fairer.

One of my favorite stories about the 1913 debate on the 16th amendment to impose the income tax was that one of the Senators was ridiculed and laughed off the floor of the United States Senate for saying something absolutely outrageous. He said this: ''Mark my words, before this is over, the government will be taking 10 percent of everything you earn.'' It was considered so outrageous by his colleagues that they ridiculed him off the floor of the Senate.

I feel certain that is what gave fresh meaning to my favorite country western song, ''If 10 Percent Is Enough for Jesus it Ought to be Enough for Uncle Sam.''

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PORTMAN. Mr. Speaker, pursuant to House Resolution 473, I call up the bill (H.R. 4199) to terminate the Internal Revenue Code of 1986, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 473, the bill is considered read for amendment.

The text of H.R. 4199 is as follows:

H.R. 4199

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 ''Date Certain Tax Code Replacement Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to set a date certain for replacing the Internal Revenue Code of 1986 with a simple and fair alternative.

SEC. 3. TERMINATION OF INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—No tax shall be imposed by the Internal Revenue Code of 1986—

(1) for any taxable year beginning after December 31, 2004; and

(2) in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to taxes imposed by—

(1) chapter 2 of such Code (relating to tax on self-employment income);

(2) chapter 21 of such Code (relating to Federal Insurance Contributions Act); and

(3) chapter 22 of such Code (relating to Railroad Retirement Tax Act).

SEC. 4. NATIONAL COMMISSION ON TAX REFORM AND SIMPLIFICATION.

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

(1) The Internal Revenue Code of 1986 is overly complex, imposes significant burdens on individuals and businesses and the economy, is extremely difficult for the Internal Revenue Service to administer, and is in need of fundamental reform and simplification.

(2) Many of the problems encountered by taxpayers in dealing with the Internal Revenue Service could be eliminated or alleviated by fundamental reform and simplification.

(3) The Federal Government's present fiscal outlook for continuing and sustained budget surpluses provides a unique opportunity for the Congress to consider measures for fundamental reform and simplification of the tax laws.

(4) Recent efforts to simplify or reform the tax laws have not been successful due in part to the difficulty of developing broad-based, nonpartisan support for proposals to make such changes.

(5) Many of the problems with the Internal Revenue Service stem from the overly complex tax code the agency is asked to administer.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—To carry out the purposes of this section, there is established within the legislative branch a National Commission on Tax Reform and Simplification (in this section referred to as the ''Commission'').

(2) COMPOSITION.—The Commission shall be composed of 15 members, as follows:

(A) Three members appointed by the President, two from the executive branch of the Government and one from private life.

(B) Four members appointed by the majority leader of the Senate, one from Members of the Senate and three from private life.

(C) Two members appointed by the minority leader of the Senate, one from Members of the Senate and one from private life.

(D) Four members appointed by the Speaker of the House of Representatives, one from Members of the House and three from private life.

(E) Two members appointed by the minority leader of the House of Representatives, one from Members of the House and one from private life.

(3) CHAIR.—The Commission shall elect a Chair (or two Co-Chairs) from among its members.

(4) MEETINGS, QUORUMS, VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chair (Co-Chairs, if elected) or a majority of its members. Nine members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any meeting of the Commission or any subcommittee thereof may be held in executive session to the extent that the Chair (Co-Chairs, if elected) or a majority of the members of the Commission or subcommittee determine appropriate.

(5) CONTINUATION OF MEMBERSHIP.—If—

(A) any individual who appointed a member to the Commission by virtue of holding a position described in paragraph (2) ceases to hold such position before the report of the Commission is submitted under subsection (g), or

(B) a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, or was appointed to the Commission because the member was not an officer or employee of any government and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 30-day period beginning on the date that such individual ceases to hold such position or such member ceases to be a Member of Congress or becomes such an officer or employee, as the case may be.

(6) APPOINTMENT; INITIAL MEETING.—

(A) APPOINTMENT.—It is the sense of the Congress that members of the Commission should be appointed not more than 60 days after the date of the enactment of this Act.

(B) INITIAL MEETING.—If, after 60 days from the date of the enactment of this Act, eight or more members of the Commission have been appointed, members who have been appointed may meet and select the Chair (or Co-Chairs) who thereafter shall have the authority to begin the operations of the Commission, including the hiring of staff.

(c) FUNCTIONS OF THE COMMISSION.—

(1) IN GENERAL.—The functions of the Commission shall be—

(A) to conduct, for a period of not to exceed 18 months from the date of its first meeting, the review described in paragraph (2), and

(B) to submit to the Congress a report of the results of such review, including recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986, as described in subsection (g).

(2) REVIEW.—The Commission shall review—

(A) the present structure and provisions of the Internal Revenue Code of 1986, especially with respect to—

(i) its impact on the economy (including the impact on savings, capital formation and capital investment);

(ii) its impact on families and the workforce (including issues relating to distribution of tax burden);

(iii) the compliance cost to taxpayers; and

(iv) the ability of the Internal Revenue Service to administer such provisions;

(B) whether tax systems imposed under the laws of other countries could provide more efficient and fair methods of funding the revenue requirements of the government;

(C) whether the income tax should be replaced with a tax imposed in a different manner or on a different base; and

(D) whether the Internal Revenue Code of 1986 can be simplified, absent wholesale restructuring or replacement thereof.

(d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths, as the Commission or such designated subcommittee or designated member may deem advisable.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(3) ASSISTANCE FROM FEDERAL AGENCIES AND OFFICES.—

(A) INFORMATION.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, as well as from any committee or other office of the legislative branch, such information, suggestions, estimates, and statistics as it requires for the purposes of its review and report. Each such department, bureau, agency, board, commission, office, establishment, instrumentality, or committee shall, to the extent not prohibited by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chair (Co-Chairs, if elected).

(B) TREASURY DEPARTMENT.—The Secretary of the Treasury is authorized on a nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(C) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(D) JOINT COMMITTEE ON TAXATION.—The staff of the Joint Committee on Taxation is authorized on a nonreimbursable basis to provide the Commission with such legal, economic, or policy analysis, including revenue estimates, as the Commission may request.

(E) OTHER ASSISTANCE.—In addition to the assistance set forth in subparagraphs (A), (B), (C) and (D), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this section.

(e) STAFF OF THE COMMISSION.—

(1) IN GENERAL.—The Chair (Co-Chairs, if elected), in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(B) EXCEPTION.—Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 (b) of title 5, United States Code.

(g) REPORT OF THE COMMISSION; TERMINATION.—

(1) REPORT.—Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report of the Commission shall describe the results of its review (as described in subsection (c)(2)), shall make such recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986 as the Commission considers appropriate, and shall describe the expected impact of such recommendations on the economy and progressivity and general administrability of the tax laws.

(2) TERMINATION.—

(A) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate on the date which is 90 days after the date on which the report is required to be submitted under paragraph (1).

(B) CONCLUDING ACTIVITIES.—The Commission may use the 90-day period referred to in subparagraph (A) for the purposes of concluding its activities, including providing

testimony to committees of Congress concerning its report and disseminating that report.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the activities of the Commission. Until such time as funds are specifically appropriated for such activities, $2,000,000 shall be available from fiscal year 2001 funds appropriated to the Treasury Department, ''Departmental Offices'' account, for the activities of the Commission, to remain available until expended.

SEC. 5. TIMING OF IMPLEMENTATION.

In order to ensure an easy transition and effective implementation, the Congress hereby declares that any new Federal tax system should be approved by Congress in its final form no later than July 4, 2004.

The SPEAKER pro tempore. An amendment in the nature of a substitute, consisting of the text of H.R. 4230, is adopted.

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

H.R. 4230

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 ''Date Certain Tax Code Replacement Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to set a date certain for replacing the Internal Revenue Code of 1986 with a simple and fair alternative.

SEC. 3. TERMINATION OF INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—No tax shall be imposed by the Internal Revenue Code of 1986—

(1) for any taxable year beginning after December 31, 2004; and

(2) in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to taxes imposed by—

(1) chapter 2 of such Code (relating to tax on self-employment income);

(2) chapter 21 of such Code (relating to Federal Insurance Contributions Act); and

(3) chapter 22 of such Code (relating to Railroad Retirement Tax Act).

SEC. 4. NATIONAL COMMISSION ON TAX REFORM AND SIMPLIFICATION.

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

(1) The Internal Revenue Code of 1986 is overly complex, imposes significant burdens on individuals and businesses and the economy, is extremely difficult for the Internal Revenue Service to administer, and is in need of fundamental reform and simplification.

(2) Many of the problems encountered by taxpayers in dealing with the Internal Revenue Service could be eliminated or alleviated by fundamental reform and simplification.

(3) The Federal Government's present fiscal outlook for continuing and sustained budget surpluses provides a unique opportunity for the Congress to consider measures for fundamental reform and simplification of the tax laws.

(4) Recent efforts to simplify or reform the tax laws have not been successful due in part to the difficulty of developing broad-based, nonpartisan support for proposals to make such changes.

(5) Many of the problems with the Internal Revenue Service stem from the overly complex tax code the agency is asked to administer.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—To carry out the purposes of this section, there is established within the legislative branch a National Commission on Tax Reform and Simplification (in this section referred to as the ''Commission'').

(2) COMPOSITION.—The Commission shall be composed of 15 members, as follows:

(A) Three members appointed by the President, two from the executive branch of the Government and one from private life.

(B) Four members appointed by the majority leader of the Senate, one from Members of the Senate and three from private life.

(C) Two members appointed by the minority leader of the Senate, one from Members of the Senate and one from private life.

(D) Four members appointed by the Speaker of the House of Representatives, one from Members of the House and three from private life.

(E) Two members appointed by the minority leader of the House of Representatives, one from Members of the House and one from private life.

(3) CHAIR.—The Commission shall elect a Chair (or two Co-Chairs) from among its members.

(4) MEETINGS, QUORUMS, VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chair (Co-Chairs, if elected) or a majority of its members. Nine members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any meeting of the Commission or any subcommittee thereof may be held in executive session to the extent that the Chair (Co-Chairs, if elected) or a majority of the members of the Commission or subcommittee determine appropriate.

(5) CONTINUATION OF MEMBERSHIP.—If—

(A) any individual who appointed a member to the Commission by virtue of holding a position described in paragraph (2) ceases to hold such position before the report of the Commission is submitted under subsection (g), or

(B) a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, or was appointed to the Commission because the member was not an officer or employee of any government and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 30-day period beginning on the date that such individual ceases to hold such position or such member ceases to be a Member of Congress or becomes such an officer or employee, as the case may be.

(6) APPOINTMENT; INITIAL MEETING.—

(A) APPOINTMENT.—It is the sense of the Congress that members of the Commission should be appointed not more than 60 days after the date of the enactment of this Act.

(B) INITIAL MEETING.—If, after 60 days from the date of the enactment of this Act, eight or more members of the Commission have been appointed, members who have been appointed may meet and select the Chair (or Co-Chairs) who thereafter shall have the authority to begin the operations of the Commission, including the hiring of staff.

(c) FUNCTIONS OF THE COMMISSION.—

(1) IN GENERAL.—The functions of the Commission shall be—

(A) to conduct, for a period of not to exceed 18 months from the date of its first meeting, the review described in paragraph (2), and

(B) to submit to the Congress a report of the results of such review, including recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986, as described in subsection (g).

(2) REVIEW.—The Commission shall review—

(A) the present structure and provisions of the Internal Revenue Code of 1986, especially with respect to—

(i) its impact on the economy (including the impact on savings, capital formation and capital investment);

(ii) its impact on families and the workforce (including issues relating to distribution of tax burden);

(iii) the compliance cost to taxpayers; and

(iv) the ability of the Internal Revenue Service to administer such provisions;

(B) whether tax systems imposed under the laws of other countries could provide more efficient and fair methods of funding the revenue requirements of the government;

(C) whether the income tax should be replaced with a tax imposed in a different manner or on a different base; and

(D) whether the Internal Revenue Code of 1986 can be simplified, absent wholesale restructuring or replacement thereof.

(d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths, as the Commission or such designated subcommittee or designated member may deem advisable.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(3) ASSISTANCE FROM FEDERAL AGENCIES AND OFFICES.—

(A) INFORMATION.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, as well as from any committee or other office of the legislative branch, such information, suggestions, estimates, and statistics as it requires for the purposes of its review and report. Each such department, bureau, agency, board, commission, office, establishment, instrumentality, or committee shall, to the extent not prohibited by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chair (Co-Chairs, if elected).

(B) TREASURY DEPARTMENT.—The Secretary of the Treasury is authorized on a nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(C) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(D) JOINT COMMITTEE ON TAXATION.—The staff of the Joint Committee on Taxation is authorized on a nonreimbursable basis to provide the Commission with such legal, economic, or policy analysis, including revenue estimates, as the Commission may request.

(E) OTHER ASSISTANCE.—In addition to the assistance set forth in subparagraphs (A), (B), (C) and (D), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this section.

(e) STAFF OF THE COMMISSION.—

(1) IN GENERAL.—The Chair (Co-Chairs, if elected), in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(B) EXCEPTION.—Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) REPORT OF THE COMMISSION; TERMINATION.—

(1) REPORT.—Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report of the Commission shall describe the results of its review (as described in subsection (c)(2)), shall make such recommendations for fundamental reform and simplification of the Internal Revenue Code of 1986 as the Commission considers appropriate, and shall describe the expected impact of such recommendations on the economy and progressivity and general administrability of the tax laws.

(2) TERMINATION.—

(A) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate on the date which is 90 days after the date on which the report is required to be submitted under paragraph (1).

(B) CONCLUDING ACTIVITIES.—The Commission may use the 90-day period referred to in subparagraph (A) for the purposes of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating that report.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the activities of the Commission. Until such time as funds are specifically appropriated for such activities, $2,000,000 shall be available from fiscal year 2001 funds appropriated to the Treasury Department, ''Departmental Offices'' account, for the activities of the Commission, to remain available until expended.

SEC. 5. TIMING OF IMPLEMENTATION.

In order to ensure an easy transition and effective implementation, the Congress hereby declares that any new Federal tax system shall be approved by Congress in its final form no later than July 4, 2004. If a new Federal tax system is not so approved by July 4, 2004, then Congress shall be required to vote to reauthorize the Internal Revenue Code of 1986.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTMAN) and the gentleman from Tennessee (Mr. TANNER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4199.

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

There was no objection.

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

Mr. Speaker, this is a week when millions of us, Americans all around this great country, are experiencing the annual confusion, the frustration, and the anxiety that comes with filling out our Federal income tax returns.

It is certainly understandable. The current income tax code and its associated regulations now contain, I am told, over 5.6 million words. I am informed that is seven times as long as the Bible, and I know it is not nearly as interesting. Taxpayers now spend 5.4 billion hours a year trying to comply with 2,500 pages of tax laws, 6,500 pages of tax rules, and millions of pages of forms.

The cost of complying with our Tax Code in this country is now believed to be well in excess of $200 billion a year. That is about 20 percent of the revenues raised. What a waste of money. What a waste of time, of effort, of resources. What a drag on our economy. And that does not get at the way the code taxes income and investment that hurts savings, job growth, productivity and, again, means less economic opportunity for us and for future Americans.

Mr. Speaker, 4 years ago Congress set up a commission, I cochaired it, to look into the problems that plague the Internal Revenue Service. There I learned firsthand that the problems our Tax Code causes is not just for taxpayers, but it is also for the Internal Revenue Service itself; and we cannot forget that. The complexity of our Tax Code makes the IRS bigger and more intrusive than we as taxpayers would like for it to be. The Tax Code itself makes the IRS more costly and less efficient than it should be.

In the short term, tax relief simplification of specific areas of the Tax Code can help. There are important steps we can and should take to make it fairer and less burdensome for all Americans. And Congress has already made some progress on this front. We passed tax relief so that no longer do people have to worry about capital gains tax on the sale of a primary residence. At least, almost no Americans do. Which means not only less tax but less associated record keeping; therefore a great simplification. That was good.

We did reform the IRS for the first time since 1952 to make it easier for all taxpayers to interact with this agency. But, again, we are not going to have a good IRS until we have a simpler Tax Code.

And for the first time we also here in Congress, 2 years ago, made it more difficult for us in Congress and for the administration to further complicate the code by subjecting every proposed tax law change prospectively to what is called a complexity analysis. Again, a good step forward.

But, ultimately, no amount of tinkering with the current Tax Code can solve the problem. We need to produce a Tax Code that will be fairer to all Americans. It is just too complicated now. It is too intrusive. It is too burdensome to the taxpayers of this country. That is why many of us in Congress, on both sides of this aisle, believe now we need to take the next step. We need to replace the current code with something better, something simpler, something fairer, something less intrusive for all Americans.

For the last several years, we have come to the floor, most recently 2 years ago, with a Sunset the Code bill that would eliminate the current Tax Code by a date certain and force Congress and the administration to work together to develop an appropriate alternative. The legislation before us

today that my friend, the gentleman from Oklahoma (Mr. LARGENT), is again championing is called the Date Certain Tax Code Replacement Act, and it does exactly that. It sunsets the current Tax Code by December 31, 2004; and it sets in motion a specific time line and process for replacing the Tax Code.

It is an important statement, I think, to be made by this Congress, that we share the frustration all Americans have with our current Tax Code; that we think this Congress should commit itself to replace what is a broken system. But very importantly, and let me spell this out today for some of my colleagues on the other side who have misstated what is in this bill, it does not prejudge any particular kind of Tax Code. That is going to be up to this Congress to decide.

There has never been major tax reform in the country, Mr. Speaker, without the administration taking the lead. The Treasury Department is critical to it. We have seen in the last 6 years no interest on the part of the administration. In fact, we have seen a disdain for any of the major reform ideas. Therefore, we are not going to get it from the administration. We may not get it from the next administration, whether it is Republican or Democrat.

What we do put into this legislation is very important to force the administration to the table, to force Members of Congress to the table, to begin to air this issue out in public so that people around the country can hear about it. We can begin to educate people about the issue so we can come up with a better, smarter approach, and that is that in this legislation, for the first time this year, we have a concept where we create a specific mechanism for getting to a new Tax Code. It is called the Bipartisan National Commission on Tax Reform and Simplification.

This commission is modeled after the National Commission on Restructuring the IRS, which was very successful. We have also had a very successful bipartisan commission recently on Medicare reform, the Thomas Breaux Commission.

Now, I know it is easy to say that commissions do not work, and I am sure they have a checkered past in this town. Some have worked and some have not. But the fact is we have proven with the IRS Commission, with the Medicare Commission, that as long as they focus on building broad-based nonpartisan support for recommendations, they can be very successful and play a very constructive role in moving the debate forward.

This commission would have 15 members: 3 appointed by the President; 4 each by the Senate majority leader and the Speaker; 2 each appointed by the House and Senate minority leaders. We do not know who is going to control the next Congress. But whoever does will have a slightly higher representation on the commission than the party in the minority. But it will be entirely bipartisan, bicameral and, again, will include the administration.

It will have a short timetable. Not years, as someone said earlier today. Read the legislation. It is 18 months. We think that is enough time, although it is a very complex and difficult task. And that will be a report to this Congress. It will then be up to Congress to decide what to do with it. We cannot prejudge what the report will be; we cannot prejudge what the Congress will do with it. But we know it will move the process forward. It will move the ball forward to begin to come to some kind of resolution as to how we can fix, how we must fix a tax code that I think everyone in this Chamber agrees is broken.

□ 1445

Now, some of my colleagues on the other side of the aisle will argue this legislation is unnecessary, that it is just rhetoric today. I, again, would urge them to read the legislation. Because what we are voting on here today is a referendum about the status quo. If they believe in the status quo that our current Tax Code is the way to go, fine, vote no. But if they believe that all those special interests that have been tucked in over the years, if they believe it is too complex, if they believe it is too burdensome, if they believe it is intrusive, if they believe there ought to be a change, a fundamental reform, without prejudging what it will be, then they ought to support this very strong statement and this very important legislation establishing the commission that is before us today.

I want to also say that the gentleman from Oklahoma (Mr. LARGENT) has also improved his legislation by adding a provision that says that, if Congress has not acted in the next 4 years on a new Tax Code, he will vote to reauthorize the current Code. There is no uncertainty there. We are going to have the same thing we have got now unless we can come together as Republicans and Democrats and Independents through, again, a bipartisan, bicameral process to come up with something that makes sense.

If my colleagues think that our current Tax Code is broken, if they think the current system is too complicated, unfair, and intrusive, if they think the Congress and administration should be held accountable for coming up with a better system to replace it and doing it in a responsible way, then they ought to vote for this bill today. It is a good bill, it is a better bill than 2 years ago, and it is a different bill.

I urge my colleagues to take a look at the bill, and I urge all my colleagues to vote yes on H.R. 4199.

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

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

Mr. Speaker, the gentleman from Ohio (Mr. PORTMAN), the previous speaker, is one of the brightest Members that we have in the House; and certainly it is a pleasure for me to serve with him on the Committee on Ways and Means. Some of his ideas in terms of how we could reform the tax system, to me, just makes a lot of sense.

But I know one thing that he will never, never challenge is the fact that any political party that holds a majority by only six, whether that is a Democratic majority or Republican majority, cannot even hope to reform the tax system unless we are working together in a bipartisan way.

There is no Republican way to correct this Internal Revenue Code. I would agree with anybody who would say and there certainly is not a Democratic Party way to do it. But what the American people want is not for each one of us to be political victors. What they want is a Congress that is working to their best interests.

Can we say that this Code is working to their best interests, that this is the best we can do? I would say the answer would be no. We could do a heck of a lot better.

But one thing that we would have to start doing just for openers is to start talking with each other. Forget the mutual respect. Forget the professionalism. Let us start talking and seeing what we can do to work together.

I would think if we were talking about Social Security, if we were talking about Medicare, if we were talking about the tax system that we would have to find a way where, working together, we could come up with the right solution.

And quite frankly, in the other areas, I would think that there would be enough difference between Democrats and Republicans that we could fight the different way, different philosophical and political beliefs, so that we will always maintain the difference between Republicans and Democrats.

So I am not saying that we should all look alike. But on these important issues, it really bothers me that the chairman of the committee could schedule hearings about different alternatives to this tax system on the week the taxpayers have to file taxes.

I do not challenge the sincerity of my Republican friend on the committee or on the House leadership. But why this week? Why would we have 3 days of hearings and alternatives to this system, as burdensome as it is, when we know that the legislative calendar does not permit us to do anything, nothing?

We are going out for 2 weeks. We will be out next month for Memorial Day. Come July 4, we will be out. In August we will be out. September we have the Labor Day recess. We have to do August recess for the convention. We have

to get reelected. So we are not even thinking about changing the Internal Revenue Code. So why do we sit up there for 3 days talking about it? Oh, because it is April 15, and we want to make a political statement.

Well, for 5 years, for 5 years they have enjoyed being in the majority party, the Speaker, the distinguished majority leader, the chairmanships of every committee, the chairmanship of the once awesome powerful Committee on Ways and Means. My God, in 5 years, why have we not seen a change in the Tax Code? Why do we wait 5 years to bring it up again?

As a matter of fact, just between us legislators, I weighed the Code as to how much it weighed when the Democrats were in charge; and then I weighed it just last week. My colleagues would not believe the increase in weight. My God, there is about a hundred new sections added on to the old Code. The people that make up the returns say it takes 3.5 hours more even to figure out the complexities. It is that way when they are putting in loopholes, it is more complicated.

But all I am saying is that many people ask, well, we always are complaining about the Republican majority. What the devil would we do if we ever were in charge?

Number one, we will talk to them. Number two, in any legislation, we would ask you for their ideas. Number three, we would know ahead of time if it is bipartisan, if it is not bipartisan, it is just not going to fly.

We have learned so much about how difficult it is to lead when we do not have a meaningful majority. But we hope that we will not slip into the posture that just because we cannot lead, just because we cannot legislate that we would say, let us close down the shop, let us close down the Internal Revenue Service, let us close down the tax collection business, let us really get rid of the Code and tell millions of American businessmen and small businessmen, we cannot tell them right now what we are going to replace it with. All we can tell them is that we are mandated that we must come up with something.

The gentleman from Ohio (Mr. PORTMAN) has the unique idea that, even if the Congress cannot come up with something, let us get a commission to come up with something. In other words, some Member was being very, very critical in the Committee on Ways and Means before I came to the floor and said that we were trying to hold on to our jurisdiction.

Well, do my colleagues know something? He is right. Because it is the only committee that is there in the Constitution saying that the Committee on Ways and Means shall provide the ways and means for the United States Government to operate.

But, then again, they may want to change the Constitution. But I hope we do not change it to set up for a commission for ways and means. Because then I see a commission for an appropriation, a commission for commerce, a commission for education, and one day we will wake up and we will find out that there is really no need for the U.S. House of Representatives as we know it.

And so, I would suggest this: There is nothing wrong with commissions, but there is something wrong when we refuse to assume our responsibility to do what? To legislate. It is not just to criticize against this Code that most Americans are annoyed with this week. It is not enough to say get rid of it in the year 2004.

What is important to do is to have hearings, to have meetings and to legislate, to educate the American people as to that we can do a better job and to have the political courage and the guts to come down here and to vote for something instead of just cursing the doctors.

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

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

Mr. Speaker, first I would like to just say to my friend the gentleman from New York (Mr. RANGEL) that there were some implicit endorsements of the concept behind the commission and even though at the end there seem to be less than great enthusiasm for it, which is that this would be a bipartisan exercise, it would report back to Congress and would then allow the Committee on Ways and Means to do its work with better information, more public education, and all the other things.

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

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

Mr. RANGEL. Mr. Speaker, there is no question that the Congress, if we assume this awesome responsibility to produce a better Internal Revenue Code, would need outside help. But to abolish the existing system before we do that is where the gentleman from Ohio (Mr. PORTMAN) and I differ.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I would just say that if the gentleman from New York (Mr. RANGEL) looks at the legislation, what is nice about it is that we do not sunset the Code prior to the commission. In fact, the commission is only 18 months and then we have another couple of years for the Committee on Ways and Mean, regardless of who is chairman, to do its work.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LARGENT) about whom I spoke a moment ago and who is the author of this much needed legislation, and I ask unanimous consent that he be permitted to control the time for the majority.

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

There was no objection.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY) the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. LARGENT) for yielding me the time, and I thank him for bringing this legislation to the floor.

Mr. Speaker, we have heard a great deal today about people who are willing to work with us on the Tax Code and to fix the horrifying inequities that we find in the Tax Code that are so bothersome to the American people.

I have been gratified to hear these expressions of commitment from both sides of the aisle, and I have been particularly gratified to hear the number of Democrats who have spoken so eloquently today for the need to avoid discriminatory taxation on the Internet.

I must say, I certainly agree with them on that; and I am looking forward, then, to counting on their vote when we bring a moratorium on discriminatory taxation on the Internet to the floor later this year.

But for the business at hand today, Mr. Speaker, we are again demonstrating to the American people that we are on the side of Mr. and Mrs. America. When they tell us that the extraordinary taxation and punitive provisions called the earnings limitation on senior citizens is unfair because it denies them the benefits they paid in all their lives, we agree. We passed the law, and the President signed it just last week.

When we observe that we must eliminate the marriage penalty because it is unfair to tax people who want to get married, the American people have agreed. We passed it through the House. They will pass it through the Senate. And I am sure the President will sign that into law.

And when we all agree, as we do, that it is unfair to tax people's estate when they die and, therefore, commit to eliminating the death tax because it is unfair to deny the children the legacy of their parents, I am sure we will pass that and it will be passed into law.

Today we are saying, indeed, the entire Tax Code as we know it in America is today unfair because it drives the American people crazy with frustration and despair. Two hundred billion dollars, more man-hours than is spent on the production of every car, truck, and van produced in the United States, is devoted to just complying with this awful red tape nightmare called the Tax Code.

The gentleman from Oklahoma (Mr. LARGENT) says let us get rid of it, let us make a pledge, a commitment amongst ourselves today to be done with it, to scrap this Code, sunset this Code, have it out of our lives once and

for all. I cannot tell my colleagues, Mr. Speaker, how near universal agreement there is among the American people with the need to do that.

Ah, but the nay sayers arise, we cannot do that unless we know perfectly well today down to the last jot and tittle what will be in the next Code. There is no plan to replace this Code, they say, Mr. Speaker.

Let me say there is a plan. There are at least three plans that I know of, all well-conceived, all very deeply well worked on, all very well publicized. It is not for me to describe all three, Mr. Speaker, but let me remind my colleagues about the first best plan to replace this awful nightmare.

It is the flat tax, first conceived in 1984 by Professors Hall and Rabushka at the distinguished Hoover Institute in California, later revived in 1994 by myself.

□ 1500

It does exist. It has been worked on in great detail. It has been examined, criticized, reexamined, refined. Mr. Speaker, for any of our colleagues that are unaware of this work, let me just say to my colleagues, while they have heretofore been given a free copy of my book The Flat Tax, should they have lost that or should it have been absconded with by one of their staff, let me remind them that today, even today, they can look it up on the Internet, flattax.house.gov, or even better, they could buy and read my book, in which case we could both profit.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. TANNER), a member of the committee.

Mr. TANNER. Mr. Speaker, I would encourage the majority leader to bring his bill up here and let us vote on it if it is that good. The gentleman from Ohio (Mr. PORTMAN) has worked well with us on the committee. I do not have any quarrel with the criticism of the present system. But when Mr. Churchill one time was asked how was his wife, his response was, ''Compared to what?'' We do not have the ''what'' here.

If my colleagues want to seriously work on tax reform and the code, I think they will find many Members over here ready, willing and able to pitch in. But to go about this matter scrapping something is like a businessperson saying, Look, we don't like your sales or distribution system that gives your company the revenue with which you do business; we're going to scrap that on a date certain in 2 years, and we'll have the board of directors figure out what we're going to replace it with.

Nobody would do that in the real world. Not one single person that I know of would say, We don't know what we're going to do. We're going to do something, hopefully. What if we cannot get a consensus on the flat tax? The gentleman from Georgia (Mr. LINDER), who spoke earlier, has a bill, a sales tax. What if the Congress in that day cannot come up with a consensus? What are we going to do, have a continuing resolution on the code? That will make a lot of sense to Wall Street.

I tell my colleagues as earnestly as I know how, if this bill were serious and was going to be signed, the uncertainty that it would immediately inject into Wall Street, in the markets, into all the countries around the world that rely on the bedrock of the international financial currency, the United States dollar, the consequences of this could be devastating.

I do not quarrel with bashing the code. That is an easy one. I do not know anybody that thinks this is the best work product imaginable. But I do say this: the way to fix it is to come on down to the committee and let us vote on the flat tax, a sales tax or let us schedule bills for hearing, votes and reported out to the floor and then we will see if we can get a consensus. That is how we do as a steward, I think, of this Nation. That is how we do business. I know this will probably pass, but I hope we will think about what we are doing and what kind of signal we are sending. I do not think it is one that is very responsible.

Mr. LARGENT. Mr. Speaker, borrowing on the gentleman's word picture, if we are comparing the tax code to a wife, what we are saying on this side is this wife is so ugly that we know we can do better. With that, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I guess I have to say I do not want to associate myself with those remarks; however, I did want to rise in strong support of this legislation and thank my colleagues for bringing it to the floor. I guess I am saying with a sigh of relief that at last we are making progress. I am not being facetious, because I think this is very serious business. I have personally, as many of my colleagues know, for several years been urging our Republican leadership and the tax committee to make major tax reform job number one. At last we are here. This is an excellent means of doing that. We are on a substantial route to getting there in real terms.

Let us try to get beyond the political rhetoric of this debate, and let us focus on the substance of this bill. The bill calls for an enactment of a new Tax Code by 2004. In order to provide a solid basis for congressional debate, the bill establishes a commission on tax reform and simplification. The commission would completely analyze the current tax law, especially with respect to the code's impact on the economy, savings, capital formation and capital investment, and its impact on families and the workplace. That is in the body of the orders to the commission. The commission would also explore, as has been already mentioned, alternative methods of taxation.

In the past, everyone knows that I have had deep concerns about scrapping the Tax Code without a new structure in its place. I said frankly at the time that it seemed reckless and it was more like show business. But this is real business. This legislation pushes the tax reform debate ahead in a responsible, rational way while setting the stage for common sense transition to a fairer, flatter, and simpler tax code. We need this bill. I urge my colleagues to vote for it. This is job number one for the Congress.

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Baltimore, Maryland (Mr. CARDIN), a member of the committee.

Mr. CARDIN. Let me thank my friend from New York for yielding me this time.

Mr. Speaker, we should not be talking about a sunset today. We should be talking about a sunrise, a sunrise for tax reform. I am very disappointed that we do not have legislation on the floor that would talk about tax reform because we do need tax reform. What this legislation represents is a failure, a failure by this body to take up tax reform, a signal that we will not deal with it in this Congress, the third consecutive Congress under the control of the Republicans in which they have not brought tax reform to the floor of this House.

If my colleagues are looking for agreement on both sides of the aisle, we agree that the current income tax code is too complicated. So what do we do about it during these past 3 terms? Add another 100 sections and make it more complicated? Make it more difficult for our constituents to understand how to file their tax returns? That is not tax reform. Those actions became law. If my colleagues want agreement on both sides of the aisle that we should have less income taxes, they will get that agreement. Let us bring forward bills that do it.

I strongly support the expansion of the earned income tax credit. That has helped many taxpayers get the relief that they need. But we sometimes find that on the other side of the aisle, they fight us on that type of legislation. Or targeted relief that would let less people need to file income tax returns in our country. But no, they do not seem to want to do it that way. So why not work together on tax reform so that we can really get something done in this Congress rather than having a tool that is just basically used for the 30-second commercial. That does not befit this body.

And the tragedy is that if this legislation were to become law, what would be the consequences? The first thing is, we would not know what the tax revenue system of this country would be.

What advice would my colleagues give to their constituents, their young married couple who wants to purchase a home but needs to know the tax consequences of that home purchase in order to make sure that their budget makes sense to buy that home? What will they tell them when there is no Tax Code in place and we have not quite figured out what the revenue code will be for our country? The uncertainty will be very damaging to American families.

That is not what we should be doing. And then what Tax Code will we put into effect? I know there has been a lot of debate about this. Quite frankly I have a good tax plan that I would like to be able to talk about, and if we bring a bill to the floor, I will certainly be offering an alternative or amendments to that tax bill. But the reason why we use the retail sales tax is because that is the one I think our constituents understand the best, to allow us some ability to compare between one tax code and the other. If we translate what the repeal of all income taxes is on a retail sales tax, that is 59.5 percent added to the price of all goods, all services. That is not my estimate, that is the Joint Tax Committee's estimate.

I do not want to be responsible for increasing prescription drugs and increasing Internet service and increasing clothing and increasing food by that type of price. That is not good for our economy. Let us think about what we are doing, let us work together, let us work on tax reform and not on a bill that will have no impact on real tax reform.

Mr. LARGENT. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, the gentleman from Oklahoma deserves a large amount of credit. Let me say that to me there is not any question this ought to be a bipartisan vote. I will tell my colleagues why. The Tax Code should be put in place that enables the Government to collect revenue but at the same time fosters economic growth, does not impede economic growth. Frankly, the ability to abolish this code after having served in this House for 18 years, if we do not do something dramatic around here, we are going to be talking about this until doomsday, or when people at our town hall meetings start heating up the tar, because people are fed up with this Tax Code, and they are fed up with it not just because it is complicated but frankly that it does keep us from realizing the kind of complete economic growth that brings more to every family.

Now, here we are in the 21st century with a Tax Code that is not encouraging higher savings, and if there is anything we know we need to do in America it is to encourage a higher savings rate. We know we need to have a higher investment rate. We want people to take their money and to risk it in enterprising ideas that can improve the lives of people not just in America but around the world. That gives us increased productivity, more for families.

We want to have a Tax Code that provides a higher reward for people who risk-take. If we punish people when they are successful, then they are going to stop taking risks. They are going to sit on their money. Frankly, the hallmark of a new Tax Code in the 21st century is one that fosters higher savings, higher investment, and produces higher reward for risk-taking.

What we have in the 21st century now is a Tax Code that works an awful lot like putting a Volkswagen engine in a Jaguar. The fact is the 21st century is about speed, not about strength. It is about the power of knowledge, not the power of toil. It is about the entrepreneurship which rewards individual efforts and achievement. And the fact is the Tax Code is not aligned with the rest of this economy. If we want to have a sleek sports car that can run around that track at Indianapolis and set economic records for the American people, then it must have an engine that empowers that car to travel at the speed of knowledge and the speed of entrepreneurship.

Mr. Madison in the Federalist Paper 41 says that a country that is not capable of changing the way in which it collects revenues to match its economy is a country that will not continue to be prosperous and to advance. That was a warning to us in the 21st century. We talked today about taxing the Internet. The fact is that we have a parallel universe right now that allows us to take advantage of the power of ideas and knowledge. It is ridiculous to try to saddle the new economy with an old tax scheme.

Mr. Speaker, this is a great opportunity to say to the American people, we are going to throw it out. If we cannot devise a better system, we will put it back in. But the fact is we will devise a better system because we know the Jaguar needs a modern engine, not an old engine; and we want to make sure that the American people have the tools they need to drive this economy like it has never been seen before. If we do not do it, we will pay a price economically. If we do do it, there ain't no stopping the United States of America and the free market.

□ 1515

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, I agree with everything the gentleman from Ohio (Mr. KASICH) has just said. We have to rethink, relook and revise our current Tax Code. But we have not done that yet. And for us to put the cart before the horse, to repeal the current code before we have an agreement on that new code, is not only irresponsible, but I would reterm this legislation as a pig in a poke, because we do not know what is going to be the replacement code.

All week long before the Committee on Ways and Means, we have had hearings on three different types of alternatives to the current code, and the more questions we asked about the alternatives, the more questions went unanswered.

The most popular was the one introduced by the gentleman from Georgia (Mr. LINDER). He is touting this as a national sales tax, and the rate he pegged within the committee was 23 percent. Upon questioning, we found out that it is not 23 percent, it was almost 30 percent, on every good and service produced in this country, prescription drugs, funeral services, everything. We talked to the Joint Committee on Taxation, which is a scientific committee, to give us expertise. They said that national sales tax, to be revenue neutral, would have to be a 59 percent rate. Is that what you are going to replace the current code with?

Interesting, I asked the gentleman a question. I said, Mr. LINDER, would the national sales tax apply to wages for municipal employees? He said, Oh, no, no, no, no. Then one of his staff persons poked him on the back and said, it is in the bill. It is in the bill. So the authors do not even know what their proposal is.

As the questioning developed, your municipality would have to pay the Federal Government 30 percent of their municipal wage base, because it is a service. And where would your municipalities get the money from? They would radically increase the property tax. In the City of Milwaukee, that would be a very, very bad mistake, because property taxes are relatively high.

So that is a half-baked idea. So my friend, we are not ready to go yet. I agree with one part of the bill of the gentleman from Oklahoma (Mr. LARGENT), and that is the commission. We have had hearings, we have had experts come in all week. Have the commission work with us on something, and then we will come to the floor with a consensus change and then repeal the current Tax Code. Not repeal first. That is irresponsible.

The gentleman talked about the atomic bomb and how we dropped it on Japan and it ended the war. But what the gentleman's bill would do would drop the atomic bomb on us. That is silly.

Mr. LARGENT. Mr. Speaker, what is silly is to continue this current system.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the gentleman for his leadership on this issue.

I certainly believe, Mr. Speaker, if the economy either turns down or experiences some restrictions, that the American people will be heard demanding change, because I still hear it a lot, frustration with this current Tax Code, people who are both paying too much in taxes and also experiencing too much red tape with this Tax Code, spending too much of their time wrestling with this Tax Code.

I really believe as the economy goes through its normal cycles and turns down, we will hear loud and clear that this is one of those issues that the American people demand change on, is a simpler, more fair tax system.

Frankly, welfare laws changed, not because of Republicans or Democrats, but because the American people demanded it. The budget is balanced not really because Republicans or Democrats, but because the American people demanded it. The American people are going to be demanding a more simple and fair Tax Code. I think ultimately those that come today against this legislation will support it, because the American people will demand it.

I would love to see our campaign finance laws change, but until the American people get more engaged, the folks up here are not going to change it. The American people need to lead this. We have presidential candidates now espousing certain philosophies. They need to be telling the American people what kind of Tax Code they will sign into law and, therefore, we need to take this action so that we have some limits, we have a firewall. We say we are going to do this, we have plenty of time, 4 years. The gentleman is being very reasonable setting up a time frame so that we can make these plans and get the presidential candidates to say yes, I will sign this.

We have at least three options: Either keep the current system; single rate income tax with fewer deductions; or wipe out the income tax and replace it with a national sales tax. Let the debate begin. Let the candidates for President, for Congress, declare what will you have, what will you sign, what will you agree to. The American people need a simpler Tax Code, they need lower taxes, they need less interference from the Federal Government, so that free enterprise system can continue to carry the world economy.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a member of the Committee on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I do not understand what the disagreements are about here. In fact, there is so much agreement between their side and our side, I think we can close this debate out right now and say we all agree that our Tax Code is too complex, that it is too burdensome, that it is too hard to fill out the tax forms, and it does not work for a modern economy. We all agree with that.

The question is whether we are just going to talk today and come back again with sound and fury, which in the end will actually signify nothing. We need a replacement vehicle for our Tax Code. On that we all agree. And if it were true that this bill provided that, that would be good news for all Americans. We could all come and cheer, Democrats and Republicans alike. But sadly, it is not true, Mr. Speaker. The truth is we are no closer to eliminating the Tax Code today than we were when we started out talking about this because we have no replacement vehicle.

This business about putting a Volkswagen engine into a Jaguar, we would have the Jaguar first to put the engine in. We do not have the Jaguar to even talk about putting a Volkswagen engine in it. We do not have the replacement. Democrats know it, the Republicans know it, and it is really time now we make sure all of the American people know it to.

Democrats and Republicans both agree the Tax Code is too complex, that our current tax filings are too burdensome. So why can we not stop this political charade and get down to serious bipartisan tax reform. This bill is an invitation to put the ball on tax reform, rather than to tackle it. It amounts to throwing up our hands and giving it to a commission, handing it over to a commission, admitting to the American people who hired us that we cannot do the job.

Five years ago the gentleman from Texas (Mr. ARCHER), my good friend and our distinguished chairman, promised to abolish the Tax Code and replace it with a better system. I and many of my Democratic colleagues on the Committee on Ways and Means applauded this goal and expressed our willingness to work together to achieve meaningful tax reform.

But instead of working together to reform our Nation's ailing tax system, to make it more simple and fair and efficient, my Republican colleagues have repeatedly introduced ridiculous legislation to eliminate the code, without offering any credible alternative system.

Telling the American people you are going to eliminate the Tax Code is sure to score political points. However, we all know that nothing can be done here without a system to replace it, and, as speakers before me have said, that will destroy our economy. No lesser expert than Chairman Greenspan, the number one authority on our economy, has said so.

So have my Republican friends forgotten that our duty as members of the Committee on Ways and Means is to develop tax policy and not to advance campaign politics? It is time for us to tell the American people the truth. We cannot abolish the tax system unless we develop another means of funding the government.

Mr. Speaker, I urge my Republican colleagues to replace irrationality with reason, to replace emotions with practicality, and to replace politics with sound policy. Support motion to recommit H.R. 4199 to be offered by the gentleman from New York (Mr. RANGEL) with instructions to require Congress to enact comprehensive tax reform of the Tax Code prior to the July 4, 2004, sunset date. The American people deserve true tax reform, and not just political rhetoric.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP)

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me time. I want to commend the gentleman for his leadership on this important issue.

Mr. Speaker, we do agree that the Tax Code is complex and burdensome. I am sure these statistics have been cited before, but the IRS laws and regulations are currently 17,000 pages, more than 5½ million words. The complexity and difficulty of filling out the tax forms each year get worse and worse.

What this legislation will do is it will sunset the Tax Code in 4 years. Also what this legislation does is it creates a commission, and I want to commend also the gentleman from Ohio, Mr. PORTMAN, for his leadership not on a commission that helped us restructure the IRS, but also a commission contained within this bill which will help us replace our current income tax code.

This bipartisan commission is modeled on the IRS commission that was successful in 1996 and 1997. This will have 15 members appointed by the President, the Senate majority leader, the Speaker, and two appointed by the House and Senate minority leaders. It will have a short timetable. This commission will have to act within 18 months. If we do not, what is also in this legislation, which is new this time around, we will have to reauthorize it by 2004 if we do not adopt a new system of taxation. I think it is important we repeal the complex and difficult code. Any of these efforts are in the right direction.

I want to commend the gentleman from Oklahoma (Mr. LARGENT) and also the gentleman from Ohio (Mr. PORTMAN) for helping make this a reality.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank my friend from New York for yielding me time.

Mr. Speaker, for 5 years we have heard the majority talk about changing the Tax Code and giving us something that is better. No one disagrees with that. All of us are here ready and prepared to discuss that. But now, for the last 5 years that we have been discussing it, nothing has been done. We have a bill on the floor that would say in about 4 years, let us get rid of the Tax Code we have, and who knows what we will replace it with?

Now, if we are brought up here to be responsible, here to Washington, D.C., then let us give the American people some sense of where we will go. If we cannot do that, then the frustration the American people have expressed with our Tax Code will just grow and grow and grow. Yes, they are all fed up with this current Tax Code. Rather than become more simple, it has become more complex over these last 5 years. What is to make it less complex over the next 4 years as we get ready to scrap it? All we are going to get ready to do is create chaos.

If you are an American and you are thinking of buying a home right now, what do you do? Do you buy right now, or wait 4 years from now? Because if we go with one of the ideas out there that we have a national sales tax replace our code where you would not have any more mortgage interest deductions and not be able to deduct the property taxes you pay on that home, should someone buy now, or wait 4 years? Because if you waited 4 years and there is a national sales tax, if you buy a $200,000 home and the sales tax is 30 percent, then you are paying 30 percent tax on that $200,000 purchase. Do you buy now or buy later?

What if you are someone who is planning for a funeral for an elderly parent? Do you buy your plot now for your parent, or later? Because if you have a national sales tax, you will pay 30 percent on the purchase of that plot or for that coffin.

Or what if you are elderly on a fixed income? What do you do about prescription drug coverage? Do you plan now to buy a whole bunch of drugs now, or wait until that sales tax kicks in at 30 percent? And the Joint Committee on Taxation, our Joint Committee on Taxation, which is to advise us on taxes, tells us that would probably be higher, about 50 to 60 percent. Do you buy drugs now, or wait?

This is sheer chaos. The only thing certain about this particular act is the date it would be enacted. But there is no certainty as to what we do with Americans and the taxes. What does the market do? How do we invest? Are we going to be able to have our monies invested in Roth IRAs, or will those be eliminated, so no longer can we put money in the investment accounts and say in the future we will not pay interest on them? What do we do? What is an investor to tell any American that is trying to save money? We have to give the American people some sense of what is going on. We have had 5 years of discussions, and we have not come up with anything.

So, yes, let us reform the code. Let us make it simpler. Let us make it so everyone believes it is fair. But let us give the American people some sense of where we are going. Let us not do anything that makes it less certain. The only thing certain about this bill is it makes it clear what date this is. This is an election year.

Mr. LARGENT. Mr. Speaker, I would just point out that the previous speaker makes our point perfectly. The Tax Code controls whether we buy prescription drugs, houses, whether we save, whether we even invest, and that is not right.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, this has been helpful, because it seems that we all agree that Americans deserve a fair and simple Tax Code that takes only the amount of their money that is needed to run a limited and efficient government.

□ 1530

We all seem to agree also that our current Tax Code does not meet this test, because it not only takes too much of our money, it controls a large part of our lives. Not only does it take over 5 billion hours of our time every year and billions of dollars of our money, it controls many of the decisions in our personal lives about our savings, about our investment, about our retirement. Even how we die is decided by the Tax Code.

In our businesses, when we decide whether to hire workers or contract that work out, or to buy or lease something, or to merge or to grow a business, just about everything we do in this country in some way is related to trying to manipulate a Tax Code that is so complex that even the experts cannot understand it.

The only question today, the only question is, do we have the courage to set a deadline to change it; do we have the courage to give the American people a commitment, rather than 5 more years of talk? We have proven we will not do it without a deadline.

It is not irresponsible to set a deadline, it is irresponsible to continue to give the American people talk without a deadline.

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

I am certain that the gentleman who just spoke did not mean that for the last 5 years that all we got from the Republican leadership is talk, but if he does, then we cannot have any guarantee. If things remain the same, then it would be an additional 5 years of talk.

Why do we not produce first, and then we will be in a position really to put in something, rather than just be against something.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, having authored the Texas Sunset Act during my service as a Texas State Senator, I believe there is merit in the sunset process. That Texas law limits the life of every State agency, and I am working with a bipartisan coalition here in Congress to apply the same concept to limit the life and require sunsetting of each of our Federal agencies.

Certainly our Tax Code could have a similar concept applied to it if done in the appropriate way. This Tax Code is overflowing with loopholes, it is permissive toward abusive corporate tax shelters, it is not fair to middle class taxpayers.

Under this Republican congressional leadership, it has only gotten worse. The Tax Code has gotten bigger, it has gotten more inequitable, it has been filled with more special interest provisions. We can all certainly remember the effort of the Republican House leadership to sneak through here a $50 billion tax credit for the tobacco industry hidden in a small business tax bill.

But the sunset process has to be applied in a systematic way, not as a political polemic. If we look at related provisions of the Tax Code together, we do not abolish the entire code without anything to replace it.

We all know how skilled our Republican colleagues are at railing against taxes. We have heard from them over and over all the taxes they do not like and all the reasons they do not like those taxes. But they seem to lose their ability to speak when it is time to talk about what tax system they would substitute. They are so very skilled about complaining about the tax system, but they lack skill in being able to offer a more fair and equitable system. After 5½ years, they have given us hearings and they have given us speeches, but they have given us no real alternative.

This week, however, we learned what they have in mind if this country has the misfortune of having to endure another 2 years of a Republican Congress.

The gentleman from Ohio (Mr. KASICH) told us he did not want to saddle our new economy with an old tax system, but this week we learned they have a new tax for the new economy, a 60 percent tax on every online purchase.

They claim that they are still revolutionaries. If they want a real tax rebellion in this country, tell Americans that they are going to have to pay 60 percent on every online purchase and there will be an uproar.

That is the wrong system. That is what this is all about: enabling the Republicans to put in place a new tax on e-commerce. It is wrong and it ought to be rejected.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to say that I agree with both the Democratic side and the Republican side, this is an issue of great importance to the American people. It is not a Democrat or Republican issue, it is a people's issue. We are the people's House. We are elected by the people to come up here and make the decisions for them that hopefully will be the best decisions.

I want to say, because I have great respect for the gentleman from New York (Mr. RANGEL), as I do the gentleman from Texas (Chairman ARCHER), they are two men I really do have great respect for, but I think about the fact that prior to 1995, and I was not here, let me say that, but I do not remember reading in the paper where there was any debate on the floor of the House to even give tax relief, because I believe when we passed the tax relief bill in 1997 we were the first Congress in 16 years to give the American people tax relief.

I realize today we are talking about simplifying the Tax Code. I want to compliment my friend, the gentleman from Oklahoma, because truthfully, yes, maybe we have been talking about this for 5 years, but the thing that is important, we are talking about it. Now we need to do something about it. If this effort by the gentleman from Oklahoma (Mr. LARGENT) will help us move further down the field, so to speak, so that we will reach the goalpost and we will change this tax system, that is what all this is about.

I do hope, I will say, quite frankly, in my town meetings, because in Eastern North Carolina, the biggest concern from the people that I have the privilege to represent, when I am in these town meetings what they say to me, is, Walter, go back is to Washington, get your colleagues on both sides of the political aisles to do something about this Tax Code, because it is out of control.

My own CPA, who is very qualified, tells me every year that I do my taxes, Walter, you all have to do something about this Tax Code. It is overburdening and it needs to be simplified.

Mr. Speaker, I hope today, truthfully, as we cast our votes this afternoon, that even though this is not perfect, this is the start that we need I think to force the Congress in the future to do something about this tax system and to make it simpler.

Quite frankly, I have written to Governor George Bush and I will encourage AL GORE to please do something to help the American people and simplify this tax system, and to debate the issue this fall.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman for yielding time to me. I am honored to be here. I had with me just a few moments ago a couple of little exhibits I was going to take with me to the podium, but they had to go back to the gallery to their mother. They are from my home county, 4 years old and 6 years old. It is really for youngsters like them that we need to really look at this Code.

I think they would tell me, if they could understand, that they need a date certain Tax Code for this House to do something. That is not putting them under the gun too much. I will tell Members what it does, it tells us that we need to go out and come in again with a Code. The sensible part of it is that we are not going out before we come in.

The provisions are that we have to come in with a bill, a sensible bill to take the place of the Code before the Code goes out. I really do not see anything pressing about that. It simply says to us, get about your work now, and do not wait until the last day and rush in there and try to get it done.

I think it also knocks out estate tax, capital gains taxes, a lot of things that a lot of people want to knock out, but they are waiting to put it with something that is more desperate or tougher to pass. We will get a chance to get rid of those two things now, too.

A lot of us have signed onto one or both of the bills. I do not care what bill comes down the line, I think I am a coauthor on it. We need a change. That is not to say that everything about the present Code is bad or everybody that works for the IRS is bad. There are a lot of good people with the Treasury Department, and a lot of them are embarrassed about the actions of some in the Treasury Department.

I would just say, we need to go out and come back in again. When I say go out, I am talking about go out into the countryside, go out into the district, talk to Republicans, Democrats, talk to anyone in any occupation and ask them, would you like to have a new Tax Code? Do you like the Tax Code you are operating under?

I think that little 2-year-old and little 4-year-old and 6-year-old that were here that I was going to use as exhibits, I think they would tell us 10 out of 10, yes, we need a new Code. That Code was brought in when our grandfather was not even born. We need a new Code.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, it is interesting to come to Washington and hear a sales tax is going to be the tax panacea and give us fairness and simplicity. Because before I came here, I spent 6 years running the largest sales tax agency in the country. Let me tell the Members, sales tax laws have the same kind of special interest provisions that we come across in the Internal Revenue Code.

Sales tax laws can affect what we do and what our behavior is, and let me give one example. We would need a 60 percent sales tax rate in order to replace existing Federal taxes. There is much debate on the floor today as to whether that rate would apply to those purchases made over the Internet. Who is going to buy a sweater or a television set at the local mall if it is 60 percent cheaper online? So we may have a sales tax code designed to take the Federal government out of involvement in private decisions leading to closing every mall in America. That is a significant private effect.

Finally, we are told that the sales tax, the national sales tax, would be fair. What is fair about a law that says that Steve Forbes can go make a $10 million profit, invest it all in a villa on the Italian Riviera, and not pay a single penny in American taxes?

Mr. Speaker, this bill pretends to impose a deadline, but it is really just a show line, because in Washington whenever we do not want to do anything at all, we appoint a commission. The commission will come back in several years, tell us what we already know, that it would take a 60 percent sales tax rate to replace existing taxes, and then that commission's report would be thrown away and the existing code would be reenacted.

Let us have real reform, Code section by Code section.

Mr. LARGENT. Mr. Speaker, I reserve the balance of my time to close.

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

Mr. Speaker, I think the discussion has been good and healthy, especially during this time of the year, when American taxpayers recognize the complexity of the Code.

One of the previous speakers from the other side said for the last 5 years all we have done is talk about changing the Code. I would like to believe that if they are in the majority and in charge of the tax-writing committee, that instead of talking about changing the Code, they would have changed the Code, if they had the votes to do it.

On the other hand, I think the most frightening thing about this argument is what do we replace it with. No matter how much we complain about the complexity and the unfairness and the inequity of the Code, I do not think that any American would support just changing the Code until they fully understood what impact the new Code

would have on them in their lives. We have not the faintest idea as to what we would replace it with.

The best idea, in my opinion, that came from the other side as to what we would replace the Code with, it would be with a 15-person commission, taking it out of the hands of the Congress, having four Members appointed from the Congress and the rest of them private citizens, to come back to the Congress to tell the American people what the new Code should be. I do not think that is right. Commissioners do not get elected, we do.

It is no profile in courage on the eve of tax payment day to come here and talk about they do not like the Code. No one likes the Code in its present form. What does take courage is to say that, I am in the majority, we are proud of it, we are doing something about it, here is the new Internal Revenue Code. We ask Americans to come forward and to vote for it.

□ 1545

Now we are saying let us sunset what we are talking about. Well, at the appropriate time, what I hope to do is to say that if we do have this new code, maybe in the motion to recommit we might be willing to consider just a question of making the code equitable, making it fair, making certain we do not tax prescription drugs, that we do not hurt people in terms of the deduction of mortgage interest. At least send some signal as to what is being talked about.

There are a half a dozen bills over there. The commission has not even gotten up to what my dear friend, the gentleman from Ohio (Mr. PORTMAN), is talking about. We do not know who is going to be on that commission, and I think that is going to be very, very important before we determine what we are doing. So I hope that we turn down this offer and support the motion to recommit.

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

Mr. LARGENT. Mr. Speaker, I yield myself the remaining time to close.

Mr. Speaker, this has been a great debate, as my friend, the gentleman from New York (Mr. RANGEL), has said. It is an important debate. This is a good time to have this debate. Many taxpayers are filing their tax returns as we speak. We have heard the numbers, 5.4 billion hours that we spend doing tax returns. That would cost somewhere around $225 billion wasted to file those tax returns.

If someone calls the IRS and they ask them a question about their tax returns, statistics show 47 percent of the time the IRS gets the answer wrong. If one fills in the blank with the answer the IRS gives them, they punish that person; they can give them a penalty and charge them interest for taxes they did not pay.

Here is a 1040–EZ form, the easiest way to file a tax return in this country. Along with it, a 32-page document explaining how to file the 1040–EZ form.

Here is an article from the Wall Street Journal, three organizations which will urge Congress later this week to simplify the tax laws. Want to know who those groups are? The American Bar Association Tax Section; the American Institute of Certified Public Accountants, Tax Division; and the Tax Executives Institute. The experts are saying, please, simplify the Tax Code.

The experts do not understand the Tax Code. How can the American people understand the Tax Code?

If anyone has listened to this debate for the last couple of hours, what they will understand is nobody is defending the current code. The left is not defending the current Tax Code. The right is not defending the current Tax Code. No one is.

In fact, one of my personal heroes talking about replacing the Tax Code says the American taxpayers deserve better than they got on tax reform. We have an outdated, complicated, unfair system that should be abolished so that we can start over. Decades of toying and tinkering at the margins have only made problems worse, and I conclude that there is only one way to fix anything and that is to replace everything, to overhaul the entire system from top to bottom. Our Tax Code has become a dense fog of incentives and inducements and penalties that distort the most basic economic decisions, constrain the free market and make it hard for Americans to run their lives. The current system is indefensible.

The speaker of those quotes: The gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

So with all of those people saying the Tax Code is bad and we need to replace it, why has it not been replaced?

I will freely acknowledge and confess to my friend, the gentleman from New York (Mr. RANGEL), Republicans have been in the majority for 5½ years. We have not done anything about it. We have not gotten rid of the Tax Code. We have made it worse, as he said. It has gotten heavier, more complex, with Republicans in control. What he did not say was we have been in control for 5½ years, but the Democrats were in control for 40 years and they had the same problem.

It is endemic to Democrats. It is endemic to Republicans. We have the same problem. Why are we not doing something about it? It is because we do not have to. What this bill is about is saying to Congress, what Congress so freely says to the rest of the Americans on every bill that we pass, that they have to do this by this date, we are now saying to Congress, to ourselves, confessing our own failure and not doing what the American people are begging us to do, we are going to impose a date on Congress and we are going to say we have to replace this stinking Tax Code in 4 years and 3 months from today.

I think when this bill passes this House that there will be an audible ovation around the country saying, here, here, it is about time Congress did something about the Tax Code.

Here is the bill. It is very simple. This is not a complicated bill. It is 15 pages long. If one has not read it, shame on them. We vote today. We have 4 years and 3 months before we replace the code; July 4, Independence Day, 2004, we replace the code. We get a report from a commission to do what we need to do, to look at all of the options that are out there, flat tax, consumption tax and every variety in between. Then 6 months after that the old Tax Code is gone.

Mr. Speaker, I will just conclude by saying that it is time. We need to just do it.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 473, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill H.R. 4199 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. COMPREHENSIVE REFORM OF TAX CODE.

(a) DEADLINE.—Congress shall enact a comprehensive reform of the Tax Code not later than July 4, 2004.

(b) PRINCIPLES.—Any comprehensive reform of the Tax Code shall be consistent with the following principles:

(1) Such reform shall be fiscally responsible and it shall not endanger a balanced budget nor use funds devoted to the social security system.

(2) Such reform shall be fair to all income classes.

(3) Such reform shall emphasize simplicity, thereby resulting in a Tax Code that is less complicated.

(c) CONSEQUENCES OF PENDING RETAIL SALES TAX PROPOSALS TO BE AVOIDED.—In no event shall the comprehensive reform enacted pursuant to this section include the following aspects of pending legislation proposing a retail sales tax as a replacement for the current tax code:

(1) HEALTH CARE SHOULD NOT BE JEOPARDIZED.—The imposition of a retail sales tax on prescription drugs and other health care goods and services thereby—

(A) further increasing hardships on the elderly and other individuals dealing with high drug prices,

(B) increasing the cost of nursing home care and other long-term care services,

(C) accelerating the insolvency of the medicare system by increasing the cost of goods and services reimbursed by medicare, and

(D) increasing the cost of health insurance and thereby increasing the number of uninsured.

(2) FEDERAL TAX BURDEN SHOULD NOT BE SHIFTED TO STATES.—The imposition of a retail sales tax on goods and services (including wages of government employees) purchased by State and local governments, thereby forcing State and local governments either to drastically reduce the level of services provided to their citizens or to dramatically increase State tax burdens.

(3) NATIONAL DEFENSE SHOULD NOT BE ENDANGERED.—The imposition of a retail sales tax on goods and services purchased by the Federal Government, thereby endangering the National defense by increasing the cost to the Federal Government of meeting its military needs.

(4) COSTS OF OWNING OR RENTING A HOME SHOULD NOT INCREASE.—The imposition of a retail sales tax on purchases of new homes and on rentals of apartments and other residences, thereby threatening the ability of many individuals to afford adequate housing.

(5) INTERNET SHOULD NOT BE SUBJECT TO RETAIL SALES TAX.—The imposition of a retail sales tax on Internet access.

(d) CONSEQUENCES OF PENDING FLAT TAX PROPOSALS TO BE AVOIDED.—In no event shall the comprehensive reform enacted pursuant to this section include the following aspects of pending legislation proposing a flat tax:

(1) BURDEN OF FINANCING SOCIAL SECURITY AND MEDICARE SHOULD NOT INCREASE.—An increase in the burden of the social security and medicare payroll taxes by denying employers a deduction for those taxes when none of the additional revenues raised by increasing the burden of those taxes is devoted to the social security or medicare trust funds.

(2) COSTS OF OWNING A HOME SHOULD NOT INCREASE.—The elimination of current law subsidies for home ownership by repealing the deductions for mortgage interest and real estate taxes.

(3) COSTS OF EMPLOYER-PROVIDED HEALTH CARE SHOULD NOT INCREASE.—The imposition of substantial penalties on employers who provide health care coverage for their employees, thereby increasing the number of individuals without private health insurance.

(4) BURDEN OF STATE AND LOCAL TAXATION SHOULD NOT INCREASE.—An increase in the burden of State and local taxes by denying any deduction for those taxes, including taxes paid by businesses in the ordinary course of their operations.

(5) CHARITABLE CONTRIBUTIONS SHOULD NOT BE DISCOURAGED.—The repeal all current tax incentives for charitable giving at a time when the congressional majority is increasingly attempting to shift the burden of meeting the needs of the poor and disadvantaged to private organizations.

(6) RUNAWAY PLANTS SHOULD NOT BE ENCOURAGED.—Encouraging United States corporations to move their businesses overseas by taxing their domestic operations but exempting their foreign operations from tax.

(7) TAX BURDENS ON FARMERS AND SMALL BUSINESSES SHOULD NOT INCREASE.—A dramatic increase in the tax burden on family farms and small businesses that rely on debt financing or have substantial amounts of currently depreciable assets by repealing the deduction for interest and eliminating depreciation deductions for existing assets.

(e) REGRESSIVITY OF PENDING FLAT TAX PROPOSALS AND RETAIL SALES TAX PROPOSALS TO BE AVOIDED.—In no event shall the comprehensive reform enacted pursuant to this section include the substantial and regressive shift of the burden of Federal taxation as under pending flat tax and retail sales tax proposals.

Mr. PORTMAN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

Mr. RANGEL. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will continue reading the motion to recommit.

The Clerk continued reading the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. THOMAS (during the reading). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California will state his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, is it appropriate, since it has been objected to, dispensing with the reading, to inquire how many pages there are that will be read?

The SPEAKER pro tempore. The Clerk is about finished. The Clerk will continue reading the motion to recommit.

The Clerk continued reading the motion to recommit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes on his motion to recommit.

Mr. RANGEL. Mr. Speaker, I yield to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I urge everyone to vote for this motion to recommit, on the basis of a letter which we got from the Tax Executive Institute of the United States. It is all the corporate executives of the country who said these proposals reflect either a misapprehension of the importance of certainty and predictability to business enterprise and individuals or a disregard for the consequences of terminating the tax structure. They illustrate the folly of making tax policy by sound bite and should be rejected.

Former directors of the Internal Revenue Service, both Republicans and Democrats, wrote that this approach does not meet the standards of reasoned and responsible legislation. Now, if it were for only one issue here, I would say that was why we should go back to the committee and add at least one protection for health care. Companies can deduct right now what they spend on health care for their employees. They would lose that here because that is part of the income Tax Code. So that means there would be no incentive for any major company in my district or anybody else's to provide health insurance.

Also, individuals would lose the tax deductibility of what they purchased so they would not only lose it from their employer but they would lose it on an individual basis. Then when they went out and paid for it, they would have to pay a sales tax on not only the policy they bought but everything that they bought in the process of having their health care taken care of, including prescription drugs.

Yesterday everybody was walking in here saying that the Republicans have come out with their principles about how to provide a prescription drug benefit for the senior citizens in this country who on average spend $2,500 out-of-pocket paying for pharmaceuticals. Now I guess it makes sense to the Republicans to come out here and propose that they are going to slap a $250 tax on every senior citizen when they buy their drugs. Vote for the motion.

□ 1600

Mr. RANGEL. Mr. Speaker, the majority party clearly has shown their unity on the question of sunsetting and polishing the Internal Revenue Code at some time in the future, 2004. I guess that is pretty courageous to say on the eve of April 15 that they want to get rid of this code.

We do not know whether they have enough votes to come back with something before we get out of session. We have not the slightest clue as to what they would replace it with.

So we are saying this, if they are going to overwhelm us with their votes and abolish the code, we ask them to support the motion to recommit at least to put some protections in it for the taxpayer for the American people; that it be fiscally responsible; that whatever they come up with, that it is fair; that it be certainly more simple than the code that they are trying to replace; that they not pick up some of these ideas that are floating in their side about taxing prescription drugs; that they do not make home purchasing more difficult by eliminating the deduction of mortgage interest. For God's sake, do not hurt charitable giving by removing the deductibility. Do not hurt our schools, our churches, our synagogues and our mosques.

We do have a pretty progressive tax system. From what I have heard with some of the things that are being considered on the other side, it might be a little too difficult for the working poor.

We also are asking in the motion to recommit that our colleagues do not

restructure the tax system so that they are shifting the burden to local and State governments because they have enough.

Our concern also deals with the Internet with the structuring of some of the recommendations they are making that would put a 60 percent increase in the sales tax on the Internet. Well, we do not know where they are going, and they do not either. All we know is that they want to get rid of the code as we see it.

Maybe if we are lucky, we can get someone of the caliber of the gentleman from Ohio (Mr. PORTMAN) to sit on this 15-person commission. Other than that, I do not know who even would be on the commission to come and tell us what we should be doing. If they do a good enough job, maybe we do not even need the Committee on Ways and Means. If that works for the tax-writing committee, maybe we can get a commission for the Committee on Appropriations and a commission for the Committee on Commerce.

I know we have not done much work around here in the last couple of years, but I hate to see the day that we just set up commissions to do our legislative work. But I support the motion to recommit, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from Ohio (Mr. PORTMAN) claim the time in opposition?

Mr. PORTMAN. Mr. Speaker, I am claiming the time.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Ohio and fellow member of the Committee on Ways and Means for the yielding to me.

Mr. Speaker, we have heard from the gentleman from New York (Mr. RANGEL) a typical lament that is really based in the realm of political science fiction, because typical of the motions to recommit, it basically says, golly, gee, there really should be some tax reform. But rather than commit to it, we will throw out a variety of ideas, a grab bag for you and say that, oh, yeah, us, too. We really want to see reform in the code. But not now.

The gentleman from New York laments what he says is a lack of cooperation and communication between the sides of the Committee on Ways and Means. Yet, in this tax summit, when the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, was invited to offer his plan for a 10 percent code, he declined. How can we have honest communication?

Reject the motion to recommit. Vote for the bill.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN), champion on this issue.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, this motion to recommit takes away the sunset. It says we are going to keep this good old income Tax Code a lot longer. Maybe if we come up with a new one, we will get rid of it one day.

The bill sets the sunset. It says this income Tax Code that ravages Americans ought to go. We ought to pull it out by its roots so it does not grow back again. We ought to come up with a simple, clean, decent one for Americans again.

Mr. Speaker, the power to tax is the power to destroy. My colleagues ought to think about what this current code does. It punishes one for earning income, for saving, for investing, for giving things to one's kids in life through the gift tax and for giving things to them when one dies through the death tax.

It even punishes one when one buys American-made products. According to the Harvard study, it adds 25 percent to the cost of everything we make and consume in America.

It taxes one coming. It taxes one going. It taxes one when one earns income and when one spends it. We ought to get rid of it. This bill gets rid of it.

This motion to recommit says let us keep it. If my colleagues want to keep it, vote for the recommit. If they want to get rid of it, vote against the motion to recommit.

Mr. PORTMAN. Mr. Speaker, I am now reading the Democrat motion to recommit, and it is interesting. It lays out a set of principles. I, frankly, do not think it is inconsistent with the underlying bill. But it does not get the job done.

It does not do anything to force this Congress and this administration to come to grips with this problem. It does not sunset the code. It does not set up a commission. It does not say that we have to deal with this problem.

Now, if we are not going to come to grips with it, if we are not going to begin the process of getting rid of an overly complex, overly burdensome, overly intrusive Internal Revenue Code, then we are not serving our constituents.

This is a good bill. What this bill that the gentleman from Oklahoma (Mr. LARGENT) put together does is very simple. It does say, over a 4-year period of time, we ought to sunset the code. In the meantime, though, we are going to put together a bipartisan, bicameral commission that forces the administration to work with Congress to come up with analyses of the various proposals out there, allow some public education on this issue, go out among the people, yes, bring in outside expertise, not rely on Congress to provide every answer. We do not have a monopoly on all the good answers. Then come back and report to Congress, after 18 months, as to what they have learned.

Congress then does its work, and the Committee on Ways and Means and the finance committee in this House does its work, and the elected Representatives make the decision. But this is responsible.

Then, very importantly, if Congress still cannot come to grips with this issue, cannot do what is right for the American people, then the legislation says specifically that Congress must vote to reauthorize the existing Tax Code. There is no uncertainty here.

I have heard speakers come up and say this creates great uncertainty. This does not create great uncertainty. What it creates is a great potential for us to move this country forward on an issue that is absolutely essential to the well-being of our constituents and to the prosperity of this country in the 21st Century.

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

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

Mr. THOMAS. Mr. Speaker, we heard the gentleman from New York (Mr. RANGEL). I congratulate the gentleman from Ohio (Mr. PORTMAN) on his knowledge and his wisdom in the area.

Mr. PORTMAN. Do not hold that against me.

Mr. THOMAS. Mr. Speaker, given that fact that I agree with it, is the gentleman from Ohio for or against the motion to recommit?

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I am glad the gentleman from California asked. I urge my colleagues to vote ''no'' on the motion to recommit because it does not get the job done, as well meaning as it might be, and to support, strongly support, on a bipartisan basis the responsible legislation this year, which establishes the ability for us to actually move forward on this issue that we talk and talk and talk about and deliver for our constituents and the American people.

Vote ''no'' on the motion to recommit. Vote ''yes'' on the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am in total agreement that the IRS tax code is confusing. In fact, I affirm making the tax code more understandable for average Americans. I even hope to address outdated tax issues such as the telephone excise tax adopted a century ago to help fund the Spanish American War in 1898 and re-imposed during World War I, which is still with us today.

However, this bill is another attempt by the Republicans to enact irresponsible legislation. The notion that Congress should abolish most of the tax code by December 31, 2004 is not in the best interest of America's hard working families. The Republicans are offering this bill with no viable alternative to the tax code in place.

The notion that we can enact legislation essentially eliminating the tax code without a well-reasoned alternative is a violation of the public trust. This measure is nothing more than another election year ploy designed by the Republicans around tax time. This is nothing more than a tax gift to the special interests that would like nothing more than to scrap the tax code. The termination of the tax code has become a top priority of the Republican agenda. To vote for this bill without coming forward with a credible alternative to finance our government's operations is playing our nation's taxpayers for fools.

The most glaring aspect of this measure is the fact the if we pass a bill which terminates the tax code between now and December 21, 2002, our entire economy will be in a state of confusion. The capital markets do not like uncertainty in our country's fiscal policy.

Our industrial and commercial sectors will not have the certainty and predictability required to have an efficient economy. If we pass this bill it is highly likely that the long period of prosperity enjoyed by our nation will soon end. How long can our economy operate without knowing what the tax consequences of their investment decisions will yield? We have come too far from the days of recession in 1991 to take actions that will threaten the hard won progress made to date.

State and local governments that issue tax-exempt municipal bonds with low interest rates to finance capital activity: If we eliminate the tax code without assuring current holders of tax-exempt municipal bonds of their tax status many Americans will be adversely affected.

What about home mortgages? The home mortgage deduction is one of the linchpins of the American dream. Without it, many moderate and low-income Americans would not be able to own their homes. The tax deductibility of home mortgages is not only a great advantage, but it also impacts the entire home builder and mortgage industry that relies on a healthy housing market.

The Scrap the Tax Code Act deserves to be scrapped itself. This bill has nothing but the interest of the wealthy who seek tax relief on the backs of our nation's workers. Let us get onto serious legislation such as gun control, strengthening Social Security and Medicare, as well as paying down the national debt. If we need to have additional hearings on improving the tax code I am in favor of looking at alternatives. Our people deserve more than election year gimmicks; they deserve serious legislators who produce meaningful legislation that puts families first. Thank you and God bless America.

Mr. POMEROY. Mr. Speaker, I rise in opposition to the Date Certain Tax Code Replacement Act.

I strongly support reforming the nation's tax code to make it fairer, simpler, and less burdensome on the American people. Unfortunately, rather than advancing a constructive tax reform measure, the leadership has proposed a political gimmick—a bill to terminate the tax code without saying what sort of system should replace it. This bill is not only the height of political cynicism, but, if enacted, it could have serious negative consequences for American families, farmers, and businesses.

Families and businesses rely on the tax treatment of certain expenditures in making their financial decisions. For example, employers budget for the health and pension benefits of their workers based on the tax deductibility of these expenses. With the uncertainty created by this legislation, however, employers might very well freeze health and retirement benefits until their tax treatment is determined. In fact, employers might even reduce benefits as a hedge against Congress deciding not to extend the tax deductibility of employee benefits. Likewise, the value of American homes would be adversely impacted as the real estate market would wait to see whether Congress would continue the mortgage interest deduction.

For farmers, the consequences would be even more severe. On the Upper Great Plains, farmers are already struggling with low market prices, adverse growing conditions, and a farm policy that includes no safety net. Even with the best financial planning and management, many farmers are finding it nearly impossible to make ends meet. Farming is, by nature, a highly risky proposition. Added uncertainty about the deductibility of interest on operating loans, equipment and land would move farming from risky to almost foolhardy.

I believe that North Dakotans want fundamental tax reform. However, they're unwilling to buy a ''pig in a poke,'' especially when it relates to taxes. They want to see what system is being proposed as a replacement before simply terminating the code and giving a blank check to Congress.

Mr. Speaker, I urge Members to reject this legislation and to get to work on real meaningful tax reform.

Mr. UDALL of Colorado. Mr. Speaker, I've been trying to figure out just what this bill really is, and I've got it narrowed down to two choices. Either this is a belated April Fool's prank or it's the scariest thing since last Halloween.

The idea that Congress would repeal all Federal income, estate and gift and excise tax laws without a plan for how to replace them sounds like a joke. But for anybody who's trying to plan, it's not funny. How can a company decide whether to make a multi-year investment if it doesn't know what will be the basis for future tax laws? How can people decide how to invest for their retirement if they don't know what Congress might decide to do about the tax status of their investments?

If the sponsors of this bill are serious—and they are asking us to assume that they are—then they are being remarkably careless. If they aren't serious—and it's tempting to treat this as a joke—then they seem pretty irresponsible. Either way, this is not the kind of legislation that we should be debating today or any day.

But, here it is and we do have to vote. So, I will support the motion to recommit because it would at least fill in some of the blanks in the bill. It would spell out that any replacement for the income and excise tax laws has to be fiscally responsible and not endanger Social Security or Medicare. It would require that the replacement taxes emphasize simplicity and be fair to people at all income levels. And it would rule out any new federal sales taxes on prescription drugs and other health-care necessities or on home purchases and rentals. I think most Americans would agree that these are pretty basic principles that should be followed in shaping any new tax system.

In short, Mr. Speaker, while I don't think the way to go about the hard work of reform is to burn down the house in hopes of putting up something better, we should at least define ''better'' before we start the fire.

Mr. STARK. Mr. Speaker, I adamantly oppose H.R. 4199, a bill to sunset the current Internal Revenue Code without a replacement plan. It is completely ludicrous to bring legislation to the floor that will eliminate the only Tax Code the U.S. Government has to collect revenue and pay for entitlements and various programs. This bill suggests to the American people that in four years, the 108th Congress will come up with a plan to replace the current system, but there are no guarantees. The bill before us today is irresponsible, negligent and hypocritical.

I. IRRESPONSIBLE—NO NEED FOR A COMMISSION

Last year's failed Medicine Commission provides ample evidence that the last thing Congress needs is another commission upon which to place its responsibility.

This bill hands over the responsibility to tax U.S. income to yet another commission. Congress already has an ''in-House'' commission to address problems with the current Tax Code—it's called the Ways and Means Committee. But the Committee on Ways and Means didn't hold a hearing or a markup on the bill before us today. In fact, we've had hearings all week on fundamental tax reform; yet H.R. 4199 was never brought before the Committee.

It's high time the leadership stops the charade and works in a bipartisan fashion to address critical problems facing working Americans.

II. NEGLIGENT—NO REPLACEMENT PLAN

This bill neglects to offer a plan in the event that the 108th Congress doesn't actually come up with an alternative approach to current U.S. taxes.

Are we to assume that one of the recent proposals before the Ways and Means Committee will replace the current Code? I would imagine that the GOP's leading testimony on H.R. 2525, the Fair Tax Act, would be a proposal of consideration. If this is the case, then I must fiercely warn my colleagues against supporting H.R. 4199.

The Joint Committee on Taxation—a bipartisan and bicameral Congressional Committee—has concluded that the Fair Tax Act, the leading proposal at this week's Ways & Means tax hearing, will need to impose a near 60 percent tax on goods and services in the U.S. in order to remain revenue neutral. I have a chart here (see attached) to show how this will effect the price of top selling seniors' prescription drugs. Seniors are currently struggling to pay for their prescription drugs and often have to go without them. It is unfathomable that the leadership would want to scrap the current Code only to suggest that proposals as awful as the Fair Tax Act await its replacement.

The GOP has had 5 years to devise a better way to tax U.S. income. But for the past five years all they have given us is an April 15 song and dance.

III. THIS BILL IS HYPOCRITICAL AND HOLLOW

I believe the gentleman from Texas, Mr. ARMEY, is sincere about trying to obtain health

insurance for the 44 million Americans without it through a refundable tax cut credit, but we won't reach this goal by ripping out the existing tax code by its roots without replacing it first with a system of either refundable tax credits or subsidies for employer-provided health insurance.

I oppose the current tax structure with respect to the treatment of the pharmaceutical industry and I did something about it. I have introduced a couple of bills that address the unfair tax treatment given to pharmaceutical companies.

I have introduced H.R. 4089, the Save Money for Prescription Drug Research Act of 2000 to deny tax deductions to pharmaceutical firms for spending on unnecessary promotions and gifts (other than drug samples) to physicians. These drug companies currently deduct a portion of the over $11 billion spent per year on very questionable physician gifts. This bill encourages dedication of these funds for a much more important use—pharmaceutical research and development.

I have also introduced H.R. 3665, the Prescription Price Equity Act of 2000 which would deny research tax credits to pharmaceutical companies that sell their products at significantly higher prices in the U.S. as compared to their sales in other industrialized nations.

My bills accomplish something. My bills address the fact that drug company profits are over three times greater than the average profits of all other U.S. industries while U.S. seniors spend more money on medications than seniors in other parts of the world.

We must have a tax plan in place to ensure that our seniors will receive affordable prescription drugs and that the uninsured have access to health care before we hastily scrap our current Tax Code.

I urge my colleagues to oppose H.R. 4199, the Date Certain Tax Replacement Act and support the motion to recommit.

REPUBLICAN TAX PROPOSALS WILL MAKE YOU SICK

Top selling seniors' prescription drugs	Manufacturer	Use	Average retail price for uninsured seniors	Retail price after Linder-Peterson tax [1]	Retail price after Fair Tax Act of 1999 [2]
Zocor	Merck	Cholesterol	$107.66	$139.96	$172.26
Norvasc	Pfizer, Inc	High Blood Pressure	118.96	154.65	190.34
Prilosec	Astra/Merck	Ulcers	117.56	152.83	188.10
Procardia XL	Pfizer, Inc	Heart Problems	133.22	173.19	213.15
Zoloft	Pfizer, Inc	Depression	223.61	290.69	357.78

[1] Reps. Linder and Collin Peterson's proposal will impose a 30% national retail sales tax.
[2] According to the Joint Committee on Taxation, the Fair Tax Act of 1999 would require a 59.5% sales tax rate to be revenue neutral over five years. We assume this would cause a 60% increase in prices to consumers.
Note.—Chart lists drug prices in common dosage, form, and package sizes.

Mr. BEREUTER. Mr. Speaker, this Member opposes H.R. 4199, the Tax Code Termination Act.

Before going into the reasoning behind this opposition, this Member would like to preface his comments by the following statement. This Member unequivocally believes that substantial but very careful reform is needed for the U.S. tax code. Examples abound of inefficiencies and counterproductive elements of the Internal Revenue Code as it operates today. However, this Member opposes H.R. 4199 for the following four reasons:

(1) This Member does not think that we should delay decision-making as H.R. 4199 provides. We need to decide today's issues today and not defer them to tomorrow.

(2) H.R. 4199 fails for its lack of precision. H.R. 4199 would sunset the current tax code effective December 31, 2004. It is certainly not legislatively, statutorily wise to decide to eliminate the tax code without determining a revenue alternative to replace it with. If such major action should be taken as contemplated by H.R. 4199, a precise alternative Federal tax system needs to be simultaneously decided.

(3) This Member does not support this legislation because it could dramatically discourage investment and cause economic chaos as investors are faced with great uncertainty. If H.R. 4199 is passed, Americans will be in a state of great confusion and apprehension until a replacement tax code is enacted, which could be as late as July 4, 2004. Members of the House need to really consider the decisions that would face businesses and their constituents in this environment of uncertainty. For example, can a corporation make a prudent investment decision if they do not know what the tax consequences of that decision will be just a few years hence? No, they cannot. Will investors continue to be as ready to buy tax-exempt bonds if they are not sure whether this tax exempt status will continue? No, they will not.

Another example of the potentially very negative effects of H.R. 4199 relates to the mortgage interest deduction. A young family which desires to purchase a home for the first time will not know if they can count on a mortgage interest deduction in the future if H.R. 4199 is passed. In fact, this uncertainty may be enough to deter someone from purchasing a house until a replacement tax code is in place.

(4) H.R. 4199 would have a negative effect on state and local entities. The tax benefits, for example, of the investors in public bonds would be negatively affected by the uncertainty created by H.R. 4199. Certainly, local school districts could be adversely affected, along with most other varieties of local governmental bodies.

Mr. Speaker, for these four reasons, just briefly described, this Member must oppose H.R. 4199. We need a fundamental re-examination of America's Federal tax code and it should begin now, but rash action like H.R. 4199 is most assuredly not the way to proceed. Its enactment would have a chilling effect upon our economy and cause greater difficulty in public and private decision-making. All that is lacking to begin such a comprehensive review and reform of our Federal system of taxation is the will or commitment to begin and the organizational and legislative skills to implement such changes. With such a narrow majority in this House, it will also take bipartisan cooperation and good will.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. RANGEL. 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 Chair will reduce to 5 minutes the time for electronic voting on final passage.

The vote was taken by electronic device, and there were—yeas 191, nays 228, not voting 15, as follows:

[Roll No. 126]

YEAS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez

Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—15

Bliley
Borski
Callahan
Clay
Cook
Evans
Hilliard
Houghton
Miller, George
Myrick
Quinn
Serrano
Stark
Wexler
Young (FL)

□ 1630

Messrs. BILIRAKIS, GANSKE, SHERWOOD, CAMP, BEREUTER, WATKINS, McINTYRE, and WHITFIELD changed their vote from ''yea'' to ''nay.''

Ms. RIVERS, and Messrs. KIND, BARRETT of Wisconsin, GREEN of Texas, and GEPHARDT, Ms. DELAURO, and Messrs. FATTAH, LARSON, SHERMAN, BERMAN, Ms. SLAUGHTER, and Messrs. LIPINSKI, OWENS, TAYLOR of Mississippi, and GORDON changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on passage of the bill.

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

Mr. LARGENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 187, not voting 18, as follows:

[Roll No. 127]

YEAS—229

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—187

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

Weiner	Wise	Wu
Weygand	Woolsey	Wynn

NOT VOTING—18

Bishop	Evans	Owens
Bliley	Hilliard	Quinn
Borski	Houghton	Sandlin
Callahan	Lazio	Stark
Clay	Miller, George	Wexler
Cook	Myrick	Young (FL)

□ 1638

Mr. WOLF and Mr. LEACH changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BISHOP. Mr. Speaker, on rollcall No. 127, I was unavoidably detained and unable to be present for the vote. Had I been present, I would have voted "yea."

Mr. SANDLIN. Mr. Speaker, on rollcall No. 127 I inserted my card in the voting machine and voted "aye". The board was closing and the vote did not register. Had I been present, I would have voted "yes."

Stated against:

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following vote:

On H.R. 4199, to terminate the Internal Revenue Code of 1986, introduced by the gentleman from Oklahoma, Mr. LARGENT, I would have voted "nay."

PERSONAL EXPLANATION

Mr. EVANS. Mr. Speaker, I was regrettably detained this afternoon when the votes were taken on H.R. 4199. On the Motion to Recommit, I would have voted "yea." On final Passage, I would have voted "nay."

MESSAGE FROM THE SENATE

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

H. Con. Res. 303. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Ms. KILPATRICK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1824.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

RURAL LOCAL BROADCAST SIGNAL ACT

Mr. GOODLATTE. Mr. Speaker, pursuant to the order of the House of today, I call up the bill (H.R. 3615) to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006, and ask for its immediate consideration.

The Clerk read the title of the bill.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute considered as adopted to H.R. 3615 under the order of the House of earlier today be an amendment in the nature of a substitute that I have now placed at the desk which shall be considered as read.

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

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I understand that this version of the substitute has been changed in section 4 from the version of the substitute approved by the Committee on Rules.

Mr. Speaker, can the gentleman from Virginia (Mr. GOODLATTE) please reassure me that cooperative lenders, such as CoBank and the National Rural Utilities Cooperative Finance Corporation, are still eligible to participate in the loan program under this bill?

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

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

Mr. GOODLATTE. Mr. Speaker, the gentleman is correct. CFC is specifically eligible to participate under the terms of the revised bill, and CoBank is an eligible participant for loans made in accordance with the regulations of the Federal Farm Credit Administration and its governing statute.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, I thank the gentleman very much for that assurance.

Mr. Speaker, I am pleased that these cooperative lenders are eligible to participate. Their demonstrated expertise, capacity, capital strength, and experience in providing financing to rural utility bars should help to make this program a success.

Mr. Speaker, I withdraw my reservation of objection.

□ 1645

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

Mr. LARGENT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Pursuant to the order of the House of today, the bill is considered read for amendment.

The text of H.R. 3615 is as follows:

H.R. 3615

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 ''Rural Local Broadcast Signal Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In 1936, most of the rural United States did not have access to electrical service enjoyed by the rest of the United States, and this lack of electrical service inhibited economic development in the rural areas of the United States.

(2) In response to this lack of service, Congress enacted the Rural Electrification Act of 1936 (also known as the Norris-Rayburn Rural Electrification Act) which established the Rural Electric Administration to ensure that all Americans have access to electrical service and to promote rural development.

(3) The program under the Rural Electrification Act of 1936 has successfully brought electricity to all parts of the rural United States and has stimulated rural development throughout the United States.

(4) In 1949, most of the rural United States did not have access to telephone service enjoyed by the rest of the United States, and this lack of electrical service inhibited economic development in the rural areas of the United States.

(5) In response to this lack of service, Congress amended the Rural Electrification Act of 1936 to assure that the rural United States has access to telecommunications services, including telephone services, distance learning, and telemedicine in order to promote rural development.

(6) The programs under these amendments have successfully brought telecommunications to all parts of the United States and has stimulated rural development throughout the United States.

(7) Public Law 93–32 amended the Rural Electrification Act of 1936 to establish a revolving fund for insured and guaranteed loans.

(8) The reorganization of the Department of Agriculture by Public Law 103–354 created the Rural Utilities Service (RUS) within the Department of Agriculture and assigned it the responsibility for administering programs of federally-guaranteed loans.

(9) The Rural Utilities Service now manages a portfolio of federally-guaranteed loans in excess of $42,000,000,000.

(10) The Rural Utilities Service has granted loans for the purpose of telecommunications services to more than 800 borrowers, including telephone and electricity cooperatives, in all States of the United States.

(11) Local television coverage is vitally important for rural development efforts.

(12) Local television programming broadcasts crop reports, local news, weather reports, public service announcements, and advertisements by local businesses, all of which are important for rural development.

(13) In today's age of modern communications, rural communities often receive the majority of their information from satellite platforms.

(14) The rest of the United States, including most of the rural United States, is not able to receive local television signals via satellite.

(15) Without access to local television signals, the development of the rural United States is greatly inhibited.

(16) Just as important public purposes were served by bringing electricity to the rural United States and then by bringing telephone service to the rural United States, so the United States would be served by ensuring that the rural United States can receive local television signals via satellite.

(17) It is in the public interest that the Rural Utilities Service of the Department of Agriculture utilize existing and new loan guarantee programs to promote rural development by ensuring that the rural United States has access to the signals of local television stations by multichannel video providers.

SEC. 3. RURAL LOCAL TELEVISION SIGNALS.

The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"TITLE VI—RURAL LOCAL TELEVISION SIGNALS

"SEC. 501. DEFINITIONS.

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Rural Utilities Service.

''(2) AFFILIATE.—The term 'affiliate' means any person or entity that controls, or is controlled by, or is under common control with, another person or entity.

''(3) BORROWER.—The term 'borrower' means any person or entity receiving a loan guarantee under this title.

''(4) COST.—

''(A) IN GENERAL.—The term 'cost' means the estimated long-term cost to the Government of a loan guarantee or modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

''(B) LOAN GUARANTEES.—For purposes of this paragraph the cost of a loan guarantee—

''(i) shall be the net present value, at the time when the guaranteed loan is disbursed, of the estimated cash flows of—

''(I) payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments; and

''(II) payments to the Government, including origination and other fees, penalties, and recoveries; and

''(ii) shall include the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan guarantee contract, or by the borrower of an option included in the guaranteed loan contract.

''(C) COST OF MODIFICATION.—The cost of the modification shall be the difference between the current estimate of the net present value of the remaining cash flows under the terms of a loan guarantee contract, and the current estimate of the net present value of the remaining cash flows under the terms of the contract, as modified.

''(D) DISCOUNT RATE.—In estimating net present value, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the cash flows of the guarantee for which the estimate is being made.

''(E) FISCAL YEAR ASSUMPTIONS.—When funds of a loan guarantee under this title are obligated, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

''(5) CURRENT.—The term 'current' has the meaning given that term in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(6) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given that term in section 122(j) of title 17, United States Code.

''(7) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee, insurance, or other pledge with respect to the payment of all or part of the principal or interest on any debt obligation of a non-Federal borrower to the Federal Financing Bank or a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

''(8) MODIFICATION.—The term 'modification' means any Government action that alters the estimated cost of an outstanding loan guarantee (or loan guarantee commitment) from the current estimate of cash flows, including the sale of loan assets, with or without recourse, and the purchase of guaranteed loans.

''(9) COMMON TERMS.—Except as provided in paragraphs (1) through (9), any term used in this title that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given the term in that Act.

"SEC. 502. LOAN GUARANTEES.

''(a) PURPOSE.—The purpose of this title is to enable the Administrator to provide such loan guarantees as are necessary to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006.

''(b) ASSISTANCE TO BORROWERS.—Subject to the appropriations limitation under subsection (c)(2), the Administrator may provide loan guarantees to borrowers to finance projects to provide local television broadcast signals by providers of multichannel video services including direct broadcast satellite licensees and licensees of multichannel multipoint distribution systems, to areas that do not receive local television broadcast signals over commercial for-profit direct-to-home satellite distribution systems. A borrower that receives a loan guarantee under this title may not transfer any part of the proceeds of the monies from the loans guaranteed under this program to an affiliate of the borrower.

''(c) UNDERWRITING CRITERIA; PREREQUISITES.—

''(1) IN GENERAL.—The Administrator shall administer the underwriting criteria developed under subsection (f)(1) to determine which loans are eligible for a guarantee under this title.

''(2) AUTHORITY TO MAKE LOAN GUARANTEES.—The Administrator shall be authorized to guarantee loans under this title only to the extent provided for in advance by appropriations Acts.

''(3) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan is not eligible for a loan guarantee under this title unless—

''(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered to an area not receiving such signals over commercial for-profit direct-to-home satellite distribution systems;

''(B) the proceeds of the loan will not be used for operating expenses;

''(C) the total amount of all such loans may not exceed in the aggregate $1,250,000,000;

''(D) the loan does not exceed $100,000,000, except that 1 loan under this title may exceed $100,000,000, but shall not exceed $625,000,000;

''(E) the loan bears interest and penalties which, in the Administrator's judgment, are not unreasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market; and

''(F) the Administrator determines that taking into account the practices of the private capital markets with respect to the financing of similar projects, the security of the loan is adequate.

''(4) ADDITIONAL CRITERIA.—In addition to the requirements of paragraphs (1), (2), and (3), a loan for which a guarantee is sought under this title shall meet any additional criteria promulgated under subsection (f)(1).

''(d) ADDITIONAL REQUIREMENTS.—The Administrator may not make a loan guarantee under this title unless—

''(1) repayment of the obligation is required to be made within a term of the lesser of—

''(A) 25 years from the date of its execution; or

''(B) the useful life of the primary assets used in the delivery of relevant signals;

''(2) the Administrator has been given the assurances and documentation necessary to review and approve the guaranteed loans; and

''(3) the Administrator makes a determination in writing that—

''(A) the applicant has given reasonable assurances that the assets, facilities, or equipment will be utilized economically and efficiently;

''(B) necessary and sufficient regulatory approvals, spectrum rights, and delivery permissions have been received by project participants to assure the project's ability to repay obligations under this title; and

''(C) repayment of the obligation can reasonably be expected, including the use of an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government.

''(e) APPROVAL OF NTIA REQUIRED.—

''(1) IN GENERAL.—The Administrator may not issue a loan guarantee under this title unless the National Telecommunications and Information Administration consults with the Administrator and certifies that the issuance of the loan guarantee is consistent with subsection (a).

''(2) CERTIFICATION.—The Administrator shall provide the appropriate information on each loan guarantee application recommended by the Administrator to the National Telecommunications and Information Administration for certification. The National Telecommunications and Information Administration shall make the determination required under this subsection within 90 days, without regard to the provision of chapter 5 of title 5, United States Code, and sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.).

''(f) REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall consult with an independent public accounting firm to develop underwriting criteria relating to the issuance of loan guarantees, appropriate collateral and cash flow levels for the types of loan guarantees that might be issued under this title, and such other matters as the Administrator determines appropriate.

''(2) AUTHORITY OF ADMINISTRATOR.—In lieu of or in combination with appropriations of budget authority to cover the costs of loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990, the Administrator may accept on behalf of an applicant for assistance under this title a commitment from a non-Federal source to fund in whole or in part the credit risk premiums with respect to the applicant's loan. The aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a

loan guarantee may not be less than the cost of that loan guarantee.

''(3) CREDIT RISK PREMIUM AMOUNT.—The Administrator shall determine the amount required for credit risk premiums under this subsection on the basis of—

''(A) the circumstances of the applicant, including the amount of collateral offered;

''(B) the proposed schedule of loan disbursements;

''(C) the borrower's business plans for providing service;

''(D) financial commitment from the broadcast signal provider; and

''(E) any other factors the Administrator considers relevant.

''(4) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to paragraph (5).

''(5) COHORTS OF LOANS.—In order to maintain sufficient balances of credit risk premiums to adequately protect the Federal Government from risk of default, while minimizing the length of time the Government retains possession of those balances, the Administrator in consultation with the Office of Management and Budget shall establish cohorts of loans. When all obligations attached to a cohort of loans have been satisfied, credit risk premiums paid for the cohort, and interest accrued thereon, which were not used to mitigate losses shall be returned to the original source on a pro rata basis.

''(g) CONDITIONS OF ASSISTANCE.—A borrower shall agree to such terms and conditions as are sufficient, in the judgment of the Administrator to ensure that, as long as any principal or interest is due and payable on such obligation, the borrower—

''(1) will maintain assets, equipment, facilities, and operations on a continuing basis;

''(2) will not make any discretionary dividend payments that reduce the ability to repay obligations incurred under this section; and

''(3) will remain sufficiently capitalized.

''(h) LIEN ON INTERESTS IN ASSETS.—Upon providing a loan guarantee to a borrower under this title, the Administrator shall have liens which shall be superior to all other liens on assets of the borrower equal to the unpaid balance of the loan subject to such guarantee.

''(i) PERFECTED INTEREST.—The Administrator and the lender shall have a perfected security interest in those assets of the borrower fully sufficient to protect the Administrator and the lender.

''(j) INSURANCE POLICIES.—In accordance with practices of private lenders, as determined by the Administrator, the borrower shall obtain, at its expense, insurance sufficient to protect the interests of the Federal Government, as determined by the Administrator.

''(k) AUTHORIZATION OF APPROPRIATIONS.—For the additional costs of the loans guaranteed under this title, including the cost of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661(a)), there are authorized to be appropriated for fiscal years 2000 through 2006, such amounts as may be necessary. In addition there are authorized to be appropriated such sums as may be necessary to administer this title. Any amounts appropriated under this subsection shall remain available until expended.

''SEC. 503. ADMINISTRATION OF LOAN GUARANTEES.

''(a) APPLICATIONS.—The Administrator shall prescribe the form and contents for an application for a loan guarantee under section 502.

''(b) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guaranteed under this title may assign the loan guarantee in whole or in part, subject to such requirements as the Administrator may prescribe.

''(c) MODIFICATIONS.—The Administrator may approve the modification of any term or condition of a loan guarantee including the rate of interest, time of payment of interest or principal, or security requirements, if the Administrator finds in writing that—

''(1) the modification is equitable and is in the overall best interests of the United States;

''(2) consent has been obtained from the borrower and the lender;

''(3) the modification is consistent with the objective underwriting criteria developed in consultation with an independent public accounting firm under section 502(f);

''(4) the modification does not adversely affect the Federal Government's interest in the entity's assets or loan collateral;

''(5) the modification does not adversely affect the entity's ability to repay the loan; and

''(6) the National Telecommunications and Information Administration does not object to the modification on the ground that it is inconsistent with the certification under section 502(e).

''(d) PRIORITY MARKETS.—

''(1) IN GENERAL.—To the maximum extent practicable, the Administrator shall give priority to projects which serve the most underserved rural markets, as determined by the Administrator. In making prioritization determinations, the Administrator shall consider prevailing market conditions, feasibility of providing service, population, terrain, and other factors the Administrator determines appropriate.

''(2) PRIORITY RELATING TO CONSUMER COSTS AND SEPARATE TIER OF SIGNALS.—The Administrator shall give priority to projects that—

''(A) offer a separate tier of local broadcast signals; and

''(B) provide lower projected costs to consumers of such separate tier.

''(3) PERFORMANCE SCHEDULES.—Applicants for priority projects under this section shall enter into stipulated performance schedules with the Administrator.

''(4) PENALTY.—The Administrator may assess a borrower a penalty not to exceed 3 times the interest due on the guaranteed loan, if the borrower fails to meet its stipulated performance schedule. The penalty shall be paid to the account established under section 502.

''(5) LIMITATION ON CONSIDERATION OF MOST POPULATED AREAS.—The Administrator shall not provide a loan guarantee for a project that is primarily designed to serve the 40 most populated designated market areas and shall take into consideration the importance of serving rural markets that are not likely to be otherwise offered service under section 122 of title 17, United States Code, except through the loan guarantee program under this title.

''(e) COMPLIANCE.—The Administrator shall enforce compliance by an applicant and any other party to the loan guarantee for whose benefit assistance is intended, with the provisions of this title, regulations issued hereunder, and the terms and conditions of the loan guarantee, including through regular periodic inspections and audits.

''(f) COMMERCIAL VALIDITY.—For purposes of claims by any party other than the Administrator, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of the title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder thereof, including the original lender or any other holder, as of the date when the Administrator granted the application therefore, except as to fraud or material misrepresentation by such holder.

''(g) DEFAULTS.—The Administrator shall prescribe regulations governing a default on a loan guaranteed under this title.

''(h) RIGHTS OF THE ADMINISTRATOR.—

''(1) SUBROGATION.—If the Administrator authorizes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 502, the Administrator shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

''(2) DISPOSITION OF PROPERTY.—The Administrator may complete, recondition, reconstruct, renovate, repair, maintain, operate, rent, sell, or otherwise dispose of any property or other interests obtained under this section in a manner that maximizes taxpayer return and is consistent with the public convenience and necessity.

''(i) ACTION AGAINST OBLIGOR.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this title. The holder of a guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action. The Administrator may accept property in full or partial satisfaction of any sums owed as a result of default. If the Administrator receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

''(1) the amount paid to the holder of a guarantee under subsection (g); and

''(2) any other cost to the United States of remedying the default, the Administrator shall pay such excess to the obligor.

''(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Administrator finds is in violation of this title, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the borrower.

''(k) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator prior to the entry of final judgment to such effect in any State, Federal, or other court.

''(l) INVESTIGATION CHARGE AND FEES.—

''(1) APPRAISAL FEE.—The Administrator may charge and collect from an applicant a reasonable fee for appraisal for the value of the equipment or facilities for which the loan guarantee is sought, and for making necessary determinations and findings. The fee may not, in the aggregate, be more than one-half of one percent of the principal amount of the obligation. The fee imposed under this paragraph shall be used to offset the administrative costs of the program.

''(2) LOAN ORIGINATION FEE.—The Administrator may charge a loan origination fee.

''(m) ANNUAL AUDIT.—The Comptroller General of the United States shall annually

audit the administration of this title and report the results of the audit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

''(n) INDEMNIFICATION.—An affiliate of the borrower shall indemnify the Government for any losses it incurs as a result of—

''(1) a judgment against the borrower;

''(2) any breach by the borrower of its obligations under the loan guarantee agreement;

''(3) any violation of the provisions of this title by the borrower;

''(4) any penalties incurred by the borrower for any reason, including the violation of the stipulated performance; and

''(5) any other circumstances that the Administrator determines to be appropriate.

''(o) SUNSET.—The Administrator may not approve a loan guarantee under this title after December 31, 2006.

''SEC. 504. RETRANSMISSION OF LOCAL TELEVISION BROADCAST STATIONS.

''A borrower shall be subject to applicable rights, obligations, and limitations of title 17, United States Code. If a local broadcast station requests carriage of its signal and is located in a market not served by a satellite carrier providing service under a statutory license under section 122 of title 17, United States Code, the borrower shall carry the signal of that station without charge and shall be subject to the applicable rights, obligations, and limitations of sections 338, 614, and 615 of the Communications Act of 1934.''.

The SPEAKER pro tempore. The amendment now at the desk is adopted in lieu of the amendment printed in the bill.

The text of H.R. 3615, as amended, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Local Broadcast Signal Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Rural television loan guarantee board.
Sec. 4. Approval of loan guarantees.
Sec. 5. Administration of loan guarantees.
Sec. 6. Prohibition on use of funds for spectrum auctions.
Sec. 7. Prohibition on use of funds by incumbent cable operators.
Sec. 8. Annual audit.
Sec. 9. Exemption from must carry requirements.
Sec. 10. Additional availability of broadcast signals in rural areas.
Sec. 11. Improved cellular service in rural areas.
Sec. 12. Technical amendment.
Sec. 13. Definitions.
Sec. 14. Authorizations of appropriations.
Sec. 15. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in unserved areas and underserved areas.

SEC. 3. RURAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the Rural Television Loan Guarantee Board (in this Act referred to as the ''Board'').

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Secretary of Agriculture, or the designee of the Secretary.

(C) The Secretary of Commerce, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 15 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered principally to an unserved area or an underserved area (or both);

(B) the proceeds of the loan will not be used for operating, advertising, or promotion expenses;

(C) the proposed project, as determined by the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or an underserved area (or both), and is commercially viable;

(D) the loan is provided by—

(i) an insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act) that is acceptable to the Board;

(ii) a lender that is acceptable to the Board, and—

(I) has not fewer than one issue of outstanding debt that is related within the highest three rating categories of a nationally recognized statistical rating agency; or

(II) has provided financing to entities with outstanding debt from the Rural Utilities Service and which possess, in the judgment of the Board, the expertise, capacity, and capital strength to provide financing pursuant to this Act; or

(iii) a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis;

(E) the loan (including Other Debt as defined in subsection (f)(2)(B)) is not provided by a lender that is a governmental entity, the Federal Agricultural Mortgage Corporation, any institution supervised by the Office

of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of any such entity;

(F) the loan has terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(G) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(H) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the ''Amount'' for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas and the number of States (including noncontiguous States); and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a project that is designed primarily to serve 1 or more of the 40 most populated designated market areas (as that term is defined in section 122(j) of title 17, United States Code).

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with existing systems or devices predominantly in use.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of loans issued under paragraph (2)(A)) and Other Debt under paragraph (2)(B) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this Act—

(A) may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the ''applicable portion'') and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion; or

(B) may, as to a loan meeting in its entirety the requirements of subsection (d)(2)(A), cover the amount of such loan only if that loan is for an amount not exceeding 80 percent of the total debt financing for the project, and other debt financing (also meeting in its entirety the requirements of subsection (d)(2)(A)) from the same source for a total amount not less than 20 percent of the total debt financing for the project (''Other Debt'') has been approved.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this Act in order to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the ''Escrow Account'') established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (h) and (i) of section 5 of this Act, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(G) when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

SEC. 5. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the ''Administrator'') shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4 of this Act.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act;

(C) shall remain sufficiently capitalized; and

(D) shall submit to, and cooperate fully with, any audit of the applicant under section 8(a)(2) of this Act.

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the

Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii) of this Act.

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) MODIFICATION.—The Board may approve the modification of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the modification is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the modification is consistent with the underwriting criteria developed under section 4(g) of this Act;

(4) the modification does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the modification does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the modification.

(e) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) of this Act shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(f) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(g) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(h) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(i) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(j) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(k) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(l) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(m) FEES.—

(1) APPLICATION FEE.—The Board shall charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGINATION FEE.—The Board shall charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—Any fee collected under this subsection shall be used to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(n) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (e); and

(E) any other circumstances that the Board considers appropriate.

(2) LIMITATION ON TRANSFER OF LOAN PROCEEDS.—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(o) EFFECT OF BANKRUPTCY.—(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 6. PROHIBITION ON USE OF FUNDS FOR SPECTRUM AUCTIONS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for the acquisition of licenses for the use of spectrum in any competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 7. PROHIBITION ON USE OF FUNDS BY INCUMBENT CABLE OPERATORS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for—

(1) the extension of any cable system to any area or areas for which the cable operator of such cable system has a cable franchise, if such franchise obligates the operator to extend such system to such area or areas; or

(2) the upgrading or enhancement of the services provided over any cable system, unless such upgrading or enhancement is principally undertaken to extend services to areas outside of the previously existing franchise area of the cable operator.

SEC. 8. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of—

(1) the administration of the provisions of this Act; and

(2) the financial position of each applicant who receives a loan guarantee under this Act, including the nature, amount, and purpose of investments made by the applicant.

(b) REPORT.—The Comptroller General shall submit to the Congress a report on each audit conducted under subsection (a).

SEC. 9. EXEMPTION FROM MUST CARRY REQUIREMENTS.

A facility of a satellite carrier, cable system, or other multichannel video programming distributor that is financed with a loan guaranteed under this Act and that delivers local broadcast signals in a television market pursuant to the provisions of section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338, 534, or 535) shall not be required to carry in such market a greater number of local broadcast signals than the number of such signals that is carried by the cable system serving the largest number of subscribers in such market.

SEC. 10. ADDITIONAL AVAILABILITY OF BROADCAST SIGNALS IN RURAL AREAS.

(a) OPENING OF FILING FOR ADDITIONAL TRANSLATOR AND LOW-POWER STATIONS.—The Federal Communications Commission shall, in accordance with its regulations, open a filing period window for the acceptance of applications for television translator stations and low-power television stations in rural areas.

(b) DEADLINES FOR NOTICE.—The Commission shall announce the filing period window no less than 90 days prior to the commencement of the window.

SEC. 11. IMPROVED CELLULAR SERVICE IN RURAL AREAS.

(a) REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.—

(1) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in paragraph (3), the Commission shall—

(A) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(B) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(2) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to paragraph (1)(B), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(3) PROCEEDING.—The proceeding described in this paragraph is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P, Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

(b) CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.—

(1) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(2) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radiotelephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of subsection (d)(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(3) CALCULATION OF LICENSE FEE.—

(A) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(i) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(ii) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(B) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by subsection (a)(1)(B), the Commission shall notify each applicant of the fee established for the license associated with its application.

(4) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to paragraph (3) for the license granted to the applicant under paragraph (1).

(5) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to subsection (a)(1)(B), the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under paragraph (2) of this subsection, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to subsection (a)(1)(B) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(c) PROHIBITION OF TRANSFER.—During the 5-year period that begins on the date that an applicant is granted any license pursuant to subsection (a), the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to subsection (a) from contracting with other licensees to improve cellular telephone service.

(d) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term ''covered rural service area licensing proceeding'' means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term ''tentative selectee'' means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

SEC. 12. TECHNICAL AMENDMENT.

Section 339(c) of the Communications Act of 1934 (47 U.S.C. 339(c)) is amended by adding at the end the following new paragraph:

''(5) DEFINITION.—Notwithstanding subsection (d)(4), for purposes of paragraphs (2) and (4) of this subsection, the term 'satellite carrier' includes a distributor (as defined in section 119(d)(1) of title 17, United States Code), but only if the satellite distributor's relationship with the subscriber includes billing, collection, service activation, and service deactivation.''.

SEC. 13. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term ''affiliate''—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) UNSERVED AREA.—The term ''unserved area'' means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to local television broadcast signals from any commercial, for-profit multichannel video provider.

(3) UNDERSERVED AREA.—The term ''underserved area'' means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (4), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 14. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

SEC. 16. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE), the gentleman from Texas (Mr. STENHOLM), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Massachusetts (Mr. MARKEY) each will control 15 minutes.

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

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

Mr. Speaker, like many of my colleagues here today, I represent a congressional district that is not near a large urban center. The largest city in my district, Roanoke, has a population of slightly more than 100,000 people. However, folks in cities as large as Roanoke, Virginia; Honolulu, Hawaii; and Springfield, Missouri, are unlikely to benefit from the most important parts of legislation enacted last fall known as the Satellite Home Viewer Act.

This legislation, which I served as a conferee on with many of my colleagues here today, was designed to address a problem experienced by thousands of Americans who are frustrated that they either could not receive their local network signal or had to receive a poor quality local network signal through a rooftop antenna rather than receive a network signal through their satellite provider. The bill addressed this by allowing direct broadcast satellite providers to immediately begin retransmitting local television broadcast signals into the broadcast station's area.

Consumers across the country expressed their support for this legislation and the availability of ''local-into-local'' technology. I know my office received thousands of letters and calls from constituents concerned about this issue. This new law allows satellite providers to become more effective competitors to cable operators who have been able to provide local over-the-air broadcast stations to their subscribers for years. It will also benefit American consumers in markets where local TV via satellite is made available by offering them full service digital television at an affordable price.

More importantly, these consumers will benefit from local news, weather reports, information such as natural disasters or community emergencies, local sports, politics and election information as well as other information that is vital to the integrity of communities across the country. Local TV via satellite is already available to satellite subscribers in America's 20 largest television markets. In these markets, DirecTV and Echostar, the existing satellite platform providers, have begun retransmission of affiliates of the ABC, CBS, NBC, and Fox broadcast networks. DirecTV and Echostar have also announced their intention to begin retransmission of local TV stations in an additional 20 or 30 television markets over the next 24 months.

Ultimately, the two existing satellite platform providers will provide local TV via satellite to households in most if not all of the 50 largest television markets in the United States. However, there are 211 television markets in the United States, and in excess of 100 million U.S. TV households. As this chart illustrates, the red dots indicate cities that have been served effective January 31 of this year, and the yellow dots are announced or probable cities. The rest of the country, including 161 television markets, is not going to be served by the legislation we passed last fall.

Therefore, if matters are left solely to the initiative of the existing satellite platform providers, more than 50 percent of existing satellite subscribers, over 6 million households, will continue to be deprived of their local TV stations; more than 60 percent of existing commercial television stations, over 1,000, will not be available via satellite; and more than 30 million U.S. TV households will remain beyond the reach of local TV via satellite. Put another way, local TV via satellite will not be available in 27 States.

So while the law enacted last fall has eliminated the legal barriers to delivery of local TV via satellite, it alone will not assure delivery of local TV via satellite to the majority of local TV stations and satellite subscribers. For that reason I have joined with my colleagues in the House to introduce legislation that will assure that all Americans, not just those in the most profitable urban markets, did receive their local TV signals in a way that provides local information in a competitive environment for consumers.

This legislation represents a hard-fought compromise between versions reported by the House Agriculture and House Commerce Committees. I want to express my appreciation to members of both committees for their willingness to work together to reach this agreement. The substitute authorizes the administrator of the Rural Utilities Service, with the approval of the National Telecommunications and Information Administration, to administer loan guarantees not exceeding $1.25 billion for providing local broadcast TV signals in unserved and underserved markets.

The loan guarantees will be approved by a board consisting of the Secretaries of Agriculture, Commerce and Treasury. The loan guarantee may not exceed 80 percent of a loan, and the board may not approve a loan guarantee for a project that is designed to serve primarily one or more of the top 40 markets. The substitute also includes restrictions on which lending institutions can qualify for loan guarantees. Under this compromise, the board should give priority consideration first to unserved areas, then to underserved areas.

Unserved areas are defined as areas outside Grade B where there is no access to local signals from a for-profit multichannel video provider. Underserved areas are defined as those areas outside Grade A where there is no more than one for-profit multichannel video provider. In addition, the compromise requires that the value of collateral provided by the applicant must be at least equal to the unpaid balance of the loan amount covered by the loan guarantee. The loan guarantee may not be used for the acquisition of spectrum and funds cannot be used by incumbent cable companies in their own franchise territories.

In addition, under the compromise, the system providing local signals shall not be required to carry in a market a greater number of local broadcast signals than the number of such signals that is carried by the cable system serving the largest number of subscribers in that market. This is different than the version of the legislation that I introduced which applied full must-carry rules to the program.

Mr. Speaker, legislation similar to this bill was sponsored by Senators GRAMM and BURNS and passed the Senate on March 30 by a vote of 97–0. I want to particularly thank Senator GRAMM and Senator BURNS for their help. Senator BURNS represents the State of Montana, a rural area that is vitally impacted by this legislation; and he is to be commended for his leadership in the Senate as is Senator GRAMM for his leadership in getting this, legislation passed through the United States Senate.

The bill is crucial for Americans in rural and smaller markets who rely on their local television stations for news, politics, weather, sports, and emergency information. Local television is often the only lifeline folks have in cases of natural disasters such as hurricanes, tornadoes, blizzards, earthquakes, or flooding. The bill's language to encourage the delivery of local television signals to these constituents in America will not only benefit consumers, it will save lives.

Mr. Speaker, in closing, I want to thank several individuals here, most importantly my colleague from my adjoining district in Virginia (Mr. BOUCHER) whose leadership both in the conference last year and getting us to this point in this legislative process today has been absolutely vital. He too has a district like mine that badly needs this legislation, but he too recognizes the importance of this to all of America. I also want to thank the gentleman from

Louisiana (Mr. TAUZIN), the chairman of the subcommittee, who has been vitally important in crafting good legislation in the Committee on Commerce and his full committee chairman, the gentleman from Virginia (Mr. BLILEY), for their input. In the Committee on the Judiciary, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Illinois (Mr. HYDE) have made a great contribution. And then the primary committee, the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM), have also provided valuable support for this legislation. I thank them all.

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

Mr. STENHOLM. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 3615. H.R. 3615 was introduced on February 10, 2000, and was referred to three different committees, Judiciary, Commerce and Agriculture. The House Committee on Agriculture unanimously approved this bill on February 16. The Committee on Commerce approved their version on March 29. The Committee on the Judiciary was discharged from consideration on March 31. The legislation before us today is a compromise between the agriculture and commerce committees. The bill establishes a loan guarantee program within the United States Department of Agriculture Rural Utilities Service for the purpose of providing local broadcast television signals.

This bill under consideration today was originally included as a provision in the Satellite Home Viewer Improvement Act that was enacted last year. Unfortunately, these provisions were deleted from the final version of the bill. The Satellite Home Viewer Improvement Act permits satellite companies to retransmit local network signals back into its local market area and gives consumers greater access to network television stations by allowing satellite television companies to effectively compete with cable television providers.

Today's rural Americans do not benefit from the competition provided in the Satellite Home Viewer Improvement Act. DirecTV and Echostar, the U.S.'s only satellite television providers, will not offer local-into-local broadcast television service in rural television markets. The loan guarantee proposed by H.R. 3615 will make it technologically and financially feasible for entities to develop technologies that will bring local-into-local broadcast television service to smaller rural television markets.

I am pleased that cooperative lenders such as CoBank and the National Rural Utilities Cooperative Finance Corporation are eligible to participate in the loan guarantee program under section 4(d) of the bill. Their expertise, capacity, capital strength, and experience in providing financing to rural utility service borrowers should help to make this program a success. People living in rural areas need to have access to their local broadcasters' programming, local news, weather, sports, and, most importantly, emergency information services. Local television is one of our most vital safety information sources in times of natural disasters or other emergencies. This legislation promises to both improve consumer quality of life and more importantly save lives.

Mr. Speaker, I urge my colleagues to support this legislation.

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

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

Mr. Speaker, I rise in strong support of this bill and urge my colleagues to do so, too. Last year this Congress passed a bill that would enable satellite carriers to provide consumers with access to their local broadcast signals, but there is a problem. It is because satellite carriers by their own admission have no capacity and no plans to offer this new local-into-local service to the Nation's smallest markets. They plan to offer them to the top 70 markets approximately, serving about 70 percent of American television households. That leaves out 30 percent of American households and well over 100 smaller markets.

Now, this bill will remedy that. The bill authorizes the Department of Agriculture to provide up to $1.25 billion in loan guarantees, not loans, loan guarantees, to cable and satellite companies that plan to offer this local-into-local broadcast service to rural consumers across America. It is important to note that while local-into-local satellite technology is an important step, it is not the only technology that might be capable of achieving this objective. A variety of terrestrial services, for example, both wireless and wired can serve the same goal and hopefully will.

It is for this reason that in the Committee on Commerce, we worked to ensure that the bill was technologically neutral. We should not and we do not in this bill pick the winners and the losers. The bill is about enabling everyone the same opportunity to receive multichannel access to broadcast signals. From here on out, it is up to the marketplace to decide who wins and who loses.

Let me also say that on the Committee on Commerce my colleagues and I made a number of other changes to the bill that protect the interest of taxpayers here. For example, we designated an interagency board that will approve the loans under this program. We also capped the loans to 80 percent of the amount borrowed, so the guarantee is only up to 80 percent. We ensure that the American taxpayer's lien would be superior to any other lien that might be against the property of a borrower. On balance, this is indeed a bill worthy of my colleagues' support. It is balanced and fiscally responsible. I urge its adoption.

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

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is a bill that has some good parts and some not so good parts. It does seek to advance the goal of ensuring that there is access to satellite-delivered local TV stations in every community in the United States.

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Without question, as it came out of committee, there were provisions that would have really hurt other competing companies, such as North Point, that have, thank goodness been removed. As well, the loans cannot be utilized to go bid at FCC auctions, and there are other provisions which ensure that the loans cannot be used for operating, advertising, or for promotional expenses. So there are some safeguards which have been built in here.

I think that the bill can be further protected. My hope is that between now and the conclusion of the conference committee, that we will be able to achieve the goal of ensuring that this bill advances solely competitive purposes, and is not used for any other purpose.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as many know, this was an important part of the legislation from last session concerning the Satellite Home Viewers Act. I believe the citizens in rural areas, particularly those in the Sixth District of North Carolina, deserve the same opportunities others have to be served by local broadcasters.

It is important to proliferate local stations serving local areas so all can receive their local news, local community service and particularly emergency weather updates for that area. To demonstrate how important this is, you only have to ask my fellow citizens from eastern North Carolina who were victimized by those tragic floods just last year. It is my hope that this legislation serves as a catalyst, Mr. Speaker, for accomplishing that goal.

It is my further hope that the Senate will take the bill and enact it. If it does not, any conference may be tempted to expand the reach of the current legislation.

I am glad the Committee on the Judiciary was able to assist in moving this bill quickly, and I reiterate the interest of the gentleman from Illinois (Chairman HYDE) in our participation

in any such conference, but hope we can move it quickly into law.

Finally, Mr. Speaker, I think the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Virginia (Mr. GOODLATTE) were the lead dogs, if you will, on this legislation. They were tireless in their efforts, and I commend them for that.

Mr. STENHOLM. Mr. Speaker, I yield 4 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I live in rural America, and I represent a predominantly rural district. I also cochair the Congressional Rural Caucus. This is an issue that is critical to rural America, and, indeed, critical to all Americans.

It is essential that rural Americans not be treated as second-class citizens who are denied access to local television stations for news, weather, sports, and emergency information. Indeed, one need not look further than my own district in eastern North Carolina to see the critical role that local television news play when disasters such as hurricane, tornadoes, blizzards, earthquakes, or floods strike.

Last winter a fast-moving snowstorm with near-blizzard conditions left a record snowfall of 23 inches in parts of my district. Last fall, three hurricanes and a subsequent 500-year flood left flood waters that covered nearly 20,000 square miles of North Carolina, a land mass greater than the size of the State of Maryland. It took weeks for the flood waters to recede, and disaster relief efforts are still going on to date.

Local news provides vital information on safety procedures, emergency shelter, location, and how to obtain assistance. In addition, local television broadcasts of crop reports, local news, weather reports, public service announcements, and advertisements by local business are important to rural development.

Let me repeat that rural citizens in North Carolina, in fact, rural citizens in America, should not be disadvantaged and must have access to the same network and local television service at the same affordable prices as citizens in urban and suburban areas.

The Rural Local Broadcast Signal Act established a $1.2 billion loan guarantee to help finance satellite companies in unserved and underserved rural areas. It is clear that without this financial incentive of a loan guarantee program, many rural markets of the country would not have access to local television signals via satellite.

The economy of scale in rural areas has to be compensated because the private sector will not and cannot provide the expensive initial investment needed. A Federal loan guarantee program will enable affordable capital to be available to finance satellite systems for the delivery of local television signals. I am pleased that the committee saw fit to exclude a potentially damaging amendment that would have delayed the entire loan program for 90 days pending certain testing. Such an amendment would have been unnecessary and harmful.

I am also pleased that the cooperative lenders such as CoBank and the National Rural Utilities Cooperative Finance Corporation are eligible to participate in the loan guarantee program under section 4(d) of the bill. Their expertise, capacity, capital strength, and experience in providing financial assistance to rural utility service borrowers should be used and has been valuable in the past.

Mr. Speaker, I support the establishment of a loan guarantee program, and I urge all of our colleagues to support this very necessary legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to my friend and mentor, the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, permit me to take this opportunity to thank the gentleman from Louisiana (Mr. TAUZIN), the distinguished subcommittee chairman, and the gentleman from Virginia (Mr. GOODLATTE) for bringing this measure to the floor at this time and permitting me to speak in support of this legislation.

H.R. 3615, the Rural Local Broadcast Signal Act, was introduced in response to the announcement by the major satellite carriers that, following enactment of the Satellite Home Viewer Act last fall, satellite carriers would be providing only newly authorized local network TV broadcast services in the largest markets, rather than the more rural areas. These satellite providers have stated it is not economically feasible to provide such service to our rural areas. Since many rural areas of our Nation are not served by broadcast TV or cable service, legislation is necessary to encourage the delivery of local network TV service to our rural Americans. This legislation amends the Rural Electrification Act of 1936 in order to provide local TV networks to rural satellite customers.

Mr. Speaker, the purpose of this bill is to ensure improved access of local TV signals into unserved or underserved rural areas by December 31, 2006. The bill is languaged to provide local TV signals to rural Americans, which will not only benefit consumers, but it can save lives.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Virginia (Mr. GOODLATTE) for introducing this important measure and affording me the opportunity to include my legislation, H.R. 1817, as a provision of the bill.

Accordingly, I urge our colleagues to fully support this important measure for all the rural communities throughout our Nation.

Mr. TAUZIN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER), the ''lead dog'' on the Democratic side on this bill.

Mr. BOUCHER. Mr. Speaker, I thank my friend from Massachusetts for yielding me time.

Mr. Speaker, I rise in strong support of this measure in which I am pleased to join my colleague, the gentleman from Virginia (Mr. GOODLATTE), as principal cosponsor. The passage of this legislation is urgently needed. It offers the only opportunity for residents of medium-sized and small cities and virtually all of rural America to benefit from the new service that delivers local television signals to homes with satellite dishes.

Last year we enacted a new law which, for the first time, enabled satellite television companies to deliver to satellite dish owners local television signals in addition to the national programming that these companies have traditionally offered. That was the good news.

The somewhat less than good news is that those companies have decided that they can only make a profit by offering the new local into local service in the largest cities. Accordingly, medium-sized and small cities and rural portions of the Nation will not be served by the commercial companies.

Of the 211 local television markets in the Nation, at most 67 will receive the commercially provided local into local satellite television service. The bill that the gentleman from Virginia (Mr. GOODLATTE) and I have put forward is designed to fill the gap. Our intent is to create a means for every person who desires the service to have access to his local television stations delivered by satellite. Then, for the first time, there will be on a nationwide basis a truly viable competitive alternative to cable television. With the addition of the local TV service, satellite companies will be able to offer exactly the same programs, including local broadcast signals, that cable television has traditionally offered.

For the first time, cable rates will be set through a competitive market and will be restrained. For the first time, the residents of many rural regions, such as the mountainous portion of Virginia that the gentleman from Virginia (Mr. GOODLATTE) and I represent, who are blocked from the receipt of local TV signals because of mountainous terrain, will be able to view with a clear digital signal the local stations which are broadcast in their area.

We will achieve these goals by providing a Federal loan guarantee in the amount of $1.25 billion through which a self-sustaining affordable service offering local TV signals by satellite can be launched on a nationwide basis. By this means, the residents of all 211 local television markets in the Nation will soon

receive the new local into local satellite delivered television service.

I want to commend my friend and colleague from Virginia (Mr. GOODLATTE) for his leadership, as together we have structured this approach and brought the bill to the point of passage in the House today. It is a pleasure to work with the gentleman as we advance the interests of all rural Americans.

I also want to thank the chairmen and ranking members of the Committee on Commerce and the Committee on Agriculture for their excellent cooperation in bringing the measure to the floor. With the step that we are taking, we can assure that local news, sports, emergency announcements, weather reports, and community service programming that contribute to the broad popularity of local television broadcasts are available, not just in the largest cities, but in all television markets throughout the Nation.

Mr. Speaker, I am pleased to join with the gentleman from Virginia (Mr. GOODLATTE) and others who will speak in urging the approval of this measure by the House today.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GOODLATTE.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute considered as adopted to H.R. 3615 under the order of the House of earlier today be the amendment in the nature of a substitute that I have now placed at the desk, which shall be considered as read.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I do so for purposes of clarifying if the original colloquy that I had a moment ago still applies to the amendment in the nature of a substitute that you have placed at the desk?

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

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

Mr. GOODLATTE. Mr. Speaker, the gentleman is correct.

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

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

There was no objection.

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

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GOODLATTE

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Local Broadcast Signal Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Rural television loan guarantee board.
Sec. 4. Approval of loan guarantees.
Sec. 5. Administration of loan guarantees.
Sec. 6. Prohibition on use of funds for spectrum auctions.
Sec. 7. Prohibition on use of funds by incumbent cable operators.
Sec. 8. Annual audit.
Sec. 9. Exemption from must carry requirements.
Sec. 10. Additional availability of broadcast signals in rural areas.
Sec. 11. Improved cellular service in rural areas.
Sec. 12. Technical amendment.
Sec. 13. Definitions.
Sec. 14. Authorizations of appropriations.
Sec. 15. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in unserved areas and underserved areas.

SEC. 3. RURAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the Rural Television Loan Guarantee Board (in this Act referred to as the ''Board'').

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Secretary of Agriculture, or the designee of the Secretary.

(C) The Secretary of Commerce, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4 of this Act.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by a vote of a majority of the Board.

SEC. 4. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5 of this Act), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 15 of this Act have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered principally to an unserved area or an underserved area (or both);

(B) the proceeds of the loan will not be used for operating, advertising, or promotion expenses;

(C) the proposed project, as determined by the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or an underserved area (or both), and is commercially viable;

(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

(I) is provided by any entity engaged in the business of commercial lending—

(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

(bb) if item (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis;

(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made for purposes of this Act by a governmental entity or affiliate thereof, or by the Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(III) for purposes of clause (i)(I)(bb), the term ''net equity'' means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved; and

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the ''Amount'' for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order: First, to projects that will serve the greatest number of households in unserved areas and the number of States (including noncontiguous States); and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's estimated cost per household to be served.

(B) PROHIBITION.—The Board may not approve a loan guarantee under this Act for a project that is designed primarily to serve 1 or more of the 40 most populated designated market areas (as that term is defined in section 122(j) of title 17, United States Code).

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with existing systems or devices predominantly in use.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of loans issued under paragraph (2)(A)) and Other Debt under paragraph (2)(B) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this Act—

(A) may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the ''applicable portion'') and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion; or

(B) may, as to a loan meeting in its entirety the requirements of subsection (d)(2)(A), cover the amount of such loan only if that loan is for an amount not exceeding 80 percent of the total debt financing for the project, and other debt financing (also meeting in its entirety the requirements of subsection (d)(2)(A)) from the same source for a total amount not less than 20 percent of the total debt financing for the project (''Other Debt'') has been approved.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this Act in order to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the ''Escrow Account'') established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (h) and (i) of section 5 of this Act, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(E) when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans

guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

SEC. 5. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the ''Administrator'') shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4 of this Act.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act;

(C) shall remain sufficiently capitalized; and

(D) shall submit to, and cooperate fully with, any audit of the applicant under section 8(a)(2) of this Act.

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii) of this Act.

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) MODIFICATION.—The Board may approve the modification of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the modification is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the modification is consistent with the underwriting criteria developed under section 4(g) of this Act;

(4) the modification does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the modification does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the modification.

(e) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) of this Act shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(f) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(g) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(h) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(i) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(j) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(k) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(l) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(m) FEES.—

(1) APPLICATION FEE.—The Board shall charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGINATION FEE.—The Board shall charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—Any fee collected under this subsection shall be used to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(n) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under

this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (e); and

(E) any other circumstances that the Board considers appropriate.

(2) LIMITATION ON TRANSFER OF LOAN PROCEEDS.—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(o) EFFECT OF BANKRUPTCY.—(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 6. PROHIBITION ON USE OF FUNDS FOR SPECTRUM AUCTIONS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for the acquisition of licenses for the use of spectrum in any competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 7. PROHIBITION ON USE OF FUNDS BY INCUMBENT CABLE OPERATORS.

Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for—

(1) the extension of any cable system to any area or areas for which the cable operator of such cable system has a cable franchise, if such franchise obligates the operator to extend such system to such area or areas; or

(2) the upgrading or enhancement of the services provided over any cable system, unless such upgrading or enhancement is principally undertaken to extend services to areas outside of the previously existing franchise area of the cable operator.

SEC. 8. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of—

(1) the administration of the provisions of this Act; and

(2) the financial position of each applicant who receives a loan guarantee under this Act, including the nature, amount, and purpose of investments made by the applicant.

(b) REPORT.—The Comptroller General shall submit to the Congress a report on each audit conducted under subsection (a).

SEC. 9. EXEMPTION FROM MUST CARRY REQUIREMENTS.

A facility of a satellite carrier, cable system, or other multichannel video programming distributor that is financed with a loan guaranteed under this Act and that delivers local broadcast signals in a television market pursuant to the provisions of section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338, 534, or 535) shall not be required to carry in such market a greater number of local broadcast signals than the number of such signals that is carried by the cable system serving the largest number of subscribers in such market.

SEC. 10. ADDITIONAL AVAILABILITY OF BROADCAST SIGNALS IN RURAL AREAS.

(a) OPENING OF FILING FOR ADDITIONAL TRANSLATOR AND LOW-POWER STATIONS.—The Federal Communications Commission shall, in accordance with its regulations, open a filing period window for the acceptance of applications for television translator stations and low-power television stations in rural areas.

(b) DEADLINES FOR NOTICE.—The Commission shall announce the filing period window no less than 90 days prior to the commencement of the window.

SEC. 11. IMPROVED CELLULAR SERVICE IN RURAL AREAS.

(a) REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.—

(1) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in paragraph (3), the Commission shall—

(A) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(B) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(2) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to paragraph (1)(B), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(3) PROCEEDING.—The proceeding described in this paragraph is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P, Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

(b) CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.—

(1) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(2) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radiotelephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of subsection (d)(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(3) CALCULATION OF LICENSE FEE.—

(A) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(i) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(ii) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(B) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by subsection (a)(1)(B), the Commission shall notify each applicant of the fee established for the license associated with its application.

(4) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to paragraph (3) for the license granted to the applicant under paragraph (1).

(5) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to subsection (a)(1)(B), the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under paragraph (2) of this subsection, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to subsection (a)(1)(B) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(c) PROHIBITION OF TRANSFER.—During the 5-year period that begins on the date that an applicant is granted any license pursuant to subsection (a), the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to subsection (a) from contracting with other licensees to improve cellular telephone service.

(d) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term ''covered rural service area licensing proceeding'' means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term ''tentative selectee'' means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

SEC. 12. TECHNICAL AMENDMENT.

Section 339(c) of the Communications Act of 1934 (47 U.S.C. 339(c)) is amended by adding at the end the following new paragraph:

''(5) DEFINITION.—Notwithstanding subsection (d)(4), for purposes of paragraphs (2) and (4) of this subsection, the term 'satellite carrier' includes a distributor (as defined in section 119(d)(1) of title 17, United States Code), but only if the satellite distributor's relationship with the subscriber includes billing, collection, service activation, and service deactivation.''.

SEC. 13. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term ''affiliate''—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) UNSERVED AREA.—The term ''unserved area'' means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to local television broadcast signals from any commercial, for-profit multichannel video provider.

(3) UNDERSERVED AREA.—The term ''underserved area'' means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (4), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 14. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

SEC. 16. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I do want to commend my colleague from Virginia for this work. A requirement on local broadcasters to obtain a license is to operate in the public interest. Emergency broadcasts and coverage is an example of their importance.

The great flood of 1993 is an example of local broadcasters covering emergencies, covering the levees, around the clock, notifying the public when levees broke so that lives could be saved.

In this new era of technology, last year we passed the Satellite Home Viewers Act to ensure that local broadcasts occur in local areas through direct satellite. Dropped on the cutting room floor was an assistance needed to assure local into local reaches all Americans. Rural America cannot be left behind. I am proud to be a cosponsor, have worked for its passage on the committee, and speak in support of the passage of this bill.

□ 1715

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time to me, and also I want to recognize the gentleman for the great work that he did to bring this issue to the floor and for his leadership on the issue.

I am an original cosponsor of the Rural Local Broadcast Signal Act. This takes us one step closer to closing the digital divide. Nearly 55,000 households in my home State of South Dakota receive their programming from satellite dishes. Over the last 2 years, I have heard from 1,400 of my fellow South Dakotans on this issue.

At the end of the last session when the loan guarantees were stripped from the Satellite Home Viewers Improvement Act, many people were left without reliable access to quality local television. For many who live in rural areas, satellite service is the only option. Now we have a chance to correct that and provide every rural viewer the opportunity to receive a clear, reliable signal from his or her local station.

Like so many of my colleagues, my State is prone to natural disasters, tornadoes, hailstorms, blizzards, and flash floods. Local broadcasters are civic-minded and provide emergency information for emergency situations. South Dakotans rely on those broadcasters for important weather-related information as well.

Local broadcast signals can save lives. While local television may not save every life, it often provides the very precious few seconds that are necessary to grab our loved ones and take cover. We owe it to rural Americans to make sure that they have the same quality access to telecommunications as those in urban areas.

No one wants to watch a network signal with poor quality. With today's technological innovations, no one should have to. On behalf of the 150 South Dakotans who rely on satellite television, I urge the passage of this important legislation and quick consideration in the conference.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to my friend, the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, do not be fooled into thinking that this is not a controversial issue. This is. For those who are listening to the debate that we are having on the floor, it would seem that this thing is going to just steamroll through, but do not think there is not controversy surrounding this particular issue.

Let me read a couple of headlines about this particular bill that we are working on today. Here is one from the Washington Times, an editorial: ''Rural Rip-off.'' This is the bill we are voting on today, described as a ''rural rip-off'' in the Washington Times.

The Wall Street Journal says, ''Rural Utilities Invest Funds in Markets Instead of Local Projects, Audit Says.'' These are the people who are going to be applying for this $1.25 billion government subsidized loan guarantee.

In an editorial in the USA Today it is referred to as ''The Taxpayer Rip-off in Progress.'' That is the bill we are discussing here this evening.

Let me read just a few of the comments in these articles. First of all, let me say that this is a program designed to give loan guarantees to people who do not need it to fund projects that are not needed.

We have heard a variety of speakers speak on the floor today and talk about, this is to provide local service. Not true. Local into local is the term. That is not true. The definition in the bill says that all these loans are available, as long as they do not have access to local television broadcast signals from not more than one commercial for-profit multi-channel video provider.

So if one already gets local into local through the cable service, these monies are still available to them, so they can have local into local that is providing the local weather, the local crop reports, and so forth, and still be eligible to receive this money.

What this is really about, and Members need to understand this, this is very important, what it really is about is providing government subsidies to create competition with the private sector. That may be an unintended consequence, but that definitely will be a consequence if this bill goes through, which I anticipate it will.

We will be subsidizing businesses with government loan guarantees so they can compete against people in the private sector. That should send a chill throughout Congress and the rest of the United States, that here we have the United States Congress getting ready to vote on a bill that provides $1.25 billion of taxpayer loan guarantees to subsidize business to go out and compete with the private sector.

That is a problem. That is a real problem. All who own small businesses or own big businesses, how would they like the government jumping into their business, subsidizing some competition for them? That is not the intention, I do not believe, the Founders of the Constitution had. I do not think it is necessarily the intent of the authors of this bill, but it will be the unintended consequence of the bill.

I would urge my colleagues to vote no.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I rise in support of this legislation. As an original cosponsor of this bill, I know how important it is that everyone have access to their local TV stations. Locally-broadcast TV is most Americans' primary source of news, weather, and emergency information. But in my district and in rural areas across this country, many people cannot watch their own local stations. The hills and valleys in Santa Barbara and San Luis Obispo Counties preclude thousands of my constituents from receiving local TV over the air.

Some of my constituents do not have affordable access to cable, or they want a different choice. Many of them turn to satellite TV, but they could not get their local stations over the satellite.

So last year we passed legislation allowing so-called local into local broadcasting. But we knew then what we know now, most markets in the country will not be covered. Outside the top 40 media markets, local into local broadcasting is not going to happen because there is not enough money in it.

Citizens in places like the Central Coast of California still will not have access to their local stations through satellite TV, and local broadcasters still will not be able to get their signals to people who need them most, the folks in their own communities.

This is simply unfair to my constituents and to millions of other Americans in rural and underserved areas. The loan program that this bill sets up will help to bridge this gap, so I urge my colleagues to support this critically important bill. Our constituents in rural America deserve access to their local stations.

This bill is fair, this bill is just, it is worthy of our support.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. STENHOLM. Mr. Speaker, I yield 1 additional minute to the gentleman from Wisconsin.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KIND) is recognized for 2 minutes.

Mr. KIND. Mr. Speaker, I thank the gentlemen for yielding time to me.

Mr. Speaker, I rise today as a strong supporter of H.R. 3615. I commend my colleagues on the compromise that they reached and worked out in this legislation, especially the two gentlemen from Virginia, the respective chairs and ranking members of the committees.

This legislation is vitally important for my constituents because it is vitally important to rural America. My congressional district is predominantly rural, with a population in the largest city of about 55,000 people.

Western Wisconsin has numerous small towns, villages, and individual farms nestled in the valleys of its rolling hills and bluffs. Due to poor reception with normal antennas, many constituents purchase satellite dishes for television reception. Unfortunately, these local satellite dishes do not provide local television coverage.

Farmers in rural areas rely on their local news to provide weather forecasts, parents rely on local news to alert them to school closings, every constituent relies on local news to warn them of impending weather emergencies. In my district, access to local news through satellite television is not a luxury, it is oftentimes a matter of life and death.

Passage of the Home Satellite Viewers Act last year was a big step towards ensuring local access for my constituents who rely on satellite dishes. Unfortunately, it was incomplete. H.R. 3615 creates an 80 percent loan guaranty program that will help satellite or other technology companies build the infrastructure to guarantee local access to rural areas.

My colleagues in urban communities are already seeing local access because it is cost-effective to provide it in those areas. It is not, however, cost-effective in rural America. That is why this legislation here today is vitally important to the people I represent.

I urge passage of H.R. 3615.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as an original cosponsor of the loan guarantee program, I am particularly pleased with the bill's fiscally responsible plan that will ensure that all consumers, specifically those in medium and small markets, will have access to local broadcast signals. The only cities that will enjoy local network broadcasting over their satellite systems under the current system will be those with millions of television households.

As we all know, the largest TV markets are currently enjoying local into local service over their satellite systems because of the hard work of the Committee on Commerce in passing the Satellite Home Viewers Act. The legislation before us today allows Congress to finish the job by providing that same service to rural Americans.

Wyoming is a perfect example of why we need to pass this legislation. The two largest TV markets in Wyoming are Cheyenne and Casper. They rank number 196 and 199, respectively. Even under the most optimistic local into local plans, Wyoming television viewers would probably never receive local into local service without the loan guarantee provision that is included in this bill.

I can only say that in lieu of mandating that satellite and cable providers serve rural areas, this is our only option. I am committed to moving this piece of legislation so that rural television customers can enjoy the same local television programming as our urban friends.

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I do believe that this bill, in its present form, has yet to reach its pluperfect form of acceptability. However, I think that for the time being, as it moves through this floor consideration, that it perhaps does merit the support of the Members.

However, just so that the Members can understand, this bill does not require some of the largest corporations in America to actually first have gone into the financial marketplace and established that they cannot obtain these loans from a commercial financial institution. Instead, what it does is it assumes that they cannot receive them.

One of the things that we I think should think about before we finally return from a conference with the Senate is whether or not we just might want to ensure that some of these huge corporations, if they can find the financing on their own, should not be able to avail themselves of publicly guaranteed funding, even if it would be at better interest rates than they could get in the free market.

I think that is something that we are going to have to consider, because these are some of the most well known corporations in America that we are putting this bill through to guarantee that they are going to be subsidized. In other words, we are not taking care of small farmers here, we are talking here about large multinationals.

That is something that I think at the end of the day we can find a resolution for; that we do not, in other words, reenact mistakes in the past where we wind up subsidizing those that do not need it and, unfortunately, in other bills that pass through this body, we wind up not giving any kind of help to those that are most in need in our country.

Hopefully, as the process evolves and as we seek to perfect this legislation through the conference committee, we will be able to achieve those ends.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. COX).

Mr. MARKEY. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California (Mr. COX) is recognized for 4 minutes.

Mr. COX. Mr. Speaker, I thank both of my colleagues for yielding time to me.

Mr. Speaker, I share the goals of the sponsors of this legislation. The fundamental problem is simple: There are,

according to the Congressional Budget Office, 3 million people in America who do not get over the air free television and who do not get cable, so they cannot get their local TV, 3 million people.

□ 1730

Now, until 1999, Congress made it illegal for satellite TV providers to put local stations into the homes of those people. We fixed that with SHVA, with the Satellite Home Viewer Act, a short while ago; but there remains a catch. In order to deliver even one local station into a market, the satellite provider has to deliver all of the locally originated stations.

Now naturally, the satellite providers trying to make money are going to start with the big markets like Los Angeles and New York, and in my TV market of southern California, where Los Angeles dominates, there are so many locally originated TV stations, scores of them, that it fills up all the satellite capacity.

What we have essentially said, by way of Federal regulation, is that it is more important for people who live in big TV markets, in big cities, to get all of the locally-originated TV stations, even if they do not have any local content by the way, than it is for people who live in rural America to get just one. We are doing nothing about that unfair mandate in this bill.

Now, I want to draw the attention of my colleagues to the fact that the procedure that we are using to pass this bill today does not permit any amendments. In the Committee on Commerce, where we worked very hard on this issue, I offered an amendment that passed in subcommittee that would have addressed the very reason that rural America is not getting service from satellite TV today. We passed that amendment in subcommittee. We lost it in full committee. I would like to have brought it to the floor and directly address the problem that we are facing in America today, and that is not enough local TV for this group of 3 million people.

But instead of lifting that Federal mandate, which the satellite providers tell us would permit them to get 80 million more people, instead of doing that we are going to create a brand new Federal program. We are going to take one of the oldest, stodgiest, failing bureaucracies that we have in Washington, the former Rural Electrification Administration, which is on a covert mission now that we will not recognize it to change its name to the Rural Utilities Service, and get a new lease on life, we are going to give them a billion dollars to go help these 3 million people. We are going to put them in the business of trying to compete with for-profit satellite TV companies, and one of the two biggest in America still is not making money.

The Congressional Budget Office tells us that the Rural Utilities Service is writing off billions of dollars in their existing loan portfolio left and right, at taxpayer expense, and that about 30 to 40 percent of the loans that are going to get made under this program are likely to be written off. So one can look at the cost of this program right up front is about $400 million.

The Rural Utilities Service, which we are putting in charge of this, does not know anything about which technology, which TV technology, to invest in. They may know something about agriculture. They are part of the Department of Agriculture. But they certainly do not know anything about which technology to bet on.

The loans that we are going to be providing have a term of 25 years. Does anybody in this Chamber understand what the digital information marketplace is going to look like 25 years from now? Would someone want to make a competitive bet to go into this market in competition with the Federal Government, with the Department of Agriculture, on their side? That is what we are doing in this legislation.

It is an extremely unlikely assumption that the Federal Government is going to make money in the satellite TV business, but one thing we know for sure nobody who lives in a rural area is going to get anything but pay TV under this proposal. Free, over-the-air TV, which the Government usually subsidizes, is not helped by this proposal.

I urge my colleagues to take a hard look at this, to ask why it is that it is being rushed through here without any opportunity to amend it; why we are giving a 70-year-old bureaucracy so much power, and I ask my colleagues to vote it down.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I just want to take a few minutes to thank the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. BOUCHER) and the chairpeople of the respective committees for the great work that they have done. I have heard what the gentleman from California (Mr. COX) has said and the gentleman from Oklahoma about the fact that this might not be the best means by which to give people who have no access to any kind of signal at all the opportunity to find out if they have emergency flooding, whether a tornado is coming, whether like where I live an earthquake is perhaps going to happen. I just cannot tell the folks in my district, which is very, very rural and very remote in some areas, that it is not fair that people who live in big cities can get access to their local news; they can get it, but you cannot have it because nobody wants to come and give it to you.

I do not know how to answer the thousands of questions that I have gotten about this without giving them the opportunity to have their local news provided by satellite, because they do not have any other way to get it, Mr. Speaker. So I would just ask my colleagues who come from more metropolitan areas to try to understand what it is like for those of us who represent people who not only do not have access to satellite and/or cable, certainly cannot get any local news because there are not any local news stations within 200 or 300 miles, but a lot of these people do not even have running water in their homes. They deserve to have a break and they deserve to be on a level playing field with all of our folks in the cities, and I am just very happy that we are going to pass today, I hope, a bill to give all Americans an equal shake.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members that the gentleman from Virginia (Mr. GOODLATTE) has 2½ minutes remaining, the gentleman from Texas (Mr. STENHOLM) has 6½ minutes remaining, the gentleman from Louisiana (Mr. TAUZIN) has 3 minutes remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 4 minutes remaining.

Mr. STENHOLM. Mr. Speaker, might I inquire what would be the order of closing.

The SPEAKER pro tempore. The order of close would be the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Texas (Mr. STENHOLM), the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I commend the chairmen of a number of committees that have had jurisdiction over this issue. I co-chair with the gentleman from Louisiana (Mr. TAUZIN) a task force on rural technology and have taken a long interest and a strongly held belief that if rural America is going to survive, it is going to be because we have equal access to technology and telecommunications.

One of the issues that has impacted the constituents of Kansas greatly is this issue of whether or not they can receive local programming, local-to-local programming, on their satellite networks. A typical constituent letter: We live in Madison. We are unable to receive network programming, ABC, CBS, NBC or Fox, with a rooftop antenna that would be suitable to watch. For 20 years we have received our programming through a satellite dish. We now get network coverage from cities like Denver, Chicago, Dallas, and New York; but here is the problem: We cannot even qualify to access local broadcasting because we are in a designated marketing area that is too close to have local television.

It matters to Kansans as a matter of public safety. Weather is important to us and agriculture, and I urge the passage of this bill and appreciate the consideration that our committees have given to this topic.

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

Mr. Speaker, this satellite revolution is something that is changing the very face of the video marketplace in the United States. Back in 1992 when we passed the programming access provision, the gentleman from Louisiana (Mr. TAUZIN) and I and others were out here on the floor arguing that if we passed that that we would create a revolution, create an 18-inch dish that one could buy and put out between the petunias and bring down hundreds of television stations; and through the years now we have seen this revolution change how suburban and urban America relate to their cable companies.

This legislation is directed towards the last remaining pocket of resistance, that is, rural America. It is meant to remedy a problem that we think that we dealt with last year when we made it possible for urban and suburban television stations to beam up their local TV stations and then beam them right back down into the same marketplace. That is more difficult in rural America.

It is wise for us to look at this digital divide to make sure that rural America is taken care of. At the same time, it is also important for us to make sure that we do not subsidize that which would ultimately happen anyway in the private marketplace, and that is a very delicate, very thin line for us to be walking. I support this legislation at this time, but I hope as we move it further through the process that we have the willingness to be open-minded in terms of ensuring that we build in the protections, that we do not subsidize those that do not need subsidization, that we do not help those to compete in the private market that could compete in the private market on their own.

That said, it is important for rural America not to be left out. An aye vote on this legislation at this time is, in fact, something that I recommend.

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

Mr. Speaker, the reason why the gentleman from Massachusetts (Mr. MARKEY) and I and so many others came to the floor in 1992 to try to create the capacity of direct broadcast satellite to bring television programming to America was because at the time we had just gotten through deregulating the cable companies. We in Congress had taken away the power of local franchising authorities to regulate the monopoly cable company. We thought it was pretty important if we were going to be responsible for taking away the power of local governments to regulate the monopoly cable company that we ought to make sure consumers in America had a competitive choice. That is what it was all about.

In 1992, we had to fight our way over a presidential veto to accomplish that goal, but we accomplished it. We created the capacity of television satellites to deliver satellite programming in competition with cable, but we left one thing undone, and that was the capacity of those satellites to include the local network programming in the package.

So guess what? Satellites were born; direct broadcast satellite came into being. But it was an imperfect competitor. So last year we tried to perfect that 1992 legislation by giving the satellites the right to carry the local network programming in the package; in short, to give Americans a real choice.

Why? Because we had taken away the authority to regulate the monopoly. Well, guess what? In March of last year, all the authority to regulate from Washington monopoly cable ended. We allowed that to happen, but across America, outside of the 70 major markets that will be served by this new legislation last year, Americans will either have no multichannel delivery or will be afflicted with a single channel delivery system that is now unregulated.

We created, through this process of legislation, the possibility that many Americans will have only one choice for television programming. Today we cure that. Today we make sure that here in Washington we provide the loan guarantees, not the loans. We are not giving anybody a billion dollars. We are providing government-backed guarantees to make sure that the rest of America, in addition to the 70 major markets, the rest of America will have more than one choice.

Now that is the way we ought to behave. If we are going to take away power to regulate monopolies, we ought to always ensure that consumers have real choice because then consumers can regulate the companies by choosing which they want to reward with their money and which they want to punish by taking their business away.

With two providers in the marketplace, Americans will finally be protected. They will have choice and with choice will come fair prices. With choice will come fair packaging of products. With choice will come consumer regulation of the marketplace. I hope we pass this good bill.

Mr. STENHOLM. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman is recognized for 6½ minutes.

Mr. STENHOLM. Mr. Speaker, I rise again in support of the bill and associate myself with the remarks of the gentleman from Louisiana (Mr. TAUZIN) regarding the intent and want to use this time to perhaps clarify a few points that have been made, I believe, erroneously through no intent.

□ 1745

There has been a lot of quoting of newspaper articles and various interpretations of an OIG report that wrongfully implied that electric cooperatives were holding $11 billion in a portfolio consisting of financial instruments which was interpreted to mean stocks, bonds, and mutual funds.

There has also been an implying that the rural utility service has not been a good steward of taxpayer dollars. If my colleagues will check the record, they will find that the telecommunications program or the rural utility service has never incurred a default regarding loss of taxpayer funding. The electric distribution and water programs have incurred write-offs of less than 1 percent over their entire history of operation.

Let me just quickly talk about this $11 billion in cash or assets that supposedly could be redirected and financed, in this case, telecommunications. $2.5 billion of that is patronage capital. That is monies owned by the members of the cooperatives that are invested in the distribution and transmission lines that provide electricity and telephone service.

$795 million are capital term certificates which form a pool of funds for long-term loans for cooperative lending. $2.3 billion is in accounts receivable which are bills issued by cooperatives that are not yet paid by customers. $2 billion of this $11 billion is in operating capital. It is deemed a minimum prudent reserve level by utility accounting standards held by the distribution utilities. $2.8 billion of this $11 billion alleged dollars is in operating capital that is deemed a prudent reserve held by the power supply cooperatives.

These are just some of the investments that rural electrics and rural telephone cooperatives have today. What are they doing with it? Nine hundred and thirty electric cooperatives have invested $75 billion for 32,254 megawatts of generating capacity and 2,281,351 miles of line, which accounts for approximately half of the distribution lines in the United States.

I think it is grossly unfair of those who have been misinterpreting an OIG report for purposes of this particular bill. This bill is good in its intent. The rural utility service will continue to prudently manage taxpayer dollars, and the rural communities will be benefited, as has already been stated by this legislation.

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

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, in addition to all of those I thanked earlier, and there are just too many to recite everyone, I

want to also recognize the gentlewoman from North Carolina (Mrs. CLAYTON), the ranking member of my subcommittee; as well as the gentleman from Massachusetts (Mr. MARKEY); and the gentleman from Michigan (Mr. DINGELL), from the Committee on Commerce, for their assistance in helping get this legislation to this point.

But what I really want to do is thank the American people, because they are the ones who have driven this legislation more than anyone else. Many Members of Congress have received more mail, more phone calls, more e-mails on this issue than any other legislative issue in the time that they have served in Congress.

The reason is very simple. Look at the map. The red and yellow dots, they are going to get taken care of. The rest of the United States is not. Tulsa, Oklahoma is not going to get a local into local service without this legislation; Lexington, Kentucky; Roanoke and Lynchburg, Virginia, my communities in my district; Austin, Texas; Richmond, Virginia; Knoxville, Tennessee; Honolulu, Hawaii; Des Moines, Iowa; Green Bay, Wisconsin; Omaha, Nebraska; Spokane; Shreveport, Louisiana; New Orleans, Louisiana; Rochester; Tucson; Springfield, Missouri; Springfield, Massachusetts. The list goes on and on.

More than 160 television markets, more than 30 million households, nearly 75 million Americans, more than 1,000 television stations in those markets will not be served without the passage of this legislation. I urge my colleagues to join me in passing this bill.

Mr. BEREUTER. Mr. Speaker, this Member rises today in strong support of H.R. 3615, the Rural Local Broadcast Signal Act. This Member is pleased to be a co-sponsor of this important legislation, which will ensure improved access to local television signals in unserved or under-served rural areas.

Many rural families either cannot receive their local broadcast signals over the air, or are not offered cable service. It is important that we address this problem. Particularly in rural areas, local television broadcasts may be one of the few sources of emergency warnings and local news. In addition, local television provides weather, sports and special interest programming. Rural Americans, like their urban counterparts, need access to this important information.

Last year, the House passed the Satellite Home Viewer Improvement Act, which was ultimately signed into law. Satellite companies are now allowed to offer local network television signals to their subscribers. As a result of this bill, it is estimated that 70 percent of American households will eventually receive local broadcast signals. The remaining 30 percent of households, however, are found in sparsely populated areas, which will likely not be served under existing conditions. This legislation will ensure that these unserved or under-served areas are able to receive access to local television signals.

This bill authorizes the Rural Utilities Service (RUS) to provide loan guarantees to organizations for building or improving satellite, cable television and multi-channel video distribution infrastructure in under-served areas. The RUS will guarantee up to $1.25 billion in loans to multi-channel video service providers, including direct broadcast satellite licensees. Under the RUS, up to 80 percent of a private loan may be guaranteed and loans will be payable in full within 25 years or the useful life of the assets purchased. This bill also provides standards to ensure that the loans will be promptly repaid and that the borrower has adequate collateral and insurance to protect the interests of the Federal government. Projects providing service to the most underserved market areas will be given priority for these loans.

In closing, this Member encourages his colleagues to support H.R. 3615. This bill ensures that all Americans, including those in rural areas, receive reliable access to their local broadcast stations.

Mr. LAFALCE. Mr. Speaker, today the House takes up a bill that, once again, handpicks a specific industry in our economy, the satellite television industry, to receive government assistance in the form of loan guarantees. While the bill before us today represents an improvement over the bill included in last year's Satellite Home Viewer Improvement Act conference report, and largely reflects the bill reported out by the Senate Banking Committee, and enacted by the full Senate unanimously, I rise today to express strong concerns with the process by which H.R. 3615 was brought to the House floor.

Last summer, I rose before this chamber, and was joined by the Chairman of the Banking Committee, to oppose another government give-away in the form of loan guarantees to the steel, oil, and gas industries. I opposed that bill then because of its substantive flaws, and because taxpayers were being placed at undue financial risk. I also opposed the steel, oil, and gas loan guarantee program because this House, in an open circumvention of its standing rules, brought the bill to the floor without having first given the committees of jurisdiction the right to review the legislation and to deliberate it on its merits. The advantage of having committees of Congress examine legislation with vast implications for our economy, the Federal government, and taxpayers is that it prevents us from enacting bad laws that help an industry in the short-term (sometimes unwisely) but ultimately harm the taxpayers in the long-run, who end up having to bear the costs of defaulted loans and unsound ventures.

Mr. Speaker, we cannot, and must not, allow this House to flagrantly circumvent its own rules at the expense of the taxpayers.

Rule X, Clause 1(d)(5) of the Rules of the House of Representatives stipulates that all bills, resolutions, and other matters related to "Financial aid to commerce and industry (other than transportation)" are under the jurisdiction of the Committee on Banking and Financial Services. On November 18, 1999, the Majority Leader of this House assured the gentleman from Virginia, Mr. BOUCHER, the chief Democratic sponsor of this measure, on the House floor that "It is my hope that the relevant committees of jurisdiction will engage in a full debate and discussion of the merits of this loan guarantee package and move appropriate legislation forward expeditiously." I regret to mention that H.R. 3615, which provides financial aid in the form of loan guarantees to satellite companies, was not referred to a very relevant committee of jurisdiction, the Banking Committee.

When H.R. 3615 was introduced on February 10th, 2000, its proponent argued successfully that the loan guarantee program being proposed fell strictly within the Rural Utilities Service of the U.S. Department of Agriculture and that, therefore, the bill should not be referred to the Banking Committee. While this is a technical and spurious argument, the bottom line is that the Congress is acting on legislation to provide financial aid to the satellite TV industry and the bill should have therefore been referred to the Committee with clear jurisdiction over these matters—the Banking Committee. I should remind my colleagues that it was the Banking Committee that historically has enacted successful, and strong loan guarantee programs that have been profitable to the U.S. government—such as those for the Chrysler Corporation, the City of New York, and the Lockheed Corporation.

Moreover, I should note that the Commerce Committee, unlike the Agriculture Committee, added a Board to the legislation in an effort to ensure the program's accountability to the taxpayers. That Board includes the Secretary of the Treasury as a member. For those who mistakenly questioned the need to refer this bill to the Banking Committee because it was narrowly tailored for the USDA's Rural Utilities Service, the inclusion of the Secretary of the Treasury on the Board is reason enough for referral to the Banking Committee.

Mr. Speaker, the other chamber reported out a bill that was conceived in their Banking Committee. But in a truly ironic twist, and despite action by the House Agriculture and Commerce Committees on this bill, the bill we are considering today, with certain modifications made by the Commerce Committee on telecommunications matters strictly within their jurisdiction, is by-and-large the same product approved by the other chamber. While I am encouraged by this development, only because the substance of the Senate bill is an improvement over the originally introduced version of H.R. 3615, this House would have been better served by the advice, expertise, and input of its own Banking Committee.

Mr. Speaker, none of us disagree with the intent of this legislation—to make local TV signals available to rural areas via satellite. In principle, I strongly support the notion of bringing rural households the same information and access to telecommunications that urban residents currently enjoy. However, the Office of Management and Budget, which sets out requirements for Federal credit programs, continues to have specific concerns with certain provisions of both H.R. 3615 and S. 2097. Mr. Speaker, in order to protect the best interests of the taxpayers, and to provide important and meaningful input in the remainder of the process, I strongly urge inclusion of Members of the House Banking Committee on the conference committee so that our remaining concerns can be addressed.

Mr. MARKEY. Mr. Speaker, I rise in support of the bill. Mr. Speaker, the bill before us is an amalgamation of several provisions from the introduced bill, the bill reported by the Agriculture Committee and that of the Commerce Committee.

The bill includes a number of provisions that make eminent sense, such as prohibiting use of loans for operating, advertising or promotional expenses. Loans cannot be utilized to go bid at FCC auctions. Incumbent cable operators cannot obtain loans within their existing franchise areas. The bill also stipulates that the government guarantee may not exceed 80 percent of the loan amount. The bill on the floor today also does not contain language that would have disrupted plans for a promising new wireless technology pioneered by Northpoint technology. I think this deletion is a wise decision, reflects the desire of Congress that the FCC proceed consistent with provisions of last Fall's Satellite Home Viewer Act, and reflects as well the desire of Congress to promote ever more competition in our telecommunications marketplace provided that no harmful interference is caused to existing licenses.

Mr. Speaker, I rise in support of the bill despite some lingering concerns about this loan guarantee program. I support competition and increased consumer choice in telecommunications everywhere in America.

The bill before us proposes to establish a loan guarantee program, based upon the historic initiatives to provide rural America with electricity and telephone service, in order to provide subscription local-to-local television service. I continue to have reservations that providing local-to-local service is something that warrants a loan guarantee program of the magnitude proposed in the bill.

I also believe the bill ought to have provisions that require large, financially healthy, profitable companies to go to the commercial capital markets first to try to obtain a loan without a government guarantee before coming hat-in-hand to the government seeking a taxpayer-backed subsidy.

Promoting competition to cable is a laudable goal for telecommunications policy. Subsidizing competition to cable is something else altogether, especially when you consider that we have spent years trying to get subsidies out of our telecommunications markets. My hope would be that in conference with the Senate that we can further fine tune this bill and make it more market-oriented and competition-based.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill 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 bill.

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

Mr. COX. 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 375, nays 37, not voting 22, as follows:

[Roll No. 128]

YEAS—375

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

NAYS—37

Archer
Armey
Capuano
Chabot
Chenoweth-Hage
Coburn
Collins
Cox
DeLay
DeMint
Doolittle
Duncan
Ehlers
Fossella
Frank (MA)
Frelinghuysen
Johnson, Sam
Kasich
Kleczka
LaFalce
Largent
Linder
Manzullo
Miller (FL)
Miller, Gary
Paul
Rohrabacher
Royce
Salmon
Sanford
Sensenbrenner
Shadegg
Shays
Stearns
Sununu
Toomey
Wu

NOT VOTING—22

Baker
Bliley
Borski
Callahan
Clay
Cook
Cooksey
Doyle
Gallegly
Ganske
Houghton
LaTourette
McInnis
McIntosh
Miller, George
Myrick
Quinn
Ros-Lehtinen
Stark
Vento
Wexler
Young (FL)

□ 1810

Messrs. DELAY, KASICH and ARMEY changed their vote from ''yea'' to ''nay.''

Messrs. DAVIS of Illinois, GUTIERREZ, CROWLEY and HULSHOF changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TANCREDO. Mr. Speaker, please let the RECORD reflect that on rollcall vote 128, it was my intention to vote "no." The vote, "yes," was recorded in error.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3615, the bill just considered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1283

Mr. TALENT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1283.

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

There was no objection.

RADIO BROADCASTING PRESERVATION ACT OF 2000

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3439.

□ 1812

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

□ 1815

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

Mr. Chairman, I want to take this moment to inform the House that I intend to make a formal request upon the Department of Justice regarding a potential criminal violation of our statutes to the extent that the FCC, through its director and associate director of their political office, has apparently transmitted faxes to Subcommittee on Telecommunications, Trade and Consumer Protection legislative assistants and legislative directors urging support or opposition to the bill that is before the House today, in direct contravention to 18 U.S.C., section 1913, which provides that no part of the monies appropriated by Congress shall in the absence of express authorization be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence any Member of the United States Congress.

Mr. Chairman, today the House considers H.R. 3439, the Radio Broadcasting Preservation Act. At the outset, let me commend the sponsor of this bill the gentleman from Ohio (Mr. OXLEY) for his work on this legislation. Credit is also due to the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, for their extraordinary work in presenting the bipartisan compromise legislation that is before us today.

This language passed our full Committee on Commerce by voice vote last month.

Mr. Chairman, this bill represents a true compromise. It allows for the FCC to proceed with plans to implement a low-power FM radio service to address the community needs of many localities.

The original legislation introduced in January, which gained the support of over 120 cosponsors, would have prevented the FCC from issuing any of these low-power FM licenses and would have effectively killed the FCC's low-power program altogether.

The language that the House considers today offers the FCC significantly more latitude than the original bill would have.

First and foremost, the bill allows the FCC to immediately begin issuing licenses to low-power FM stations under the current interference standards used today to allocate spectrum on the FM dial. The FCC will thus be able to issue about 70 of these new licenses.

Furthermore, the bill institutes a pilot program to test the possible signal interference in nine geographic areas under the relaxed interference standards that the FCC recommends now.

Finally, and this is an important point, the bill maintains Congressional authority over any future changes made to the interference protections that exist in the FM dial today.

Let me take a minute to expand on this issue. The FCC has proceeded full steam ahead to implement this new service, even after learning about substantial concerns from both Republican and Democratic members of the Committee on Commerce.

We held a hearing to address these technical interference issues back in February. At that time, many members of our committee urged the Commission to proceed slowly with this program in order to carefully study the potential harmful effects on our Nation's airwaves. Without regard to these Congressional concerns, the Commission forged ahead and began implementing the program.

The bill correctly recognizes the need for Congressional oversight when it comes to such important issues as spectrum management. Before the FCC changes existing protections, protections that are as important to radio stations, public and commercial, as they are to radio listeners across America, I think it is imperative that Congress must have the authority to review any FCC changes over existing protections.

I will strongly oppose any amendment offered that would strip the Congress of its rightful oversight authority.

I trust the House will agree with me and recognize the tremendous movement that has been made in this compromise language to give the FCC authority to roll out low-power FM where there will be no interference and yet to do a pilot program before Congress gives it authority to indeed change its interference rules and allow further roll out of the program.

I urge my colleagues to vote in favor of the bill and against any amendments that would weaken it.

I want to point out again, Mr. Chairman, when the FCC uses money appropriated to it to lobby this Congress, my colleagues all ought to pay a lot of attention. It is a criminal violation, I believe, and I will ask the Department of Justice to investigate it. But when they go so far as to break the criminal laws of a country that prohibit this form of lobbying, we ought to really think about giving them authority to move forward before Congress says go forward on this important roll-out program.

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

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Chairman, yield myself 3½ minutes.

Mr. Chairman, the bill under consideration today, H.R. 3439, represents an extremely constructive and wise compromise reached in the Committee on Commerce over the future of low-power FM radio service.

I particularly want to commend my colleagues, the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Ohio (Mr. OXLEY), the gentleman from Virginia (Chairman BLILEY), as well as my good friend the gentleman from Louisiana (Mr. TAUZIN) for a reasonable, common sense solution to the problem which existed.

The compromise, which was entirely bipartisan, allows some low-power stations to be licensed under existing interference standards immediately,

some 70, and it then requires the FCC to establish a pilot program in a limited number of markets to determine precisely what the effects would be if these interference standards are relaxed in the future.

This is to protect broadcasters. It is to protect licensees. And it is, above all else, to protect the listeners of the FM radio spectrum.

By moving this theoretical question from the laboratory to the real world, all of us will be better able to judge whether or not permanent service, as envisioned by the FCC, should be permitted to move forward.

It should be noted that the FCC has here moved without any consideration of fact and without any careful scientific work. They have no understanding of whether or not or how much interference will be caused by the order which they have brought forward.

Great outrage existed throughout both the listener community and also through the broadcasting community. We are trying to see to it that a diversity of voices and views will be available to the American people, including a new low-power service. This, I believe, is beneficial.

We do not debate the question of whether low-power service would be beneficial to our communities. I happen to believe so. I have not heard any of my colleagues on either side of the aisle to dispute the value of adding more diversity to the airwaves.

Furthermore, I would note that neither the National Association of Broadcasters nor National Public Radio, both of whom are proponents of this legislation, have taken issue with the underlying goal of the FCC's recent order. But I would note that the legislation, as amended, does allow the project envisioned by the FCC to go forward under careful controls and under good understanding of the basic underlying scientific questions which have to be addressed.

The issue under debate here is simply whether the FCC's order would cause an unacceptable level interference and thereby disenfranchise large numbers of existing radio stations and, more importantly, their listeners. Because it is the listeners that we protect.

Put simply, we want to make sure that the FCC has done its homework and that it will do its homework and that no harmful interference will result from these new stations. The result, I think, is one that is in the public interest.

In any event, the bill, as originally introduced by my friend the gentleman from Ohio (Mr. OXLEY), simply would have repealed the FCC's order. That, I believe, was unwise. Many members of the Committee on Commerce, including myself, were not convinced that that was a proper solution. So we have come forward with a compromise which allows the matter to go forward and ensures that the FCC will act wisely and well upon the basis of science and fact.

Again, I want to compliment my colleagues who have made this possible, especially the gentlewoman from New Mexico (Mrs. WILSON).

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

Mr. TAUZIN. Mr. Chairman, I yield 6 minutes to the gentleman from Ohio (Mr. OXLEY), my friend, the principal author of the legislation, the vice chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection.

Mr. OXLEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, before I begin my remarks, I want to join the distinguished gentleman from Louisiana (Mr. TAUZIN), the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, in expressing my concern also for some of the overt lobbying that is going on from the FCC regarding this issue.

Virtually every Member of Congress has received this information from the FCC, which says, ''10 Reasons to Support Low Power FM Radio Service and to Oppose H.R. 3439, the Radio Broadcasting Preservation Act of 2000.''

This, basically, is lobbying no matter how we paint it and it is clearly, as the gentleman from Louisiana (Mr. TAUZIN) pointed out, against the law. This is something very, very serious when an independent agency can try to influence and ask for opposition to a particular piece of legislation.

But not only did they talk about the 10 reasons to oppose my bill, but then they added a letter from a labor union, the Federation of Labor and Congress of Industrial Organizations Legislative Alert, saying, ''Oppose the Legislation. Oppose the Oxley Bill.''

I do not think I can see any time in the 20 years I have been here a more blatant attempt to lobby this body by a so-called independent agency. It is an absolute outrage. I support the chairman for what he is trying to do in his referral to the Department of Justice.

Mr. Chairman, when we teach our children about good behavior, we teach them not to interfere with what other people are doing. We teach them not to step on other people's toes. And there is a lesson there for us today as we consider the direction of the low-power FM program.

The Chairman of the FCC, Mr. Kennard says he created this new, low-power FM licensing program to add new voices to radio. Well, that is great. And I will enjoy the option of having more choices in radio. And clearly, many of us on the committee supported the advent of low-power television. It has been a huge success.

But we also have to consider what happens to the incumbent stations, those people who have made an investment, many times their life savings, in a small radio station and what happens when those new stations may be developed impinge on their signal.

First, to address the so-called diversity issue, have my colleagues ever heard such a wonderful cacophony of voices that we hear in this democracy? Have we ever had more information, more kinds of media, or more outlets for our views? Anyone who takes an objective look must conclude that our country is rich in information and rich in public debate, as it should be.

So we are looking to add choices, not to subtract them. Remember, we are seeking to add choices in the consumers market without interfering with other existing services.

What our bill sought to do, clearly and concisely as I can say, was to say to the FCC, before they run full speed ahead in granting these licenses, make certain that the interference standards are adhered to, the interference standards of long tradition.

It is clear to me by the order of the FCC that they have ignored these requirements of making certain that we have a solid and significant sound for these people.

The private studies that have raised the questions time and time again have indicated that the growth of these stations in some areas may very well impinge upon viewers' ability to listen to these new voices and to the old voices, as well.

Clearly, there is enough evidence against the FCC's actions to be concerned. And that is why we have asked for this study.

People are attached to their radios. I grew up listening to the Detroit Tigers baseball games, as the gentleman from Massachusetts well knows. I think that every person has a right to listen to that particular broadcast without fear of being overrun by another signal.

Who would be harmed? Let us take a look at who would be harmed.

I was initially contacted before I introduced this bill by several locally-owned radio stations in my district, one in particular, WDOH in Delphos, Ohio, an independent, locally owned station very proud to serve the needs of that community. Yet, these are the kinds of stations that the chairman of the FCC says he wants to encourage and they would be clearly vulnerable to interference.

NPR is concerned about its member station and says that crowding leaves it vulnerable to interference. Kevin Klose said yesterday in a letter to the editor that the reading services for the sight-impaired are threatened.

This, of course, would be the case for thousands and thousands of radio stations across the country. So I think we have to be very careful as to how we proceed and the FCC proceeds.

This bill allows the FCC to proceed with a low-power program. It insists

that the Commission reinstitute the third-channel protections that are so important for current broadcasters and listening services and requires the FCC to conduct a pilot study on the impact on the study of radio broadcast and radio listeners.

□ 1830

It directs the FCC to place low-power radio in areas where there is plenty of room on the FM dial. This is solid legislation.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding. I hope we have the time for a colloquy between us. I thank him for his assistance in this matter as I brought it to his attention several months ago. As the gentleman knows, there was a technicality that did not permit this amendment to be considered in this bill. However, I am hoping that the gentleman will agree that this is a matter that can well be addressed in the conference. We are talking Bergen County, New Jersey, which is in a very unusual, if not absolutely unique situation with regard to the availability of FM radio. While there are dozens of FM stations across the Hudson River in New York City, there are no commercial FM stations in Bergen County, which is one of the most densely populated counties in the Nation.

This is a unique situation because the New York stations provide all kinds of information and music and entertainment, but there are no local news and no public service data or emergency information for anything in this densely populated area, Bergen County. A little over 5 years ago, this lack of local radio was partially remedied by the creation of Juke Box Radio. The gentleman knows the details of Juke Box Radio. We do not have time to go into it now, but it is highly regarded in this area and serves definite purposes. Despite that fact of the definite purpose it serves, it is not able under this legislation to operate. I believe Juke Box Radio clearly serves the public interest in the community; and if any way can be found to address this issue in conference, I would appreciate it if the gentleman could pursue it.

I had hoped to offer an extremely limited amendment supporting this arrangement. Unfortunately, the Office of the Parliamentarian determined my amendment to be technically non-germane because Jukebox is a commercial station and the LPFM service is strictly non-commercial. Despite that fact, I believe Jukebox Radio clearly serves the public interest in my community. If a way can be found to address this issue in conference, I would very much like to pursue it.

I would ask the Chairman for his assistance and state that to my knowledge, Jukebox has never been accused of causing interference to any other station and is operating on a frequency where interference should not occur.

Mr. OXLEY. Reclaiming my time, I thank the gentlewoman from New Jersey for pointing this out. The legislation before us deals primarily with safeguarding the existing full-power FM stations against interference from low-power stations.

Let me say to the gentlewoman from New Jersey that we will address that in the conference committee.

I can assure you that nothing in this bill is intended to create a disadvantage for any existing broadcaster or for radio service to any community. I recognize the importance of local radio in providing timely news and information, particularly emergency information and would be happy to work with you as this legislation moves forward.

Mr. Chairman, I ask unanimous consent that the entire colloquy be made a part of the RECORD.

The CHAIRMAN. The gentleman is advised that colloquies must be spoken, not inserted.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we need to keep this bill in context. The worst part, the most unhealthy part of the 1996 Telecommunications Act was the provision which allowed for the consolidation of the radio industry. Up until 1996, no one could own more than two AM and two FM radio stations in the same city, and no one could own more than 40 radio stations across the whole country. Because of the 1996 Telecommunications Act, this worst provision in it, we now have one group owns 512 stations, another 443 stations, another 248 stations, and another 163 stations. It is harder and harder for minorities to gain access to the airwaves, to own them. It is harder and harder for women. It is harder and harder for smaller voices to independently speak on the airwaves of our country.

What the chairman of the FCC, what the commission was trying to do was to make it possible for 100-watt stations to be licensed, not the 50,000-watt stations that we are all familiar with in our hometowns. 100-watt stations. This is the kid across the street with an antenna. This is not rocket science. This is just radio. It has been around for 80 years and the Federal Communications Commission has been doing a good job in sorting out these issues, these interference issues. The FCC's job is to supplement, not supplant competition. That is what they are trying to do here, supplement it.

What are we talking about? Is your car radio going to be affected by this? No. Is your stereo going to be affected by this? No. Maybe the radio in the shower will have a little bit more interference, but we have the FCC to work it out. They have been doing it for 80 years. By the way, since the 1960s, 300 radio stations around the country have operated within the third adjacent channel proposed for low-power FM. By the way, those were full-power radio stations inside the third adjacent channel. Since the late 1960s, the FCC has worked it out. This is not a good bill. I urge my colleagues to oppose it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I want to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. OXLEY), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Virginia (Mr. BLILEY) for working together on a compromise substitute that we have worked on in committee to allow low-power radio to go forward.

Our first obligation here is to protect the radio listeners. That is listeners with all kinds of radios whether they are in their shower or they are listening as I do on an old radio that I had when I was a kid that still has one of those really teeny-tiny switches on it to tune into my favorite station. We should not all have to have stereos and new cars to be able to hear the stations that we want to hear. We had hearings in the Committee on Commerce where the engineers did not agree on whether putting stations closer together would cause static and cross-talk and hums and things that would be really annoying to everyday people. But we do want to hear more voices on the radio.

The idea of low-power radio is really kind of a neat idea that could open up radio to a lot more voices. So we have worked what I think is a good compromise in the committee. It is a little delicate, but I do not think it needs another amendment. It says, let us go forward with low-power radio with the existing interference standards; let us set aside nine cities where we are going to test it to see if we can have these stations closer together and not have interference, we are not going to let pirates have licenses, and we are going to have the FCC in this independent review come back and tell us how it went in those nine stations, find out how it goes and see if it is okay, and then maybe we will be able to open up more low-power stations.

I think this is a pretty good compromise. The FCC was moving too quickly and I believe compromising the quality of the radio reception that we get in our communities. We found an acceptable balance. I thank the chairman and the ranking member and my other colleagues for working together towards this solution.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to urge support for this bill. I signed on as an original cosponsor not because I wanted to curb diversity or local interest but rather because I wanted to protect them. My home State of New Jersey is completely dominated by New York radio to the north or Philadelphia radio to the south and in between are the small local radio stations which strive to remain distinctly New Jersey in focus and content.

Obviously, this makes for a fairly crowded radio dial already. Unilaterally adding more stations in my opinion is not the solution. In fact, in my State, low-power FM may even cramp local New Jersey stations and disrupt consumers by interfering with local broadcasts or by duplicating local services and formats. Even National Public Radio has concerns that the low-power FM program will hamper its broadcasts. Accordingly, NPR supports the bill.

Mr. Chairman, I have no quarrel with the goals of the low-power FM program. However, its application needs to be examined and evaluated by the Congress. The compromise we fashioned in the Committee on Commerce allows the FCC to move forward with the low-power FM as long as it protects existing third-channel interference protections. The compromise then allows for an independent party to determine once and for all how these pilot programs will affect current radio listeners, small market broadcasters and blind radio reading services. The FCC will then report back to Congress in 2001. I think this compromise is a good one. It passed the Committee on Commerce by a voice vote and in my view is the most responsible way to proceed with the low-power program. I would urge my colleagues not to support any amendments.

I want to compliment the hard work of the gentleman from Michigan (Mr. DINGELL), our ranking member, in forging the compromise and the gentleman from Ohio (Mr. OXLEY) and again urge support of the bill.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me this time and thank the gentleman for bringing this bill to the floor. This is important legislation that has real potential impact on many small businesses in America as well as many listeners to radio stations throughout the country.

In January of this year, the five-member FCC issued rules creating a new low-power radio service. That is what we are talking about today. But two of those five members did not think this was a good idea. One dissented completely, one dissented in part, understanding as many Members of this body do that what this legislation really does is move the FCC into an area that is not yet ready. It moves many owners of radio stations, some part of large radio chains, some part of a station that a family has founded that they run, that they have done their best to build over the years, they have created identity with their signal, into an area that no one quite knows whether their station continues to work the way it has in the past or not, creating holes in the radio signal area, where if you are driving across the country and you are listening to a station and you suddenly come into one of these new low-power areas and you assume the station you were listening to is gone, not knowing that a few miles down the road it would be right back, is a very harmful thing to businesses that have been built on a guarantee from the Federal Government and the FCC that they would have a position on the dial, that they would have a position on the band and on the spectrum that worked for them, that was theirs, that they could really gain listener respect, listener loyalty and a place that they knew they could be found.

Inexpensive and older radios are particularly vulnerable to interference, meaning the proposal could have the effect of denying low-income and elderly listeners clear reception of their favorite stations. This is important legislation. I am glad it is on the floor. We need to pass it today.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the ranking member, the gentleman from Michigan (Mr. DINGELL), for yielding me this time and for his hard work on trying to make this a fair bill. I still, however, must rise in opposition to H.R. 3439. The title itself is deceptive. The act seeks to preserve the status quo and to prevent others from having access to the airwaves.

It is a fact that the four top radio groups own the majority of the Nation's radio stations and according to the Congressional Research Service between 1995 and 1998, the number of radio station owners decreased 18.8 percent. With the number of radio station owners decreasing and the consolidation of radio ownership growing, LPFM allows underrepresented groups and communities an opportunity to enter into the radio broadcast area. I support this new initiative because it will open doors of opportunity for our Nation. It adds to radio diversity and encourages alternatives to current commercial formats that dominate the radio.

I have heard others say that we need to protect radio listeners, but we must also protect those who do not have stations to listen to. I am confident if LPFM were put in place that many would listen to the radio, if they had something to listen to. I contemplate in my own jurisdiction many of the wonderful stations that are on my son likes, the kids older than him like; but there are seniors and people who attend churches throughout my community who do not like any of it, and they should have an opportunity to be heard on radio as well.

Who are we to delay or deny opportunity to community-based groups who have more than earned the right to take advantage of the technology? I have met with the members of the industry, and I understand their concerns; but here in the land of the free and the home of the brave, everyone should be able to reach the table, and they can do it by low-power radio.

Now, low-power FM radio has the support of the Leadership Conference on Civil Rights, the AFL-CIO, the Communication Workers of America, the United States Catholic Conference, and the United Church of Christ Office of Communications.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding me this time and the gentleman from Ohio (Mr. OXLEY) for his efforts as well as members of the minority.

There are two important aspects as I see it to this bill. One is that it will allow low-power radio to proceed. It will protect listeners, and it will prevent interference, which is something I think the American people are accustomed to and frankly want. That has been expressed through the Members of Congress in the last couple of years. Why we are here today in a somewhat expedited way is because the FCC overruled the will of the people. They overruled the will of Congress, which leads to a second and probably more disturbing portion of this debate and that is what the gentleman from Louisiana and the gentleman from Ohio alluded to at the very beginning. The FCC, for a lot of Americans who do not know, is a regulatory body and many businesses have to go before this regulatory body for satisfaction, for answers to really carry out their business plan, to bring products to the American people.

□ 1845

What we see too often, especially lately, is that good honest business people have to go on bended knee before the regulators, and if they do not get their way, the regulators, they take it out on those good honest American business people. We talk about the land of the free and the home of the brave, that is not the American way.

The American people deserve honesty from people holding public office. They deserve to be treated fairly and openly, and not to be subject to idle or explicit threats.

With that, I urge the adoption of this bill.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Radio Broadcasting Preservation Act. The bill would postpone the FCC's efforts to open our airways to small local community groups, churches, schools, volunteer fire departments, civic organizations. It would deny these groups the right to provide their communities with information of unique local concern. It would smother movements towards diversity on our airwaves.

These are stations that would broadcast local ball games, municipal meetings, or anything else they think would be good for their communities and their communities wanted to hear.

Low-cost, small-scale FM stations would play a vital role in the Hispanic community in my district by expanding the opportunities for local Spanish language radio service. Such stations would help to strengthen this community, unite it behind common goals.

I have worked with the FCC on this issue for over 2 years. Exhaustive engineering studies have been completed. The experience of actual low-power radio stations has been reviewed. The results are conclusive. These new stations will not interfere with the existing large radio companies that currently dominate our airways. This bill discourages expanding our educational and culture horizons. I urge Members to oppose it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I would like to commend the gentleman from Ohio (Mr. OXLEY) for introducing and pushing this legislation and the gentleman from Louisiana for his leadership in bringing it to the floor today.

In January, the five member Federal Communications Commission issued rules creating this new low-power FM radio service with two members dissenting, two of the five, in whole or in part dissenting. In his comments, Commissioner Powell focused on the economic repercussions of low-power FM and the possibility that many independent and minority-owned full-power stations could be forced out of business. Commissioner Furchtgott-Roth's dissent focused on interference and the Commission's uncharacteristic alacrity in considering low-power FM.

This matter has not been properly reviewed by the FCC, and this legislation is vitally needed to stop this action from taking place.

Existing broadcasters oppose the FCC's decision, with good reason. In establishing low-power FM, the FCC significantly relaxed its interference standards, meaning increased interference with existing radio services and a devaluation of the investments of current license holders.

There is no question that eliminating the third adjacent channel safeguard, as the Commission is doing, will lead to increased interference. While the FCC claims that the weakened standards will not result in unacceptable—watch that word—levels of interference, this assertion is challenged by private sector studies.

While the desire to provide a forum for community groups is laudable, a multitude of alternatives exist. Groups may obtain non-commercial licenses, use public access cable, purchase broadcast air time, publish newsletters and utilize Internet web sites and e-mails, among many other options.

This is a country in which there are many ways to express yourself, but we should not do it at the expense of those who have already made investments and are already providing valuable services to citizens in this country.

I urge the Members to support this legislation.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to address this colloquy, if you will, to the gentleman from Ohio (Mr. OXLEY) and thank him for agreeing to participate.

As the distinguished chairman of the Subcommittee on Finance and Hazardous Materials knows, I am extremely disappointed that the Federal Communications Commission's recent approval of non-commercial low-power LPFM radio stations did not address existing commercial low-power FM translators operating in counties where there are no allocated commercial FM stations and no commercial FM stations can be allocated.

Although the residents of northern New Jersey can choose from dozens of New York City FM stations, those stations ignore Bergen County, New Jersey's need for local news, traffic reports, school closings, public service announcements and other important local information.

Even though Bergen County, New Jersey, gave birth to FM radio in the 1930's, Bergen County has no commercial FM station of its own and none can be allocated to Bergen County under present Commission rules.

Commercial FM translator W276AQ in Fort Lee, New Jersey, in my district, Jukebox Radio, brings valuable local news, traffic, weather, public service announcements, school closings, and other important information unavailable from any other source on the FM broadcast band. It is translated into a Class A FM signal 75 miles away from Bergen County. Bergen County residents should not be forced to depend on FM service in this manner.

I would say to the gentleman from Ohio (Chairman OXLEY), I believe that existing commercial low-power FM translators licensed in counties with a population of 800,000 or more, and where there is no licensed or commercial FM station, such as that in Bergen County, New Jersey, should have the opportunity to immediately begin broadcasting with local origination.

Although we were not able to resolve this issue in this bill, I urge the gentleman to raise this issue in conference and include language to this effect when the House and Senate conferees meet. With that hope, I am going to support the bill, and thank the distinguished gentleman.

Mr. OXLEY. Mr. Chairman, if the gentleman will yield, I will be pleased to work with the gentleman in the conference on that very issue.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I want to observe to the gentleman I think his complaint is a very legitimate one and thank him for raising it, and indicate that I know that the distinguished chairman of the subcommittee and my good friend the gentleman from Ohio (Mr. OXLEY) also and I will be trying to look after his concerns on this business of New Jersey having better and more adequate service, not only in the area of FM and AM, but also on broadcast television, which is very much in short supply from stations indigenous to that State.

Mr. ROTHMAN. Mr. Chairman, reclaiming my time, I thank the distinguished gentleman.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to my good friend, the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to rise in support of H.R. 3439. I want to compliment the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Virginia (Mr. BLILEY) for their help in moving this bipartisan effort forward.

Mr. Chairman, there is an impression in some quarters that this legislation will stop low-power FM licensing or prevent it from ever getting to the air. Nothing could be further from the truth. The simple fact is that the radio spectrum is finite in size. Within this limited universe, commercial radio signals must be separated by at least three adjacent channels in order to prevent interference and crosstalk.

Obviously, two stations serving the same market cannot be licensed to occupy the same frequency. Radio bandwidths can only be sliced up so many ways. We rely on the FCC to ensure that the radio pie is fairly divided. The FCC ensures that every radio station gets a slice of the pie with enough

calories to sustain its signal. This is the only way to make sure that we, the listeners, can receive our favorite programs without hinderance or hurdle.

I take no issue with the FCC's goal of trying to add a new class of lower stations. Indeed, say adding more voices to the airwaves is a commendable goal. But, Mr. Chairman, not all radios are created equal. They are not endowed by their manufacturer with inalienable rights. A simple clock radio or a Walkman will not contain the same sophistication and filtering technology to combat interference between stations as would a hi-fi nor should they.

This bipartisan substitute reported out of the Committee on Commerce strikes a reasonable compromise. If we are going to have low-power FM service, it needs to be done right. We want to give these micro-radio stations an opportunity, but we have an obligation to maintain the integrity of the existing spectrum. New Yorkers want to continue to listen without interference to stations such as Z–100, WBLI, and public radio, such as 91.1 FM.

If the FCC is right and low-power FM does not cause interference on third adjacent channels, then they can proceed with this new service on a national scale. I am confident that should the test demonstrate listeners have nothing to fear from relaxing the interference standards, this body will look favorably to giving the green light for an expanded low-power FM service.

I want to urge my colleagues to support this bipartisan bill, and oppose the amendments that seek to undermine the consensus that has been reached.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. BARRETT)

Mr. BARRETT of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have an amendment that I will be offering in several minutes with the gentleman from Illinois (Mr. RUSH), but I just want to address some of the concerns that I heard raised here tonight.

The first one is several of the speakers talked about people driving their cars and how this would affect their driving. They would go into a neighborhood, they would lose a station, it would come out. Even the radio owners that I have talked to in my district have acknowledged that radios in cars are very, very precise and that that is not going to be a problem.

The gentleman from Massachusetts (Mr. MARKEY) before referred to the radio in the shower. Yes, if it is a very old radio, you might have a problem. But most of the radios in this country are going to be radios in cars. That is not where the problem lies.

We have also heard a lot of FCC bashing, and I think that the FCC has responded to a lot of the concerns that have been raised here. This proposal that they have attempted to move forward on is a scaled-back version of their initial proposal. I think even the proponents of this bill would acknowledge that we are talking about very low-watt radio stations, 100-watt stations, and in some situations, maybe even 10-watt stations. We are not talking 50,000-megawatt stations. We are talking small, neighborhood, churches, minority, college stations. These do not present a serious threat to the large stations.

I will address this in my amendment, but I am sensitive to the technical issues that have been raised regarding this, and I think that the amendment that the gentleman from Illinois (Mr. RUSH) and I will propose in several minutes addresses that, but does not strip the authority of the FCC. We are talking about micro-stations here. I do not think Congress should be micromanaging these micro-stations.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the ranking member for yielding me this time.

Mr. Chairman, I want to say that, first of all, that I have heard a lot of comments regarding the FCC and actions of the FCC, and I want to go on the record to inform everyone that I believe that the FCC has done a great service to the American people. I am an unmitigated supporter of the FCC, and I think that the FCC has done an outstanding job in terms of trying to ensure that all Americans have access to the airwaves of this Nation.

□ 1900

Regarding the low power FM stations, Mr. Chairman, I just want to ensure that people understand that the American people and the Members of this Congress understand that the LPFM is a new noncommercial community-based radio service that will benefit local communities all across this Nation.

It gives media access and broadcast voices to local churches, to schools, colleges, State and local governmental agencies, musicians, and nonprofit community organizations, those same organizations that have been excluded heretofore regarding having access to the air waves.

LPFM adds to radio diversity and encourages alternatives to the commercial formats that currently dominate our radio.

Mr. Chairman, as has been stated earlier, it is a fact that the top four radio groups own the majority of this Nation's radio stations, and according to the Congressional Research Service, between 1995 and 1998 the number of radio station owners decreased by 18.8 percent.

Mr. Chairman, with the number of radio station owners decreasing and the consolidation of radio ownership growing, LPFM allows underrepresented groups and communities the opportunity to enter the radio broadcast market.

Mr. Chairman, just 2 weeks ago Chairman Kennard visited my district, the Chairman of the FCC. We went to a high school, the Dunbar High School located in my district on the South Side of the city of Chicago. I just wish that Members of this body could have observed students who had never had the opportunity to participate in broadcast fields, the broadcast profession, who never had an opportunity to run a radio station nor a television station.

These students were aggressively engaged in learning all that they could. What they asked us at that time, at that visit, they asked this body to give them an opportunity to really run a radio station, 100 watts, that would have a radius of 2 miles within that high school. That is all they are asking for, so they in fact can learn more about the broadcasting industry.

Mr. Chairman, this bill I think does not address that concern, and the gentleman from Wisconsin (Mr. BARRETT) and I will introduce an amendment to this bill in order to try to allow opportunities for unrepresented groups and citizens to engage in this process.

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

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume to close.

Mr. Chairman, Members of the committee, let me place this in perspective. The bill we are discussing today does not stop the FCC from moving forward with this low power program. It simply says the FCC must only move forward with the 70 licenses that will clearly not interfere with current radio broadcast.

It says, in those cases where the licenses may in fact interfere with current radio broadcasting, they have to do a pilot in nine different geographic regions of the country and then report to Congress about the results.

What we are going to hear in just a minute is an amendment that would say, when that report comes to Congress, whether or not the report indicates interference, the FCC can then proceed to issue as many licenses as it wants to under its original proposal. I hope that we will defeat that amendment.

The compromise carefully crafted in the Committee on Commerce, with the great work of the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Michigan (Mr. DINGELL) says in effect that the Commission must submit independent testing of interference, and then we get to say, based upon that report, whether they can move forward.

Let me tell the Members why that is so critical. I want to read Members a

letter from the Hispanic Broadcasting Corporation to our chairman. They are writing to express concern about the implementation of low power FM, and ask strong support for this bill, as we have compromised it.

The author indicates, ''The FCC is moving forward with a low power FM plan that has not been thoroughly thought through. First, radio is on the verge of converting to digital.'' For television, we gave television new spectrum to move into digital. We did not do that for radio. Radio has to move to digital in the same spectrum they are currently located. That is going to be a tough trick.

Before that happens, if the FCC moves forward with this low power FM radio issuance and in fact those stations interfere with that digital transmission of the radio stations that currently exist, like the Hispanic radio station, like the public radio stations, not just the private corporate radio stations, if the FCC moves forward and then the digital conversion does not work, there is all kind of interference. We just will not get static on the radio, we will get no signal at all. In digital, it just cuts out totally.

We were told by the Commission that they would wait for the digital report to come out before doing this FM low power rollout, but they went ahead anyhow and did it regardless of that report. It is still not done. Hispanic radio is asking us, please pass this bill. Make sure there is no interference.

They go on to point out, ''Furthermore, less expensive and older radios used disproportionately by minorities and older Americans,'' the walkmen, the boom box, the radio beside our beds, not just the radio in the shower, the radio beside our beds, for many older Americans, ''are more susceptible to interference from low power stations. Millions of Americans rely on low quality radios as their main source of news, weather, and sports,'' 65 million, to be precise.

I am concerned that low power FM will disenfranchise the very people it seeks to empower, underserved communities like the Spanish language audience that we serve.

See, this is the problem, Mr. Chairman. It was minority radio stations and public radio stations, not just the private corporate radio stations represented by the NAB, who came to us and said, do not let this happen to disenfranchise our audiences and our radio stations. Make sure there is no interference.

I wish Members had been in our committee room to hear the potential interference. As a beautiful song was playing, we could hear people talking over it. As a beautiful opera perhaps was being presented by National Public Radio, we could hear talking over it. As perhaps a Spanish language station was trying to do some cultural work in the community, we could hear somebody else talking over it.

In digital, we would not even hear it at all. It would block the signal completely.

Mr. Chairman, we have worked out a delicate compromise. This lets the FCC go forward where we know there will be no interference. It requires private, independent testing to make sure there will not be interference. If they want to go further, it requires them to come back and get permission from us after we know there will not be that interference.

The gentleman from Wisconsin (Mr. BARRETT) will offer an amendment in just a little while that will tell the FCC it can do what it wishes to do after 6 months, regardless of the interference problems. I hope we defeat that amendment. I hope we pass this good bill. The gentleman from Ohio (Mr. OXLEY), the gentlewoman from New Mexico (Mrs. WILSON), and the gentleman from Michigan (Mr. DINGELL) have done some good work and put together a good compromise.

Ms. BROWN of Florida. Mr. Chairman, these new Low powered stations will offer a voice to those who deserve to be heard, and will promote greater diversity and allow non-profit organizations, community groups, and churches an opportunity to reach their local constituents without paying huge fees to commercial radio stations.

As more and more radio stations are bought up by large companies, it becomes more and more difficult for minorities and women to own or access a station. Its obvious to me why these commercial radio stations are opposing these additional stations, they just don't want any competition.

It amazes me that the same people who chastised the FCC for trying to limit religious broadcasting are the same ones that stand on the floor here today trying to prevent churches and community groups access to the media. Its dishonest, and I encourage my colleagues to let the FCC do their job and defeat this bill.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 3439, the Radio Broadcast Preservation Act of 2000. The House is rushing to judgment on this important issue and I regret we are considering this bill at this time.

This bill would block the Federal Communications Commission from going forward with its plan to establish Low Power Radio which is a non-commercial, community-based radio service to give churches, non-profit community groups, colleges and universities and state and local government access to the public airwaves. These stations would serve an audience within a 1.5 to 3.5 mile radius, which is not a very large area.

Low Power radio is important because it will allow the sharing of the public airwaves with local community voices, voices left off the air because of the massive consolidation of the broadcast industry.

I do not agree that broadcasters would be hurt by a local government's 100-watt radio station trying to inform its constituents about important local government services or events.

I do not agree that anyone would be hurt by a college or university radio station that tries to inform its students about campus events.

I do not agree that anyone would be hurt by a 10-watt church radio station wanting to offer mass over the airwaves to parishioners who cannot attend services.

Nor do I believe that anyone could be hurt by a non-profit organizations' efforts to inform language minority groups about important community events or services available to them.

It seems ironic that we would be voting here today on a bill to suppress the voices of those we've pledged to give a voice to. Voices that, had this bill been given a proper hearing, we would have heard from, such as the National Council of La Raza, the League of United Latin American Citizens, the U.S. Catholic Conference, the United Methodist Church, the National League of Cities, the US Conference of Mayors, among many others.

Low Power Radio is critical and comes at a time when our communities are losing out to the massive consolidation taking place in the radio broadcast industry. This merger mania has left many of us with little choice about who or what gets to be heard today. We have to do something to protect the diversity of voices and opinions that are often suppressed by the giants in the field.

I urge my colleagues to vote against this bill and help protect low power radio and the communities that would most benefit from this service.

Mr. COSTELLO. Mr. Chairman, I rise today in strong support of H.R. 3439, the Radio Broadcast Preservation Act of 2000, of which I am a co-sponsor.

Mr. Chairman, I am pleased that this legislation would assure that the necessary steps are taken as the Federal Communications Commission begins licensing Low Power FM Radio stations. Low Power FM licenses are an opportunity for churches, schools, and other community groups to begin broadcasting their information to local listeners. While these licenses would open up the broadcasting industry to individuals and groups previously excluded, they should not be given out at the expense of existing stations and their listeners.

The experimental program this bill establishes would study nine test markets to determine the impact of Low Power FM on radio broadcasters and radio listeners. I believe that testing the market is an important method of implementing and improving the Low Power FM program.

Mr. Chairman, H.R. 3439 promotes a more responsible method for the FCC to license Low Power FM and adopts the necessary safeguards for the radio broadcasters and listeners in my district.

I urge my colleagues to support this legislation which will protect radio broadcasters and listeners from excessive static interference and which will promote the responsible licensing of Low Power FM.

Mr. BONILLA. Mr. Chairman, I am in strong support of the Radio Broadcasting Preservation Act. This bill ensures that free over-the-air radio will remain free and uninterrupted.

All too often, I hear from folks in my district concerned about the power grab of the Federal Communications Commission (FCC). Unfortunately, this is just the latest example. The FCC is moving forward with a low-power FM plan they have not thought through. The FCC

believes that this decision will allow the ''little guy'' to become a radio broadcaster. In reality, this decision will cause massive interference problems for FM listeners.

The FCC's low power FM plan was approved without proper consideration of technical and other concerns raised by this new service. Radio is on the verge of converting to digital. Has the FCC really thought about the effect of low-power FM on the digital conversion process? No. Wouldn't it make more sense to rollout digital radio—which is even a larger project than the digital television rollout—and then focus on how to accommodate low-power FM? Yes.

Has the FCC really thought about how the millions of Americans who rely on low quality radios as their main source of news, weather, and sports? No. Less expensive and older radios, used disproportionately by minorities and older Americans, are more susceptible to interference from low-power stations. Low-power FM will disenfranchise the very people that the FCC claims it seeks to empower, undeserved communities (including the blind and Spanish language groups).

Did the FCC consider low power stations' interference with out public broadcasters? No. In yesterday's Washington Post, Mr. Kevin Klose, president of National Public Radio, made clear public radio's opposition to the FCC's ''rush to add low-power radio stations to the crowded FM dial.'' This year, we are spending more than 60 million taxpayer dollars on public radio. And the FCC is ready to throw that money down the drain.

The FCC's low power proposal is a true disservice to current broadcasters' outstanding community service. Local radio and television stations provided $8.1 billion in public service just last year. That is more money than the total annual giving of the top 100 U.S. foundations. Full power radio stations across this country provide life-saving information on natural disasters, preventing drinking and driving, curbing drug and alcohol abuse, crime and violence prevention, just to name a few areas.

The FCC proposal presumes that local radio stations no longer provide local service. That assumption is completely false. The FCC should be reined in and local broadcasters should be allowed to continue their good work.

Mr. SANDLIN. Mr. Chairman, I rise in strong support of the Radio Broadcasting Preservation Act and the compromise bill reported out of the Commerce Committee. This approach will allow low power FM (LPFM) to move forward with proper safeguards against interference.

I support providing new opportunities for community, public interest, civil rights and educational groups to be heard in the public forum. I do not dispute the potential that LPFM stations provide for under-represented community and educational groups. However, we must ensure that in the process of providing a voice for these groups, we do not impair radio listeners' access to locally originated information and entertainment. By calling for a careful review of the LPFM plan, H.R. 3439 allows low-power FM to move forward while protecting listeners from increased interference on the FM radio dial. The legislation does this by re-establishing previous FCC signal-interference standards and commissioning the FCC to study the extent to which signals of such low-power stations interfere with the signals of existing stations.

Millions of Americans depend on the radio for important information and entertainment programming. Thirty percent of this population, especially low-income and elderly listeners, access this programming via inexpensive and older radios. The level of interference these individuals will encounter due to LPFM is unknown. H.R. 3439, therefore, calls for field tests to determine how LPFM without third-adjacent channel protection would affect current listening audiences. The FCC would then be required to submit a report to Congress on the results of these tests by Feb. 1, 2001, along with any recommendations for modifications to signal-interference standards.

Also unknown is the impact of LPFM on existing public stations and small and independent commercial stations which already provide valuable services such as emergency warnings, weather and traffic information, community news and entertainment. Many of these stations depend on local resources to meet operating expenses through underwriting or advertising and may be placed into direct competition with LPFM stations in their struggles to stay afloat. This bill requires the FCC to conduct an economic impact study on incumbent broadcasters (particularly the economic impact on minority and small broadcasters), the transition to digital broadcasts, FM radio translator stations, and stations that provide reading services to the blind.

I would like to see localized groups have station access and believe this communication will strengthen community bonds. However, I do not want new access to be gained at the expense of pre-existing stations. I am encouraged to know that the House Commerce Committee was able to work out this compromise. H.R. 3439 not only provides new opportunities for station access but also protects existing community broadcasters from interference.

Mr. DICKEY. Mr. Chairman, despite objections raised from many corners, the FCC has charged ahead with plans to immediately implement low-power FM. In the process it has ignored legitimate concerns about interference and the continued viability of small and independent commercial stations and existing public stations. H.R. 3439, the Radio Broadcasting Preservation Act, pulls the FCC back from the edge without completely halting its authority to pursue low-power FM.

The potential for interference has been a primary concern from the beginning. The available spectrum only stretches so far. While the FCC claims its plan will not cause interference on car radios and high-fidelity stereo component systems, it does admit some interference will occur on clock radios and portable radios like the boombox and walkman. Considering these types of radios account for 65 percent of all radios in America, it makes sense that we should step back, take a breath and carefully consider all the consequences before taking drastic actions. We must also ensure that in its haste to implement low-power FM, the FCC does not overlook the impact on inexpensive and older radios, which are highly vulnerable to interference and are most commonly used by low-income and elderly individuals. H.R. 3439, therefore, requires a test of nine markets be conducted by an independent third party to determine how low-power FM without third-adjacent channel protections would affect current listening audiences.

Another potential problem not explored by the FCC is interference with services for blind individuals. The International Association of Audio Information Services uses frequencies located on the outer edge of radio stations' spectrum to read books and newspapers to over 1 million blind individuals, who listen to this service with special radios. The FCC did not test these radios. This bill, therefore, requires the FCC to explore the impact of low-power FM on stations that provide this important service.

Interference is not the only issue about which we must be concerned. Small and independent commercial broadcasters who rely on local advertising to meet operating expenses face questions about their continued economic viability. These existing stations could be undercut by low-power stations siphoning off limited local resources for underwriting purposes. These existing local stations already provide many of the services low-power FM stations purportedly are being created to provide, including community news and emergency information. Many public radio affiliates share these concerns about increased competition for limited local resources. H.R. 3439 addresses these concerns by requiring the FCC to conduct an economic impact study of low-power FM on ''incumbent FM broadcasters in general, and minority and small-market broadcasters in particular.''

Finally, this bill ensures former ''pirate'' or unlicensed broadcasters are not eligible for low-power FM licenses. These individuals should not be rewarded for previous unlawful acts that interfered with authorized FM broadcasts.

Considering the many concerns at play here, the FCC should take a step back and reevaluate its plan for low-power FM. H.R. 3439 is a sensible approach to such a reevaluation. It protects existing stations from serious harm, guards against interference experienced by the listening audience, all while allowing new community broadcasters to enter local markets.

Mr. UDALL of Colorado. Mr. Chairman, I rise in opposition to this bill.

I was encouraged to hear last year that the FCC was initiating efforts to bring back community radio. After engaging in a public process that took into account thousands of comments from citizens all over the country, and after conducting extensive technical tests, the FCC issued its rule to establish lower power FM radio, a rule that many see as conservative. The FCC scaled back its proposal significantly in order to protect existing stations from interference, while at the same time maximizing the ability of local groups to gain access to the public airwaves.

The FCC's rule is meant to help bring community radio to millions around the country, and thereby to address a need that is not met by mainstream broadcasters. It is meant to bring the voices of community groups, churches, educational institutions, and local governments to radio. Many of these voices have been lost through media consolidation—figures I've seen show the number of radio station owners decreased by nearly 20 percent

between 1995 and 1998. So at a time when even fewer voices are being heard, it is even more critical for us to be thinking about how to let more voices in, not keep them out.

Although critics of the FCC claim the rule was made in haste, Chairman Kennard has said publicly that ''no service ever considered by the FCC has been as extensively studied as low power radio.'' He has said time and again that this was a ''responsible public interest decision that will not impact the existing radio service.'' I believe that if low power radio does end up having a negative impact on existing service, the FCC will step in to correct the situation.

In the meantime, we should stop trying to legislate technical details. The FCC is charged with maximizing the public's use of the airwaves, encouraging the provision of new technologies and new services to the public, and providing new access to the airwaves for more people. We should let the FCC do its work, and oppose this bill.

Mr. EWING. Mr. Chairman, on January 20, 2000 the FCC adopted rules creating a new, low power FM radio (LPFM) service. This service creates two classes of radio service to operate within the FM radio frequency band with power levels from 1–10 watts (LP 10) and from 50–100 watts (LP 100).

The rationale for creating this new class of radio service is to bring diversity to radio broadcasting and enhance community-oriented radio broadcasting. Those eligible for licenses for this type service can be noncommercial government or private educational organizations, non-profit entities with educational purposes; or government or non-profit entities providing local public safety or transportation information, as long as they are based in the community in which they intend to broadcast.

The problem with this new service is not with its intent. Seeking to promote diversity in broadcasting and enhancing community-oriented radio broadcasting are both honorable goals. The problem is these new stations will operate on the FM radio frequency band currently occupied by full power radio stations, and there is the possibility that these low power stations will interfere with these existing stations.

Under current FCC rules for full power radio stations, interference between stations is avoided by preventing stations from sharing the same channel or the first, second or third adjacent channel. Under the proposed rule, however, low power FM would be allowed to occupy the third adjacent channel to an existing full power radio station.

The FCC officially contends that allowing low power FM stations to occupy the third adjacent channel will not cause unacceptable levels of interference to existing radio stations. However, these claims have been questioned by various groups such as the National Association of Broadcasters, the Consumer Electronics association, and the Corporation for Public Broadcasting (led by National Public Radio). Even the International Association of Audio Information Services, whose members employ local volunteers to read the local newspapers on air to over one million blind listeners nationwide, has expressed concern that these new low power stations could cause interference with their services.

There is even some concern among several FCC commissioners that these new stations will cause interference. In the FCC's Report and Order concerning this ruling 2 of the 5 FCC commissioners expressed concern that these low power stations would interfere with existing stations. In dissenting statements regarding both the proposed rule and the final rule, Commissioner Harold W. Furchtgott-Roth stated that although he was not opposed to the creation of low power radio service, he could not support the rule because he believed that suspension of the third adjacent channel protection would cause interference with existing stations. He feels the entire process was rushed to judgment and that the commission had not taken the time to do the right technical studies the right way. Furthermore, he believes any demand for lower power noncommercial stations could be met by the dispensation of licenses within existing rules—i.e., by giving out 101 watt licenses consistent with the 100 watt minimum requirement or get a waiver to the 100 watt minimum rule if someone really felt compelled to operate a 50-watt station.

In his dissenting opinion Commissioner Powell echoed sentiments similar to those expressed by Commissioner Furchtgott-Roth. In light of lingering concerns about signal interference and his concern about the economic impact of the new service, Commissioner Powell regrets the ''shot gun introduction'' of the rule and believes the service should have been introduced gradually with third channel adjacency protections intact. In his opinion, this would minimize the risk of interference in a manner consistent with existing services and it would introduce substantially fewer stations into the market, thereby allowing for the evaluation of the economic impacts of these new stations. If all goes well, he suggests a move to full service with less adjacency protection, as warranted by experience.

H.R. 3439 follows the suggestions of Commissioner Power. Under the bill, the FCC may go forward immediately licensing LPFM stations as long as interference protections to existing stations are maintained, including protections to third adjacent channels. At the same time, the legislation requires the FCC to set up an experimental program in nine markets to test whether LPFM will result in harmful interference to existing stations if third channel protections are eliminated. Additionally, the legislation provides that an independent party will conduct a study of the affect of LPFM without third-adjacent channel on digital audio broadcasting and radio reading services for the blind.

While the spirit of the rule allowing the creation of low power FM service may be commendable, we must not act in a rash manner and allow it to be implemented before we are positive that it will not negatively impact existing stations. Radio, particularly in rural areas, is an important source of information. For some individuals it is the only source of local news they receive. If we allow these new low power stations to co-exist with established stations without ensuring that there is no interference we may be doing more harm than good.

H.R. 3439 provides an effective balance by allowing new low power FM stations to be established while simultaneously protecting existing stations from interference. Furthermore, the bill provides for an experimental program, in nine separate markets, to test the interference that will result if third adjacent channel protection. If the results of this test are successful it is foreseeable that these restrictions may be lifted sometime in the future. However, until we have conclusive proof that these low power stations do not significantly interfere with existing stations, we simply cannot allow them to share the same frequencies with existing stations. Existing stations provide services as valuable as those proposed by the new low power stations and individuals are entitled to receive them as clearly as possible. The channel adjacency rules apply to full power stations because of this and it should apply to low power stations until we can prove that the interference they generate is minimal to say the least.

Mr. BARR of Georgia. Mr. Chairman, I rise in support of the Radio Broadcasting Preservation Act of 1999, H.R. 3439.

This legislation sends a strong message that there will be no interference to free radio. H.R. 3439 would require the Federal Communications Commission (FCC) to maintain third-adjacent channel protection, and to consider independent analyses of potential Low Power FM (LPFM) interference before proceeding.

In January 2000, the Federal Communications Commission voted to implement an expansive licensing process. Congressman MIKE OXLEY and JOHN DINGELL working with Congresswoman HEATHER WILSON, have fashioned legislation which would slow licensing from 400 stations to roughly seven. The FCC will then test and determine whether the broadcasts cause interference with mainstream stations. I want to commend these Members for their hard work on this very important legislation.

Mr. Chairman, in today's easy access to communication, there exists great belief that the average American should have the ability to ''speak out and be heard.'' Talk radio, newspapers, magazines, television, public television and radio, and the Internet, all allow anyone to get a message across. How can the FCC say—with a straight face—there is ''no access?''

''Low Power FM'' is a ''social'' agenda based on the idea that everybody can own their own radio station. Of course this appears enticing—but the laws of physics have not been repealed and it cannot be accomplished. Low power radio stations signals will only cause interference to the radio stations already located on the spectrum. This latest effort being made will come only at the cost of severely damaging the most successful broadcasting system in the world—American FM radio.

If you want to know that chaos is, then turn across the AM band and hear the vast amount of interference the FCC has allowed to creep into that brand. No wonder everyone wants FM; the FCC has virtually ruined AM band.

The FCC was founded on administering basic principles of engineering. However, to meet the Administration's ''social agenda,'' the FCC has thrown engineering and testing out the window. The FCC promises it will ''guard'' this new experiment. Mr. Chairman, you and I

both know the FCC does not have the manpower to take care of the radio stations currently out there, much less hundreds more. In addition, the FCC could severely hurt the long-awaited entry into "digital" radio by American broadcasters. Low Power FM is a bad decision that should be reversed.

Mr. Chairman, today's legislation is a step in the right direction to protect the FM radio stations in Georgia and across the Nation. The importance of this issue came to my attention from my good friend, and a leader in the field of radio broadcasting, Mike McDougald, of Rome, Georgia. On behalf of all the individuals who have dedicated their lives for the advancement of FM radio, I call on my colleagues to support the Radio Broadcasting Preservation Act, H.R. 3439.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the order of the House, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

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

H.R. 3439

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 "Radio Broadcasting Preservation Act of 2000".

SEC. 2. MODIFICATIONS TO LOW-POWER FM REGULATIONS REQUIRED.

(a) THIRD-ADJACENT CHANNEL PROTECTIONS REQUIRED.—

(1) MODIFICATIONS REQUIRED.—The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99–25, to—

(A) prescribe minimum distance separations for third-adjacent channels (as well as for co-channels and first- and second-adjacent channels); and

(B) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

(2) CONGRESSIONAL AUTHORITY REQUIRED FOR FURTHER CHANGES.—The Federal Communications Commission may not—

(A) eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A), or

(B) extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 C.F.R. 73.853),

except as expressly authorized by Act of Congress enacted after the date of enactment of this Act.

(3) VALIDITY OF PRIOR ACTIONS.—Any license that was issued by the Commission to a low-power FM station prior to the date on which the Commission modify its rules as required by paragraph (1) and that does not comply with such modifications shall be invalid.

(b) FURTHER EVALUATION OF NEED FOR THIRD-ADJACENT CHANNEL PROTECTIONS.—

(1) PILOT PROGRAM REQUIRED.—The Federal Communications Commission shall conduct an experimental program to test whether low-power FM radio stations will result in harmful interference to existing FM radio stations if such stations are not subject to the minimum distance separations for third-adjacent channels required by subsection (a). The Commission shall conduct such test in no more than 9 FM radio markets, including urban, suburban, and rural markets, by waiving the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program. At least one of the stations shall be selected for the purpose of evaluating whether minimum distance separations for third-adjacent channels are needed for FM translator stations. The Commission may, consistent with the public interest, continue after the conclusion of the experimental program to waive the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program.

(2) CONDUCT OF TESTING.—The Commission shall select an independent testing entity to conduct field tests in the markets of the stations in the experimental program under paragraph (1). Such field tests shall include—

(A) an opportunity for the public to comment on interference; and

(B) independent audience listening tests to determine what is objectionable and harmful interference to the average radio listener.

(3) REPORT TO CONGRESS.—The Commission shall publish the results of the experimental program and field tests and afford an opportunity for the public to comment on such results. The Federal Communications Commission shall submit a report on the experimental program and field tests to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2001. Such report shall include—

(A) an analysis of the experimental program and field tests and of the public comment received by the Commission;

(B) an evaluation of the impact of the modification or elimination of minimum distance separations for third-adjacent channels on—

(i) listening audiences;

(ii) incumbent FM radio broadcasters in general, and on minority and small market broadcasters in particular, including an analysis of the economic impact on such broadcasters;

(iii) the transition to digital radio for terrestrial radio broadcasters;

(iv) stations that provide a reading service for the blind to the public; and

(v) FM radio translator stations;

(C) the Commission's recommendations to the Congress to reduce or eliminate the minimum distance separations for third-adjacent channels required by subsection (a); and

(D) such other information and recommendations as the Commission considers appropriate.

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

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

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer a preprinted amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in the CONGRESSIONAL RECORD offered by Mr. BARRETT of Wisconsin:

Page 4, beginning on line 9, strike paragraph (2) through line 20 and insert the following:

(2) REQUIRED DURATION OF MODIFICATION: PERMANENT CONDITIONS.—The Commission shall not modify such rules to eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A) until 6 months after the date on which the Commission submits the report required by subsection (b)(3). No such elimination or reduction may remove such separations with respect to third-adjacent channels occupied by stations that provide a radio reading service to the public. The Commission shall not extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 C.F.R. 73.853).

Page 6, line 19, insert before the period the following: ", or 6 months after the date of enactment of this Act, whichever is later".

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to put this debate into perspective.

We have heard a lot about a compromise tonight. The party, of course, missing from this compromise is the administration. The President has told this body that he is strongly opposed to this bill and will veto it. I think that is something, when we talk about compromise and how there is peace in the valley, that we have to remember that there is something else that is going on here that is not really being fully explored tonight.

What I am trying to do tonight, along with the gentleman from Illinois (Mr. RUSH), and I am pleased that he has worked with me on an amendment, is to offer an amendment that really is a compromise, that tries to respond to what I consider to be some of the legitimate concerns that have been raised by radio station operators in this country, but at the same time, not to have Congress step in, strip the FCC of its authority, and micromanage microradio.

Mr. Chairman, this debate is really the legislative equivalent of, your mother wears army boots. We have had fights for the last several months between the proponents of low power radio and the opponents of low power radio. They are fighting over a study. The FCC does not like the study that has been prepared by the industry. The industry says that the FCC has not done a good enough job in studying this issue. So they go back and forth, back and forth, yelling at each other.

So the amendment that was offered by the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from

New Mexico (Mrs. WILSON) I think is a constructive amendment. It recognizes that in order for Congress to act intelligently on this issue, it has to have an independent study.

I have no quarrel with that. I think it addresses the legitimate technical concerns that have been raised by people who run radio stations in this country. I say that as someone who is a strong supporter of low power FM radio. I want Congress to have an independent analysis of this issue.

But this is where we separate, because the Barrett-Rush amendment makes one change and one change only to this bill. It would give Congress 6 months to act after the FCC submits its report. After 6 months, if Congress has not acted, the FCC may proceed with low power licenses.

Why is this amendment important? The reason why this amendment is important is because we do not have a level playing field here. On the one hand we have the radio stations, who have made it very, very clear that, regardless of the outcome of this study, they oppose having any type of expansion to low power FM stations.

On the other side we have the FCC, but the FCC really is speaking for groups that have no voice, by definition. They do not have radio stations. They do not have a powerful lobbying organization. They are the churches, the high schools, the neighborhood organizations.

What the bill does in its current form is it says even if this independent study comes back and says there are no interference problems, even if there are no interference problems, the FCC cannot continue to do the job it has done for the last 80 years, which is to make sure that the spectrum is filled in a fair way.

Instead, it says that Congress has to act first. I do not think there is a person in this room who believes that the opponents of low power FM radio are going to come back and say, okay, go ahead, change the law. Because even though we have this study here, the bill ultimately still builds a very strong fence. This is a ''fence me in'' bill.

It says to those people who currently have stations, we are going to build this big fence around you and we are not going to let anybody else in. That is wrong. The people in this Chamber who say they are in favor of competition, the people in this Chamber who say they believe in advances in technology I think should say, wait a minute, wait a minute.

We recognize if this study comes back and says that there are problems with interference, this Congress can act in a week. It is not going to take us 6 months. If there is a problem this Congress is going to act very quickly, because frankly, we are going to have powerful forces, just as we have powerful forces right now saying, quick, make sure there is no problem.

If there is no problem, my concern is those same forces are going to come in and say, yes, well, maybe it does not show this, it does not show that, but we are still concerned about that.

What this amendment does is it allows this bill to move forward. Under its current form, it is going to be vetoed by the President of the United States. I think we should be addressing the legitimate concerns, the legitimate technical concerns. That is why I am offering this amendment.

We have two choices, we can go forth with this bill right now, face a certain presidential veto, or we can accept this amendment. I think the President and the Senate will say, all right, that makes sense. Of course we want to have an independent study. Of course we want the FCC to continue its role. But there is no reason in the world that Congress should be micromanaging these stations.

I would bet, Mr. Chairman, that the radio stations themselves would rue the day that they wanted this Congress to get involved in the small, technical matters of the FCC. They do not want us to do that, generally speaking. They want us to stay out of it. But in this instance, they think that they can benefit.

Mr. Chairman, this is a reasonable amendment. I certainly ask my colleagues to support it.

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first indicate this bill was reported by the committee in a bipartisan voice vote. It was an amendment that we finally came to with the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Michigan (Mr. DINGELL) leading the way, that really set out, I think, the parameters of what this program is all about.

It allows the LPFM to go forward in areas where it does not infringe on existing interference protections: in a lot of rural areas, in the New Mexico example, in many areas of the country that are underserved by FM radio. We bent over backwards to make certain that that could go forward.

Then we also said, but it is important in these areas that potentially have interference problems to have a pilot study done and find out once and for all whether in fact these interference standards are adequate, or whether in fact the incumbent radio stations will have problems with interference and their listeners will have interference with that.

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This is really what this argument is all about. The Barrett amendment undercuts the purpose of this legislation by allowing the commission to go forward with full implementation of its lower-power FM rule, including the weakening of interference protections following the pilot program regardless of what the results of that program are.

So we are saying there is the FCC. The Barrett amendment simply says, do not confuse us with the facts. No matter how that pilot program comes out, one can go forward just as one is going forward now.

Now, there is a certain reason why congressional intent is important, and that is why we are debating this today. Is it really realistic to have an FCC, an unelected Federal bureaucracy, a so-called independent agency set these kinds of important standards against the obvious intent of the Congress? I do not think so.

The amendment allows the FCC to proceed with its rule as currently ordered, unless Congress enacts legislation to overturn this in a 6-month period. Well, I have perhaps a little less faith in the alacrity with which this Congress could act or any Congress could act perhaps than the gentleman from Wisconsin (Mr. BARRETT). As a matter of fact, everybody knows that in this town it is a lot easier to play defense than it is to play offense.

So my colleagues are asking the Congress to pass a bill that would or would not be vetoed by the President in that 6-month period. We do not know whether that happens or not.

But to allow the FCC to go forward with the test and then, say, essentially thumb their nose at the test results and move forward with granting these licenses is the height of irresponsibility.

So I would ask the Members to defeat this Barrett amendment, to support the bipartisan compromise that was crafted so well in this committee, and understand that this bill came out on a bipartisan voice vote in the Committee on Commerce with strong support on both sides of the aisle.

Let us defeat the Barrett amendment and get to the real issue here, which is protecting incumbent stations from potential interference from these new low-powered FM stations.

Mr. RUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the issue of whether these low-power FM stations cause interference must be addressed. We sat in the committee, observed and listened to both the FCC and the broadcasters. We were privy to the debate, the unsettled debate about whether or not low-power stations actually cause interference.

I am in support of a middle ground. I am in support of finding a middle ground, Mr. Chairman, so that we can move forward. The amendment, the Barrett-Rush amendment that we are offering today reaches a fair compromise. I think that it is fair, not only to the low-power radio, FM radio

station advocates, but it is also fair to the broadcasting industry. It is fair to the American people, and it is fair to the Members of this body. It provides 6 months for the FCC to conduct its pilot study and 6 months for the Congress to create the study's results.

Mr. Chairman, as the bill of the opponents of this amendment, the bill that they have crafted, if it goes forward, it does not give the FCC any opportunities to activate and to allow community organizations, hospitals, students across this Nation access to the airwaves.

Unfortunately, Mr. Chairman, the way that the bill is drafted now, the FCC would have to conduct a study by February 1, 2001. That is just a mere months away. If the FCC study or report indicates that there is no interference, the FCC still would not be allowed to act unless Congress specifically authorizes new legislation. So what this bill in fact does, Mr. Chairman, this bill actually kills low-power radio stations in this Nation.

Again, Mr. Chairman, the Barrett-Rush amendment is fair. I would like to just remind my colleagues that low-power radio stations enjoy broad support from the AFL-CIO, Communications Workers of America, the United States Catholic Conference, the United Church of Christ Office of Communications, the Consumers Union, the Minority Media Telecommunications Council, the National Federation of Community Broadcasters, the National League of Cities, and nationally known musicians, including Ellis Marcalis and Bonnie Raitt.

I urge my colleagues on both sides of the aisle, Mr. Chairman, to vote for this fair and reasonable amendment.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT). Not long ago, not very long ago, I read about a 21-year-old man who built his own radio transmitter. He was able to broadcast a signal of a distance of just 2 miles. This was far enough to reach everyone in his community. The problem was, of course, he was the only one who had a receiver. That was back in 1895. The name of that gentleman was Guglielmo Marconi, who invented the radio.

But if he were here today, he would have to overcome a lot more than just that obstacle of one receiver. For instance, he would have to come up with $80,000 to $100,000 before the FCC would even consider giving him a license. He would have to overcome something else that the gentleman from Massachusetts (Mr. MARKEY) alluded to on the floor, and that is the continuing concentration of power in the broadcast industry.

In recent years, the number of radio station owners in this country has shrunk by almost 20 percent. That is why the measure that we are considering today is so important and why this amendment is important. To the credit of the FCC and Bill Kennard, some new life is being breathed into a very old idea, an important idea, the public airwaves should be the public's interest. That is what the FCC did when it carved out a small piece of the broadcasting spectrum for community-level low-power FM stations.

Who will it help? It will help many community organizations who are now shut out, ethnic groups who want to broadcast their culture to the community, senior citizens who want to broadcast their concerns to the community, colleges and universities who want to talk to their students, city councils and villages who might want to broadcast what is going on in their committees and in their council meetings. It goes on and on of the groups that will have an interest in this issue that will be able to get into broadcasting that cannot today.

Musicians who are locked out in a very profound way from experimenting and expressing themselves on radio today would have an opportunity to do so as well.

So a forum for new music and new talent and new ideas, that is what radio should be all about. That is what the FCC plan I think will help achieve. That is why, as the gentleman from Illinois (Mr. RUSH) said, low-power radio has earned the support of the cross-section of organizations throughout America today, including the Consumers Union, the United States Catholic Conference, the NAACP, the AFL-CIO, the U.S. Conference of Mayors.

These are organizations that represent grassroots people who need a voice, who often do not have a voice, and who are now hopefully going to get a voice if they are not denied that by the powerful lobby that they are up against in this fight.

It is time that we tune out the static and that we listen to the facts. This is a reasonable solution, as the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH) have indicated, because the research shows that, even under the worst circumstances, low-power radio would create little interference and no cross-talk for conventional broadcasters.

There are already almost 400 full-power FM stations authorized prior to November of 1964 who do not meet the current channel separation requirements. These full-power stations which operate with only one or two channels between them and the next station on the dial have consistently met the FCC's criteria for distortion-free signals.

So I ask my colleagues to support this amendment. It is good. It is fair. It meets the needs of our communities.

Mr. BURR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH). This amendment deals with the crux of the problem Congress is facing on low-power FM interference.

The FCC chose to eliminate decades-old third-channel interference protections in order to shoehorn in more low-power FM stations. The House Committee on Commerce said wait a minute. After hearings and debate in subcommittee and full committee, my colleagues and myself said low-power FM can go forward and should go forward immediately, but Congress must protect all radio listeners by maintaining third-channel interference protections.

Now, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH) have agreed that we should put into law third-adjacent channel protections for any radio station that sublets, if you will, some of their spectrum to very important blind reading services, services that the FCC ignores in their ruling.

So the authors of this amendment are saying that the FCC got third-channel protections wrong for these unique and critically vital blind reading stations. But for all other broadcasters who may cover local high schools, sports, or provide Spanish language broadcasts, or our public radio affiliates, one cannot, and I repeat, cannot have third-channel protections under the law.

What if stations decide to offer some of their auxiliary spectrums to blind reading services? Does the FCC then have to go back and protect the third-channel from interference and shut down existing low-power FM stations?

This amendment is ill conceived and flawed. I urge my colleagues to vote no.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. This amendment by the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT) is a good amendment, and I ask my colleagues to accept it. It is a modest change to H.R. 3439. It is a good amendment, and I only wish it went further.

The promotion of competition and diversity in broadcast has been the guidepost of American communications policy for over 50 years. We are currently experiencing unprecedented consolidation in this industry, however; and we cannot ignore its implications. Today, broadcast remains the

way most Americans get their local news and information. Yet, there are fewer and fewer companies that control the content of the information they receive.

That is why more than 2 years ago, FCC Chairman Bill Kennard proposed a new low-power FM radio service. It is a noncommercial service that will allow local churches, schools, community-based organizations, and governments to strengthen the ties in their communities. It is localism and diversity in the purest democratic sense.

The FCC took its responsibility to protect the signals of incumbent broadcasters very seriously. They spent more than a year conducting lab tests and reviewing the potential for signal interference. It also extended its comment period in the rulemaking proceeding and scaled back its original proposal in an effort to address the incumbent broadcasters' concerns. For any objective viewpoint, the FCC bent over backwards to accommodate the concerns broadcasters raised.

The FCC's extensive tests have shown that low-power radio will not harm existing signals. Chairman Kennard has vowed publicly time and again to protect every incumbent FM service from interference.

H.R. 3439 effectively kills low-power radio. It prevents the FCC from issuing all but a small number of licenses and requires more studies into next year. New legislation would be required to permit the program to move forward once the studies are completed.

The Barrett-Rush amendment would simply permit the FCC to implement the program 6 months after the new round of studies is completed, and it has demonstrated again that interference is not a problem.

Passage of H.R. 3439 without the Barrett-Rush amendment will end the promise of greater localism and diversity that noncommercial low-power radio can bring.

□ 1930

I urge my colleagues to vote for this amendment and to vote against the legislation if this amendment is defeated.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today first to declare a conflict of interest. I am a community radio broadcast station owner and operator and have been for 14 years. My father started in this business in the late 1930s. There has never been more diversity on the dial and more stations than there are today.

Now, my stations are in a small community; 20,000 in the county and 23 in the other. We do the very things that my colleagues are talking about today that they want: Spanish programming, programming for seniors, and so do my colleagues in the industry. And that is what I am standing up here today to talk about, is the public service and community service that is today provided to people in America by their community broadcasters.

This amendment, though, is bad. Now, I am not a radio engineer, although I have spent time inside transmitters with my engineer. My engineer is a fan of low-power FM. He is very supportive of it. He and I disagree on this. But when it comes to the technical issue of LPFM, I want to read my colleagues what he said to me.

''My position on this is not to kill LPFM, but to pressure the FCC to consider revising at least the rules that would be most harmful to full-power FM stations. This rule appears to be the worst. Protecting against interference to a station's protected contour has been a bedrock issue with the FCC.'' He says, ''Perhaps most disturbing were the rules for future full-power FM's. It appears that predicted and actual interference would have to be caused within a future station's 70dBu 'city grade' contour, before the full-power station could have any relief from LPFM interference. Interference from there on out to the 60dBu contour would just have to be tolerated by the full-power station.''

That is why the FCC was created in the beginning, was to sort out these technical interference problems. That is why this amendment is not a good one and why it ought to be defeated and why we ought to run out the test the way the bill envisions and do it in that respect.

I have heard from community broadcasters; I have heard from Jefferson Public Radio concerned about the potential interference with their translator system on public radio. We have a great opportunity to move forward with the legislation that the chairman and the ranking member has offered, and I think this amendment is the wrong direction to go. From a technical standpoint, it is flawed and it will hurt the process.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Barrett amendment. If we were going to take all of the red herrings that have been spread before this body in this debate, we would have to put an aquarium in the middle of the well. This is absolutely one of the most misrepresented Federal Communications Commission efforts of all time.

Now, how do we know this? We know this because we have to test the hypocrisy coefficient. Now, how would we apply that in this particular instance? Well, what we would do is we would look at the 300 high-powered FM radio stations that the National Association of Broadcasters asked to be grandfathered by the Federal Communications Commission in 1997.

Now, we are not talking about 100-watt radio stations, these small nonprofit community-based radio stations. Hundred watts. No, we are talking about 50,000 watt radio stations, 10,000 watt radio stations, 5,000 watt radio stations that all operate within the second and third adjacent channels, just with these 100-watt stations.

So the NAB did a big study of these 300, 50,000, 10,000 and 5,000 watt stations. And after a completely detailed eye-watering analysis of the science of these radio stations, here is what they found: that every one of those 300 stations was a dues-paying member of the National Association of Broadcasters and they shall be grandfathered, regardless of their interference that they were going to be causing in the second and third adjacent channels.

Now, who are these channels? Well, my colleagues might have heard of some of them: KCBS, KLAX, KBCD, KYCY. Fifty, 50, count them, 50 high-powered radio stations in California, 24 in Illinois, 25 in North Carolina, 28 in Ohio, 24 in New York, 17 in New Jersey. Go right down the list. So KCBS, operating within the second and third adjacent channel, that is no problem. But a 100-watt station operated by a community church in South Central L.A., oh my God, stop the presses. Let us get the FCC out of this business and have an independent study, says the NAB. The NAB.

Now, why is this? Well, it is very simple. Here is their philosophy. They already got theirs. They are in. They are the incumbents. Pull up the gang plank. There is no room for these poor community groups, churches, minority groups. Oh, my God, how can we figure this out? Let us study it for a year, and then even if they find there is no interference, and, by the way, if they use the same standard that the NAB used with these 300, and that is all we are really talking about here in low power, by the way, only about 300 low power, if they use the same standard they will not find any interference.

But what does the Oxley bill say? Even if they do not find any interference, they still have to come back to Congress. They still have to come back and get permission. And when will that be? When do my colleagues think the NAB will let that happen out here?

So what the Barrett amendment says is, study it. But if they do not find any interference, if they find the same thing that the NAB found in 1997, when they analyzed whether or not their 300 radio stations, the huge 50,000, 10,000, 5,000-watt radio stations caused interference, then license the little 100-watt community-based radio station. Why not do that? But, no, even the Barrett amendment is unacceptable to the NAB.

My colleagues, unless we want to completely ignore the facts, unless we want to completely ignore the history

of FM radio in our country, and by the way these 300 stations that got their licenses back in the 1960s, they were only grandfathered. So they have been causing this interference or, more accurately, not causing this interference for 30 years now. So what is the likelihood that the FCC is going to be unable themselves, in order to determine whether or not 100-watt radio stations are causing this problem?

So, my colleagues, I think if right now these 50,000-watt stations are not provoking any complaints in L.A.; if we are not hearing it on KCBS, if we are not hearing it on KLAX, we are not going to hear it on the 100-watt stations. The consumer complaints are not out there.

So I urge a very strong ''aye'' on the Barrett-Rush amendment. It is wise, it is timely, it is important for us to get these small voices out into the communities of our country with the ever-consolidating huge radio industry making it harder and harder for minorities, women, and for smaller voices in our society to have their independent voices heard.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my friend, the previous speaker, indicated the Barrett amendment provided that this test would go forward, and then if the commission did not find any interference, it could move ahead and grant these low-powered stations. That is not what the Barrett amendment says.

The Barrett amendment says that in 6 months, regardless of whether the Commission finds interference, it can move forward with the issuance of these low-powered station licenses.

Let me say it again. The bill says they have to do this study and report back to Congress and then Congress will say yes or no, proceed, based upon the results of that study. The amendment by the gentleman from Wisconsin (Mr. BARRETT) says to the FCC that they can proceed in 6 months regardless of whether the independent study produces a finding of interference. Do we really want to vote for that?

Incredibly, the Barrett amendment makes one exception. It says even in 6 months the Commission cannot remove the protections against interference for radio reading services to the public. Now, that is a very important service, but if radio reading services to the public deserve this protection from interference, do we not think other minority stations deserve that protection? Do we not think National Public Radio deserves that protection? Do we not think the local radio broadcasting station deserves that protection? Or would we rather have this report come back to Congress saying there will be all kinds of interference, but the commission is going to move ahead anyhow whether or not it interferes with the local station, with the minority station, with the community broadcast station, or any other station that exists in our communities?

The FCC came up with this proposal. This is not a legislative proposal. The FCC decided to propose this new service. The FCC decided to propose it and then decided to implement it in spite of the fact that radio stations across America expressed concerns to the Members of Congress, whom the FCC is supposed to be answerable to, to check it out first to make sure it would not interfere with listening audiences around the country.

When we invited Chairman Kennard to come and tell us about it, he declined the offer to testify. He sent an engineer instead. So we had a battle of engineers. We listened to the FCC lab test, which said that it is okay to do this stuff. And then we heard from other engineers, who had test results that indicated all kind of talk-over, all kinds of interference problems on all kinds of cheap inexpensive radios; the Walkman, the boom boxes, the radios next to the bedside. And the FCC's answer was, oh, those radios are inexpensive. They are not designed well; and, therefore, we do not care whether it interferes with those radios. It is okay to interfere with those radios. To 65 million Americans, it is okay to interfere with their radio listening because they bought an inexpensive radio. Shame on them. That is the attitude of the FCC here.

If we adopt this amendment, we give the FCC authority to move forward in spite of the fact that it interferes with these less expensive radios. We give them the authority to move forward in spite of the fact it might jam up in a digital age and completely block out the signal of National Public Radio stations in our communities, or our community broadcasters in our communities, perhaps our minority language broadcasters in our communities. We give them the go-ahead and say it does not matter that they are supposed to be subject to Congress; they can do what they want, when they want to do it.

And guess what? Tick off the 6 months with me. This bill gets through the House tonight, and it goes over to the Senate. Maybe the Senate passes it in May. Count them off for me. All of a sudden we are in December. Are we in session? No. We are not in session in December. The FCC even may go out of office next year. We do not know who will be in the FCC next year. But in December the FCC proceeds with the issuances of all these licenses whether they interfere or not. We come back in session next year, and we have to start shutting licenses and radio stations down. Do we really want to be in that pickle? Do we really want to start shutting radio stations down across America because they were licensed incorrectly?

We have an obligation in Congress. We have an obligation to direct the FCC when it comes to the way the spectrum is used in America. We have an obligation to every radio listener not to let them issue licenses that are going to interfere with their listening. And yet the FCC is asking us in this Barrett amendment to do what they want regardless of the test results, except to protect one small little provision of service called radio reading.

I suggest to my colleagues this is an ill thought-out amendment. This undoes the bill. The bill does not shut down FM low power. It lets 70 stations go forward immediately. Immediately. And it simply says for the rest, go the through not the lab test, the field test.

I urge my colleagues to reject this amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if we like careful regulation, if we like responsible behavior by the regulatory agencies, if we expect the regulatory agencies to do their job carefully, then we have no choice but to oppose the amendment offered by my good friends, the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH).

The simple fact of the matter is the FCC did several things. First of all, they changed the standard which was previously signal-to-noise ratio, which covered and described whether or not there was interference that was unacceptable. Second of all, they changed so that now we may no longer use the test of the third-adjacent channel.

My friend, the gentleman from Massachusetts (Mr. MARKEY), said that the FCC was not opposed to this in that event by the broadcasters.

□ 1945

In point of fact, the broadcasters oppose the grandfathering of those higher powered stations.

Now, the issue here, and I want my colleagues to understand this very clearly, is not the question of interference as it impacts upon the broadcasters. Although that is important. It is the interference as it impacts upon the listener.

In 1927, the Radio Act was set up to assure that we restored order to the broadcast channels by eliminating the wild interference and the wild placement of stations, which made the entire spectrum almost useless and impossible to listen to.

What the traditional standard was, then, was the third adjacent channel. In addition to that, it was signal-to-noise ratio, which enables them to tell what in fact is going on from the standpoint of the listener. No test on these points was made by the FCC.

The FCC simply wants to disregard the traditional standards and the traditional methods of measuring whether

or not interference exists and will impact upon the listeners.

Now, everybody is making the great pitch that this bill here is going to hurt minorities. In point of fact, it is going to impact most heavily upon benefitting, if we pass this legislation, minority listeners and minority broadcasters because they will receive the assurance that they will get proper protection of both broadcasting and the listeners' concern.

Now, the point has been made, well, if they have got an expensive radio, they do not have to worry. Well, that is an argument that I find very distasteful, because the simple point of fact is that the minorities and the poor and the people who have most need of radio service are the people who can least afford an expensive radio.

We are not talking about shower radios or things of that kind. We are talking about clock radios, inexpensive radios, radios that are used by minorities and by people of limited means.

What the amendment does is it assures that the FCC will have to make a proper test and that the test will be accomplished by an independent testing entity. I think that is fair and proper. And then it lets the Congress make the decision.

Now, I want to remind my colleagues of something that Sam Rayburn told the chairman of the FCC when he got out of hand. He said, Now, son, remember that you work for us and everything will be all right.

The Congress is the body that has created the FCC to function under delegated authority. It is our responsibility to look after the FCC and see to it that their proceedings are fair, to see that their proceedings consider all the questions and are conducted in the proper fashion, and to see to it that the people who are dependent upon radio service get fair treatment.

Remember, at stake here are rights of minorities, people of limited means, and public broadcasting. That is what really is in question, and the question of whether or not proper service is afforded the people.

There will be literally hundreds of stations which will go on the air of low-power character. There will be at least 70 of them in major centers. And in areas below 50,000 markets, we will find that there will be an awful lot of broadcasters who will go on and utilize these low-power systems.

That is the way it should be done. And then we can have a fresh look; we can come to a judgment as to whether or not the test says that we ought to permit the FCC to go forward. At that point a proper decision can be made.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) and their interest in protecting the minority community. And I am sure they are sincere. I just happen to disagree with them on this issue about whether this is protective of the minority community or not. But that is not the point that I rose to make.

Actually, some of my very best friends are owners of commercial radio stations and own interests; and they deserve to have their signals protected, which is why the underlying purpose of the bill is a good purpose. There needs to be a study.

But I will guarantee my colleagues that, at the end of that study, those same friends of mine will, regardless of the outcome of that study, even if it says that there is no interference, they will be here saying do not take action because they will be trying to protect their own economic interest. And I do not have any problem with that.

But I know that they have enough power in the process to keep any kind of bill from coming that will allow these low-power FM stations to go forward even if the study says there is no interference. And that is why I support the amendment of the gentleman from Wisconsin (Mr. BARRETT) and the gentleman from Illinois (Mr. RUSH). Because this is really a question of who is going to play offense and who is going to play defense.

I know the commercial stations have the power to play offense. If this study shows that there is any kind of interference, this Congress will respond to the commercial radio stations, and I know that.

But I do not have that same kind of assurance about the minority community and small institutions and small colleges having the power to move Congress to do something to respond. And I think we ought to put the burden on the commercial stations, which is exactly what the amendment of the gentleman from Illinois (Mr. RUSH) and the gentleman from Wisconsin (Mr. BARRETT) does.

If there is a finding that there is really interference, I guarantee my colleagues they will be here and their interest will be protected. And I will probably be on their side because a lot of them are my good friends, and my supporters I might add.

But in the absence of some overwhelming finding, the burden should be on them and not on the community. The airwaves belong to the community in the final analysis.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. OBEY. Mr. Chairman, does the Chair think that we might obtain the vote faster if it were indicated that a number of us are inclined to vote for whichever side stops talking first?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, recognizing my colleague's last statement, I certainly will not take the entire 5 minutes. But I do believe I would like to comment on this bill.

I sat in on the committee hearing and I listened intently. This is a very important issue. Clearly, we do need more diversity of voices in the media.

Mr. Chairman, at the same time, however, it came to light in the committee that there were concerns and legitimate concerns about the quality of signals and the possibility of interference. And so, the concept of a study I think makes eminent good sense.

The concern I have, as has been articulated by my colleague the gentleman from North Carolina (Mr. WATT), is simply this: Why should we absolutely have to come back to Congress before any action can be taken?

Let us put the burden on the broadcasters to say this is a bad idea. If the study comes back and shows that we can have diverse voices think low-power radio without any significant interference, then we ought to move forward.

My father is blind. He listens to the radio as his primary source of communication with the outside world and certainly wants a clear signal. But I think I also want the opportunity to have other voices heard if they could be done without interfering with my father's portable radio.

With that in mind, I support this amendment. I believe it is a fair and reasonable approach that will allow us to move forward if there is no interference with the signal and allow these diverse voices.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of the Barrett/Rush Amendment to the Radio Broadcasting Preservation Act. I believe that the Barrett/Rush Amendment will strongly expedite the availability of low-power licenses to local communities.

This Radio Broadcasting Preservation Act would require the FCC to modify its low-power FM rule by establishing signal interference standards for low power FM stations that are equal to existing standards for full power FM stations. On January 20, 2000, the FCC adopted a new category of radio services that permits the issuance of licenses for low-power, non-commercial community FM radio stations. Under the FCC's rule, the new service would consist of 10-watt and 100-watt stations with a broadcast radius of about 1–2 miles and 3.5 miles.

For many years, the FCC received thousands of inquiries annually from individuals and groups wishing to start low-power radio stations for small communities. The FCC decision to offer low-power licenses will enhance community oriented radio and increase diversity in our Nation's communities.

Local communities and historically underrepresented groups such as, civil rights groups, students and educational organizations, labor

unions, churches and religious groups, and many other community organizations have expressed support. In addition, many nonprofit entities providing public safety announcements and local transportation have also expressed support.

However, organizations and some broadcasters are opposed to the low-power FCC license rule, because hey have expressed concerns that low-power frequencies will cause interference with existing broadcasters. For instance, many popular FM stations may experience static and unclear reception. Opponents have stated that the FCC acted hastily to appease the groups applying for low power licenses and that they did not fully consider the technical as well as economic consequences to established broadcasters.

I believe that the granting of low-power licenses by the FCC will offer significantly more opportunities for average Americans to become involved in broadcasting and spread their messages. In fact, many local minority broadcasters will have the chance to provide information to the communities where they operate. The Barrett/Rush Amendment will address the interference issue and speed up the availability of these coveted frequencies to those who may greater benefit from low-power access.

The Barrett/Rush Amendment permits the FCC to proceed with its plans to issue low-power licenses six months after the conclusion of the interference test period, unless Congress expressly takes action to prohibit it. The Radio Broadcasting Protection Act was introduced in order to curtail the FCC's ability to provide new licenses for non-commercial low-power FM radio stations to empower churches, schools, and other community groups to gain access to the airwaves.

The FCC proposal is intended as a response to the alarming trend of ownership consolidation in the radio industry, which has drastically decreased the number of local broadcasters on the air.

The Commerce Committee adopted a substitute to the Radio Broadcasting Preservation Act that would allow the FCC to grant low power radio licenses only in those 70 markets which satisfy the "third adjacent channel" protection from interference that applies to existing full power stations, and to test 9 markets whether low-power radio causes interference without the "third adjacent channel" protection. Once this testing is completed, the FCC must report the results to Congress.

The bill in its current form does not allow the FCC to act on issuing new low-power licenses, unless Congress specifically authorizes further action with additional legislation; even if the FCC studies find no interference is found in independent testing.

This bill also fails to recognize and inhibits the FCC's expertise in analyzing FM radio issues, including signal interference and spectrum management. Without the Barrett/Rush Amendment this bill is nothing but an unnecessary infringement on the FCC's ability to adapt decades-old rules to ever changing technology. This amendment is a fair compromise: it provides for Congress to exercise timely oversight, but removes an unfair impediment to legitimate action by the FCC with an issue clearly under its jurisdiction.

We can do better and we must do better. We owe it to the many churches, schools, non-profit community groups, colleagues, as well as state and local government agencies to go forward with providing access to low-power frequencies and to increasing diversity among our Nation's airwaves.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Barrett/Rush Amendment and in support of the FCC's Low-Power FM radio station proposal. The Barrett/Rush amendment is a reasonable compromise to this legislation that would allow the FCC to continue work toward establishing these important communications tools.

Mr. Chairman, low-power FM stations would give churches, schools and local community groups access to the radio spectrum at a cost they can afford. These stations will only reach a couple of miles, but the message they will carry will reach many people. These stations will give churches a greater voice in the community. These stations will allow schools to set up in-house radio stations. Schools can train kids for a career in the radio industry, as well as provide announcements of school closures and after-school events. Local community groups will be able to contribute to the diversity of voices in their community while providing important information.

The bill we are considering today will effectively give Congress the ability to kill the low-power FM program. The Barrett/Rush amendment forces Congress to act on this proposal instead of allowing it to wither away. My colleagues and I have heard the concerns of broadcasters that these new stations will interfere with existing stations. This amendment will allow for further study to ensure that the integrity of the spectrum is maintained. However, it mandates that Congress will act on this proposal after the independent study on interference is completed. This amendment represents a more responsible compromise to allay the concerns of broadcasters while giving the FCC the ability to move forward with this program.

Mr. Chairman, I urge support of this amendment and low-power FM radio.

Let's give new strength to the voice of the people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. BARRETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARRETT of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 245, not voting 47, as follows:

[Roll No. 129]

AYES—142

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Minge
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Weygand
Woolsey
Wu
Wynn

NOES—245

Aderholt
Allen
Archer
Armey
Bachus
Baird
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Cox
Cramer
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Manzullo
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Mink
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Oxley
Packard
Pallone
Paul
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett

Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOT VOTING—47

Baker
Bilirakis
Bliley
Borski
Callahan
Canady
Clay
Clement
Coburn
Cook
Cooksey
Costello
Crane
Fattah
Fowler
Gallegly
Ganske
Goodling
Greenwood
Hall (OH)
Herger
Houghton
Kolbe
LaTourette
Leach
Lofgren
Lucas (OK)
Martinez
McCarthy (MO)
McCollum
McInnis
McIntosh
Miller, Gary
Miller, George
Mollohan
Myrick
Quinn
Rangel
Rogan
Ros-Lehtinen
Sanchez
Shuster
Stark
Vento
Weldon (FL)
Wexler
Young (FL)

□ 2014

Messrs. LAHOOD, BARCIA and WATKINS changed their vote from ''aye'' to ''no.''

Mrs. MCCARTHY of New York, Mr. SHERMAN and Mr. METCALF changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri: Mr. Chairman, during rollcall vote No. 129, the Rush/Barrett Amendment to HR 3439, I was unavoidably detained. Had I been present, I would have voted "yes."

Ms. SANCHEZ. Mr. Chairman, during rollcall vote No. 129 on April 13, 2000 I was unavoidably detained. Had I been present, I would have voted "aye."

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

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

The CHAIRMAN. Under the order of the House of today, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3439) to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations, pursuant to the order of the House of today, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the order of the House of today, the previous question is ordered.

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

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

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. OXLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 110, not voting 50, as follows:

[Roll No. 130]

AYES—274

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kuykendall
LaHood
Lampson
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
McCrery
McHugh
McIntyre
McKeon
McNulty
Meehan
Mica
Miller (FL)
Minge
Mink
Moore
Moran (KS)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ose
Oxley
Packard
Pallone
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)

NOES—110

Ackerman
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dixon
Doggett
Dooley
Doyle
Eshoo
Evans
Farr
Filner
Frank (MA)
Gephardt
Gonzalez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Moakley
Moran (VA)
Nadler
Napolitano
Obey
Ortiz
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Reyes
Rivers
Rodriguez
Roybal-Allard
Royce
Rush
Sabo
Sanders
Schakowsky
Scott
Serrano
Slaughter
Snyder
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—50

Baker
Bilirakis
Bliley
Borski
Callahan
Canady
Clay
Clement
Coburn
Cook
Cooksey
Costello
Dicks
Fattah
Fowler
Gallegly
Ganske
Goodling
Greenwood
Gutierrez
Hall (OH)
Houghton
Kolbe
LaTourette
Leach
Lipinski
Lofgren
Lucas (OK)
Martinez
McCarthy (MO)
McCollum
McInnis
McIntosh
Miller, Gary
Miller, George
Mollohan
Myrick
Quinn
Rangel

Rogan	Shuster	Weldon (FL)
Ros-Lehtinen	Smith (WA)	Wexler
Sanchez	Stark	Young (FL)
Sherwood	Vento	

□ 2032

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read:

''A bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. KOLBE. Mr. Speaker, on rollcall No. 130, H.R. 3439, Radio Broadcasting Preservation Act, I was unavoidably absent. Had I been present, I would have voted ''aye.''

Stated against:

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 130, Radio Broadcasting Preservation Act, H.R. 3439, I was unavoidably detained. Had I been present, I would have voted ''no.''

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 130 on April 13, 2000, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. COOKSEY. Mr. Speaker, due to my mother's illness, I was not here for the votes on H.R. 3615 or H.R. 3439. Had I been present, I would have voted ''yea'' on passage of H.R. 3615, ''nay'' on the Barrett of Wisconsin Amendment to H.R. 3439, and ''yea'' on passage of H.R. 3439.

GENERAL LEAVE

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3439, the bill just passed.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 3308.

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

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, May 2, 2000, the Speaker and majority leader and minority leader may be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MAY 3, 2000

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, May 3, 2000.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1396

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor on H.R. 1396.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) ''Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005'', agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. KASICH, Mr. CHAMBLISS, Mr. SHAYS, Mr. SPRATT, and Mr. HOLT, to be the managers of the conference on the part of the House.

YOUNG ROLE MODELS

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

Mr. GIBBONS. Mr. Speaker, this week three youngsters from Sparks, Nevada, were honored as national winners of Make a Difference Day, the largest national day dedicated to helping others.

Ten-year-old Crystal DeRuise, her 8-year-old brother Trevor, and her friend, 10-year-old Diana Vaden, started a simple crafts project. They collected oval-shaped rocks, painted them to resemble ladybugs, and sold them at local community craft fairs.

This simple project has become a local phenomenon in a nationally-recognized charity. When Diana's mother became ill with lupus last year, the students began to sell their rocks at the local stores, donating all of their proceeds to the Lupus Foundation. To date, they have raised about $1,500 for lupus research, and plan to generate at least $1,000 more in sales by Christmas.

In addition, as national finalists, an award of $10,000 will go directly to the Lupus Foundation on their behalf.

It is truly an honor for me to recognize these young individuals, who have given so much of themselves to such a worthy cause. These young children are truly the real role models for all America.

COMMENDING COMMISSIONER CHARLES ROSSOTTI FOR CREATING PARTNERSHIP BETWEEN IRS AND NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

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

Mr. LAMPSON. Mr. Speaker, each day in the United States, 2,200 children are reported missing to the FBI's National Crime Information Center. Our colleagues have helped to raise the level of awareness about missing children by featuring their photos on franked mail and newsletters. Hundreds of corporations do their part. President Clinton mandated the posting of missing children's photos in Federal buildings.

Today I commend Commissioner Charles Rossotti of the IRS for creating a new partnership between his agency and the National Center for Missing and Exploited Children. All tax forms and publications this year feature the pictures of missing children where blank space once appeared. The IRS estimates that up to 600 million images of missing children are being featured.

The National Center reports that one in six missing children is recovered when someone recognizes their photo, and we are optimistic that many children featured in the new IRS program will make their way home as a direct result.

Mr. Speaker, please join me and the Members of the Missing and Exploited Children's Caucus in applauding Commissioner Rossotti for his leadership in bringing the pictures of these children to such a large audience simply by taking advantage of available space.

On behalf of all the families of missing children from our respective districts, we thank you.

IN SUPPORT OF DR. LAURA

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

Mr. BARTLETT of Maryland. Mr. Speaker, I have a button which I sometimes wear. It says, ''Politically Incorrect and Proud of it.'' I probably ought to be wearing that button tonight, because what I am going to say is going to be deemed politically incorrect by some.

You see, I rise in strong support of Dr. Laura. Mr. Speaker, under the guise of freedom of speech, my children and my grandchildren are put into a sea of filth and violence on television and the Net. Yet, when Dr. Laura recapitulates spiritual and moral values espoused by countless civilizations through millenia of time, pagans and Christians and Jews and Muslims, she is accused of hate speech.

Mr. Speaker, I proudly rise to defend Dr. Laura and her right to freely express her religious convictions, her deeply held religious convictions, without fear of being called a bigot. If her rights are denied, all our rights are at risk.

THE CENSUS AND URGING MEMBERS TO JOIN IN RESOLUTION SALUTING MINORITY VETERANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise for two reasons this evening. First of all, I ask Americans not to forget the Census. On April 16, we will have Census Sunday in my district, where I hope all of our religious communities and all those who will be gathered under one roof will realize the importance of one vote, one person, and realize they should be part of the count and not part of the undercount.

So many of our men and women have served the United States military so that we might be free. The Census is one exercise that the United States partakes in to ensure that all Members of this Nation are counted. So I hope that those who have not sent in their forms will realize that this is a part of the obligation of being here in the United States, to be counted.

Finally, Mr. Speaker, I hope my colleagues will join me in supporting House Resolution 98 to salute and give appreciation to all of the minority veterans that served in World War II, African-Americans, Hispanics, Native Americans, who, because of discriminatory laws in the United States, were not fully acknowledged.

We appreciate all who served in World War II and who gave their lives in sacrifice, but we hope we will be able to honor them on a day of honor, May 25, 2000.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MAY 2, 2000

The SPEAKER pro tempore laid before the House the following appointment by the Speaker:

WASHINGTON, DC,
April 13, 2000.

I hereby appoint the Honorable FRANK R. WOLF or, if not available to perform this duty, the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through May 2, 2000.

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

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

COMMUNICATION FROM LEGISLATIVE COUNSEL OF THE OFFICE OF GENERAL COUNSEL

The SPEAKER pro tempore laid before the House the following communication from M. Pope Barrow, Jr., Legislative Counsel of the Office of General Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, DC, April 13, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

M. POPE BARROW, Jr.,
Legislative Counsel.

SPECIAL ORDERS

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

PRESCRIPTION DRUG COVERAGE

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

Mr. BAIRD. Mr. Speaker, I come before the House today to talk about one of the most serious issues affecting senior citizens and families across the country. That is the skyrocketing cost of prescription drugs and the lack of affordable health coverage for seniors.

Too many of our Nation's senior citizens are forced to make an impossible choice each month about whether they buy the food they need, pay to heat their homes, or pay for the prescription medication that will keep them alive and keep them healthy.

Mr. Speaker, in the richest country in the history of the world, it is simply wrong to force our senior citizens to make that choice. I am sure Members have noticed this giant pill bottle. The size of this pill bottle reflects the escalating costs of prescription medications in our country.

Mr. Speaker, next week I will travel throughout my district and invite senior citizens to bring to me their prescription medications, their prescriptions, and the bills they pay for them. Mr. Speaker, we are going to fill this prescription bottle with those medication receipts, and we are going to bring it back to this body and demand action.

Mr. Speaker, too many senior citizens in this country are making a choice, a terrible choice that they should not have to make. This body has now been in session more than 15 months. We have talked about naming post offices, we have traveled back and forth across the country to vote on silly suspension bills, in some cases.

What have we not voted on? We have not voted on any substantive legislation, not one piece of substantive legislation to lower the cost of prescription medications or to provide meaningful health insurance to our senior citizens.

Mr. Speaker, we must not apply a placebo false fix to this problem. We must provide a real prescription on the House of Representatives to solve a real problem that is affecting our senior citizens' health and well-being every day.

Mr. Speaker, when I am in my district next week, I want hundreds of senior citizens to come out. I want to share with Members a story. We asked many of our seniors to share with us what they are paying for prescription medication. I was particularly moved by the story of Ms. Gwen Blackman of Longview.

This is what she wrote to me recently. She is receiving $650 per month for social security disability payments, but Mr. Speaker, she must pay $360 of that per month for prescription medications. How does she do that? Mr. Speaker, she does not do that. What she is forced to do is, on some months, go without her medication.

□ 2045

The richest country in the history of the world, we have senior citizens not able to pay for the medication they need because we have done nothing to control the escalating costs of prescription medications, and we have done nothing substantive to provide meaningful, meaningful and real affordable health insurance that includes prescription medications for our seniors.

This House has before it several bills. I am not taking a position tonight on

exactly which bill we must pass. But, Mr. Speaker, we must have this debate, and we must not pass a placebo designed to make us feel like we have done something without doing something.

I hope senior citizens from around this country will look at this giant prescription bottle and say I am going to follow the example of that Member of Congress, I am going to send my Member my prescription medication bottles. I am going to send them the receipts and say, ''Sir or Madam, what would you do if you were in my shoes, and what will you do as an elected Representative to solve this problem.''

IN DEFENSE OF DR. LAURA SCHLESSINGER

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

Mr. BARTLETT of Maryland. Mr. Speaker, Americans must speak up for freedom of speech, freedom of religion, and traditional morality by defending Dr. Laura's TV show against politically correct antibigotry bigots. That is why I would like to read into the RECORD excerpts from an excellent column from the April 8 issue of World magazine by noted professor of journalism, Marvin Olasky. The article is entitled, ''Support Dr. Laura: Don't back GLAAD, get mad at the anti-bigotry bigots.''

Now I quote, ''Long-time World readers know that I advocate political alliances between religious conservatives and libertarians, and social-issue alliances between biblical Christians and theologically conservative Jews and Muslims. We need such alliances, I believe, because God has not placed us in the ancient land of Canaan, the theme park that Israelites were told to make their own. Instead, Christians are called to live amid sin in a modern Babylon. . .

''Dr. Laura Schlessinger has reportedly surpassed Howard Stern and even Rush Limbaugh as the most-listened-to radio person. She regularly reaches over 20 million radio listeners on 450 stations in the United States and Canada with a message that emphasizes biblical morality. More Americans may soon hear that message: Paramount recently signed up 85 percent of U.S. television markets to air her hour-long talk format television show. But homosexual activists are now campaigning to stop her influence from expanding further. . .

''Dr. Laura (now 53 years old) has become an Orthodox Jew—and that means she has increasingly presented an Old Testament-based critique of homosexuality. To those who disagree she says, rightly, 'I am reiterating what God said. To them, that makes me 'hateful.' I'm sorry —talk to God about it.' Since groups like GLAAD, the Gay and Lesbian Alliance Against Defamation, don't want to talk to God about it, they have instead put pressure on Paramount to stop the Dr. Laura television show before it starts. GLAAD's posture is ironic in one respect; as Dr. Laura told our reporter Lynn Vincent earlier this year, 'I think it's quite fascinating that a group that's talking about civil rights wants to curtail my right to make a living, speak my point of view, and to have my religious convictions.'

''Www.stopdrlaura.com, one of the new attack websites, bills itself as 'a coalition against hate.' The Stop Dr. Laura movement lists e-mail addresses and phone and fax numbers for the Paramount offices, giving homosexuals and their apologists an easy way to maximize harassment of Paramount executives. One of the dot-com brains behind the attack, John Aravosis, said, 'The show's going to be canceled. This is going to be living hell for Paramount for the next year at least. E-mails will keep flying and flying and flying. Everyone on-line who's progressive is going to know that Paramount is a bigot.' For progressives, of course, 'bigotry' only goes one way.

''Former Member of Congress Pat Schroeder attacked Dr. Laura by saying, 'The pledge of allegiance says, 'with liberty and justice for all.' What part of 'all' is unclear?' That question should be turned back to Mrs. Schroeder. What about liberty for Dr. Laura.

''If the attack just came on the Web, it would not be so serious but leading liberal publications have become lapdogs of the homosexual lobby. GLAAD in 1998 met with editors of Time magazine to tutor them on the politically correct way to cover homosexuals in their publication. Time editors followed up obligingly with a flurry of pro-gay coverage, prompting GLAAD to trumpet the magazine's 'truly remarkable turnaround.' On March 20 Time had the predictable story, 'Dr. Laura, Heal Thyself.' So, for that matter, did Newsweek, with its standard hit-piece use of adjectives . . . and out-of-context references . . .

''Dr. Laura issued an ironic statement: 'We are all made in God's image, and therefore, we should treat one another with love and kindness.' But for activists, sincere overtures of peace will not suffice, and only Dr. Laura's unconditional surrender is acceptable . . .

''If a person of Dr. Laura's prominence and proven appeal can be kept off television, tyrants have seized control of the airways and no one who doesn't bow to political correctness is safe . . .

''The best way to ask Paramount executives not to be swayed by the GLAAD offensive is to send a letter to Mr. Frank Kelly, Paramount Television, 5555 Melrose Avenue, Hollywood, California 90038, or an e-mail to television@pde.paramount.com.''

Mr. Speaker, it is an honor to rise in support of Dr. Laura.

THE REUNIFICATION OF THE PARTHENON MARBLES

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

Mr. PAYNE. Mr. Speaker, I would like to call to the attention of my colleagues an issue of great importance to our Nation and to the international cultural community. I was tremendously pleased to learn that the matter of the Elgin Marbles is now being considered by the British Parliament and would like to offer my support for all efforts by the committee to conduct a thorough, authoritative examination of all the issues of return of the Parthenon Sculptures to the Acropolis.

The House of Commons, committee on Culture, Media and Sport will be examining the issue of the Reunification of the Parthenon Marbles as a part of its present Inquiry On Cultural Property: Return and Illicit Trade. Last week, the committee traveled to Athens to conduct on-site meetings on the issue with the Hellenic Republic.

The Parthenon was built nearly 2,500 years ago by the original Periclean democracy. The Parthenon Marbles are the segments of the Parthenon temple frieze and structures removed by Lord Elgin from the Parthenon Temple in Athens to London in 1801 to 1816 under the circumstances of debatable legality.

The subject of the Parthenon Marbles is not a Greek-British issue but one of international and U.S. interests. Within the international community, the United Nations Educational, Scientific and Cultural Organization, UNESCO, and the European Parliament have issued declarations urging that the Marbles be returned to Greece. From the major government buildings of all Western democracies to the emblem of UNESCO, the Parthenon is the recognized international symbol of culture and democracy.

Within Great Britain, two polls over the last 2 years demonstrated that the British public favors the reunification of the Marbles. Last year, an Early Day Motion, signed by 112 members of the British Parliament, was presented urging the return of the Marbles. In March, the Economist magazine published a definitive article on the issue including its own poll of Parliament showing very significant support for the return of the Marbles.

No modern legal concepts of cultural properties apply to the case of the Parthenon Marbles because of the following tragic coincidence. The removal of the Parthenon Marbles occurred on

the eve of all modern treaties and international legal precepts regarding cultural property, even in the same decades that the Allies in Europe broke historic ground when they returned the cultural property seized by Napoleon to the Nations of origin. The committee will need to apply strict interpretation of its own legal principles as it weighs the rights of the possessor against the rights of the creator, a very important principle.

The return of the Parthenon Marbles would raise no cause for concern for any other world museums, especially in the United States. Additionally, the Parthenon Marbles is unique, and their reunification would not create a precedent for other museums. Likewise, reunification of the Parthenon Marbles neither establishes a principle for American museums nor poses a threat to our own cultural heritage.

From an ethical point of view, we can imagine the United States position if a foreign diplomat began carting away sculptures from the roof of the Lincoln Monument, which actually the Lincoln Monument was structured after the Parthenon, and they were now in a foreign museum.

From an artistic and cultural point of view, we should consider that the sculptures were integral, structural parts of the architecture, dismembered and taken from the roof of the Parthenon temple. The Parthenon Marbles are not merely ''statutory,'' movable decorative art, but integral, interdependent parts of a temple. Over the centuries, the Parthenon has been a place of worship for three religions in addition to pre-Christian worship of Athena, goddess of wisdom, Orthodox Christian, Catholic, and Muslim.

President Clinton's recent comments in Athens and to British Prime Minister Tony Blair have advanced the debate. Significantly, within days, Prince Charles announced his support for the return of the Marbles to its original place. This will promote a dialogue between the Greek and the British governments which may lead to the reunification of the Marbles to their original home on the Acropolis, hopefully in time to celebrate the 2004 Olympics, which as we know starts in Greece.

Emblems of our culture, in fact, were adopted from the Parthenon and the democracy and culture it represents, including the Lincoln Memorial, the Supreme Court, and innumerable important public buildings and monuments. In the United States, the Committee on the Parthenon has served as a primary catalyst in building public awareness and government support.

Therefore, Mr. Chairman, I urge that we support this and I have introduced legislation to move it forward.

EARTH DAY 2000

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

Mr. PALLONE. Mr. Speaker, we are on the verge of celebrating the 30th anniversary of Earth Day, which falls on April 22. We have much to celebrate, improved air quality and water quality and other environmental standards and better protections for human health. However, we also still have a long way to go to preserve and protect our natural resources.

Unfortunately, the Republican leadership has not promoted an environmental agenda in this Congress. This is a shame because, if we continue on the path that the Republican leadership has been advocating, our planet will be in far worse shape 30 years from now.

I just wanted to mention a couple actions that took place just yesterday in the House in the committees that I serve on. For instance, Republicans on the Committee on Resources yesterday promoted efforts to drill the Arctic National Wildlife Refuge. If we open the Arctic Refuge to oil and gas development, we will only have the equivalent of 6 more months' worth of oil supply. Yet, in the process, we would destroy one of our Nation's greatest natural resources forever.

Just yesterday, Republicans on the Committee on Commerce in which I serve tried to eliminate water efficiency standards for shower heads and toilets. Fortunately that attempt was defeated. Many of my colleagues on both sides of the aisle are already experiencing severe water shortages back home. One study estimated that indoor water use could be reduced by 31 percent per person per day with products that meet the current standards.

Let me just mention also other aspects of the environmental report in general with regard to the Republican majority. I believe very strongly that many of their policies have harmed our domestic and global energy and environmental security by cutting funding for energy efficiency, renewable energy, weatherization, and alternative fuel programs during the last few years.

In their first effort upon taking control of Congress, the Republican majority cut energy efficiency programs by 26 percent. Over the past 5 years, the GOP has slashed funding for solar energy, renewable energy, and conservation programs by nearly $1.4 billion below the administration's request.

They have also inserted anti-environmental riders into critical funding bills at the 11th hour, hoping that these stealth efforts would not be discovered by the American people. If we look at the situation in Texas where Governor Bush is claiming to be helping the environment, we see that that State ranks first in air pollution in the Nation and third worst in water pollution from chemical dumping. Governor Bush has appointed industry representatives to State environmental agencies that had previously fought against environmental regulations.

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And he also has underfunded the cleanup of Superfund sites and has pushed a strictly voluntary program for dirty power plants to reduce harmful emissions, even though Texas's deteriorating air quality has reached a crisis proportion.

While the rest of the world is taking practical steps to reduce greenhouse gas emissions and save money and energy, the Republican-controlled Congress is lagging behind by debating whether the science is real enough to take similar actions domestically.

Mr. Speaker, as we celebrate Earth Day this year, let us reflect on our responsibility for stewardship of our natural resources. I just hope the Republican leadership will stop trying to gut our environmental laws, and I hope all of my colleagues on both sides of the aisle will join me in working proactively to protect our environment now for the present and for future generations.

SUBMISSION OF AMENDED RULES OF PROCEDURE FOR THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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

Mr. SMITH of Texas. Mr. Speaker, on April 12, 2000, in accordance with Rule 1(b) of its rules, the Committee on Standards of Official Conduct amended its rules as follows: (1) to conform the language of Rule 20(f) to the superseding language of Rule 22(a), the last sentence of Rule 20(f) was deleted, which sentence read "The Committee shall transmit such report to the House of Representatives"; (2) to conform the language of Rule 27(o) to the intention of that rule, the word "of" in the first sentence of Rule 27(o) was deleted and replaced by the word "or." The committee hereby publishes its amended rules in their entirety.

LAMAR SMITH,
Chairman.
HOWARD L. BERMAN,
Ranking Minority Member.

RULES: COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, ADOPTED JANUARY 20, 1999, AMENDED MARCH 10, 1999, AMENDED APRIL 14, 1999, AMENDED APRIL 12, 2000

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and

the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 106th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

Rule 2. Definitions

(a) ''Committee'' means the Committee on Standards of Official Conduct.

(b) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) ''Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule 8 to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) ''Adjudicatory Subcommittee'' means a subcommittee of the Committee comprised of those Committee members not on the investigative subcommittee, that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(l), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXVI (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXVI (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the committee requests of reasonable extensions of time for the filing of financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which the individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center For such propose.

(i) The Committee shall designate staff counsel who shall review financial Disclosure Statements and, based upon information contained therein, indicate in a form

and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each financial Disclosure statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that addition is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting infididual who concurs the committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement is an explanatory letter addressed to the clerk of House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(P) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regular scheduled meeting need not be held when the Chairman determines there is not business to be considered.

(b) The Chairman shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chairman.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Committee Staff

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(c) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific prior approval from the Chairman and Ranking Minority Member.

(f) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(g) All staff members shall be appointed by an affirmative vote of majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(h) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(i) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(j) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(k) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chairman and Ranking Minority Member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the Committee. Such shared staff may assist the Chairman or Ranking Minority Member on any subcommittee on which he serves. Only paragraphs (c), (e), and (f) shall apply to shared staff.

Rule 7. Confidentiality Oaths

Before any member or employee of the Committee may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

Rule 8. Subcommittees—General Policy and Structure

(a) Upon an affirmative vote of a majority of its members to initiate an inquiry, the Chairman and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. At the time of appointment, the Chairman shall designate one member of the subcommittee to serve as the chairman and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(b) If an investigative subcommittee, by a majority vote of its members, adopts a Statement of Alleged Violation, members who did not serve on the investigative subcommittee are eligible for appointment to the adjudicatory subcommittee to hold an Adjudicatory Hearing under Committee Rule 24 on the violations alleged in the Statement.

(c) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(d) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(e) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 9. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or

subcommittee proceeding in which he is the respondent.

(e) A member of the Committee may disqualify himself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 18(g) or Rule 24(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adoption of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adoption of a recommendation to the House of Representatives that a sanction be imposed.

(7) Adoption of a report relating to the conduct of a Member, officer, or employee.

(8) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 11. Communications by Committee Members and Staff

Commmittee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee. The Chairman and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business. Evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

Rule 12. Committee Records

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including, but not limited to: (i) the fact of or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study, or other document which purports to express the views, findings, conclusions, or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer, or employee.

(c) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 23. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives.

(d) If no public hearing or meeting is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(e) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(f) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

Rule 13. Broadcasts of Committee and Subcommittee Proceedings

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 14. House Resolution

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 15. Committee Authority to Investigate—General Policy

Pursuant to clause 3(b)(2) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when—

(a) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(b) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(c) the Committee, on its own initiative, establishes an investigative subcommittee;

(d) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony; or

(e) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation.

Rule 16. Complaints

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, ''Signed and sworn to (or affirmed) before me on (date) by (the name of the person)'' setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the ''complainant'');

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be

submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 17. Duties of Committee Chairman and Ranking Minority Member

(a) Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(b) Whenever information offered as a complaint is submitted to the Committee, the Chairman and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(c) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chairman and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(d) The Chairman and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chairman or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(e) If the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to the subcommittee for its consideration. If at any time during the time period either the Chairman or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(f) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 18. Processing of Complaints

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within five days with notice that the complaint conforms to the applicable rules and will be placed on the Committee's agenda.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the state is prepared by counsel for the respondent, the respondent shall sign a representation that he/she has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may requests information from the respondent or obtain additional information pertinent to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chairman and Ranking Minority Member.

(d) At the first meeting the Committee following the procedures or actions specified in clauses (a) and (b), the Committee shall consider the complaint.

(e) The Committee, by a majority vote of its members, may create an investigative subcommittee. If an investigative subcommittee is established, the Chairman and Ranking Minority Member shall designate four members to serve as an investigative subcommittee in accordance with Rule 20.

(f) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

(g) The respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of his or her disqualification.

Rule 19. Committee-Initiated Inquiry

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities. The Chairman and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 20.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be process in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, state, or local court. Notwithstanding this provision, an inquiry may be initiated at any time prior to sentencing.

Rule 20. Investigative Subcommittee

(a) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by disposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chairman of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chairman or subcommittee member designated by the Chairman to administer oaths.

(b) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary rulings to the members present at that proceeding. The majority vote of the members present at such proceedings on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(c) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its investigation.

(d) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(e) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or disharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(f) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefor, and any appropriate recommendation.

Rule 21. Amendments of Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

Rule 22. Committee Reporting Requirements

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent wavies his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

Rule 23. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report to the Committee pursuant to Rule 20 or Rule 22, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

Rule 24. Adjudicatory Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 23, and no waiver pursuant to Rule 27(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the Chairman and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any

counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be acceptable into the hearing record.

(e) The procedures set forth in clause 2 (g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determined that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which related to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or another presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary ruling to the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be an follows:

(1) The Chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chairman shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination may be permitted at the Chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chairman, such questions shall be conducted under the five-minute rule.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 25. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 24 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is

appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 26. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 27(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

Rule 27. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chairman and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chairman and Ranking Minority Member of the subcommittee, and the outside counsel, if any.

(i) Statement or information derived solely from a respondent or his counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent;

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing him of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee the name of any witness subpoenaed to testify or to produce evidence.

(m) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(n) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(o) Each witness subpoenaed to provide testimony or other evidence shall be provided such travel expenses as the Chairman considers appropriate. No compensation shall be authorized for attorney's fees or for a witness' lost earnings.

(p) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Rule 28. Frivolous Filings

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of its members, deems appropriate in the circumstances.

Rule 29. Referrals to Federal or State Authorities

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

TRIBUTE TO DR. ALFRED MUNZER

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

Mr. WAXMAN. Mr. Speaker, today I pay tribute to Dr. Alfred Munzer who will be honored on May 7, 2000, by the American Lung Association. For his public service and outstanding achievements, he will be awarded the Lung Association's distinguished Will Ross Medal for outstanding volunteer service.

A past president of the American Lung Association, Dr. Munzer has ably served the organization at every level—from service as president of the American Lung Association of the District of Columbia and president of the DC Thoracic Society to service on the Lung Association's national Board of Directors and numerous committees. More recently, he is focusing much of his advocacy work in the international arena, particularly efforts to control tobacco use on a global basis.

Over the last two decades, Dr. Munzer's work with the Congress has made a vital contribution to public health and a significant difference in shaping national policy. As a frequent witness at hearings before congressional committees, including the Health and the Environment Subcommittee, which I used to chair, Dr. Munzer has testified on many lung-health issues, ranging from the health effects of air pollution to the need for strong tobacco control efforts.

Dr. Munzer is a skilled communicator who speaks eloquently about his own experience.

He has an exceptional ability to put a human face on complicated health issues.

Throughout his career, Dr. Munzer has dedicated his life to helping and inspiring those around him. It is clear from his achievements that he is truly committed to making a difference in the lives of others. Dr. Munzer has given his time graciously, not only lending his expertise to the Congress but also caring for his patients at the Washington Adventist Hospital and teaching medical students at Georgetown University. I am grateful for his service and commend him for his dedication to helping others.

Congress is wiser and the American people are healthier thanks to Dr. Munzer.

It is my distinct pleasure to ask my colleagues to join with me in saluting Dr. Munzer for his outstanding achievements and to congratulate him for receiving the prestigious honor granted him by the American Lung Association.

AMERICA'S LOT SHOULD BE CAST WITH TAIWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, not so many years ago, an inspiring U.S. President, John F. Kennedy, gave heart not only to our people but to those living under the sickle and boot of Communism in eastern and central Europe. In a moment that history will remember always, he stood in West Berlin, an island of democracy in a sea of totalitarianism. He championed for the world the cause of freedom with the proud boast, ''Ich bin ein Berliner.'' I am a Berliner.

Today, as this Congress stands on the verge of voting on permanent trade privileges to Communist China, it is incumbent upon us to remind ourselves of Taiwan, the only outpost for democracy in the Pacific Rim. Does mainland China, a Communist nation, whose human rights record is deteriorating, really deserve a blank check from this Congress of the United States? There is not one iota of indication that that totalitarian regime has any respect for liberty's cause.

President Kennedy, on June 25, 1963, at the City Hall in West Berlin said, ''I am proud to come to this city as the guest of your distinguished Mayor, who has symbolized throughout the world the fighting spirit of West Berlin, and your distinguished Chancellor. Two thousand years ago, the proudest boast was 'civis Romanus sum.' I am a Roman. Today the proudest boast is, 'Ich bin ein Berliner.'

''There are many people in the world who really don't understand, or say they don't, what is the great issue between the free world and the Communist world? Let them come to Berlin.''

And I might say today, for freedom lovers, they should say, let them come to Taiwan.

''There are some who say that communism is the wave of the future.'' He said, ''Let them come to Berlin.'' ''There are some who say in Europe and elsewhere we can work with the Communists. Let them come to Berlin. And there are even a few who say that it's true that communism is an evil system, but it permits us to make economic progress. Let them come to Berlin.

''Freedom has many difficulties and democracy is not perfect, but we have never had to put a wall up to keep our people in, to prevent them from leaving us.'' He said, ''I know of no town, no city that has been besieged for 18 years that still lives with the vitality and the force and hope and the determination of the City of West Berlin.'' And I would say today that that is true of Taiwan.

''While the wall was the most obvious and vivid demonstration of the failures of the Communist system for all the world to see, we took no satisfaction in it. What is true of that city,'' he said, ''is true of Germany. Real and lasting peace in Europe can never be assured as long as one German out of four is denied the elementary right of free men, and that is to make a free choice.

''In 18 years of peace and good faith, this generation of Germans has earned the right to be free.'' He said, ''You live in a defended island of freedom, but your life is a part of the main. So let me ask you,'' he said, ''as I close, to lift your eyes beyond the dangers of today to the hopes of tomorrow, beyond the freedom merely of this City of Berlin, or your country of Germany, to the advance of freedom everywhere, beyond the wall to the day of peace with justice, beyond yourselves and ourselves to all mankind.

''Freedom is indivisible, and when one man is enslaved, all are not free. When all are free, then we can look forward to the day when this city will be joined as one, and this country, and this great continent of Europe in a peaceful and hopeful globe. When that day finally comes, as it will, the people of West Berlin can take sober satisfaction in the fact that they were in the front line for almost two decades. All free men, wherever they may live,'' he said, ''are citizens of Berlin, and, therefore, as a free man, I take pride in the words 'Ich bin ein Berliner.' ''

Today, as we embark upon a debate on China, America should aspire to no less an ideal than our forbearers who carried the torch of liberty with no fear of the cost. America's lot should be cast with Taiwan as the democratic hope of the Pacific Rim. All free men and women, wherever they may live, are citizens of Taiwan. And, therefore, as a free citizen, I take pride in opposing any special trade privileges for Communist China. There is no other choice for freedom lovers.

DO WHAT IS RIGHT FOR AMERICA, NOT WHAT IS RIGHT FOR POLITICAL REASONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Utah (Mr. HANSEN) is recognized for 10 minutes as the designee of the majority leader.

Mr. HANSEN. Mr. Speaker, I heard an interesting talk by one of the Senators from the State of Utah wherein he talked about his service in the White House under the Nixon years. What I found interesting about it was that he talked about the days of Watergate, and he said the thing that was feared the most in the White House was the Attorney General's office.

Now, I find that very interesting that the Attorney General's office was feared by the President and the President's cabinet. Well, now, Mr. Speaker, I would like to point out that we have an interesting situation going on in a little island down by Puerto Rico. It is called Vieques. Vieques has been a training island for many, many years for the Navy and the Marines.

In fact, that is where they get their final test. That is where they go, before they are deployed to the Persian Gulf or some other hostile place. They go down there and the Marines hit the beach. And as they do, there is fire from those ships, live fire over their heads. Then we have a situation where actual fighter planes come in and strafe, and then bombers go in. And they do all this as the final preparation before we put all these fine young people in harm's way.

It is interesting that the Eisenhower went out untrained. They did not have the ability to do it. And now the Washington, another aircraft carrier, is going out untrained without the ability to do it. Why is this? It is because we had a very interesting situation occur. A number of people went in and invaded that base. A United States military base. They invaded it.

Now, what should happen there? Obviously, what should happen, the Marines and the Navy should kick them off and turn them over to the Justice Department. And the Justice Department, at that point, should prosecute them for what they have done.

Mr. Speaker, I do not think a lot of people realize that in the United States there are 48 States that have live fire. What if some environmental group or others went in and took it over? Do we stand by and say they can have a vote, and if they vote right, we would give them $40 million, like we do there? I hardly believe it.

So, Mr. Speaker, I have written the Attorney General, as a member of the Committee on Armed Services, and I have asked the question, what is the Attorney General doing to take these people off, who are nothing more than trespassers? The answer to that is that they have done nothing.

Now, today, in the paper I read where an extreme environmentalist, a lawyer by the name of Robert F. Kennedy, Junior, will go to Vieques this Monday and he will scuba dive and he will play down there to see what is going on. I called today and we informed the Attorney General's office that a law is about to be broken, and I asked what was going to be done about it. So far we have heard absolutely nothing.

Mr. Speaker, I do not know if a lot of folks realize that in my years here in Congress I served for 14 years on the ethics committee. For 2 years I chaired the committee. It was my responsibility to talk to Democrats and Republicans alike and say this: You cannot solicit funds from a Federal building, period. You cannot do that. You will be in violation if you do.

I find it very interesting and disagree respectfully with the Vice President of the United States who made the statement that there was no controlling authority because he solicited funds from the White House. If the White House is not a Federal building, my goodness, what is a Federal building in America today?

So I wrote to the FEC, the Federal Election Commission, and I asked them to please explain why the Vice President, in violation, could do that. I knew what their answer would be. They said, we understand the law, but that I would have to call the Attorney General. So we wrote the Attorney General 3 months ago and asked the question, why is it the Vice President has no controlling authority? And if that is the case, then do 535 Members of the Senate and the House not have exactly that same thing? We could sit in our offices, call anybody we want, solicit money from people, even foreign nationals. Why could we not do that?

I find it interesting, Mr. Speaker, that we have not had the Attorney General write us back. So I have had my legislative director, Mr. Bill Johnson, call them on a regular basis and ask them if they would please respond to our letter. And every day we get the same thing, which is, oh, we are working on that. Does it take 3 months to answer a simple letter asking if there is no controlling legal authority? And if that is the case, 535 of us should have exactly the same rights to do it.

I imagine we will hear about it, maybe in the second week of November. Because, again, the Attorney General is dragging her feet.

Mr. Speaker, if I may mention one other issue. In September of 1996, safely on the South River of the Grand Canyon, the President of the United States put 1.7 million acres into a national monument. Now, what authority did he use to do that? He used what is called the 1906 Antiquity Law. Which is a very short law. It is only two paragraphs. But it says he should consider an archeological or a historic thing.

Now, I would ask respectfully of the President of the United States why he did not do that in that proclamation. And in January of this year, why did he not do it on the strip of Arizona; why did he not do it in Phoenix. Why did he not do it? And now this Saturday, rumor is, and I admit I am paranoid, because I hear these rumors and I know they are going to happen, that down in Sequoia Forest in California there will be another national monument. I would just disagree with the President and ask him to please obey the law this time.

And why is he doing these things? We subpoenaed those papers, and in those papers the White House, the Department of the Interior, and the Council on Quality Control said exactly the same thing; we are doing it for political reasons. My goodness, why in this Nation do we do things for political reasons?

I still remember sitting with President Ronald Reagan who made the statement, ''First and foremost we will do what is right for America.'' Not first and foremost we will do what is right for political reasons. Mr. Speaker, I am just hoping in these three examples, Vieques, the ethics committee, the soliciting funds and the Sequoia Park, that people will follow the law for a change. It would be very refreshing to see this.

ACHIEVEMENTS OF REPUBLICAN-LED CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. WELLER) is recognized for 50 minutes.

Mr. WELLER. Mr. Speaker, it has been a busy week and a busy last several months as we have worked hard to address the concerns we hear about back home.

I represent a pretty diverse district. I have the privilege of representing the South Side of Chicago; the neighborhoods of Hegwish, on the east side in the 10th ward. I represent the south suburbs in Cook County; towns like Lansing and Calumet City, and Park Forest and Lynwood; as well as suburban towns in Will County, New Lenox and Frankfort; industrial communities like Joliet; rural areas throughout the rest of Will County and Kankakee, LaSalle and Grundy Counties. And I hear a very clear message in that very diverse district, a message that we should all work together that we should find challenges.

And whether my neighbors that I have the privilege to represent reside in the city or the suburbs or the country, they tell me that they want those of us here in the Congress to find solutions to the challenges that we face.

I think back to 1994, when I had the privilege of being elected to Congress. I think about the issues of the day at that time, and of course the challenges that we were debating and facing in that campaign. And we discussed solutions to those challenges. I remember back then. It was only 6 years ago that the previous Congress and their mismanagement and the President were running up $200 to $300 billion deficits, spending beyond our means. In fact, it was projected that, before the Republican Congress was elected, that deficit spending would total $200 to $300 billion a year, as far as the eye could see.

□ 2115

In response to that, the Democratic Congress, working with President Clinton and Vice President GORE, passed the biggest tax hike in the history of our country, placing America's tax burden at its highest level ever, where the average family in Illinois is now sending at least 42 percent of their average income to Washington or Springfield in the local courthouse. That tax burden is too high. And they raised taxes again and they continued deficit spending.

Unfortunately at that time, in 1994, it was clear that they were running the Federal Government on a credit card. They raised taxes and they increased spending. And even though they increased taxes, they still spent well beyond their means, running up deficits of $200 billion to $300 billion a year, running up a massive public debt and raiding Social Security to spend on other things.

When we promised change and we made the commitment that when we were given the opportunity as Republicans to be in the majority that we would work to change how Washington works, balancing the budget and paying down the debt and strengthening Social Security and reforming welfare.

I am proud to say that in the last 5½ years that I have had the privilege to serve in this Congress that we went about doing exactly what we said we would do. We balanced the budget for first time in 28 years. In fact, over the next 10 years, as a result of our balanced budget, we are projected to have surpluses, extra money, of almost $3 trillion.

We provided for the first middle-class tax cut in 16 years. Three million Illinois children in my home State of Illinois now qualify for that $500 per child tax credit, $500 a year that will stay back home in that family's pocketbooks rather than coming here to Washington.

We certainly believe that families back in Illinois and working families throughout this country could better spend their hard-earned dollars better at home than we can for them here in Washington.

I am also proud to say that the welfare reform that we enacted over the last 6 years that emphasizes work and

family and responsibility has worked. It has succeeded. We now have seen a reduction in our Nation's welfare rolls of one-half.

My home county of Grundy County, Illinois, has seen an 85-percent reduction in welfare; and almost seven million Americans have now moved from the welfare rolls to the work rolls and the tax rolls, changing their opportunities.

One of our greatest successes this past year, we made a commitment of course to change how Washington works by ending what many call Washington's dirtiest and darkest secret; and that is that for almost 30 years Washington raided the Social Security Trust Fund, dipping into Social Security, America's retirement account, to spend on other things.

This past year we put a stop to that, walling off the Social Security Trust Fund so that Social Security dollars could not be spent on anything other than Social Security and Medicare. What a great change in changing how Washington works by stopping the raid on America's retirement account by stopping the raid on Social Security.

By the way, we also started paying off the national debt. In the last 3 years, we paid down over $350 billion of the Nation's public debt. That is progress in paying off that credit card debt that was run up prior to 1994.

We are now working on an answer to the question of what do we do next in changing how Washington works after we balance the budget and cut taxes and reform welfare, began paying down the national debt and stopped the raid on Social Security.

What are we going to do next? Our agenda is simple. We want to help our local schools. We want to strengthen Social Security and Medicare. We want to make our Tax Code more fair. And we wanted to continue paying off that national debt.

I am proud to say that the budget agreement between the House and Senate that we adopted this week, the budget resolution, which sets the framework and the guidelines as we balance the budget for the fourth year in a row, sets those priorities.

I am proud to say that the Republican balanced budget protects 100 percent of the Social Security surplus, reserves every penny of $161 billion, Social Security surplus dollars, so it is off limits to spending for other purposes.

I would point out that last year in the President's budget he proposed spending $57 billion of the Social Security Trust Fund surplus. We said, no, preserving $137 billion total of Social Security for Social Security. That is progress. We stopped the raid last year. This year we are continuing to protect the Social Security Trust Fund, protecting 100 percent of the Social Security surplus.

We also in our budget reflect the need and our goal of strengthening Medicare and modernizing Medicare for the 21st century. We reject what the President proposes when he proposes cutting Medicare by almost $18.5 billion. We stand in opposition to those cuts. In fact, we want to set aside $40 billion to ensure that our senior citizens in America have the opportunity to have a modern Medicare program which provides prescription drug coverage to help seniors better afford prescription care.

Republicans believe that our Nation's seniors should not have to choose between a trip to the grocery store or a trip to the pharmacy. That is why we set aside $40 billion in our balanced budget to start a brand new, for the first time, prescription drug coverage for our Nation's seniors under Medicare.

We also implement a plan to pay off the Nation's credit card. In our balanced budget that we adopted this week, we implement a plan which retires the Nation's public debt by the year 2013. In fact, we pay off $1 trillion of our Nation's public debt over the next 5 years under our balanced budget.

As I said earlier, we already paid off well over $300 billion of our Nation's public debt over the last 3 years.

Our balanced budget also promote tax fairness, tax fairness for working women, tax fairness for working families, tax fairness for farmers and small business people, as well as our seniors.

Our balanced budget, of course, implements our effort to wipe out the marriage tax penalty, provides small business tax relief to help make college and education more affordable for families, and also to make our health care system more accessible.

We also strengthen support with our goal of strengthening our local schools. We increase funding for elementary and secondary education by 9.4 percent, a significant boost in funding, more than three times the rate of inflation for elementary and secondary education. And we also make special education a priority, increasing funding for IDEA, which is special education by $2 billion in our balanced budget.

And last, I would point out that our balanced budget also works to strengthen our Nation's defenses. We have to recognize that the neglect over the years of our Nation's defenses has caused a problem where we are having a hard time retaining our talented men and women in our Nation's military, those that we call upon to, of course, defend our freedoms.

When we increase funding for our Nation's defense, we ensure that our military men and women have the resources they need in order to practice and have the supplies and train and also have quality housing for themselves and their families and good pay.

I would point out, we provided a pay raise for our military men and women for the first time in a long time this past year as part of our balanced budget.

What does this mean? What does the Republican balanced budget mean for our Nation's families? Well, in 13 years, we will have a debt-free Nation. In 13 years, under our balanced budget, we will eliminate the $3.6 trillion public debt. Public debt that was run up over 28 years of deficit spending will be eliminated in about a total 15 years. By the year 2013, under our balanced budget, we will wipe out our Nation's public debt.

If you care about a more secure retirement, which I believe every American does, they care about grandma and grandpa and want to ensure that their mom and dad and, frankly, they themselves have a secure retirement, we began the steps towards strengthening Social Security this past year by stopping the raid on Social Security.

We continue that by preserving 100 percent of Social Security for Social Security. It is the way it is supposed to be. We protect America's retirement account. We also set aside funds to help ensure that our seniors have affordable prescription drugs under Medicare.

If my colleagues care about education and strengthening our local schools, and I find that that is a priority in the south suburbs of Chicago, as well as the city, everyone wants better schools and wants Congress to support our local schools, both public and private, and I am proud to say that, under our balanced budget, we increase funding for education by almost 10 percent and we make special education a priority, targeting waste and fraud, and ensuring that savings goes into the classroom to help our young people.

And if you care about health care and if you are anxious that we find a cure for cancer and other life-threatening diseases, I am proud to say that our balanced budget increases funding for basic research, seeking cures for cancer, Alzheimer's, AIDS, and diabetes.

Last, as I mentioned earlier, when it comes to our Nation's defense, we want a safer world. And that is why defense is a priority under our balanced budget.

I would like to take a few minutes now just to talk about some specific items on our agenda of strengthening our local schools, making the Tax Code more fair, paying down the national debt, and strengthening Medicare and Social Security, by just talking about a couple items of tax fairness, a couple of items that means so much to millions of Americans. I am proud to say that this House, under the leadership of the gentleman from Illinois (Mr. HASTERT) has acted on the need to bring fairness to our Tax Code.

I would like to take a minute and introduce a couple from my district, Shad and Michelle Hallihan. They are public school teachers in Joliet, Illinois. Shad and Michelle are living in

Joliet. They are in their mid to late twenties now. They just had a baby. And they, like 25 million married, working couples, suffer something called the marriage tax penalty.

I have often been asked in the union halls and VFW posts and coffee shops and grain elevators in the district that I represent, is it right, is it fair that under our Tax Code married, working couples, couples with two incomes where the husband and wife are both in the workforce, pay higher taxes just because they are married?

And that is true. And I agree, it is not right. In fact, for Shad and Michelle Hallihan, they suffer basically the average marriage tax penalty of $1,400. Now, here in Washington, there are folks that scoff and say, what is $1,400? No big deal, they probably do not need that money. But for Shad and Michelle, $1,400 is a washer and a dryer, it is a year's tuition at Joliet Junior College or community college in Joliet, it is 3 months of day-care at the local child care center if they want to use day-care for their newborn baby. It is real money for real people like Shad and Michelle.

I am proud to say that this House passed overwhelmingly H.R. 6, the Marriage Tax Elimination Act. It was supported by every Republican. I am proud to say that 48 Democrats broke out from under the pressure of their leadership and supported our effort to eliminate the marriage tax penalty. That was a great day as we work to bring tax fairness.

And it broke my heart, in fact it probably broke the heart of 28 million married, working couples when the Senate today was prevented from voting on the Marriage Tax Elimination Act. Unfortunately, Senate Democrats decided they were against eliminating the marriage tax penalty and they used parliamentary procedures to prevent our efforts to wipe out the marriage tax penalty for Shad and Michelle Hallihan from even coming up for a vote.

That is wrong. We want fairness for couples like Shad and Michelle Hallihan, working couples who suffer the marriage tax penalty. And there are 50 million individuals strong who suffer the marriage tax penalty. And today they are wondering why the Senate Democrats stood in the way and said no to eliminating the marriage tax penalty. That is wrong.

My hope is they will change their tune and join with us and make elimination of the marriage tax penalty a bipartisan priority. It breaks my heart that they stood in the way of eliminating the marriage tax penalty for people like Shad and Michelle Hallihan, two public school teachers in Joliet, Illinois, who, just because they are measure, suffer an almost $1,400 marriage tax penalty.

I am proud to say, though, that another effort, an effort that was spearheaded by the chairman of the Committee on Ways and Mean the gentleman from Texas (Mr. ARCHER) as well as the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, who during their entire careers in the House have called for elimination of a penalty that affects working seniors.

I have often had employers in the district that I represent who have been anxious to hire senior citizens to work in their store or their business and those seniors have said, I would like to but I am over 65, I am between the ages of 65 and 70. If I go to work for you, I will lose my social security.

When you think about that, today's seniors want to be active longer. They want to work longer. In many cases, their retirement savings and pension plans never worked out the way they had hoped. And so they want to work or need to work.

Unfortunately, if they made more than $17,000 a year, and that is not a lot of money today, but if they made more than $17,000 a year, they lost one out of every $3 of the Social Security benefits were taken away from them by the Social Security earnings limit penalty.

I am proud to say that this House and the Senate voted unanimously to adopt legislation spearheaded by the gentleman from Texas (Chairman ARCHER) and the gentleman interest Illinois (Mr. HASTERT) which wiped out the Social Security earnings limit so that seniors today can work after they reach the age of 65, can keep their Social Security benefits, particularly recognizing they already had a lifetime of working and had already contributed over a lifetime of Social Security and they got what they deserve thanks to our legislation.

I am proud to say that last Friday the President signed our bill. So the Social Security earnings penalty is gone. The legislation is retroactive, so it means that for seniors who have suffered the Social Security earnings limit penalty that, if they make more than $17,000 this year, they will be able to keep 100 percent of the Social Security benefits.

□ 2130

That is good news, and good news for our working senior citizens. In fact, there are 58,000 seniors in my home State of Illinois that will benefit from elimination of the Social Security earnings penalty.

I would also like to take a moment just to talk briefly about what is a big priority with many families in the district besides tax fairness. They also talk about the need to strengthen our local schools and ensure that our children today have the opportunity for a good quality education. We are in the 21st century and of course there is no better investment than ensuring that children today have an opportunity to learn and have the skills in today's new economy. Under the Republican balanced budget, we increase funding for education by 10 percent. We have several principles that we are reflecting with our agenda this year and implementing this balanced budget that increases funding for education by almost 10 percent. Of course we make children America's top priority by increasing investment in education. We increase our investment in special education to help the disadvantaged by making IDEA a priority. Principle number two is we believe that children have a right to learn in drug-free, nonviolent schools. That is why we passed legislation this week to increase enforcement of gun laws with the passage of Project Exile which establishes mandatory minimum sentencing for those who commit crimes and use guns to commit crimes. We also intensify America's war on drugs, the crippling disease that poses such a danger to America's future. In fact we passed legislation, a special appropriations of $1.2 billion of extra money to fight the war on drugs and keep more drugs from coming into our country. We also believe that children need teachers and schools and programs that demand and meet high standards. Of course this House has passed legislation which provides increased accountability for local schools to raise test scores and graduation rates, passage and enactment of Straight As legislation. I know the Senate will be taking up this legislation soon. We increase investment in teacher training to improve discipline and education quality with the Teacher Empowerment Act which we passed this past year. We also target waste, fraud and abuse in the bureaucracy known as the Department of Education. Of course we want to make sure that those dollars are saved and put back into the classroom to help children learn. Last, our fourth principle is that children must be better prepared. We have a new economy and as the chairman of the Federal Reserve noted, one-third of all the new jobs that have been created in the last 5 years have been generated by technology. So clearly if we want our young people, the children today as well as our adults who are making changes in their careers to be ready to find good-paying jobs in today's new economy, we want to ensure that they understand technology and know how to use technology in the workplace and at home. That is why we work to give parents the right to save money for educational opportunities for their child by expanding education savings accounts. That is why we want to ensure that education savings accounts can be used for elementary and secondary students, grade school and junior high and high school students so they can hire tutors, take special classes and, of

course, maybe buy a better textbook or maybe attend private or parochial school. That is a choice our parents should be able to make. We also work to expand access to student loans by increasing the maximum Pell grant award for low-income students who qualify. I am proud to say that in the last 5 years, we have more than doubled the amount of the Pell grants for low-income students and today the Pell grant for low-income students is at its highest level ever in history. We also are working to give private companies incentives to donate technology to schools. Many schools, whether poor or rich, vary in their technology that is available, the type of computers, the type of equipment in the vocational programs and of course the business community should be given an incentive to donate surplus equipment, the latest technology they can provide to our local schools to help ensure that our school children have access and understand today's technology. That is why I want to draw attention to legislation that I introduced today to help address what some call the digital divide. I find that many educators, teachers and school administrators and school board members back in Illinois, in the areas that I represent in the city and the south suburbs and rural areas tell me they notice a difference in the abilities and how students are able to perform in the classroom between those who have access to computers at home and those who do not. So that is a challenge. How can we encourage our young people to have access to computers and learn how to use the Internet at home and be ready for the workplace. I am proud to say that several companies, including one which is a major employer in the district that I represent, I have two Ford auto plants, the Chicago Heights stamping plant and the Hegwish Taurus plant in the south side of Chicago are both in the district that I represent, they provide thousands of jobs. Ford is one of those companies that has taken the lead in providing computers and subsidized Internet access for their employees. If we think about that, that is pretty exciting, that everyone, universal access to computers and Internet access for the guy that pushes the broom on the shop floor, the janitor, the person working on the assembly line, the middle manager in the office, all the way up to the CEO, all have universal access under Ford's program. American Airlines, Delta and Intel are also implementing these programs. I commend those employers for what they are doing, providing digital opportunity for families. Because of the efforts of companies such as Ford and American and Delta and Intel, the children of their employees will have computers at home helping them do their homework and making plans. Of course also families can now stay in touch with their friends and relatives all over the world via the Internet thanks to their employers. It is a good idea, something we want to encourage and support. I was shocked to learn that after this was implemented by these employers that it was discovered that the employees were going to suffer a higher tax. They were going to be taxed by the Treasury Department because they were given a computer and subsidized Internet access by their employers and that the IRS wanted to count that as income and raise taxes on that laborer who works pushing the broom on the shop floor at the Ford Taurus plant or the janitor or the middle manager or the person who works on the line. Now, when we think about it, other benefits provided by employers like Ford, their contribution to the employees' pension fund or their contribution to their employees' health care coverage under our Tax Code is not considered a taxable employee benefit. It is tax free. You as a worker, we all as workers are not taxed for our employer's contribution to our pension, but unfortunately today's Tax Code would tax that Ford auto plant worker in Chicago Heights, Illinois if he or she decides to take that computer home and hook it up so they have Internet access provided through their employer. I am proud to say that today we introduced the Data Act, legislation which I have been joined in sponsoring by the gentleman from Georgia (Mr. LEWIS), a Democrat on the Committee on Ways and Means, I am a Republican on the Committee on Ways and Means, it is a bipartisan initiative. Of course the Data Act, our goal is to eliminate that digital divide, to create digital unity and digital opportunity by ensuring that that Ford auto plant worker at the Hegwish Taurus plant does not have to pay higher taxes because they are given a computer and Internet access when their employer wants to help eliminate the digital divide as we work to provide digital opportunity. This is important legislation. I believe it deserves bipartisan support. My hope is this legislation which will help improve educational opportunity as well as digital opportunity for families, millions of families in America, will receive bipartisan support. I invite my colleagues to join with the gentleman from Georgia and myself to join us in a bipartisan effort to wipe out the digital divide, to provide digital opportunity and ensure that every working American, every working family has universal access to computers and the digital divide.

We have some big challenges before us. I am proud to say that this Congress for the fourth year in a row is going to balance the budget again. We are going to live within our means. I remember being called a radical in 1995 because I wanted to balance the budget. I had friends on the other side of the aisle who said that we were extreme and radical because we wanted to balance the budget. I remember those days. Now everybody takes credit for it. But the bottom line is over the last 6 years, we have changed how Washington works. I am really proud of that, proud to say that we balanced the budget for the first time in 28 years and 3 years later we are going to balance it for the fourth year in a row. We have all this extra money in the surplus that we are arguing over what to do with it. That is progress. We cut taxes for the middle class for the first time in 16 years. Not since Ronald Reagan was President had the middle class received a tax cut to help them keep more of what they earned. As I pointed out earlier, 3 million Illinois children qualify for that $500 per child tax credit. That is $1.5 billion that stays in the Land of Lincoln rather than coming to the District of Columbia to be spent here. I am proud to say that our effort to change how welfare fails. I remember in 1994 more children were living in poverty than ever before. We had higher rates of teenage illegitimacy than ever before. Our welfare system was failing. I am proud to say our efforts to emphasize work and family and responsibility and give States like my home State of Illinois the flexibility and discretion to design welfare programs that meet the needs of the diverse communities that we represent, because we have to recognize that Idaho is different than New York and South Dakota is different than Florida and Chicago is different than Gary, Indiana. I am proud to say that this welfare reform is working, cutting welfare rolls in half and moving millions of Americans into the workplace. We stopped the raid on Social Security. We are paying down the national debt. That is progress. When we think about it, under the Republican balanced budget, we protect 100 percent of the Social Security surplus, walling off the Social Security trust fund. We stopped the raid last year. We are going to protect that Social Security surplus again this year and we will continue fighting into the future to ensure that America's retirement account is protected. We want to strengthen Medicare by modernizing Medicare for the 21st century and that includes providing prescription drug coverage for America's seniors. That is why we allocate $40 billion, frankly more than the President, and without the President's Medicare cuts, in order to provide prescription drug coverage for our seniors. We plan to pay off the Nation's public debt by the year 2013. When we think about it, it is kind of like refinancing your home mortgage. You used to have a 30-year mortgage, now we have refinanced it to less than a 15-year mortgage. We are going to pay it off a lot quicker under our balanced budget. We promote tax fairness for families and children and seniors and farmers and small

businesspeople. And we eliminate the marriage tax penalty. We wiped out the Social Security earnings penalty. That will help millions of families like the Hallihans. That is again why we want to eliminate that marriage tax penalty so that Shad and Michelle can keep that $1,400 and spend it back home in Joliet on their family's needs. When we think about it, $1,400, they have a new baby, that is almost 4,000 diapers that the Hallihans could have spent back in Joliet, Illinois. That is probably a year's worth that they could have used to take care of their child. We strengthen America's defense. We also strengthen support for education and science.

Ladies and gentlemen, we have made a lot of progress, balancing the budget, cutting taxes for the middle class, reforming our welfare system, paying down the national debt, stopping the raid on Social Security. Those are great achievements. I am proud of that. This year we are going to continue that effort, our effort to strengthen Social Security and Medicare to help our local schools, to bring fairness to the tax code and to pay off that credit card by paying down the national debt.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. BLILEY (at the request of Mr. ARMEY) for today after 2 p.m. on account of attending a meeting of the board of regents of the University of Virginia.

Mr. LUCAS of Oklahoma (at the request of Mr. ARMEY) for today after 6:45 p.m. on account of official business.

Mr. COOKSEY (at the request of Mr. ARMEY) for today after 5 p.m. on account of his mother's illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. KLECZKA, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. SMITH of Texas, for 5 minutes, today.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 41. Joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 42. Joint resolution providing for the reappointment of Manuel L. Ibáñez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

ADJOURNMENT

Mr. WELLER. Mr. Speaker, pursuant to House Concurrent Resolution 303, 106th Congress, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. TANCREDO). Pursuant to the provisions of House Concurrent Resolution 303, 106th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, May 2, 2000, for morning hour debates.

Thereupon (at 9 o'clock and 45 minutes p.m.), pursuant to House Concurrent Resolution 303, the House adjourned until Tuesday, May 2, 2000, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7106. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule— Termination of Designation of the State of Minnesota with Respect to the Inspection of Poultry and Poultry Products [Docket No. 99–059DF] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7107. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zinc Phosphide; Extension/Amendment of Tolerance for Emergency Exemptions [OPP–300975; FRL–6489–8] (RIN: 2070–AB78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7108. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Furilazole; Time-Limited Pesticide Tolerance [OPP–300968; FRL–6490–3] (RIN: 2070–AB78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acrylic Graft Copolymer, Polyester Block Copolymer and Polyester Random Copolymer; Tolerance Exemption [OPP–300970; FRL–6490–7] (RIN: 2070–AB78) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7110. A letter from the Deputy Director, Defense Research and Engineering, Department of Defense, transmitting the Annual Report of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

7111. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Information Collection Approval; Technical Amendment to the Affordable Housing Program Rule [No. 2000–05] (RIN: 3069–AA93) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7112. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Information Collection Approval; Technical Amendment to Community Support Requirements Rule [No. 2000–04] (RIN: 3069–AA95) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7113. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions; Statutory Lien—received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7114. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Supervisory Committee Audits and Verifications—received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7115. A letter from the Chairperson, National Council On Disability, transmitting a report entitled, ''Back to School on Civil Rights: Advancing the Federal Commitment to Leave No Child Behind''; to the Committee on Education and the Workforce.

7116. A letter from the Secretary of Education, transmitting the Twenty-first Annual Report on the Implementation of the

Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

7117. A letter from the Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Department's final rule—Classified Information Systems Security Manual [DOE M 471.2–2] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7118. A letter from the Assistant General Counsel for Regulatory Law, Office of Nonproliferation and National Security, Department of Energy, transmitting the Department's final rule—Control and Accountability of Nuclear Materials [DOE O. 474.1] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7119. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implemenation Plan, Indiana [IN118–1a; FRL 6538–5] received February 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7120. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 231–0206a; FRL–6540–6] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7121. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 181–0224; FRL–6541–9] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7122. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia [GA51–200011a; FRL–6541–5] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Correction [Region VII Tracking No. 089–1089; FRL–6518–7] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7124. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Childhood Blood-Lead Screening and Lead Awareness (Educational) Outreach for Indian Tribes; Notice of Funds Availability [OPPTS–00288; FRL–6491–2] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Unregulated Contaminant Monitoring Regulation for Public Water Systems; Analytical Methods for Perchlorate and Acetochlor; Announcement of Laboratory Approval and Performance Testing (PT) Program for the Analysis of Perchlorate [FRL–6544–6] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7126. A letter from the Administrator, Agency for International Development, transmitting the 1999 Agency Performance Report; to the Committee on Government Reform.

7127. A letter from the President, Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting the consolidated report on accountability and proper management of Federal Resources as required by the Inspector General Act and the Federal Fiancial Manager's Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

7128. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7129. A letter from the Administrator, General Services Administration, transmitting the Annual Performance Report in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7130. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Boham, TX [Airspace Docket No. 99–ASW–34] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7131. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Russian Mission, AK [Airspace Docket No. 99–AAL–17] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7132. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Multiple Federal Airways in the Vicinity of Bellingham, WA [Airspace Docket No. 99–ANM–13] (RIN: 2120–AA66) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7133. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Grand Forks AFB, ND [Airspace Docket No. 99–AGL–56] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7134. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Connersville, IN [Airspace Docket No. 99–AGL–55] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7135. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Atmore, AL [Airspace Docket No. 99–ASO–29] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7136. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Lake Jackson, TX [Airspace Docket No. 99–ASW–27] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7137. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carrizo Springs, TX [Airspace Docket No. 99–ASW–29] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7138. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Del Rio, TX [Airspace Docket No. 99–ASW–31] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7139. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Artesia, NM [Airspace Docket No. 99–ASW–30] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7140. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Uvalde, TX [Airspace Docket No. 2000–ASW–04] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7141. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Port Lavaca, TX [Airspace Docket No. 2000–ASW–03] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Jasper, TX [Airspace Docket No. 2000–ASW–05] received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400 and –500 Series Airplanes [Docket No. 99–NM–47–AD; Amendment 39–11416; AD 99–23–20] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7144. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Hurricane Floyd Property Acquisition and Relocation Grants (RIN: 3067–AD06) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7145. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Foreign Acquisition (Part 1825 Rewrite)—received February 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7146. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—March 2000 Applicable Federal Rates [Rev. Ruling 2000–11] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7147. A letter from the Secretary of Health and Human Services, transmitting the notification that the Department of Health and Human Services is allotting emergency funds made available under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 to all states, territories and tribes; jointly to the Committees on Education and the Workforce and Commerce.

7148. A letter from the Deputy Executive Secretary, Center for Health Plans and Providers, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Medicare Inpatient Disproportionate Share Hospital (DSH) Adjustment Calculation: Change in the Treatment of Certain Medicaid Patient Days in States with 1115 Expansion Waivers [HCFA–1124–IFC] (RIN: 0938–AJ92) received February 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

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. SMITH of Texas: Committee on the Judiciary. H.R. 3244. A bill to combat trafficking of persons, especially into the sex-trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; with an amendment (Rept. 106–487, Pt. 2). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. House Resolution 443. Resolution expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa; with an amendment (Rept. 106–582). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1509. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States (Rept. 106–583). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2932. A bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; with an amendment (Rept. 106–584). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3293. A bill to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; with an amendment (Rept. 106–585). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1901. A bill to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station'' (Rept. 106–586). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1729. A bill to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall'' (Rept. 106–587). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1571. A bill to designate the Federal building under construction at 600 State Street in New Haven, Connecticut, as the ''Merrill S. Parks, Jr., Federal Building'' (Rept. 106–588). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1405. A bill to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building'' (Rept. 106–589). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3171. A bill to direct the Administrator of General Services to convey a parcel of land in the District of Columbia to be used for construction of the National Health Museum, and for other purposes; with amendments (Rept. 106–590). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3069. A bill to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia; with an amendment (Rept. 106–591). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 3646. A bill for the relief of certain Persian Gulf evacuees (Rept. 106–580). Referred to the Private Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 3363. A bill for the relief of Akal Security, Incorporated (Rept. 106–581). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PAUL:

H.R. 4265. A bill to amend the Internal Revenue Code of 1986 to waive the employee portion of Social Security taxes imposed on individuals who have been diagnosed as having cancer or a terminal disease; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. MARKEY, Mr. BEREUTER, Mr. KUCINICH, Mr. COX, Mr. SPENCE, and Mr. KNOLLENBERG):

H.R. 4266. A bill to amend the North Korea Threat Reduction Act of 1999 to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea; to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. CONYERS, Mr. GEKAS, and Mr. NADLER):

H.R. 4267. A bill to amend the Internet Tax Freedom Act to impose a permanent moratorium on State and local taxes on Internet access; to extend for 5 years the duration of the moratorium applicable to multiple and discriminatory taxes on the electronic commerce; to impose a 5-year moratorium on sales of digitized goods and products (and their counterparts); to encourage States to adopt a Uniform Sales and Use Tax, and for other purposes; to the Committee on the Judiciary.

By Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. SPENCE, Mr. DOYLE, Mr. EVERETT, Ms. CARSON, Mr. BUYER, Mr. REYES, Mr. STEARNS, Mr. SNYDER, Mr. MORAN of Kansas, Mr. RODRIGUEZ, Mr. HAYWORTH, Mrs. CHENOWETH-HAGE, Mr. LAHOOD, Mr. HANSEN, Mr. MCKEON, Mr. GIBBONS, Mr. SIMPSON, and Mr. BAKER):

H.R. 4268. A bill to amend title 38, United States Code, to increase amounts of educational assistance for veterans under the Montgomery GI Bill and to enhance programs providing educational benefits under that title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas:

H.R. 4269. A bill to extend for one year the authorization for the visa waiver pilot program under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. UPTON, Mr. DINGELL, Mr. LEVIN, Mr. TOWNS, and Mr. KNOLLENBERG):

H.R. 4270. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production, sale, and use of highly fuel-efficient, advanced-technology motor vehicles and to amend the Energy Policy Act of 1992 to undertake an assessment of the relative effectiveness of current and potential methods to further encourage the development of the most fuel efficient vehicles for use in interstate commerce in the United States; 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. EHLERS (for himself, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BRADY of Texas, Mr. COOK, Mr. GILCHREST, Mr. GILMAN, Mr. HOLT, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUYKENDALL, Mr. PORTER, Mrs. ROUKEMA, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. UPTON, and Mrs. WILSON):

H.R. 4271. A bill to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, 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. EHLERS (for himself, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BRADY of Texas, Mr. COOK, Mr. GILCHREST, Mr. GILMAN, Mr. HOLT, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUYKENDALL, Mr. PORTER, Mrs. ROUKEMA, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. UPTON, and Mrs. WILSON):

H.R. 4272. A bill to amend the Elementary and Secondary Education Act of 1965 to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EHLERS (for himself, Mrs. BIGGERT, Mr. BOEHLERT, Mr. BRADY of Texas, Mr. COOK, Mr. GILCHREST,

Mr. GILMAN, Mr. HOLT, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUYKENDALL, Mr. PORTER, Mrs. ROUKEMA, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. UPTON, and Mrs. WILSON):

H.R. 4273. A bill to amend the Internal Revenue Code of 1986 to encourage stronger math and science programs at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. LEWIS of Georgia, Mr. WATKINS, Mr. SESSIONS, Mrs. WILSON, Mr. CAMPBELL, and Mr. NEAL of Massachusetts):

H.R. 4274. A bill to amend the Internal Revenue Code of 1986 to provide that computers provided to employees for personal use are a nontaxable fringe benefit; to the Committee on Ways and Means.

By Mr. McINNIS (for himself and Mr. HEFLEY):

H.R. 4275. A bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Resources.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. FRANKS of New Jersey, and Mr. WISE) (all by request):

H.R. 4276. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes; to the Committee on Transportation and Infrastructure, 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. DAVIS of Virginia:

H.R. 4277. A bill to provide that the same health insurance premium conversion arrangements afforded to employees in the executive and judicial branches of the Government be made available to Federal annuitants, individuals serving in the legislative branch of the Government, and members and retired members of the uniformed services; to the Committee on Government Reform, and in addition to the Committees on House Administration, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself, Mr. BLUNT, Mr. DINGELL, Mrs. JOHNSON of Connecticut, Mr. STENHOLM, Mr. BOEHLERT, Mr. GILCHREST, Ms. DANNER, Mr. ENGLISH, Mr. JOHN, and Mr. SAXTON):

H.R. 4278. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, 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. WELLER (for himself, Mr. DAVIS of Virginia, Mr. TAUZIN, Ms. DUNN, Mr. GOODLATTE, Mrs. MORELLA, Mr. CHAMBLISS, Mr. SWEENEY, and Mr. ISAKSON):

H.R. 4279. A bill to amend the Internal Revenue Code of 1986 to allow all computers to be expensed; to the Committee on Ways and Means.

By Mr. ISTOOK (for himself, Mr. BEREUTER, Ms. BERKLEY, Mr. CANNON, Mr. CLYBURN, Mrs. CUBIN, Mr. DEMINT, Mr. DICKEY, Mr. GRAHAM, Mr. HANSEN, Mr. HILL of Montana, Mr. JACKSON of Illinois, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MCCRERY, Mr. PICKERING, Mr. POMEROY, Mr. ROGERS, Mr. SANDERS, Mr. SPENCE, Mr. SPRATT, Mr. TERRY, Mr. WATKINS, and Mr. WICKER):

H.R. 4280. A bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research; to the Committee on Commerce.

By Mr. CALVERT (for himself, Mr. LANTOS, Mr. BROWN of Ohio, Mr. CAMPBELL, Mrs. CAPPS, Mr. COSTELLO, Mr. DELAHUNT, Mr. DEUTSCH, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. GILCHREST, Mr. GILMAN, Mr. GOSS, Mr. HORN, Mr. HYDE, Mr. MARKEY, Mr. GARY MILLER of California, Mr. PALLONE, Mr. PORTER, Mr. QUINN, Ms. RIVERS, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WAXMAN, Mr. WELDON of Pennsylvania, and Ms. WOOLSEY):

H.R. 4281. A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectivness; to the Committee on Commerce.

By Mr. BILBRAY (for himself and Mr. HUNTER):

H.R. 4282. A bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal aliens and for emergency health services furnished to undocumented aliens; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself and Mr. CAMP):

H.R. 4283. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for the remediation of sediment contamination in certain areas of concern in the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. GIBBONS, and Ms. DELAURO):

H.R. 4284. A bill to provide for the establishment of an Amateur Sports Illegal Gambling Task Force; to increase penalties for illegal sports gambling; and to study illegal sports gambling behavior among minor persons; to the Committee on the Judiciary.

By Mr. TURNER:

H.R. 4285. A bill to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes; to the Committee on Agriculture.

By Mr. BACHUS:

H.R. 4286. A bill to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama; to the Committee on Resources.

By Mr. BAIRD:

H.R. 4287. A bill to establish a direct loan program for less-than-half-time students to improve their job skills, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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. BARTON of Texas (for himself, Mr. STRICKLAND, Mr. DINGELL, and Mr. SAWYER):

H.R. 4288. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP (for himself, Mr. SHERMAN, Mr. LEACH, Mr. LAFALCE, Mr. BACHUS, Ms. WATERS, Mr. GIBBONS, Mr. LEWIS of Georgia, Mr. HILLIARD, Mr. SANDLIN, Mr. TURNER, Mr. FROST, Mr. WAXMAN, Ms. DANNER, Mr. SISISKY, Mr. MCDERMOTT, Mr. SABO, Mr. CAPUANO, Mr. FORBES, Mr. EVANS, Mr. FILNER, Mr. MEEKS of New York, Mr. MCNULTY, Mr. KUCINICH, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, Mr. SKELTON, Mr. JOHN, Ms. HOOLEY of Oregon, Ms. DEGETTE, Mr. MINGE, Mr. UDALL of Colorado, Mr. PHELPS, Mr. CUMMINGS, Mr. TOWNS, Ms. NORTON, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. DEAL of Georgia, Ms. KILPATRICK, Mr. WYNN, Ms. CARSON, Mr. BACA, Mrs. CLAYTON, Mr. MOORE, Ms. BROWN of Florida, Mr. COLLINS, Mr. CHAMBLISS, Mr. BARR of Georgia, Mr. KINGSTON, Mr. ISAKSON, Ms. MCKINNEY, Mr. WATT of North Carolina, Mr. GEORGE MILLER of California, Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Mr. GEPHARDT, Mr. DELAY, Mr. OWENS, and Mr. LINDER):

H.R. 4289. A bill to authorize the President to present a gold medal on behalf of the Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation; to the Committee on Banking and Financial Services.

By Mr. CAMPBELL (for himself, Mr. PAYNE, Mr. HORN, Mr. LAHOOD, Ms. SANCHEZ, Mr. DEAL of Georgia, Mr. WAXMAN, Mr. NORWOOD, Mr. TOWNS, Mr. GREENWOOD, Mr. FALEOMAVAEGA, Mr. GRAHAM, Mr. SANDERS, Mr. CAMP, Ms. BALDWIN, Mrs. BONO, Mr. NADLER, Ms. WATERS, Mr. KIND, Mr. BALDACCI, Mr. TIERNEY, Mrs. MINK of Hawaii, Mr. SCOTT, Mr. KILDEE, Mr. FORD, Mr. DIXON, Ms. WOOLSEY, Mr. WALSH, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. MCKINNEY, Mr. METCALF, Mr. DELAHUNT, Ms. LOFGREN, Mr. LANTOS, and Mr. BAIRD):

H.R. 4290. A bill to amend the Higher Education Act of 1965 to qualify public defenders

for student loan forgiveness under the Federal Perkins Loan program; to the Committee on Education and the Workforce.

By Mr. CAMPBELL:

H.R. 4291. A bill to amend title 13, United States Code, to provide that decennial census questionnaires be limited to the basic questions needed to allow for an enumeration of the population, as required by the Constitution of the United States; to the Committee on Government Reform.

By Mr. CANADY of Florida:

H.R. 4292. A bill to protect infants who are born alive; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. TALENT, and Mr. THOMPSON of California):

H.R. 4293. A bill to amend title 18, United States Code, with respect to the employment of persons with criminal backgrounds by nursing homes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, and Ways and Means, 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. CARDIN:

H.R. 4294. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax for estates in bankruptcy; to the Committee on Ways and Means.

By Ms. CARSON (for herself and Mr. BURTON of Indiana):

H.R. 4295. A bill to suspend temporarily the duty on Fluridone aquatic herbicide; to the Committee on Ways and Means.

By Mr. CHAMBLISS (for himself, Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. THOMPSON of California, Mr. PICKERING, Mr. CALLAHAN, Mr. HAYES, Mr. NORWOOD, Mr. ISAKSON, Mr. DEAL of Georgia, Mr. EVERETT, Mr. STUMP, Mr. BISHOP, Mr. CRAMER, Mr. PHELPS, Mr. BOYD, Mr. RILEY, Mr. BARR of Georgia, Mr. KINGSTON, Mr. ADERHOLT, Mr. TAUZIN, Mr. SHOWS, and Mr. HALL of Texas):

H.R. 4296. A bill to amend the Migratory Bird Treaty Act to restore certain penalties under that Act; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 4297. A bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in common areas of the Powder River Basin, Wyoming and Montana, and for other purposes; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 4298. A bill 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; to the Committee on Resources.

By Mr. DEAL of Georgia:

H.R. 4299. A bill to require Federal agencies responsible for managing Federal lake projects to pursue strategies for enhancing recreational experiences of the public at such lakes, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, 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. DEFAZIO (for himself and Mr. FRANK of Massachusetts):

H.R. 4300. A bill to increase burdensharing for the United States military presence in the Persian Gulf region; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. BURTON of Indiana, Mr. WEXLER, Mr. SHERMAN, and Mr. HALL of Ohio):

H.R. 4301. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs; to the Committee on Commerce.

By Mr. ENGEL (for himself, Mr. KING, Mr. CROWLEY, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. FORBES, and Mrs. MALONEY of New York):

H.R. 4302. A bill to authorize a project for the renovation of the Department of Veterans Affairs medical center in Bronx, New York; to the Committee on Veterans' Affairs.

By Mr. EWING (for himself, Mr. SHIMKUS, Mr. WELLER, Mr. LAHOOD, Mr. MCINTOSH, Mr. LIPINSKI, Mr. MANZULLO, and Mr. PHELPS):

H.R. 4303. A bill to prohibit the use of, and provide for remediation of water contaminated by, methyl tertiary butyl ether; to the Committee on Commerce.

By Mr. FRANK of Massachusetts:

H.R. 4304. A bill to amend the Higher Education Act of 1965 to provide for the forgiveness of Perkins loans to members of the armed services on active duty; to the Committee on Education and the Workforce.

By Mr. FROST:

H.R. 4305. A bill to amend the Fair Labor Standards Act of 1938 to require an employer to notify the parent or guardian of an employee who is under the age of 18 or handicapped and who works at the same facility as an individual who has a criminal record that includes a conviction for a crime of violence; to the Committee on Education and the Workforce.

By Mr. GEJDENSON (for himself, Mr. BEREUTER, Mr. PORTER, Mr. BERMAN, Mr. ACKERMAN, Mr. HASTINGS of Florida, and Mrs. LOWEY):

H.R. 4306. A bill to provide for commercial and labor rule of law programs in the People's Republic of China to enhance rationality and accountability in the administration of justice in the commercial area, strengthen labor rights protection, and lay the intellectual and institutional groundwork for further reforms; to the Committee on International Relations.

By Mr. GOODLING:

H.R. 4307. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Education and the Workforce.

By Mr. HERGER (for himself, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. RANGEL, and Mr. WATKINS):

H.R. 4308. A bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4309. A bill to make supplemental appropriations for fiscal year 2000 to enable the Inspector General of the Corporation for National and Community Service to conduct reviews and audits of the State Commissions on National and Community Service; to the Committee on Appropriations.

By Mr. HOEKSTRA:

H.R. 4310. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month), in order to provide such individual's family with assistance in meeting the extra death-related expenses; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself, Mr. LATOURETTE, Mr. LAFALCE, Mr. BENTSEN, Mr. HILL of Montana, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. NEY, Mr. METCALF, Mr. SANDLIN, Ms. CARSON, Mr. MOORE, and Mr. ACKERMAN):

H.R. 4311. A bill to prevent identity fraud in consumer credit transactions and credit reports, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself and Mr. OLVER):

H.R. 4312. A bill 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; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4313. A bill to provide an additional increase in military basic pay for enlisted members of the uniformed services in pay grades E–5, E–6, or E–7; to the Committee on Armed Services.

By Mr. KANJORSKI (for himself, Mr. GEKAS, Mr. HOLDEN, and Mr. SHERWOOD):

H.R. 4314. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to holders of bonds issued to finance land and water reclamation for the anthracite region of Pennsylvania, and for other purposes; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mr. HALL of Ohio, Mr. HOBSON, Mr. KUCINICH, Mr. NEY, and Mr. TRAFICANT):

H.R. 4315. A bill to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building''; to the Committee on Government Reform.

By Mr. LEWIS of Georgia:

H.R. 4316. A bill to amend the Internal Revenue Code of 1986 to exclude United States savings bond income from gross income if used to pay long-term care expenses; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 4317. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data about crimes that manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mr. MCCRERY:

H.R. 4318. A bill to establish the Red River National Wildlife Refuge; to the Committee on Resources.

By Mr. MCGOVERN (for himself, Mr. SMITH of New Jersey, Mr. WEYGAND, and Mr. KENNEDY of Rhode Island):

H.R. 4319. A bill to continue the current prohibition of military relations with and assistance for the armed forces of the Republic

of Indonesia until the President determines and certifies to the Congress that certain conditions with respect to East Timor are being met; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. HOLT, Mr. UDALL of Colorado, Mr. FARR of California, Mr. VENTO, and Mrs. MORELLA):

H.R. 4320. A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; to the Committee on Resources.

By Mr. MINGE (for himself, Mr. DEFAZIO, and Mr. HINCHEY):

H.R. 4321. A bill to amend the Sherman Act, the Clayton Act, and the Packers and Stockyards Act, 1921 with respect of competition among wholesale purchasers; to establish a commission to review large agriculture mergers, concentration, and market power, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, 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 Mrs. MINK of Hawaii (for herself and Mr. ABERCROMBIE):

H.R. 4322. A bill to amend the Internal Revenue Code of 1986 to exempt certain helicopter uses from ticket taxes; to the Committee on Ways and Means.

By Mrs. NORTHUP:

H.R. 4323. A bill to require a comprehensive effort by the Department of Education and the National Institute on Child Health and Human Development to widely disseminate the results of the National Reading Panel report to teachers, parents, and universities; to the Committee on Education and the Workforce.

By Mr. PETERSON of Minnesota (for himself, Mr. EWING, Mr. LATHAM, Mr. THOMPSON of California, Mr. CONDIT, and Mr. HUNTER):

H.R. 4324. A bill to amend the Internal Revenue Code of 1986 to increase the estate and gift tax unified credit to an exclusion equivalent of $2,500,000 and to reduce the rate of the estate and gifts taxes to the generally applicable capital gains income tax rate; to the Committee on Ways and Means.

By Mr. PITTS (for himself and Mr. HAYES):

H.R. 4325. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to allow retirement benefits received by members of religious orders to be exempt from Social Security tax by including retirement plans established by such orders in the definition of ''church plan''; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. PORTER:

H.R. 4326. A bill to extend the temporary suspension of duty on Diiodomethyl-ρ-tolylsulfone; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 4327. A bill to extend the temporary suspension of duty on B-Bromo-B-nitrostyrene; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. TANNER, Mr. LEWIS of Kentucky, Mr. BUYER, and Mr. TAYLOR of Mississippi):

H.R. 4328. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Ways and Means.

By Mr. SALMON (for himself, Mr. RAMSTAD, and Mr. MCHUGH):

H.R. 4329. A bill to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 4330. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening pap smears, screening pelvic exams, and clinical breast exams under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. SAXTON (for himself and Ms. KAPTUR):

H.R. 4331. A bill to provide for the issuance of patents for the Generalized System of Preference (GSP) countries with a Letter of Agreement with the U.S. through a program establishing an International US/GSP Office in which the U.S. issues patents using U.S. standards that are valid under both U.S. and GSP law, to aid in creating captial for GSP countries through patents and innovation and to establish or enhance their patent system through U.S. expertise and training; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. HINCHEY, Ms. WATERS, and Mr. MARKEY):

H.R. 4332. A bill to protect consumers from exorbitant fees for basic financial services, and for other purposes; to the Committee on Banking and Financial Services, 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. SCOTT:

H.R. 4333. A bill to provide for fairness and accuracy in student testing; to the Committee on Education and the Workforce.

By Mr. SHOWS (for himself, Mr. FILNER, Mr. BALDACCI, and Mr. BISHOP):

H.R. 4334. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNYDER (for himself, Mr. COLLINS, Mr. THORNBERRY, and Mrs. THURMAN):

H.R. 4335. A bill to amend the Internal Revenue Code of 1986 to provide that hazardous duty pay of members of the Armed Forces shall not be taken into account in computing the earned income credit; to the Committee on Ways and Means.

By Ms. STABENOW:

H.R. 4336. A bill to amend the Internal Revenue Code of 1986 to increase the dependent care credit and to provide a minimum dependent care credit for stay-at-home parents; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4337. A bill to amend the customs laws of the United States relating to procedures with respect to the importation of merchandise; to the Committee on Ways and Means.

By Mr. THOMPSON of California:

H.R. 4338. A bill to restore the reservation lands of the Elk Valley Band of Indians of the Elk Valley Rancheria of California, and for other purposes; to the Committee on Resources.

By Mr. THUNE (for himself, Mr. HILL of Indiana, Mrs. EMERSON, Mr. NUSSLE, Mr. BOSWELL, Mr. PHELPS, and Mrs. CLAYTON):

H.R. 4339. A bill to prohibit excessive concentration resulting from mergers among certain purchasers, processors, and sellers of livestock, poultry, and basic agricultural commodities; to require the Attorney General to establish an Office of Special Counsel for Agriculture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, 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. UDALL of New Mexico (for himself, Mrs. CUBIN, and Mr. SKEEN):

H.R. 4340. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon:

H.R. 4341. A bill 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; to the Committee on Resources.

By Mr. WATKINS (for himself and Mr. SAM JOHNSON of Texas):

H.R. 4342. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 4343. A bill to amend titles 18 and 28, United States Code, to inhibit further intimidation of public officials within the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITFIELD:

H.R. 4344. A bill to amend the Immigration and Nationality Act to prohibit H–2A workers from bringing law suits against employers except in the State in which the employer resides or has its principal place of business; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 4345. A bill to amend the Alaska Native Claims Settlement Act to clarify the process of allotments to Alaskan Natives who are veterans, and for other purposes; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. SHERMAN, Mr. HASTERT, and Mr. GEJDENSON):

H. Con. Res. 307. Concurrent resolution expressing the sense of the Congress regarding the ongoing prosecution of 13 members of Iran's Jewish community; to the Committee on International Relations.

By Mr. CAMPBELL (for himself and Mr. LANTOS):

H. Con. Res. 308. Concurrent resolution expressing the sense of the Congress that the Federal Government, including government officials outside of the United States, should not purchase any goods made by forced labor, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, International Relations, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself and Mr. LAMPSON):

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with regard to in-school personal safety education programs for children; to the Committee on Education and the Workforce.

By Mr. ROEMER (for himself, Mr. UPTON, Mr. CASTLE, Mr. GOODLING, Mr. ALLEN, Mr. BURR of North Carolina, Mr. CUNNINGHAM, Mr. DEMINT, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. FLETCHER, Mr. HOEKSTRA, Mr. KIND, Mr. MCINTOSH, Mr. MORAN of Virginia, Mr. PETRI, Ms. SANCHEZ, Mr. SCHAFFER, and Mr. TANCREDO):

H. Con. Res. 310. Concurrent resolution supporting a National Charter Schools Week; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. ANDREWS, Mr. FRANKS of New Jersey, Mr. SMITH of New Jersey, and Mr. LOBIONDO):

H. Con. Res. 311. Concurrent resolution expressing the sense of Congress that the United States should continue to actively pursue efforts to achieve a full accounting of all members of the Armed Forces who remain unaccounted for from previous conflicts, particularly the Korean War and the Vietnam War, and to continue and maintain programs and procedures for achieving a full accounting of all military personnel who become prisoners of war or missing in action in future conflicts; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mrs. MEEK of Florida, Mr. MCCOLLUM, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mrs. THURMAN, Mr. DAVIS of Florida, and Mr. STEARNS):

H. Con. Res. 312. Concurrent resolution expressing the sense of the Congress that the States should more closely regulate title pawn transactions and outlaw the imposition of usurious interest rates on title loans to consumers; to the Committee on Banking and Financial Services.

By Mr. BALDACCI:

H. Res. 477. A resolution expressing the sense of the House of Representatives regarding the disparity between identical prescription drugs sold in the United States, Canada, and Mexico; to the Committee on Commerce.

By Mr. MINGE (for himself, Mr. DEFAZIO, and Ms. BALDWIN):

H. Res. 478. A resolution providing for consideration of the bill (H.R. 773) to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and to make technical corrections; to the Committee on Rules.

By Mr. SANDERS (for himself, Mr. BROWN of Ohio, Mr. DEFAZIO, Mr. EVANS, Mr. KUCINICH, Ms. LEE, Ms. MCKINNEY, and Ms. WOOLSEY):

H. Res. 479. A resolution expressing the sense of the House of Representatives regarding global sustainable development, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and Ways and Means, 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. SHADEGG:

H. Res. 480. A resolution urging the Attorney General to take no irrevocable action with respect to Elian Gonzalez until a hearing concerning an asylum application is held; to the Committee on the Judiciary.

By Ms. STABENOW:

H. Res. 481. A resolution congratulating the Michigan State University men's basketball team on winning the 1999–2000 NCAA Men's Basketball Championship; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. BLAGOJEVICH.
H.R. 40: Mr. CLAY.
H.R. 65: Mr. CANADY of Florida.
H.R. 205: Mr. COOK.
H.R. 218: Mr. BOEHNER.
H.R. 252: Mr. SOUDER and Mr. LOBIONDO.
H.R. 303: Mrs. ROUKEMA.
H.R. 306: Mr. GILMAN, Mr. GANSKE, Mr. CONYERS, and Mr. FORBES.
H.R. 372: Mr. LIPINSKI.
H.R. 408: Mr. REGULA, Mr. DEAL of Georgia, Mr. WATKINS, and Mr. DELAHUNT.
H.R. 531: Mr. DIXON.
H.R. 534: Mr. CANNON.
H.R. 612: Mr. PASCRELL.
H.R. 626: Mr. BALDACCI.
H.R. 632: Mr. ENGEL.
H.R. 638: Mr. GREEN of Texas.
H.R. 664: Mr. BOYD.
H.R. 670: Mr. RAHALL, Mr. TANNER, and Mr. KINGSTON.
H.R. 689: Mr. LAMPSON.
H.R. 709: Mr. LANTOS.
H.R. 765: Mr. RADANOVICH, Ms. DANNER, Mr. TANNER, and Ms. BALDWIN.
H.R. 783: Mr. PHELPS and Mr. GILLMOR.
H.R. 816: Mr. GRAHAM.
H.R. 837: Mr. WATT of North Carolina.
H.R. 844: Mr. WEYGAND, Mrs. MYRICK, Mr. DICKS, Mr. BACA, Mr. GREEN of Texas, and Mr. STEARNS.
H.R. 864: Mr. GRAHAM.
H.R. 941: Mr. GOODLING.
H.R. 950: Mr. SAXTON.
H.R. 1020: Mr. BROWN of Ohio.
H.R. 1046: Mr. FORBES and Mr. ADERHOLT.
H.R. 1070: Mr. TANNER, Mr. VISCLOSKY, Mr. REYES, Mr. EWING, Mr. HOLT, Mr. SISISKY, Mr. MOORE, Mr. DOOLEY of California, and Mr. ORTIZ.
H.R. 1079: Mr. CLEMENT, Mr. FOLEY, Mr. TRAFICANT, Mr. WALSH, Mr. OWENS, Mr. ACKERMAN, Mrs. MEEK of Florida, Mr. MCGOVERN, and Mr. SMITH of Washington.
H.R. 1172: Mr. BOEHLERT, Mr. ISAKSON, Mr. MCGOVERN, and Mr. PHELPS.
H.R. 1194: Mr. PASTOR.
H.R. 1216: Mrs. CAPPS, Mrs. JONES of Ohio, and Mr. SMITH of New Jersey.
H.R. 1217: Mr. BOSWELL.
H.R. 1229: Mr. FORBES.
H.R. 1248: Mr. WU and Mr. SAXTON.
H.R. 1275: Mr. GOODLATTE.
H.R. 1285: Mr. GILCHREST.
H.R. 1303: Mrs. MALONEY of New York.
H.R. 1304: Mr. DINGELL.
H.R. 1311: Ms. DUNN.
H.R. 1322: Mr. BURTON of Indiana, Mr. MCHUGH, Mrs. KELLY, Mr. BONILLA, Mr. DELAY, Mr. SAM JOHNSON of Texas, Mr. TURNER, Mr. WALSH, Mr. SWEENEY, Mr. GREENWOOD, Ms. LOFGREN, Mr. DREIER, Mr. LOBIONDO, Mr. FOSSELLA, Mr. HYDE, and Mr. WICKER.
H.R. 1329: Mr. MARTINEZ.
H.R. 1366: Mr. UPTON, Mr. MCHUGH, Mr. KINGSTON, Mr. HULSHOF, Mr. CUNNINGHAM, Mr. CANADY of Florida, Mr. HOSTETTLER, Mr. RODRIGUEZ, Mr. GREEN of Wisconsin, Mr. ISAKSON, Mr. THORNBERRY, Mr. KING, Mr. FOLEY, Mr. NUSSLE, Mr. BOEHNER, Mr. FILNER, Mr. DIAZ-BALART, Mr. LATHAM, and Mr. HUTCHINSON.
H.R. 1456: Mr. HOEFFEL, Mr. MCGOVERN, Mr. BOSWELL, Mr. HAYES, and Ms. KAPTUR.
H.R. 1488: Mrs. BONO.
H.R. 1512: Mr. NADLER, Mr. LIPINSKI, Mr. CLAY, Mr. ENGEL, Mr. STARK, and Mr. WYNN.
H.R. 1515: Mr. COOK and Mr. KLINK.
H.R. 1523: Mr. HUNTER.
H.R. 1585: Mr. ANDREWS.
H.R. 1592: Mr. DELAY.
H.R. 1620: Mr. BASS.
H.R. 1621: Mr. CROWLEY.
H.R. 1739: Mr. WEINER.
H.R. 1775: Mr. FRANK of Massachusetts.
H.R. 1804: Mr. HINCHEY, Ms. CARSON, and Mr. GREEN of Texas.
H.R. 1816: Mrs. LOWEY and Mr. CONYERS.
H.R. 1865: Mr. KUYKENDALL, Mr. CAMPBELL, Ms. BERKLEY, and Mr. PASTOR.
H.R. 1885: Mr. MOORE and Mr. UDALL of Colorado.
H.R. 1943: Mr. UDALL of Colorado.
H.R. 1976: Mr. SHERMAN.
H.R. 2000: Mr. LAHOOD.
H.R. 2060: Mr. BACA and Mr. RUSH.
H.R. 2121: Mr. PALLONE.
H.R. 2250: Mr. ARMEY, Mr. DELAY, Mr. HALL of Texas, Mr. DUNCAN, Mr. SKEEN, Mr. DOOLITTLE, Mr. BRADY of Texas, Mr. HILL of Montana, Mr. SIMPSON, Mr. POMBO, Mr. WALDEN of Oregon, Mr. RADANOVICH, Mr. RILEY, Mr. SOUDER, Mr. TAUZIN, Mr. THORNBERRY, Mr. TANCREDO, Mr. CANNON, Mr. HANSEN, Mr. BARTON of Texas, Mr. BAKER, Mr. TERRY, Mrs. EMERSON, Mr. PACKARD, Mr. BACHUS, Mr. ISTOOK, Mr. BONILLA, Mr. STUMP, Mr. ROHRABACHER, Mrs. CHENOWETH-HAGE, Mr. OXLEY, Mr. HERGER, Mr. PICKERING, Mr. COMBEST, Mrs. CUBIN, Mr. REYNOLDS, Mr. HASTINGS of Washington, Mr. HAYWORTH, and Mr. WATKINS.
H.R. 2340: Mr. JACKSON of Illinois, Mr. BACA, Mr. BORSKI, and Mr. KLINK.
H.R. 2451: Mr. MCCOLLUM.
H.R. 2457: Mr. MALONEY of Connecticut.
H.R. 2511: Mr. HANSEN.
H.R. 2551: Mr. KIND, Ms. BALDWIN, Mr. HILL of Indiana, Mr. COYNE, Mr. PHELPS, and Mr. DAVIS of Virginia.
H.R. 2562: Mr. MORAN of Virginia.
H.R. 2569: Mrs. ROUKEMA.
H.R. 2573: Ms. DEGETTE.
H.R. 2596: Mr. BALLENGER, Mr. HAYWORTH, Mr. SKEEN, Mr. WICKER, and Mr. COBURN.
H.R. 2624: Mr. ENGEL and Ms. BERKLEY.
H.R. 2631: Mr. BACA.
H.R. 2686: Mr. SMITH of Washington.
H.R. 2706: Mrs. LOWEY.

H.R. 2720: Mr. WEYGAND.
H.R. 2733: Mr. HULSHOF, Mr. BONIOR, Mr. WU, and Mr. RANGEL.
H.R. 2736: Mr. OBERSTAR, Mr. STENHOLM, Mr. RAHALL, Mr. HILL of Indiana, and Mr. PASCRELL.
H.R. 2749: Mr. GRAHAM.
H.R. 2764: Ms. LEE.
H.R. 2784: Mr. BARCIA.
H.R. 2798: Mr. INSLEE.
H.R. 2801: Mr. KUCINICH.
H.R. 2840: Ms. STABENOW, Mrs. MORELLA, and Mr. LAHOOD.
H.R. 2856: Mr. COOK and Ms. LOFGREN.
H.R. 2864: Mrs. CAPPS.
H.R. 2870: Mr. VENTO.
H.R. 2899: Mr. DIAZ-BALART.
H.R. 2900: Mr. NEAL of Massachusetts, Ms. LEE, Mr. FRANKS of New Jersey, Mr. BLAGOJEVICH, Mr. FORBES, Ms. RIVERS, Mrs. CAPPS, Mr. CONYERS, Mr. WATT of North Carolina, Mrs. ROUKEMA, Mr. SHERMAN, Mr. BARRETT of Wisconsin, Mr. PASCRELL, Mr. SAXTON, Mr. CUMMINGS, and Mr. SABO.
H.R. 2934: Mr. RANGEL and Mr. NADLER.
H.R. 2966: Mr. MOORE, Mr. BOSWELL, and Mr. SIMPSON.
H.R. 2991: Mr. GILMAN.
H.R. 3004: Mr. NEAL of Massachusetts, Mr. SALMON, and Mr. SAXTON.
H.R. 3044: Ms. PELOSI.
H.R. 3083: Mr. ROTHMAN, Mr. ENGEL, and Mr. NADLER.
H.R. 3100: Mr. LARSON and Mr. CAMP.
H.R. 3125: Mr. COBURN and Mr. LAFALCE.
H.R. 3192: Mr. PHELPS, Mr. DICKS, Mr. ALLEN, Mr. HOEFFEL, Mrs. MALONEY of New York, and Mrs. MINK of Hawaii.
H.R. 3193: Mr. GREEN of Texas, Mr. DUNCAN, and Mr. BAIRD.
H.R. 3208: Ms. MCKINNEY, Mr. COSTELLO, Mr. BROWN of Ohio, Mr. LIPINSKI, and Mr. EVANS.
H.R. 3249: Mr. DIXON.
H.R. 3293: Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. ENGEL, Mr. DREIER, Mr. ETHERIDGE, Mr. DAVIS of Florida, Mr. KASICH, Ms. KILPATRICK, Mr. OLVER, and Mr. NEY.
H.R. 3301: Mr. WELDON of Florida, Mr. ROMERO-BARCELÓ, Mr. MALONEY of Connecticut, and Ms. ESHOO.
H.R. 3309: Mr. CAMP.
H.R. 3327: Mrs. CUBIN.
H.R. 3392: Ms. LOFGREN.
H.R. 3405: Ms. NORTON, Mr. MILLER of Florida, and Mrs. ROUKEMA.
H.R. 3433: Mr. FRANK of Massachusetts and Mr. FRANKS of New Jersey.
H.R. 3438: Mr. DOYLE.
H.R. 3453: Mr. GOODE and Mrs. EMERSON.
H.R. 3489: Mr. GILLMOR, Mr. EHRLICH, Ms. MCCARTHY of Missouri, Mr. BLUNT, Mr. SHAYS, and Mr. BOUCHER.
H.R. 3500: Ms. MCCARTHY of Missouri and Mr. GORDON.
H.R. 3514: Ms. SLAUGHTER, Mrs. MEEK of Florida, and Mr. LIPINSKI.
H.R. 3535: Mr. KING.
H.R. 3573: Mr. BACA, Mr. FARR of California, Mr. MCKEON, Mr. PASCRELL, Mrs. ROUKEMA, and Mr. ETHERIDGE.
H.R. 3580: Mr. UDALL of New Mexico, Mrs. CLAYTON, Ms. LOFGREN, Mr. GORDON, Mr. BACHUS, Mr. BOSWELL, Mr. GEJDENSON, Ms. WOOLSEY, Mr. DEAL of Georgia, Mr. MCINTOSH, Mr. TOOMEY, Mr. PITTS, and Ms. HOOLEY of Oregon.
H.R. 3584: Ms. ROYBAL-ALLARD, Mr. REYES, Mr. GUTIERREZ, Mr. ORTIZ, Mr. BECERRA, Mr. MENENDEZ, Mr. GONZALEZ, Mr. HINOJOSA, Mrs. NAPOLITANO, Ms. VELAZQUEZ, Mr. ROMERO-BARCELO, Ms. DANNER, and Mr. BISHOP.
H.R. 3625: Mr. WAMP, Mr. DELAY, Mr. DOOLITTLE, Mr. GRAHAM, Mr. BUYER, Mr. CHAMBLISS, Mr. CUNNINGHAM, Mr. TIAHRT, Mr. HEFLEY, Mrs. CUBIN, Mr. BLUNT, Mr. RILEY, Mr. LARGENT, Mr. COBURN, Mr. TANCREDO, Mr. SANFORD, Mr. COX, Mrs. CHENOWETH-HAGE, Mr. PAUL, and Mr. ISTOOK.
H.R. 3631: Mr. DOYLE.
H.R. 3634: Mr. LARSON, Mr. MATSUI, Mr. SANDLIN, and Mr. SABO.
H.R. 3650: Ms. LOFGREN, Mr. DAVIS of Illinois, and Mr. DIXON.
H.R. 3655: Mr. ALLEN, Mr. BONIOR, Mr. ANDREWS, Mr. ROMERO-BARCELO, Mr. PHELPS, Mr. CAPUANO, Ms. WOOLSEY, Mr. PRICE of North Carolina, Mr. BRADY of Pennsylvania, Mr. FILNER, Mr. GREEN of Texas, Mr. EVANS, and Ms. DELAURO.
H.R. 3663: Mr. LIPINSKI, Mr. JOHN, Mr. BURR of North Carolina, Mr. FRANK of Massachusetts, Mr. PITTS, and Mr. STENHOLM.
H.R. 3665: Mr. BALDACCI.
H.R. 3667: Mr. PAUL, Mr. POMEROY, Mr. FRANK of Massachusetts, Ms. CARSON.
H.R. 3678: Mr. BARR of Georgia and Ms. STABENOW.
H.R. 3680: Mrs. NAPOLITANO, Mr. KOLBE, Mr. DELAHUNT, Mr. MENENDEZ, Mr. BLUMENAUER, Mr. POMBO, Mr. WATKINS, Mr. HOUGHTON, Mr. ACKERMAN, Mr. GOODLING, and Mr. SENSENBRENNER.
H.R. 3681: Mr. HOLT, Mr. FROST, Mr. ROMERO-BARCELÓ, Mr. HALL of Ohio, Mr. BONIOR, Mr. MCGOVERN, Mr. WAMP, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. ROEMER, Mr. LARSON, Ms. SLAUGHTER, Mr. PALLONE, Mr. SPRATT, Mr. HINOJOSA, Mr. SAWYER, Mr. HINCHEY, Mr. TURNER, Mr. SCOTT, Ms. DELAURO, Mr. MCINTYRE, Mr. LUTHER, Mr. REYES, Mr. PRICE of North Carolina, Mr. STUPAK, Mr. PHELPS, Mr. BALDACCI, Mrs. MINK of Hawaii, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Ms. KILPATRICK, Mr. SANDLIN, and Mr. RODRIGUEZ.
H.R. 3682: Mr. FROST and Mr. BARRETT of Wisconsin.
H.R. 3694: Mr. LOBIONDO.
H.R. 3698: Mr. DEUTSCH, Mr. KING, Mr. BACHUS, Mr. BARR of Georgia, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. MCINTOSH, and Mr. RILEY.
H.R. 3700: Mrs. MEEK of Florida, Mr. DIXON, Mr. ETHERIDGE, Mr. CUMMINGS, and Mr. BLAGOJEVICH.
H.R. 3709: Ms. HOOLEY of Oregon.
H.R. 3710: Mr. STRICKLAND, Mr. GORDON, Ms. PELOSI, Mr. PASTOR, Ms. WOOLSEY, and Mr. WEINER.
H.R. 3766: Mr. LAMPSON, Mrs. MORELLA, Mr. LEWIS of Kentucky, Mr. MOORE, and Mr. CARDIN.
H.R. 3806: Mr. SPENCE.
H.R. 3836: Mr. ENGLISH.
H.R. 3842: Mr. NEAL of Massachusetts, Mr. MURTHA, Mr. WELDON of Pennsylvania, Mr. SHUSTER, Mr. KANJORSKI, and Mr. PETERSON of Pennsylvania.
H.R. 3850: Mr. COBURN and Mr. DOOLITTLE.
H.R. 3865: Mr. HAYWORTH.
H.R. 3873: Mr. MCGOVERN, Mr. FORBES, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. ENGEL.
H.R. 3875: Mr. MATSUI.
H.R. 3901: Mr. PAYNE.
H.R. 3905: Mr. ENGLISH, Mr. SHAW, Mr. COYNE, Mr. HAYWORTH, and Mr. FOLEY.
H.R. 3909: Mr. PHELPS, Ms. SCHAKOWSKY, and Mrs. BIGGERT.
H.R. 3910: Mr. MINGE and Mr. UPTON.
H.R. 3911: Mr. COOKSEY, Mr. SHAW, and Mr. GILLMOR.
H.R. 3916: Mr. GILCHREST, Mr. PICKERING, Mr. GILLMOR, Mr. MCKEON, Mrs. CAPPS, and Mr. CHABOT.
H.R. 3983: Mrs. NORTHUP, Mr. SALMON, and Mr. BALLENGER.
H.R. 3987: Ms. BROWN of Florida, Ms. CARSON, Mr. CLAY, Ms. NORTON, Mr. RANGEL, Mr. WYNN, and Mrs. NAPOLITANO.
H.R. 3998: Mr. QUINN.
H.R. 4011: Mr. MCINTOSH.
H.R. 4013: Mr. BONIOR, Mr. CLAY, Mr. DINGELL, and Mr. SMITH of Washington.
H.R. 4030: Mr. FOLEY.
H.R. 4033: Mr. GRAHAM, Mr. CAMP, Mr. WEYGAND, and Mr. BAIRD.
H.R. 4036: Mr. ENGEL.
H.R. 4040: Mr. SAXTON, Mr. FOLEY, Mr. LIPINSKI, and Mr. ENGLISH.
H.R. 4041: Mrs. MCCARTHY of New York.
H.R. 4042: Mrs. MCCARTHY of New York.
H.R. 4048: Mr. COOK, Mr. REGULA, Mr. HERGER, Mr. OSE, Mr. PASTOR, Mr. SPENCE, Mr. HYDE, Mr. SHAYS, and Mr. STUMP.
H.R. 4057: Mr. KUCINICH, Mr. BLUMENAUER, Mrs. MINK of Hawaii, Ms. HOOLEY of Oregon, Mr. KENNEDY of Rhode Island, Mr. OWENS, and Ms. LEE.
H.R. 4063: Mr. HINCHEY.
H.R. 4064: Mr. LAHOOD, Mrs. CUBIN, Mr. TIAHRT, Mr. ENGLISH, Mr. WATTS of Oklahoma, Mr. RILEY, Mrs. THURMAN, Mr. DOOLEY of California, Mr. BRYANT, Mr. SKEEN, Mr. BLUMENAUER, Mr. MOORE, Mr. NUSSLE, Mr. SIMPSON, Mr. LUCAS of Kentucky, Mr. BOEHLERT, Mr. WICKER, Mr. WAMP, Mr. EVERETT, Mr. ADERHOLT, Mr. CONDIT, Mr. GRAHAM, Mr. COOKSEY, Mr. DICKEY, Mr. JENKINS, Mr. KIND, Mr. JOHN, Mr. BERRY, Mr. SUNUNU, Mr. HERGER, Ms. STABENOW, Mr. COBLE and Mrs. CHENOWETH-HAGE.
H.R. 4066: Mr. FARR of California.
H.R. 4077: Mr. DEFAZIO, Mr. BROWN of Ohio, and Mr. HINCHEY.
H.R. 4091: Mr. LEWIS of Georgia.
H.R. 4099: Mr. MORAN of Virginia.
H.R. 4102: Mr. SOUDER and Mr. BACHUS.
H.R. 4111: Mr. MILLER of Florida.
H.R. 4115: Mr. HINCHEY, Mr. MALONEY of Connecticut, Mr. REGULA, and Mrs. BIGGERT.
H.R. 4143: Mr. ETHERIDGE, Ms. MCCARTHY of Missouri, Mr. MINGE, Mr. STRICKLAND, Ms. HOOLEY of Oregon, Mrs. THURMAN, Mr. GREEN of Texas, Mr. FROST, Mrs. CLAYTON, and Mr. CLEMENT.
H.R. 4149: Mr. RAHALL, Mr. BLUNT, Mr. YOUNG of Florida, Mr. SCHAFFER, and Mrs. FOWLER.
H.R. 4152: Mr. WAMP, Mr. SCHAFFER, and Mr. BARRETT of Wisconsin.
H.R. 4165: Mr. COOK, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. GARY MILLER of California, Mr. PALLONE, and Mr. BOEHLERT.
H.R. 4167: Mr. MCHUGH, Mr. WEINER, Mr. WALSH, Mr. TIERNEY, Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, Mr. UDALL of Colorado, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. STARK, Mr. BERMAN, Mr. LAFALCE, Mr. OLVER, Mr. NADLER, and Mr. VENTO.
H.R. 4168: Ms. WATERS, Mr. BOUCHER, Mr. MALONEY of Connecticut, Mr. SCOTT, Mr. WISE, Mr. BERMAN, Mr. COSTELLO, Mr. OLVER, Ms. BROWN of Florida, Mr. CRAMER, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. BOYD, Mr. TOWNS, Ms. ROYBAL-ALLARD, Mr. FATTAH, Mr. PASTOR, Mr. MASCARA, Mr. CONDIT, Mr. GUTIERREZ, Ms. CARSON, Mr. CONYERS, Ms. DEGETTE, and Mr. DOYLE.
H.R. 4182: Mr. WELDON of Florida, Mr. COX, Ms. DUNN, Mr. POMEROY, and Mr. BRYANT.
H.R. 4188: Mr. GOODE, Mr. KINGSTON, Mr. EVERETT, and Mr. BACHUS.
H.R. 4191: Ms. STABENOW, Mr. WALSH, and Mr. STUPAK.
H.R. 4194: Mrs. BONO.
H.R. 4198: Mr. BARTLETT of Maryland.
H.R. 4200: Mrs. MEEK of Florida, Mr. THOMPSON of Mississippi, Mrs. CLAYTON, Mrs. JONES of Ohio, Mr. HILLIARD, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of

Texas, Mr. WYNN, Mr. BISHOP, and Mr. CLYBURN.

H.R. 4201: Mr. SHIMKUS, Mr. GILLMOR, Mr. ARMEY, Mr. EHRLICH, and Mrs. CUBIN.

H.R. 4204: Mr. BARR of Georgia.

H.R. 4207: Mr. KIND, Mr. BARRETT of Nebraska, Ms. SCHAKOWSKY, Mr. LAFALCE, Ms. ESHOO, Mr. VENTO, and Mr. GREEN of Texas.

H.R. 4211: Mr. WEINER and Mr. EVANS.

H.R. 4213: Mr. MORAN of Virginia, Mr. BURR of North Carolina, Mr. LIPINSKI, Mr. TRAFICANT, and Mr. EWING.

H.R. 4214: Mr. FOLEY and Mr. BARTLETT of Maryland.

H.R. 4215: Mr. ISTOOK, Mr. MORAN of Kansas, and Mr. STUMP.

H.R. 4219: Mr. SOUDER, Mr. PHELPS, Mr. DEMINT, and Mr. LOBIONDO.

H.R. 4223: Mr. VITTER.

H.R. 4245: Mr. FOLEY, Mr. BARTLETT of Maryland, and Mr. WELDON of Pennsylvania.

H.R. 4248: Mr. BARR of Georgia and Mr. LEWIS of Kentucky.

H.R. 4259: Mr. HORN.

H.R. 4260: Mr. GUTKNECHT and Mr. MINGE.

H.J. Res. 53: Mr. GRAHAM and Mr. GARY MILLER of California.

H.J. Res. 98: Mr. TERRY and Mr. SPENCE.

H. Con. Res. 62: Mr. LATHAM, Mrs. WILSON, and Mr. FORBES.

H. Con. Res. 220: Mr. CUMMINGS.

H. Con. Res. 252: Mr. SKEEN, Mr. WELLER, Mr. PHELPS, Mr. WHITFIELD, Mr. LUCAS of Kentucky, Mr. SAWYER, Mr. PASTOR, Mr. EHRLICH, Mr. WYNN, Mr. WEXLER, and Mr. BOEHLERT.

H. Con. Res. 256: Mr. BLAGOJEVICH.

H. Con. Res. 259: Mr. ALLEN.

H. Con. Res. 265: Mr. GUTIERREZ, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Ms. MILLENDER-MCDONALD, Mr. SHAYS, Mr. POMEROY, and Mr. ACKERMAN.

H. Con. Res. 271: Mr. NETHERCUTT.

H. Con. Res. 275: Mr. BERMAN, Mr. RAHALL, and Mr. SUNUNU.

H. Con. Res. 294: Mrs. MALONEY of New York, Mr. BILIRAKIS, Mr. BRADY of Pennsylvania, Ms. MCKINNEY, and Mr. CAMPBELL.

H. Con. Res. 304: Ms. JACKSON-LEE of Texas, Mr. BACA, Mr. CROWLEY, Mr. MASCARA, Mr. RUSH, Mr. CLYBURN, Ms. LOFGREN, Mr. TOWNS, Mr. SMITH of Washington, Mr. DAVIS of Illinois, Mr. SHERMAN, Mr. DAVIS of Florida, Mr. ROTHMAN, Mr. FALEOMAVAEGA, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. GREEN of Wisconsin, Mr. BILBRAY, Mr. BOEHNER, Mr. RAMSTAD, Mr. ETHERIDGE, Mr. MCGOVERN, Mr. TURNER, and Mr. INSLEE.

H. Con. Res. 305: Mr. SHIMKUS, Mr. BRYANT, Mr. FOSSELLA, Mr. STEARNS, Mr. WHITFIELD, Mr. GRAHAM, Mr. ISTOOK, Mr. HILLEARY, Mr. TANCREDO, Mr. WELLER, Mr. PAUL, Mr. SAM JOHNSON of Texas, Mr. JENKINS, Mr. SALMON, Mr. MANZULLO, MR. COX, Mr. CHABOT, Mr. BARTON of Texas, Mr. BLILEY, Mr. BURTON of Indiana, Mr. HALL of Texas, Mr. LUCAS of Oklahoma, Mr. HILL of Montana, Mr. WAMP, Mr. HOEKSTRA, Mr. HAYES, Mr. HANSEN, Mr. LINDER, Mr. EWING, Mr. SCARBOROUGH, Mr. ARMEY, Mr. SMITH of Michigan, Mr. HAYWORTH, Mr. GUTKNECHT, Mr. POMBO, Mr. KINGSTON, Mr. DUNCAN, Mr. HEFLEY, Mr. WATKINS, Mr. PICKERING, Mr. LEWIS of Kentucky, Mr. THUNE, Mr. HERGER, Mr. ENGLISH, Mr. MCCRERY, Mr. CAMP, Mr. CHAMBLISS, and Mr. NORWOOD.

H. Res. 107: Mr. DAVIS of Florida.

H. Res. 213: Mr. BARRETT of Nebraska and Mr. PETRI.

H. Res. 238: Mr. HULSHOF, Mr. WU, and Mr. RANGEL.

H. Res. 414: Ms. DEGETTE.

H. Res. 458: Mr. FRANKS of New Jersey, Mr. MCCRERY, Mr. MEEHAN, and Mr. SMITH of New Jersey.

H. Res. 462: Mr. PETRI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1283: Mr. TALENT.

H.R. 1396: Mr. BOUCHER.

H.R. 1824: Ms. KILPATRICK.

H.R. 3308: Mr. PICKERING.

SENATE—*Thursday, April 13, 2000*

The Senate met at 10:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Rev. Donald J. Harp, Jr., Peachtree Road United Methodist Church, Atlanta, GA.

We are glad to have you with us.

PRAYER

The guest Chaplain, the Rev. Donald J. Harp, Jr., offered the following prayer:

Let us pray.

O God, our help in ages past, our hope for years to come, for this land of beauty and plenty, we offer our words of thanksgiving. For elected leaders who place the good of all above the wishes of a few, we offer our words of thanksgiving. For our citizens who offer thoughtful words of affirmation versus random words of criticism, we offer words of thanksgiving. Intercede, O God, with Your wisdom, in the decisions of this body. Grant wisdom, compassion, and vision, that decisions shall be based on truth, honesty, and fairness for all of our citizens. Bless, we pray, our executive branch, our Congress, and our judicial system with the gift of Your compassion for humanity as decisions are made. We pray in Thy Holy name. Amen.

PLEDGE OF ALLEGIANCE

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

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

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Georgia is recognized.

WELCOME TO REV. DON HARP

Mr. CLELAND. Mr. President, I am very honored to host Reverend Don Harp of Atlanta as the guest Chaplain in the Senate today.

Reverend Harp was born in Fayette County, GA, and graduated from Fayette County High School.

He attended Young Harris Junior College before receiving his BA degree from Huntingdon College in Montgomery, AL. Reverend Harp then went on to earn his masters degree in divinity from Emory University in Atlanta, and his doctorate from McCormick Theological Seminary in Chicago.

He has served on the Carrollton, Georgia City Council, Mayor Bill Campbell's Atlanta Advisory Committee, and the President's Advisory Council of Oglethorpe University.

He has received the Mary Mildred Sullivan Award from Brenau College in Gainesville, GA, and was a delegate to both the General and Southeastern Conferences of the United Methodist Church.

Reverend Harp has been a good friend and pillar of support for me over the years. As Tagore once said, ''Faith is the bird that feels the light and sings when the dawn is still dark.''

Reverend Harp taught me that faith in God sometimes requires strength, but God gives back that strength many times over.

I am proud to welcome my distinguished friend to the United States Senate today.

RECOGNITION OF ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Idaho is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, today the Senate will be in a period of morning business until 2 p.m. with the time until 12:30 p.m. for general statements and bill introductions. At 12:30 debate regarding the marriage tax penalty will occur prior to the cloture vote scheduled to occur at 2 p.m. Senators should be aware that if cloture is not invoked on the substitute, there will be a second cloture vote on the underlying measure. Therefore, there could be up to two votes at 2 p.m. Following the votes, the Senate is expected to consider the budget resolution conference report with a final vote expected this evening. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time between 10:30 and 10:45 a.m. shall be under the control of the Senator from Idaho, Mr. CRAPO, or his designee.

The Senator from Georgia.

MEASURE PLACED ON THE CALENDAR—H.R. 1838

Mr. CRAPO. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1838) to assist in the enhancement of the security of Taiwan, and for other purposes.

Mr. CRAPO. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

(The remarks of Mr. CRAPO and Mr. SMITH of New Hampshire pertaining to the introduction of S. 2417 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

Mr. GREGG. Mr. President, I ask unanimous consent that the time assigned to the Senator from Arkansas, Mr. HUTCHINSON, be given to me at this time.

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

FIGHTING DRUGS IN THE UNITED STATES

Mr. GREGG. Mr. President, I rise to speak about the issue of how we are fighting drugs in this country—specifically, the President's initiative relative to the country of Colombia in relation to our own initiatives on the southern border of our country.

I have the privilege to chair the committee that funds the INS, which includes the Border Patrol, DEA, the department of drug enforcement; and the judiciary. All three agencies, of course, of our Government have a significant role in the issue of drug enforcement and especially as it affects our southern border.

The President has asked for $1.6 billion of new money—he has asked for it in an emergency format—to be sent to the country of Colombia, in order for Colombia to fight drugs and the production of drugs. That may well be a reasonable request. I have reservations on its substance, but I also have serious reservations as to its appropriateness in the context of the drug war that we as a Nation face. The reason is simple. When the President sent a budget up to address the agencies that

are responsible in our Government to fight drugs, he did not fully fund their needs. He underfunded the needs of the Drug Enforcement Administration, DEA; he underfunded the needs of the INS and Border Patrol; he underfunded the needs of the judiciary, which enforces the law.

I have made a little chart here that reflects a comparison. The unfunded capital—I am talking about capital needs, one-time items, which involve the construction or technology and needs of these different agencies, the INS, DEA, and the judiciary. The unfunded requests of these agencies represented about $1.8 billion—a little bit more than $1.8 billion. Compare that with the fact that the President is willing to fund almost $800 million—million, not billion—of capital needs for Colombia.

Let's do a little review of this because I think it is important for people to understand what happened. Essentially, what the President is saying is that the capital needs of Colombia are more important than the needs of our own drug enforcement agencies here in the United States. For example, the President has requested 15 Huey helicopters for Colombia and 30 Blackhawk helicopters. They are the most advanced helicopters we have in our fleet. Thirty Blackhawk helicopters will cost approximately $388 million. Let me tell you, those 30 helicopters, along with the 15 Hueys, are going to go to Colombia.

Let me tell you what the Drug Enforcement Administration and the Border Patrol have to fly on our borders in order to interdict drugs. They fly old Vietnam-era helicopters. They aren't safe. In fact, many of them have been grounded. The Army, in fact, grounded almost all of its Hueys. But that is what we are left with.

DEA and INS have both requested aircraft in order to patrol the borders. Those requests were not funded by this administration. Yet the administration turns around and is willing to give 30 Blackhawk helicopters to Colombia. Who knows what will happen to those helicopters. Who knows how they will be used. But I can assure you that the first call, I believe, on new helicopters for the purposes of the drug war should have gone to the departments which fight the drug war in the United States and which need them.

Another example: Night vision goggles. We are going to send $2 million to Colombia to buy night vision goggles. Yet here in the United States, the Border Patrol and DEA are short on those materials. In fact, the Border Patrol is woefully short on night vision goggles, on pocket scopes, on fiber-optic scopes, on hand-held searchlights—all of these items the Border Patrol asked for and were not funded in this budget by the President.

Yet the President has been willing to find the money, or suggested that we should find the money, to send not only night vision goggles but ground-based radar systems, secure communications systems, signal intelligence gathering systems, computers, and installation of sensor sights for aircraft. All of these items they have suggested we send to Colombia.

In addition, they have suggested that we actually construct facilities for Colombia to the tune of approximately $49 million—physical buildings.

Let me tell you, both the INS and the DEA need physical facilities. In fact, the Border Patrol is functioning out of extraordinarily crowded facilities. Many of the Border Patrol stations are grossly overcrowded. There is one site which is designed for 5 people with 125 people working out of it. There is another site where the Border Patrol is working out of an old Tastee Freeze building. I guess you can use an old Tastee Freeze building. It is sort of hard to handcuff a drug dealer to a Tastee Freeze machine.

The fact is we do not have the facilities which we need in order to adequately enforce our laws relative to drug dealers coming across the borders and drugs coming across the borders. We don't have the facilities to detain those people.

There is a detention need of approximately $406 million. In other words, we need $406 million of construction in order to meet the potential detention needs for people illegally coming across the border, many of them drug dealers.

The judiciary has the same problem. There is a massive increase in the amount of caseload which the judiciary along the southern border has to handle. Five district courts on the southwest border now handle 26 percent of all the Federal criminal activity—26 percent of all the Federal criminal activity—and a great deal of that is drug related.

To put that in perspective, the remainder of the criminal activity in this country is handled by 89 other district courts. Five are handling 26 percent and 89 handle the rest. You can see how overworked those five courts are.

The border courts' basic caseload is four times that of the national average. Yet did the administration put money in to try to increase the capacity of those court systems to handle this wave of crime that is coming across the border, much of it drug-related? Absolutely not. There are no physical facilities in that area.

I put up another chart which is a little more stark explanation of some specific accounts.

For example, the aircraft needs along the southwest border, this is what was unfunded. This bar chart shows the unfunded needs for aircraft along our southwest border. This shows how much the administration is willing to spend for aircraft for Colombia. They are willing to spend three times what it would take in order to adequately monitor our own border with aircraft. They are willing to spend it in Colombia.

I have to say that I really doubt that aircraft in Colombia is going to end up doing the job. I do not know how it is going to be used. But I strongly suspect it is not going to be used very effectively if we look at the history of what has happened with our efforts outside this country in the area of crime enforcement. I suspect what we will end up with is some company in America making a heck of a lot of money because somebody will buy 30 Blackhawk helicopters and ship them to Colombia. That will be the end of it. That will be the last we hear of them.

But if the administration is willing to pay for the aircraft along the border, the use of those aircraft would be accountable to the American people. We would know whether those aircraft were being used correctly in law enforcement and drug enforcement. I can assure you that my experience with the Border Patrol and the DEA is they would be used correctly, and we would get a return for the dollars that are being spent.

It is not only in the capital areas that this administration has acted, in my opinion, with gross irresponsibility in their obligations to fight the drug war here in the United States, by funding the Colombian request but not funding the American needs, but more importantly, in the area of personnel and initiatives, it is really unbelievable. This administration is willing to spend $1.6 billion in Colombia, but they spent absolutely nothing in their budget on the methamphetamine initiative of the Drug Enforcement Administration. Nothing. The methamphetamine initiatives of DEA have been some of the most successful initiatives they have undertaken.

Talk to people in Colorado, Missouri, Minnesota, and all along the southwest border. They will tell you methamphetamine is the drug that is growing most rampantly. It is growing at the most dramatic rate. Its production is growing at the most dramatic rate.

Two years ago, the Congress set up 10 initiatives in the area of methamphetamine. They have been successful. Yet this administration has zeroed out for all intents and purposes any new initiative in methamphetamine, even though the DEA specifically requested of OMB—part of the administration—and said they needed 10 more initiatives in the area of methamphetamine. I think it was 10. But that was zeroed out by the White House while at the same time they are willing to spend $1.6 billion to buy planes for Colombia. It makes no sense.

We know that 85 percent of the methamphetamine that is being sold in Minnesota is smuggled in from Mexico. We

know that. We know, if we are going to stop that smuggling, that we are going to have to have a border enforcement capability that can identify it, track it, arrest it, and then prosecute it. But you can't do that if you are going to underfund the DEA, the INS, and the judiciary to such dramatic levels. But the White House has done exactly that. But who have they been willing to fund for initiatives in Colombia? That is not the only instance.

The Border Patrol was supposed to receive an increase of 1,000 people a year for 3 years. That is what the Congress asked this administration to do. That is what we actually funded—1,000 people for 3 years. This administration has refused to fill those slots. The administration has basically refused to fulfill its obligation to fill those slots. So the Border Patrol goes undermanned and in many instances underpaid. As I have already pointed out, the facilities and equipment it has are woefully inadequate.

The Border Patrol, obviously, does things other than just drug enforcement, but because the Mexican border is the primary vehicle and the Mexican cartels are the primary force behind the drug flow into the United States, the Border Patrol is constantly being drawn into the drug fight. Therefore, adequately funding the Border Patrol is critical to having an adequate drug enforcement policy in this country.

My point is simple and obvious. Before we send $1.6 billion to Colombia, before we send this money down there so they can have more planes, goggles, and radar sensors, how about funding the American needs in the area of drug enforcement? How about funding our own law enforcement community and our Judiciary so we can act adequately, interdict and fight drugs in the United States.

I believe this administration's priorities are skewed. I think this Congress has an obligation to take a hard look at the Colombian drug proposal when it comes here. In my opinion, we should reallocate significant amounts of those funds so we can appropriately fund and support DEA, INS, and the Judiciary.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the time between 11 o'clock and 11:30 shall be under the control of the Senator from New Hampshire or his designee.

The Senator from New Hampshire is recognized.

HOLY SEE

Mr. SMITH of New Hampshire. Mr. President, first, I want to make my colleagues aware I have a resolution regarding the Holy See. This resolution would block any effort to remove or demean the nine-member permanent observer status at the United Nations held now by the Catholic Church. I want my colleagues and the American people to know this is being blocked from being heard by the other side of the aisle, which is a very interesting story considering the controversy on the House side regarding the Chaplain. It is interesting that this simple resolution that says we will not block or demean in any way the nine members of the permanent observer status at the United Nations by the Pope and the Catholic Church is being blocked on the other side of the aisle.

I want the American people to know I can't get this to the floor because of holds on this bill on the other side. When we hear the stories about who is anti-Catholic and who isn't, we ought to shine the light where the light should be shined.

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, I want to pick up on a couple of points I made last night regarding Elian Gonzalez.

My colleagues need to understand today this young boy is going to be yanked from the arms of his family, literally, at the direction of Janet Reno, and placed on an airplane and taken God knows where—we are hearing maybe to Bethesda—where he meets with Juan Gonzalez in the confines of the Cuban control which is where this Cuban diplomat lives, or perhaps ultimately on an airplane and headed for Cuba. There are no restrictions. We don't know.

The speech I made on the floor last night I thought was very compelling regarding this situation. There is talk about how this young man is going to go back to his father. I will repeat briefly what I said last night. He is not going to go back to his father, if we let this young boy go back to Cuba. The Cuban diplomats have already said this young man is controlled by Cuba. He is a child of the state. He is a child of Cuba. He is not a child of Juan Gonzalez—only biologically. Beyond that, he is not the son of Juan Gonzalez; he is the son of Cuba.

We have a 6-year-old little boy who survived a terrible incident at sea, watching his mother drown. Her dying words literally were: Please get Elian to the shores of America. The two survivors told me that themselves because they saw her die, as did Elian.

Later they were separated and Elian floated for 3 days in an inner tube. When he was picked up by two fishermen, he was surrounded by dolphins. We know dolphins are a protection because sharks do not interfere with dolphins. He was being protected by the dolphins. He had no sunburn after 3 days at sea. He told me he saw the Virgin Mary while he was floating in this inner tube.

This is a very special little boy who had never been inside a church until he came to America. We now have said, the Justice Department has said, Janet Reno has said, this boy has no rights under the law. She is wrong. She has discretion under the law to send him back, but there is no law that says he must go back. I want to make that very clear.

I think the Senate should go on record, as tough as it is, and take a vote one way or the other, binding or nonbinding, but take a vote. Every Senator should let the American people know how they feel about this because Elian went through an awful lot—a lot more than most of us go through in our lifetimes. His mother died trying to get him to America, and we have now taken her rights away. She has no voice because she can't speak for herself. Perhaps ultimately in the custody court without the Justice Department would be the right way to resolve it. However, the Attorney General has chosen to be confrontational, as she did at Waco, and said he will be taken. She has made this statement over and over in the past several days.

I read the polls that say 61 percent of the American people say Elian Gonzalez should go back to his father. This is not about polling. There were no polls out there when Elian was floating around in the ocean in rough seas for 3 days.

I have met Elian Gonzalez and until yesterday I don't think Janet Reno had. He is a special boy. He is going to be Castro's main objective when he gets back to Cuba. This boy cannot succeed in saying good things about America to his classmates. This boy will go into a Communist education camp. He will be taken away from his father most of the time, probably 11 months out of 12, and he will be ''re-educated.'' Fidel Castro himself has said this boy will be reeducated. He will be reeducated all right. Ask some of the Vietnamese who came out of Vietnam what a reeducation camp is and ask some of the Cuban American community today what it is like in Cuba and why thousands have come here and thousands more have died trying to get here.

Now because little Elian's mother drowned, he has no rights. I thought this was America. But I guess it isn't anymore.

I want everybody to understand what happens to Elian Gonzalez. We hear about Fidel Castro. You would think he loved this little boy and would want to get the little boy back to his father. ''That is all I want,'' says Fidel.

I will close on this point: On July 13, 1994, 72 Cuban men, women, and children boarded a tugboat called the *13 de Marzo* and they set sail, hopefully, they thought, to freedom in the United States. Three hours later, 32 of them would be forced back to Cuba and imprisoned and another 40—23 children among them—would be killed by the Cuban goon squads of Fidel Castro.

Do you know how it happened? I will tell you how it happened. We got this firsthand from the survivors: Two Government firefighting boats pummeled the helpless passengers, who were unarmed, with water from high-pressure firehoses 7 miles off the coast of Cuba. The passengers repeatedly attempted to surrender to Government officials, going so far as to hold their children in their arms up like this, saying: Please, these are my children, stop, stop.

But the Cuban Coast Guard was relentless. The firehoses were enormous. Survivors said children were sprayed from the arms of their mothers into the ocean waters. Other children were simply swept off the deck by the firehoses and drowned in the sea. Desperate to protect their children, some of the mothers went down below deck with their children. What did they get for that? The Cuban Coast Guard rammed their vessel again and again and sank it with these people in the hold.

Here is a picture of a little girl, Caridad Leyva Tacoronte, 4 years old. She was one of those children.

If Castro's goons could have caught that boat, they would have done the same thing to Elian Gonzalez.

So I don't want to hear any more of this talk about how this is going to be the nicest thing for Elian, to go back to his wonderful little home in Cuba and live happily ever after with his dad because that is a bunch of pure, unadulterated garbage. Let's face reality. If the Senate does not have the courage to stand up and vote and be on record against that, then what do we stand for? What do we stand for?

Here is another one, Angel Rene Abreu Ruiz, 3 years old, sprayed from the arms of her mother by a high-pressure firehose and drowned in the ocean before her mother's eyes.

Elian did not get caught, so Castro did not kill him. He made it to the ocean. The ocean, though, took the lives of his fellow passengers, all but two. One other couple and Elian survived. His mother died.

So rather than send this to a custody court—I am not asking anybody to make a decision on where Elian should go. All my resolution does, that I have been trying to get a vote on now for a month and a half, is it gives permanent residency status to Elian, to his father, to his father's current wife, and to his child, to Elian's two grandmothers and grandfather—all the family. It lets them come here free of Castro, sit down as a family, talk with the Miami relatives, and decide how little Elian's fate should be resolved. That is all I am asking.

But, oh, no, we cannot do that because Janet Reno and Fidel Castro have decided the kid has to go back to Cuba. I want everybody in America to know what is going to happen. I promise you, this is the kind of stuff that happens in Cuba. He is going to go into a little reeducation camp, and he is going to learn all about communism, and we are going to make mighty sure, in Cuba, that he does not tell his classmates about Disney World or anything else nice that happened here in America. He is not going to let that happen. So he is a special little boy, all right, to Fidel Castro.

When I hear all this stuff about this nice little happy relationship with Juan Gonzalez, his father—where has his father been for 4 months? Has anybody stopped him from going to Miami and sitting down with the family and talking this out? Yes. Fidel Castro has stopped him.

Do you know where Mr. Gonzalez' mother is right now? She is under house arrest in Cuba so she cannot move freely. Let's get real here. That is where she is. He is afraid to say anything because he fears for his mother's life. He has his wife and child here but he doesn't have his mother here.

What a tragedy this is, that this little boy, who survived all of this, is now going to be forced back and he has nothing to say about it. I am never going to forget, as long as I live, no matter what happens, that little boy looking me in the eye about 2 months ago, 3 months ago, and saying: Senor, ayudame, por favor—help me, please. I don't want to go back to Cuba.

I asked him: Elian, don't you want to see your father?

He said: Si, senor—yes, but I want my father to come here to America because that is what my mother wanted.

Frankly, that is what his father wanted, too, but he can't say it. His father knew Elian was coming. He spoke to the hospital the night Elian was rescued and he was in the hospital. The father spoke to the doctors and to the family and thanked the family and the doctors for taking care of him and said, ''I'll see you soon.'' But, oh, no. Then comes the Attorney General blundering into this thing: Oh, no, this is an immigration matter.

Do you think he came in here by yacht?

Once again, I plead with my colleagues, whoever the powers that be are around here: Bring this thing to a vote today before 2 o'clock. Don't block it. Bring it to the floor and allow us to be recorded so the American people will know where we stood on a matter as important as this.

VOLUNTARY MEDICARE PRESCRIPTION DRUG PLAN ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I would like to talk a bit about The Voluntary Medicare Prescription Drug Plan Act of 2000—S. 2319.

This bill allows seniors to enroll in a new program under Medicare which will provide for prescription drug coverage without increasing Medicare premiums or costing the Federal Government one penny.

This is an issue about which, as you know, many seniors are very concerned.

The Senate unanimously approved a sense-of-the-Senate amendment on the budget resolution offered by myself, Senator ALLARD, and Senator DOMENICI.

This sense-of-the-Senate is very simple. First of all, under the plan the Senate Democrats are committed to passing this year, there are six basic principles.

I agree with them all.

No. 1, it is voluntary.

I agree with this. If the senior doesn't want it, he or she should not have to take it.

No. 2, it is accessible to all Medicare beneficiaries.

I agree with that. A hallmark of Medicare is that all beneficiaries, even those in rural or underserved communities, have access to dependable health care. It should be accessible to everybody. The Smith-Allard plan is fully accessible for all beneficiaries.

No. 3, it is designed to provide meaningful protection and bargaining power for Medicare beneficiaries in obtaining prescription drugs.

A Medicare drug benefit should assist seniors with the high cost of drugs and protect them against excessive, out-of-pocket expenses. I agree with that.

No. 4, it is affordable for all Medicare beneficiaries and for the Medicare program.

It should be affordable to all beneficiaries, and it should be affordable to the Medicare program itself. The Smith-Allard bill is free. Free to all beneficiaries, free to the trust fund. If free qualifies as affordable, I think we are there.

No. 5, it is administered using private sector entities and competitive purchasing techniques.

The management of the prescription drug benefit should mirror the practices employed by private insurers. Discounts should be achieved through competition, not through price controls or regulation.

We are five for five.

No. 6, it is consistent with broader Medicare reform.

None of the plans that I know of are consistent with this principle because they all cost the taxpayers of America in the upwards of $40 billion dollars. And that's just to start. The President's plan is looking at an additional $203 billion.

Medicare will face the same demographic strain as Social Security when the baby boomer generation retires. We need to save Medicare, not add more of a financial burden to it.

So, these six principles I have listed are principles I totally support. They are principles that the Smith-Allard plan meets.

But we added three new principles: The plan should be revenue neutral; not increase Medicare beneficiary premiums; and provide full coverage in 2001.

These three principles enhance and strengthen those put forth by my colleagues on the other side of the aisle.

Let me briefly explain how my new legislation works:

Medicare part A—under the old system, the current system—has a $776 deductible.

Medicare part B has a $100 deductible. In other words, if you go to the doctor, the first $100 you pay for; if you go to the hospital, the first $776 you pay for; the rest, Medicare pays. That is total of $876 you will have to pay.

My new plan would create one new deductible, combining those two deductibles of part A and part B into one deductible of $675, which would apply to all hospital costs, all doctor visits, and prescription drugs—50 cents on the dollar up to $5,000.

And the prescription drug costs apply to the deductible, so every dollar you pay for a prescription moves you forward to meet the deductible.

Once the $675 deductible is met by the Medicare recipient, Medicare then will pay 50 percent of the cost toward the first $5,000 worth of drugs the senior purchases.

However, the senior could not purchase a Medigap plan that would pay for the $675 deductible. This must be paid for by the senior. But if you have a Medigap plan now as a senior, you will not need it.

As a result, seniors would save about $550 under Medigap plans if they traded their current Medigap plan for my new prescription drug plan.

Again, it is their option. It is voluntary. Seniors could even use their $550 in savings to pay the $675 deductible.

If you are a senior out there, and you have part A, part B, and you are paying $675 toward the deductible, and you have Medigap insurance of $550, you now can put the $550 toward the $675 to meet your deductible. So you are going to have $550 in savings. You can put that toward the $675, and you are already two-thirds of the way there.

But how do you get the cost savings?

As my colleagues are aware, according to the National Bipartisan Commission on the Future of Medicare, the Federal Government pays about $1,400 more per senior if the senior owns a Medigap plan that covers their part A and part B deductible.

The savings result because Medicare will not have to pay this $1,400 per person per year out of the trust fund.

As I mentioned, all hospital, physician, and prescription drug costs would count toward this $675 deductible. Once it was met, the senior would receive regular, above-the-deductible Medicare coverage, just as you get now. Or if you worked out the numbers and decided against my plan, then you would not have to select it; it is your choice.

I have spoken to senior groups and health care providers, both in Washington as well as in my State over the past several weeks, about this proposal. The response has been very enthusiastic.

Seniors want a prescription drug benefit. Doctors and nurses understand the importance of providing coverage for seniors because of the expense of prescription drugs in this country.

It would be a victory for seniors and for health care in this country if we could provide this coverage to them.

In a recent press conference, President Clinton and Senator DASCHLE outlined their goals for prescription drug coverage.

Leaving the politics aside, the fact that elected leaders from both parties are looking at this issue of prescription drug coverage is good news for the senior citizens of America.

I have talked with several of my Republican colleagues, and it is clear to me there is overwhelming support for allowing seniors to have this choice. The only question among us all is how we can responsibly structure such a program.

I heave heard from seniors in my State about what they are looking for in a prescription drug plan.

First, they are concerned about the solvency of the Medicare program. They want a program that does not add some huge financial burden to the trust fund which will be passed on to their grandchildren.

Second, they do not want to increase the national debt, either. Yes, seniors are concerned about the national debt. Ask them the next time you speak to a seniors group.

Third, seniors do not want new premiums. My plan requires no premium hike for seniors—zero.

As I have previously stated, the guiding principles of this plan, which may come as a shock to some of my colleagues on the other side of the aisle, are the same principles as those of the President and the distinguished minority leader for any prescription drug plan.

I believe the vast majority of seniors will benefit from this plan. In fact, every senior with a Medigap plan will definitely benefit.

Any senior with a prescription drug expenditure of more than $15 a month will benefit. Today, the Medicare part A and part B deductible totals $876, which most seniors cover by an average $1,611 Medigap insurance premium.

Let me go through some charts that will help explain how the plan works.

First, it is budget neutral.

It is ironic to see the direction in which the Medicare reform debate is headed.

Do my colleagues remember what started these discussions about Medicare reform?

It was the fact that the program was going broke.

So why would we support reforms that cost the program billions more in spending and further increase its insolvency?

I want to support Medicare reform that preserves the integrity of the program, not some sham reform that adds new financial burdens we will not be able to sustain.

For those of you who are skeptical that these numbers can work, let me say right off that I am not an actuary. I know budgets, but these are vast actuarial calculations we are talking about.

So, I wrote a letter to someone who I feel is in a unique position to make an unbiased assessment of this plan. His name is Guy King, and he was the Chief Actuary at the Health Care Financing Administration

Here is the letter he sent me.

I ask unanimous consent that this letter and a letter from Mark Litow, an actuary from the firm of Milliman and Robertson, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

KING ASSOCIATES,
Annapolis, MD, March 28, 2000.

Hon. BOB SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: This is in response to your letter of March 9, 2000 asking for my analysis of legislation you intend to introduce in the Senate. The proposed legislation establishes a voluntary prescription drug benefit, the Medicare Prescription Drug Plan, under the Medicare program.

Under the Medicare Prescription Drug Plan, the current Part A and Part B deductibles would be replaced by a single deductible of $675 which would also be applicable to the new prescription drug benefit. The Medicare program would pay fifty percent of the cost of prescription drugs, up to a maximum of $2,500 after satisfaction of the deductible. A beneficiary who chooses the Medicare Prescription Drug Plan would not be allowed to purchase a Medicare supplement policy that fills in the $675 deductible, so special Medicare supplement policies for those who choose the option would be allowed.

The Medicare Prescription Drug Plan would be available, on a voluntary basis, to any Medicare beneficiary not also covered by Medicaid. The possibility of anti-selection is an important consideration for a plan that is available to all Medicare beneficiaries as an option. I believe that the design features of the Medicare Prescription Drug Plan, as outlined in your legislation, minimize the impact of anti-selection.

As you requested, I performed an analysis of the proposed legislation. This analysis is based on Medicare and prescription drug data that I obtained from the Health Care Financing Administration (HCFA). My analysis indicates that the Medicare prescription Drug Plan, as described above, would be cost-neutral to the Medicare program if it were made available on a voluntary basis to all beneficiaries except those also covered by Medicaid.

If you should have any questions regarding my analysis, please don't hesitate to call.

Sincerely,

ROLAND E. (GUY) KING, F.S.A., M.A.A.A.

MILLIMAN & ROBERTSON, INC.,
Brookfield, WI, March 29, 2000.

Hon. Senator ROBERT C. SMITH,
Dirksen Building, Washington, DC.

Re: Medicare Alternative Including Prescription Drug Coverage.

DEAR SENATOR SMITH: At your request, we have analyzed the impact of creating a new option for the Medicare population that would provide coverage for prescription drugs. This option would allow most non-Medicaid aged and disabled Medicare beneficiaries, including those who are institutionalized but not covered under Medicaid and those with end stage renal disease (ESRD), a choice between traditional Medicare coverage and a new form of Medicare coverage referred to as the Prescription Plan. If the individual chooses the prescription plan, the deductible applies across all benefits (Part A, Part B, and drugs). Coinsurance still remains as currently exists under Parts A and B after deductibles, although the Part A extended benefit is available as an option, and prescription drugs have their own coinsurance levels as specified. If the individual chooses to remain under traditional Medicare, no prescription drug coverage is available.

The key components of the Prescription Plan option are:

The Prescription Plan has an aggregate deductible of $675 for the year 2000 across all benefits. Coinsurance for Parts A and B above the deductible are consistent with Medicare today, except as noted in the following bullet. Coinsurance for drugs is 50/50 on the next $5,000 above the deductible, with no coverage thereafter, so that the plan's maximum prescription drug benefit is $2,500.

Individuals have the option to pay an additional premium to Medicare under the Prescription Plan of $21 per year ($1.75 per month) that would provide full coverage of hospital claims for days 61 to 90 plus Lifetime Reserve Days. Currently, Medicare only covers a portion of the cost for days 61 to 90 and Lifetime Reserve Days.

People can purchase a new Medicare Supplement plan to cover their out-of-pocket costs above the deductible. Under this scenario, premiums for the current Plan F (which exclude prescription drugs) are expected to decrease by roughly $550 per year on average. Coverage below the aggregate deductible is not permitted.

People choosing to be covered under traditional Medicare will have exactly the same benefits they have today under Medicare. We believe the choice of current Medicare versus the Prescription Plan is reasonably balanced so that a relatively equal mix of healthy and less healthy individuals will select current Medicare and the Prescription Plan. Therefore, we do not anticipate significant amounts of adverse selection with this choice.

The offering of Prescription Plan along side traditional Medicare is estimated to be revenue neutral to Medicare. In other words, the Prescription Plan allows individuals access to prescription drug coverage at no additional cost to the Federal Government. Election of the option results in no change to the Part A and/or Part B premium, as applicable.

This system allows individuals two opportunities to change options. The first is at their initial time of eligibility for this program. The second is at the beginning of any year that is at least four years after their initial option. In both cases, the move can be made without evidence of insurability.

Estimates of the aggregate deductible are based on our best set of assumptions. A wide range of reasonable assumptions exist that could either increase or decrease these values.

A number of data sources and assumptions have been used in our analysis. These include:

The benefit design is applicable to the non-Medicaid aged, disabled, and ESRD populations. The only population not covered under this plan is that covered by Medicaid.

We estimate the Prescription Plan will result in an aggregate decrease in utilization of approximately 5%. However, we expect that the utilization savings will occur if and only if the aggregate deductible cannot be covered under any supplemental insurance plan.

We have assumed no price discounts on prescription drugs.

We have assumed that the choice between current Medicare and the Prescription Plan is fairly equal. The reason is that the higher deductible for Part B services will attract healthier people under the Prescription Plan, while the drug benefit will attract less healthy individuals. Given the magnitude of the Part B benefit and the drug benefit included in the Prescription Plan, we are unable to discern a tendency for people in a certain health status to have a greater inclination for current Medicare or the Prescription Plan than would people in a different health status.

All estimates above are based on calendar year 2000 levels, and should be properly adjusted for healthcare inflation in years beyond 2000. We have not made any adjustments for the new Hospital Outpatient Prospective Payment System which is expected to take effect in early calendar year 2000. Our analysis is based on the current Medicare payment system in Part B services. Since Part B services and prescription drugs would now be included, the trend rate applied to the deductible in future years is critical to controlling the cost of Medicare.

Cost and distributions of costs are based on the 1999 Milliman & Robertson, Inc. Health Cost Guidelines Ages 65 and Over. These Guidelines are based on an extensive analysis of various data sets, including Medicare data.

The following caveats apply to our estimates:

1. The values included are estimates only. Actual results may be better or worse than anticipated and could vary from anticipated results. Thus, actual experience should be monitored closely and revisions made as necessary to maintain revenue neutrality and other objectives.

2. This letter assumes the reader is familiar with the Medicare program and should be reviewed in its entirety. Since our conclusions reflect assumptions specific to the Medicare program, they may not be appropriate from other situations. This letter is intended for distribution for all who request, and therefore should be used in its entirety. The results and assumptions may be misinterpreted if taken out of context. As such, portions of this letter should not be excerpted.

3. The opinions in this letter are those of the author and do not necessarily reflect the options of others in Milliman & Robertson, Inc. (M&R). M&R does not take any position on specific health care reform proposals. There is uncertainty associated with some assumption underlying this analysis. Changes in the assumptions may have a material impact on this proposal. Actual experience may vary from the results projected in this letter.

This letter is a revision of an earlier letter dated September 22, 1999. The assumptions supporting that document were tested independently by Guy King of King Associates. The changes made to that analysis are relatively modest, but we have not as yet asked Guy King for his comments on these changes. A copy of Mr. King's work to date was attached to our September 22, 1999 letter.

If you have any questions or need additional information, please call.

Sincerely,

MARK E. LITOW, F.S.A,
Consulting Actuary.

Mr. SMITH of New Hampshire. There it is, folks. It's revenue neutral.

Let me talk about the premium issue, because this I believe is the most explosive political side of this.

Seniors watch their budgets closely. If you try to sock them with a new premium, they will not be happy.

Let me remind my colleagues what happened the last time we tried to slap new premiums on seniors.

This picture is an incident that occurred when seniors who were angry with the enactment of the so-called Catastrophic Act assaulted Congressman Rostenkowski's car.

Congressman Rostenkowski wrote the legislation which increased premiums on certain seniors.

It would be a grave mistake to interpret seniors' desire for prescription drug coverage as a call for new higher premiums.

It would also be a huge mistake to think that there is any need for such premiums.

Let me show you how my plan compares with the Administration's plan as far as premiums and benefits.

This chart shows that the Clinton plan's benefits do not even start until 2003, and the benefits are not fully effective until 2009.

These premiums are just the new added government premiums. They do not count other premiums such as Medigap.

I ask unanimous consent that this chart be printed in the RECORD.

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

Year	Monthly premiums		Maximum annual benefits (50%)	
	Clinton	Smith-Allard	Clinton	Smith-Allard
2001	0	0	0	$5,000
2002	0	0	0	5,000
2003	$26	0	$2,000	5,000
2004	30	0	2,500	5,000
2005	34	0	3,000	5,000
2006	38	0	3,500	5,000
2007	42	0	4,000	5,000
2008	46	0	4,500	5,000
2009	51	0	5,000	5,000

Mr. SMITH of New Hampshire. This chart shows all the premiums seniors

would pay. As you can see the drug premium is nothing. If a senior has Medigap, premiums substantially decrease from current law under Smith-Allard. Under the administration plan, they stay the same—averaging $230.75 per month. So, if you compare all premiums, a senior would save an average of $96.83 per month.

I ask unanimous consent that this chart be printed in the RECORD.

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

MONTHLY PREMIUMS

	Clinton	Smith-Allard
Drugs	$51.00	0
Part B	45.50	45.50
Medigap	134.25	88.42
Total	230.75	133.92
Smith-Allard Premium Savings		96.83

Mr. SMITH of New Hampshire. Some might say this is not much money. But let's take a look.

What could a senior do with $96.83 each month?

You can see that this is a lot of money when you think of how it would impact other expenses seniors have.

These numbers come from the Bureau of Labor Statistics Consumer Expenditure Surveys.

Finally, Mr. President, we will look at annual deductibles.

Smith-Allard combines the hospital, medical, and drug benefits into a single deductible.

Because seniors spend an average of $670 per year, they would just about reach the full hospital and medical deductible with just drug expenses.

Under the Clinton plan, drugs don't count toward the deductible, so even though seniors would have a 50 percent drug benefit, they would not be paying down their deductible.

I have talked about this plan with seniors, and they understand this concept. They love it.

I ask unanimous consent that these charts be printed in the RECORD.

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

SMITH-ALLARD

Saves seniors $96.83 in monthly premiums.

What could a senior do with $96.83 each month?

PRESCRIPTION DRUGS

Seniors average $55 per month on drugs.

The premium savings alone would pay for all their drugs twice.

FOOD

Seniors spend $235 per month on groceries. Premium savings pay for nearly half.

Seniors spend $99 per month going out to eat. Premiums savings pay for nearly all dining out.

ENTERTAINMENT

Seniors spend $87 per month on entertainment. Premium savings pay for all entertainment.

TAXES

Seniors spend $93 per month on Federal, State, and other taxes. Premium savings pay for all taxes.

ANNUAL DEDUCTIBLES

	Clinton	Smith-Allard
Part A	$776	
Part B	100	$675 combined.
Drugs	0	
Total deductibles	876	675

Mr. SMITH of New Hampshire. Let me just conclude speaking on this bill by saying that the benefits in this plan are delivered by private companies and regional entities, such as pharmaceutical benefit managers. These entities would negotiate with large drug companies and provide the drugs to Medicare seniors.

In addition, according to the actuaries who reviewed the legislation, there will be no adverse selection. Both the healthy and the sick will have an incentive to choose this plan. Everybody is in.

There are many different methods of providing prescription drug coverage for seniors, but I urge my colleagues—I plead with my colleagues—to look to the revenue-neutral methods that fund this benefit by the elimination of waste in the present system. I urge my colleagues to resist the temptation to raise Medicare premiums on the people who can least afford it.

I have vivid memories of seniors rocking Mr. Rostenkowski's car a few years ago when he decided to raise Medicare premiums. Let's look at it more specifically. The House's fiscal year 2001 budget—this is important—sets $40 billion aside for prescription drugs.

In the Senate, we are expected to do a budget that is going to set aside $20 billion now for prescription drugs, and $20 billion later.

We don't need either under my plan. We don't need any more money. We don't need $20 billion. We don't need $40 billion. We don't need $2 billion.

Let's use the money for debt reduction or tax credits for the uninsured rather than providing for prescription drugs. Let's use my revenue-neutral prescription plan instead.

I urge my colleagues to take a look at this approach. It provides prescription drugs in a way that will meet seniors' needs without hiking their premiums or adding more burden to the Federal treasury.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada, Mr. REID, is recognized to speak for up to 20 minutes.

INDEPENDENT COUNSEL

Mr. REID. Mr. President, this past Tuesday, the Washington Post carried a story reporting that Independent Counsel Robert Ray, a lawyer who was trained in prosecutorial ethics by Rudolph Giuliani and who took over the special prosecutor duties from Ken Starr, is planning on continuing and even expanding his investigation of President Clinton. Mr. Ray has hired six new prosecutors and another investigator and plans to increase spending over the next 6 months by $3.5 million. Under this plan, he is seriously considering indicting the President after he leaves office for a number of things. He includes perjury, obstruction of justice, making false statements, and even conspiracy.

When I read this story, to say the least, I was surprised. One year ago, I stood in this Chamber at this same seat during the impeachment trial of the President of the United States and compared what was happening then to literature. I can no longer make that comparison because what is happening here is too outlandish and unbelievable to qualify anymore as literature. Every great story has an ending. Every play has a denouement.

This investigation has already lasted 6 years. It has cost Nevada taxpayers and the taxpayers of this country more than $52 million, not counting the money this new prosecutor wants to spend in the next 6 months.

More than the length of this proceeding, more than the cost of this proceeding, this story has crossed the line from Kafka to ''The Twilight Zone.'' It has drifted from prosecutorial intemperance to the brink of lunacy.

A number of years ago, the very articulate, brilliant Supreme Court Justice Antonin Scalia criticized the independent counsel statute. He pointed out that with the typical criminal case, the prosecutor starts with a crime and then looks for the perpetrator.

But with an independent counsel, the prosecutor starts with a suspect and searches to find a crime—any crime—to charge him or her with. Once placed in office, the prosecutor has built-in pressure to bring a charge rather than exonerate his target in order to justify his very existence; and in this instance, the tens of millions of dollars already spent. There is no more perfect example to what Justice Scalia was talking about than this so-called case.

Let's trace the confused and wandering thread of this narrative. This all began with the 20-year-old land deal called Whitewater—an Arkansas land deal 1,500 miles from here. The special prosecutor spent millions of dollars. Nothing turned up. But he kept going. He put a woman by the name of Susan McDougal in jail for 2 years, even though she had committed no crime. There is no debate about that. And she had never been convicted in a court of law. There is no debate about that.

Why? He wanted her to change her testimony and implicate the President and the people at the White House.

She would not do that. She went to jail. Eventually, after an innocent person, who had never been accused of a crime, had languished in jail for years, he gave up on Whitewater. He, the prosecutor, gave up on Whitewater, but he did not give up on looking for something on the White House.

First, he investigated the unfortunate death of Vince Foster and reached the same conclusion other investigators had already reached. It was a suicide.

I am personally resentful of what the prosecutor did in this instance. What he put the Foster family through is untoward, unfair, and immoral. My father committed suicide. It is very difficult for a family to go through a suicide.

Vince Foster was a good man. No one ever disputed that. He was despondent. He killed himself. That should have ended it. But no, what Starr wanted to do was to bring in all these conspiratorial theories that the President had had him killed.

Can you imagine that? One of the President's best friends, and he not only drags the President through this, but he also drags the Foster family through this.

This not only was immoral, in my opinion, but it cost millions of dollars. What did he get to show for it? Nothing. Then this prosecutor—persecutor, some would call him—took a look at the 1993 firings at the White House Travel Office, and reached the same conclusion that other investigators had reached. There was nothing there. Millions of dollars more, and nothing to show for it.

Then he took a look at a deposition in a civil suit brought by Paula Jones. That suit was dismissed by a Federal judge. But no matter, the prosecutor hired to look at a land deal had struck gold with a lie about a sex act in a case that was dismissed. He latched on to it, and refused to let go.

It did not matter that he did not have jurisdiction over this issue. He created jurisdiction by filing a statement with the Attorney General of the United States asserting the case had fallen into his lap by accident, when in fact there was credible evidence, sound evidence, that his staff had been in close contact with Paula Jones' lawyers from the very beginning and had worked with them and fed them information.

This is supposedly an unbiased prosecutor. He was obviously so excited about what he had found that he began leaking information to the press in violation of Federal law and Justice Department regulations. The court appointed an investigator to investigate the investigator. But no matter, he had found something that he could use to justify the millions of dollars he was spending, and he was not about to give it up.

His investigators questioned Monica Lewinsky alone in a hotel room. Can you imagine the audacity of this young woman asking for a lawyer? She asked for a lawyer. They denied her request. They would not let legal niceties get in their way.

A first-year law student knows a person being investigated for a crime is entitled to a lawyer. But not Ken Starr's minions.

The main evidence he had in this case were the tapes, the surreptitious tapes made by one Linda Tripp, who has been charged criminally by a Maryland grand jury for wiretapping. It did not matter that the tapes were made illegally. He was going to use them anyway. He kept on going. Still not enough.

When Monica Lewinsky would not cooperate with his probe, he dragged her parents before the grand jury. He subpoenaed bookstores to find out what kind of books they were buying and reading. The public was appalled. I was appalled. But he was still going to go ahead. Still not enough.

After investigating for a year, the independent counsel released a report to Congress that was embarrassing in its sexual explicitness and even more embarrassing in its biased reporting of the facts.

Monica Lewinsky said she had never been asked to lie and was never promised a job. But Prosecutor Starr never mentioned this once in the hundreds of pages of his report. It was so biased and so one sided that this, among other things, turned the public against the independent counsel and his unethical practices and unethical tactics. But no matter, he kept on going. Still not enough.

The House of Representatives voted to impeach on a straight party-line vote. This body, the Senate of the United States, voted on a bipartisan basis not to convict the President on any charge. Democrats and Republicans, listening to the evidence, voted not to convict.

The Congress of the United States then decided not to renew this awful law that authorized the independent counsel. I always opposed it. The law died last summer. And rightfully so. For 200 years, the Justice Department has done a good job. Over time, with the independent counsel we have had some real travesties. During the Reagan administration, what was done to that President by the independent counsel was wrong. We could go through other examples.

But even though the law died last summer, and it should have stopped there, it did not. Still, Starr had not had enough.

After failing to convict the President, in one last, desperate grab at the glory that he thought had escaped him, Starr focused the power of his office on a story told by a person by the name of Kathleen Willey—a story of an alleged touch that was completely irrelevant to his mandate.

Remember—Whitewater, Arkansas, 1,500 miles away.

When a friend of Ms. Willey, named Julie Hyatt Steele, dared to contradict the story, in effect, saying that Kathleen Willey was lying—how could she dare do such a thing?—Starr indicted her for perjury. And not only that—she could probably handle the perjury charge, which was so baseless—he threatened to have her children taken away from her. Who are these children? This good woman adopted orphans from Romania; and he threatened to send them back to Romania. What a guy—an innocent woman and her orphan-adopted children. These are the trophies that special prosecutor Ken Starr had to show for all of his efforts and all the pain he had caused. But, no, still not enough.

Our weary Nation was thankful when Starr began scaling down his investigation and, in October, finally resigned.

I thought that was the end of the story. Most Americans thought that was the end of the story. But surprisingly, apparently, shockingly, it is not the end. Still not enough.

The lynch mob, though, now has a new leader, one who is willing to prejudge the facts and unbalance the law in the spirit of his mentor, Rudy Giuliani, and, of course, his predecessor, Ken Starr. The new mob leader is Robert Ray. Apparently, he is not going to let the acquittal by this body, or the resignation of his predecessor, or the expiration of the statute under which he supposedly is acting, stand in his way. Still not enough.

This is a long, sad, and sordid story that should have ended long ago. The Office of the Independent Counsel has repeatedly stepped over the line of decency in its quest to find something—anything—on the President.

Now, the new special prosecutor says he is considering indicting the President after he leaves office next year. I say, enough is enough.

The President has been tried in this body. He has been acquitted. He suffered. His family suffered. His legacy is forever tarnished. He is deeply in debt to his lawyers. The Arkansas bar is considering withdrawing his license to practice law. He has not gone unpunished. Apparently, that is not enough for Mr. Ray; still, not enough.

In primitive legal systems, such as those of Communist countries and other totalitarian dictatorships, every minor technical violation of the law is met with the full force and fury of the government. Police are to be feared. But the greatness of our legal system is that it recognizes that because human beings are frail and fall short of perfection, mercy must season justice. At its heart, criminal law and the prosecutors charged with enforcing it exist to serve and protect the public. Our legal system contemplates discretion. Not every violation of the law should

be pursued to the fullest extent because not every crime is the same. The decision not to prosecute or not to bring certain charges is as much of a prosecutor's job as a decision to bring charges.

When the impeachment hearings began, I cosponsored a censure resolution that in lieu of impeachment proceedings would have specifically provided the President remain subject to criminal actions in a court of law, such as any other citizen. That resolution was opposed in this body by Senators who instead voted to go down the impeachment road.

I was a trial lawyer before I came here. I understand there are offers of settlement made and withdrawn. That was an offer of settlement that attempted to expedite things and not have the spectacle that took place in the Senate. But once it was decided that the proper legal course of action was to pursue the constitutional impeachment proceeding, the decision should have been final and binding. It was still not enough.

Even Ken Starr, the original prosecutor, is quoted in published reports as holding the belief that once the Senate acts on an impeachment vote, further criminal actions are totally inappropriate.

There is a concept in our system of justice known as double jeopardy. It applies here. That doctrine holds that there is a limit to what a Government prosecutor can do to a United States citizen. It recognizes that there comes a point where continued investigation crosses the line into inappropriate Government harassment. An investigation into the truth should not be allowed to become a vendetta against an individual. It does recognize that enough is enough.

Many of his critics suggest that the President does not have greater rights under the law than any other citizen of this country. I agree. That is true. But equally true is the fact that the President should not have fewer rights than any other citizen. What the President did should not be lightly or easily forgiven, but it should not be blown out of proportion either by an unrelenting, unfair, trophy-seeking prosecutor with an unlimited budget in search of a conviction that won't serve the cause of justice. This case has gone on far too long. Tens of millions of dollars, tragedy, embarrassment, double jeopardy—enough is enough.

It can best be summed up, Mr. President, by syndicated columnist Richard Cohen in today's Washington Post, printed in newspapers all over America, entitled, ''Independent Counsel Overkill'', which ends by saying:

> Give it up, Bob. Your best way of serving the country is to close down your office, lock the door and put Clinton behind you.
>
> The country already has.

Mr. President, I yield whatever time I have remaining to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I appreciate the yielding of time by the gentleman from Nevada. I ask unanimous consent to proceed as in morning business for 5 minutes, and following my remarks, Senator COLLINS of Maine be recognized to speak for 5 minutes.

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

(The remarks of Mr. JOHNSON and Ms. COLLINS pertaining to the introduction of S. 2419 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. DODD, or his designee, is recognized to speak for up to 30 minutes.

ASSISTING COLOMBIA IN FIGHTING DRUG TRAFFICKING

Mr. DODD. Mr. President, I anticipate the arrival of several other colleagues who may wish to speak on the same subject matter.

Yesterday, members of the Senate Committee on Foreign Relations, and other interested Members of this body, had the opportunity to meet with the President of Colombia, His Excellency Andres Pastrana, during his visit to Washington. It was an extremely informative meeting. It was also apparent to all of us there that President Pastrana was terribly disappointed that the Senate of the United States had not approved, or even scheduled, early consideration of President Clinton's emergency supplemental request for Colombia to fight the narcotrafficking problem in that nation, which contributes significantly to the deaths and hardships in our own nation.

It is no hidden fact that some 50,000 people die in this country every year from drug-related incidents. Ninety percent of the cocaine and a significant amount of the heroin that is consumed in this country comes from Colombia.

Colombia has been devastated over the years by narcotraffickers. They are committed to trying to win this conflict. The European Community stands ready to help. They have asked the United States—the largest consuming nation of the products grown in their country—to be a part of this effort.

The leadership in this body has seen fit to delay this action until the normal appropriations process. I am disappointed by that, Mr. President. This is no small issue. It is a scourge in our streets. Clearly, we need to do as much as we can here at home, but this battle needs to be waged on all fronts, including in the production and transportation of nations such as Colombia.

Colombia's civil society has been ripped apart for decades by the violence and corruption that has swirled around their illicit international drug production and trafficking industry. High-profile assassinations of prominent Colombian officials who were trying to put an end to Colombia's drug cartels began nearly 20 years ago with the 1984 murder of Colombia's Minister of Justice, Rodrigo Lara Bonilla.

In 1985, narcoterrorists stormed the Palace of Justice in Bogota and murdered 11 Supreme Court Justices in that nation who had supported the extradition of drug kingpins and traffickers to the United States. In 1986, another Supreme Court Justice was murdered by drug traffickers, as were a well-known police captain and prominent Colombian journalist who had spoken out against these cartels. These narcoterrorists then commenced a bombing campaign throughout the year, in shopping malls, hotels, and neighborhood parks, killing scores of innocent people and terrorizing the general population.

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

At this juncture, I ask unanimous consent that a column written by Thomas Friedman, which appeared last week in the New York Times, be printed in the RECORD.

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

[From the New York Times, Apr. 11, 2000]

SAVING COLOMBIA

(By Thomas Friedman)

BOGOTÁ, COLOMBIA.—I had a chat in Bogotá the other day with a group of government officials and businessmen, and I asked them all one question: When you go outside, how many security guards to you take with you? The answers were: 20, 6, 1, 8, 10, 2, 3, 8 and 5. No surprise. Some 3,000 people were kidnapped here last year by guerrillas, and many judges and journalists threatened with chilling messages, such as having funeral wreaths sent to their homes—with their names on them.

This is the terrifying context we have to keep in mind as we consider whether the U.S. Senate should approve the $1.7 billion plan to strengthen Colombia's ability to fight drug traffickers and forge a peace with the guerrillas. There are two ways to think about ''Plan Colombia,'' One way is to get wrapped up in the details—the helicopters, the training. The other way—the right way—is to step back and ask yourself what kind of courage it takes to stay in Colombia right now and be a judge who puts drug lords in

jail or a politician who fights for the rule of law—knowing the criminals have millions in drug money and would kill your kids in a second.

It takes real courage, and that's why the people trying to hold this place together deserve our support. Sure, the democratic government of President Andrés Pastrana isn't perfect. But it has a core of decent officials who every day risk their lives by just going to work. Ask yourself it you would have the same courage.

I asked Mr. Pastrana why he stays. ''This is our country, it's the only country we have to leave to our children,'' shrugged the president, who was once kidnapped while running for Bogotá mayor. ''I believe in this country so much that even after being kidnapped, and even after having my wife's father killed by kidnappers, my wife and I had another baby—a girl. Look, we've sacrificed the best policemen, the best judges, the best journalists in this country. Whatever you want to write about us, don't write that we are not on the front line in the war on drugs.''

I asked the head of Colombia's navy, Adm. Sergio Garcia, what it was like to be an officer here. He said it was sort of like being a movie star, with people always trying to get at you, only they don't want your autograph, they want to kill you—''so even your friends don't want to be in a restaurant with you, and they don't want their kids near your kids.''

Colombians tell this joke: After god created Colombia, an angel asked God why he gave all the beauty to one country—rain forests, mountains, oceans, savanna—and God answered: ''Ha! Wait till you see what kind of people I put there!''

For years, Colombia's mafia processed cocaine grown from coca in Peru. But as Peru drove the coca growers out, they migrated to the rain forest in Southern Colombia—one of the largest unbroken expanses of rain forest left on earth, but also a region without much government. The drug mafia is now chopping down the rain forest—thousands of acres each month—then laying down herbicides, planting coca, processing it into cocaine in rain forest labs, throwing the chemicals in the rivers, and then flying the drugs out from grass airstrips.

Underlying Colombia's drug war is a real 40-year-old social struggle between Marxist guerrillas and rightwing vigilantes (32,000 killings last year). But let's cut the nonsense: Colombia's guerrillas may have started as a romantic movement against an unjust oligarchy—they may have started as a movement that ate to fight. But today, these guerrillas are fighting to eat—fighting the government because they make tons of money protecting drug operations in the rain forest. In between the guerrillas and the vigilantes (who also profit from drugs), Colombia's silent majority is held hostage.

Yes, Colombians are at fault for having been too tolerant of the early drug lords. And Americans are at fault for their insatiable appetite for cocaine. But here's the bottom line: If we give the Colombian majority the aid it needs to fight the drug Mafia there is a chance—and it's no sure thing—that it will be able to forge a domestic peace. If we don't—and this is a sure thing—the problem will only get worse, it will spew instability across this region, and the only rain forest your kids will ever see is the Rainforest Cafe.

(Ms. COLLINS assumed the chair.)

Mr. DODD. Madam President, the Colombian society is being ripped apart by this problem. It is estimated that there are a million displaced people in Colombia and that 100,000 a year leave Colombia because of fear for their lives over what these narcotraffickers and drug cartels have done to this country.

We often worry about political difficulties here. We get negative letters or nasty phone calls, and we think we are putting up with a lot.

In Colombia, if you take on the drug cartels, you and your family risk your lives. Journalists, judges, police officials, if they have the courage to stand up to these people, put their lives in jeopardy. This drug cartel would not exist but for the fact that Americans consume the products grown in this country.

I think we bear responsibility to work with a courageous government and a courageous people who are paying a terrible price because of our habits and our consumption.

For those reasons, I am disappointed we can't find the time to bring up this supplemental bill, deal with this issue, and offer help to the people of Colombia and to the government of Andres Pastrana, who has shown remarkable courage. This President was kidnapped by these very people. He is not just intellectually committed to this; he knows what it is like to be terrorized by these people. He is committed to doing everything he can. He can ask us for our help, but we cannot seem to find the time to bring up this issue.

When people wonder why we are not dealing more effectively with the drug problems of this country, you can point to this. We spend days discussing insignificant issues, in my view, by comparison to this. Yet we are told by leadership we don't have time to bring up an issue. At least debate it, and vote it down, if you want, but give us a chance to vote on whether or not we think providing $1.3 billion over the next several years to the people of Colombia to fight back is worthy of this institution's time. I think it is.

The President has asked for it. The House of Representatives, to their credit, has done so. Yet this body refuses to bring up this matter, even to discuss it on the floor of the Senate.

The legacy in Colombia is a legacy that President Pastrana confronted when he assumed office in 1988. He inherited the reins of government. Since then, he has demonstrated, in my view, leadership and a firm commitment to address the myriad of challenges facing his nation—drug products and trafficking, civil conflict and economic recession.

I have enormous respect for the manner in which President Pastrana has so quickly and aggressively taken steps to entice Colombia's largest guerrilla organization—the so-called FARC —to come to the negotiating table following on the heels of his election to office. The agenda for those ongoing talks covers the waterfront of economic and social issues that must be addressed if four decades of civil conflict are to be brought to a close.

President Pastrana has evidenced similar courage and a vision in tackling Colombia's illicit coca and poppy cultivation and processing industry. He authorized the extradition of a number of Colombia's most notorious drug traffickers to the United States, an extremely controversial decision in his country. He has also crafted a national plan—the so-called Plan Colombia—to address these intertwined problems in a comprehensive fashion.

President Pastrana has made it clear to us that the Government of Colombia is prepared to do its part in making available its own resources—billions of dollars—to fund the various elements of that plan for alternative development programs, for protection of human rights, for working for the resettlement of displaced persons, and for judicial reform, as well as assistance and training for Colombia's military police, the counternarcotics forces.

During our meeting yesterday, President Pastrana made it clear as well that he needs to seek and intends to ask for international cooperation if his plan is to succeed. In fact, he left last evening for London to meet with members of the European Community and has already received favorable indication that the Pacific rim will be a part of this international effort.

Colombia is currently the world's leading supplier of cocaine and one of the major sources of heroin. We are the largest consumer of these products. But this isn't only President Pastrana's problem; it is obviously ours as well.

All of the enormous demands in the United States and Europe for illicit products grown in Colombia are clearly an important part of the equation in keeping drug traffickers in business.

Moreover, despite billions of dollars spent here at home on law enforcement and drug education designed to reduce the U.S. demand, illicit drugs and consumption continue to pose a threat to the safety of our streets and to the health of the next generation of adults.

I know earlier today my good friend and colleague from New Hampshire, Senator GREGG, spoke about the fact that he is concerned that not enough money is being spent on domestic-related programs and programs to protect our borders against the onslaught of foreign drugs. If one looks at the full picture of our counternarcotics efforts, only a modest amount is currently being spent on the supply and reduction of the source.

Assuming Colombia's supplemental is approved, only slightly more than 15 percent of the total counternarcotics budget is being spent on programs off our shores where the products are grown: $2.9 billion out of a total of $18.5 billion is what the Colombian program

has adopted, which would be roughly half of what is being spent overseas; $1.3 billion is being requested. A little more than $1 billion right now is being spent off our shores. More than $2 billion currently is being spent on border programs alone in this fiscal year.

If we do nothing to stem the supply at the very source, where it comes from, then I don't see how a border program alone can prevent the exploding supply of drugs from reaching America's streets and communities—rural and urban.

I am all for adding more money to programs—as the Senator from New Hampshire talked about—in the Drug Enforcement Administration and the Coast Guard. But I think we are kidding ourselves when we believe border programs alone will shut out illegal drugs. We need to attack this problem also at its source. There is not one place where this battle is going to be won.

We need to do everything we can to make our borders more secure. We need to make sure our police departments have the tools necessary at the local level. We need training programs and rehabilitation programs to get people permanently off these substances.

But we also need to attack the problem at its source. That also is part of the answer. It is also why it makes sense for Congress, in my view, to act expeditiously on President Clinton's and President Pastrana's request to us, so we can attack the drug problem as vigorously as possible at all these sources but particularly in Colombia.

It is in our interest to provide Colombian authorities the wherewithal to gain access to areas in southern Colombia and elsewhere where coca and poppy cultivation has exploded in recent years but where guerrilla organizations and right-wing paramilitary units have made interdiction efforts extremely difficult to conduct safely.

President Clinton has decided that Plan Colombia is worthy of U.S. support. The House leadership has also decided that it is in our national interest to do so.

Fifty-two thousand Americans are dying every year in drug-related deaths. That is almost as many as died in the entire Vietnam conflict. Every year, we lose that many in drug-related deaths. If that is not a U.S. interest to which to try to respond, I don't know what is. As much as we need to fight this at home, we also need to fight it at its source.

There is clearly bipartisan support for this program. It is not perfect. It is not a program I would even necessarily write, nor maybe the Presiding Officer, nor would my colleague from California, whom I see on the floor. But let's not fly-speck and nickel-and-dime this issue. Let's at least get it to the floor, debate it, discuss it, amend it, and modify it. But don't deny us a chance to even vote on this issue as we now enter another recess this year. For another 10 days, we will not be here. The House is out, I am told, maybe another week after that. Then it is May, June, and July. How many more deaths will there be on our streets? How many more Colombians have to die because of U.S. consumption and addiction?

They have a democratic government, the oldest democracy in Latin America, whose very sovereignty is at stake. This country is being ripped apart. They are asking for our help, for the cooperation of Europe and other nations to fight back against these people and this multibillion-dollar operation.

We don't even have the time to debate or discuss it.

I promise you that over this Easter break, there will be a lot of speeches given about the problems of drugs in our streets and our narcotics efforts. Yet another day will go by when we cast one vote here, or two votes here—maybe—and no effort is made to bring this matter to the attention of the American public and to debate it on the floor of the Senate.

Despite this bipartisan support, the measure is currently stalled. In the Senate, the majority leader suggested the clock has run out on an emergency supplemental. That has not been the history or experience of the Senate. We have dealt with many supplementals after April. I hope maybe we can do so in this case as well.

We asked President Clinton during our meeting for his assessment of the likelihood that Plan Colombia will work in the absence of U.S. assistance being forthcoming in the near future. We also asked about the prospects for other governments contributing resources to this effort in the absence of U.S. moneys being forthcoming. President Clinton stressed unequivocally that the support of the United States is the linchpin to getting additional international support and for the ultimate success of this plan.

Time is running out for the people of Colombia. Madam President, 100,000 are leaving every year. A million are displaced. Thousands die every year. We need to act now and provide the necessary funding so that Plan Colombia can be fully implemented. It is the only way I know to protect the democratic institutions of that country and throughout the region from falling prey to the criminal assaults of illegal drug cartels. Moreover, it is in our self-interest to do so. It is the only way to ensure that our children will be free from the threat of drug peddlers as they walk to and from school every day, that communities are safe from drug-related crimes which have taken the lives of too many innocent victims.

There is still time to act and I hope we do so. I think it is tragic we have not. I note the presence of my colleague from California, who has been one of the stalwarts for years on this issue, and I am pleased she is here to talk on this subject as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I begin by thanking the Senator from Connecticut. I don't think there is anyone else in the Senate who has the kind of expertise about South America as has Senator DODD of Connecticut. He speaks the language. He has studied. He has traveled in the country widely. He has been to Colombia.

On how many occasions has the Senator been to Colombia?

Mr. DODD. I just came back. I was there a couple of months ago and spent time with President Clinton and others involved in this effort. The most recent visit was just a few weeks ago.

Mrs. FEINSTEIN. I think the Senator has stated the case about as well as it can be stated. I have never been to Colombia. I come at this a little differently, as one who has watched the development of major narcotics trafficking over a long period of time. My State is very much influenced and affected by this kind of narcotrafficking.

I have worked with Senator COVERDELL of Georgia in the certification of Mexico. I have watched the development of the big transportation cartels because Colombia is the source country of most of the cocaine. I have watched the big transportation cartels develop in Mexico. I have watched them interface with gangs in our country. I have watched California become the export State of gangs. The Crips and Bloods started in Los Angeles and are now in 118 American cities. I have watched the gang deaths in America over drugs.

It is a huge problem. I have watched the debate over supply versus demand. We spend dollars on demand. In fact, local jurisdictions are the ones that mount the demand programs, the prevention, the counseling, the drug abuse programs. The one area in which the Federal Government has total responsibility is interdiction at our borders; it is international narcotics, trafficking, and control. These big amount of drugs come from outside of the United States; therefore, what we do affects our role.

I did not know President Pastrana. The chairman of the Appropriations Committee, on which I am fortunate to sit, had a meeting with him in the appropriations room during his last trip. I met this young President for the first time. Prior to that, I had been visited by the head of the military under the former government who pointed out with great alarm what he thought was happening and even said he didn't think Pastrana was being strong enough in the drug area.

The former head of the military pointed out to me that a third of the country at that time was under control

of narcoterrorists. That is a country the size of Switzerland. That is how large the geographic area is. He pointed out that a million and a half citizens were refugees within their own country; 300,000 had fled. He believed that 60,000 had tried to come into this country illegally, people who were devastated by this, running in fear for their lives because of it.

We do have a role to play. He pointed out to me there were 3,000 citizens held hostage by narcoterrorists, 250 of them local police, 250 of them soldiers. Nobody knows what happens to these people.

I met President Pastrana. He was a very sincere leader, a leader who had been sobered by this, a leader determined to do something about it, a leader pleading for backup and help by the United States.

Is it in our national interests to help? I believe it is. All of these drugs come to our country, all of these cartels interface with American gangs, all of these cartels are brutal. They kill anyone who stands in their way—even a Catholic cardinal in Mexico. They kill newspaper heads who write against them. They kill anyone who stands up and says no.

The question that Tom Friedman mentioned so eloquently in his New York Times column—and I ask this of the Senator from Connecticut—if someone comes to you and says: here is half a million in an envelope, here is a picture of your wife and where she has her hair done, and a picture of your children and the schools they go to, which will you take?

I ask the Senator from Connecticut what kind of courage does it take to stand against that kind of entreaty?

Mr. DODD. The Senator from California has answered her own question by raising it. It takes a remarkable amount of courage.

I noted earlier and introduced as part of the RECORD the article by Tom Friedman because they so clearly made the point, of the courage of these people. I mentioned 11 members of the Supreme Court in Colombia were gunned down in 1985. Literally thousands of people are kidnapped and executed every year; journalists, just by being there and speaking out or saying anything against these narcotraffickers.

This is a business that collects $60 billion a year from this country alone. President Pastrana tells me that in Colombia $100 million is used just to bribe local police officers and functionaries who in some cases earn less than $100 or $200 a month to raise their families. Then someone shows up and offers them an envelope of thousands of dollars to turn the other way, look the other way, don't examine the truck.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. DODD. I am happy to yield to the Senator.

Mrs. FEINSTEIN. I have seen it impact our border areas in the United States. I go down to Otay Mesa where trucks are lined up by the thousands and you have Customs agents who maybe earn $45,000 or $50,000 a year—we know some trucks are loaded with tons of cocaine, with street values of millions of dollars—taking a bribe, maybe half a million dollars just to turn their head and let that truck go through.

This is where the corruption becomes so evil and where it is not just confined to jungle areas of Colombia or outposts in Mexico or anywhere else in the Andean region but comes right into the United States as well.

Mr. DODD. If the Senator will yield further, it is this corrosive corruption that spreads. It begins in a small hamlet or borough in Colombia, and once it gets through there, then it reaches up into the higher elevations of Government there and then spills across the borders. Before you know it, as the Senator from California has pointed out, it spreads. If you do not stand up to these people early on and fight back, then you, in a sense, become an accomplice to the results, to what occurs.

We have been asked, as the Senator from California has pointed out, by the good and decent Government of President Pastrana, that our Nation step up and help—not do it all, not take on the entire responsibility, but to help him regain the sovereignty of his own nation, to eliminate the corruption, and give the people of Colombia a chance for a decent future.

Our inability to bring up this supplemental to at least debate and discuss this issue is deplorable and sad, deeply sad—that we do not have the time, apparently, to discuss this kind of issue which can make such a difference in the lives of the people of Colombia and, more importantly, in some ways, to the citizens of this country who lose their children every day to these drug cartels, these gangs terrorizing the streets of this country because of drugs. Mr. President, 52,000 a year die on average in drug-related deaths. If that is not enough of a U.S. interest to respond to it, I don't know what is.

Mrs. FEINSTEIN. I thank the distinguished Senator from Connecticut. I think the point is well taken. I, for one, was delighted—because I tend to read all of Tom Friedman's articles in the New York Times—he spent time in Colombia. I was so pleased that he saw what was the central point in all of this debate. I want to quote him. I know the Senator did earlier, and I hope this is not redundant.

He said there are two ways to look at Plan Colombia. One is to get wrapped up in the details—the helicopters, the training, why we might or might not like it. The other way, and he suggests the right way, is to step back and ask yourself: What kind of courage does it take?

That is what we are talking about here, what kind of courage it takes to stay in Colombia right now—to be a judge who puts drug lords in jail or be a politician such as the President of the country, or the Attorney General, or the generals of the army, or local public officials who fight for the rule of law, knowing that criminals have millions of dollars in drug money and would kill their kids in a second. That is not an esoteric concept. The numbers of children of families who have been killed in drug wars are legion.

These people do not care for anybody who stands in their way. The debilitating part about it is the ability to corrupt to get your way. How many people can actually stand up to that? We see over and over and over again where a respected public official, a police officer, a judge, a prosecutor gives in to this kind of tyranny. The Ariano Felix Cartel in Mexico is notorious for this. They will kill anybody standing in their way. Their cocaine comes right out of Colombia. There you have the narcoterrorists controlling a third of their country and everybody and everything within that third.

So the real courage, as Mr. Friedman points out, is that the people who are trying to do the right thing deserve our support. This is our hemisphere; it is not another hemisphere. The results of drug trafficking, the results of narcoterrorism, only spread. They do not contain themselves; they spread. The spread is northerly into our country.

So I make this point again and again and again: This supplemental appropriation, an appropriation in our budget, is in our national interest. It is in the American national interest to stand tall against the cartels, to stand tall against this kind of terrorism, to support public officials who are willing to do the same thing. That support should be for the Attorney General of Mexico, the President of Mexico, the President of Colombia, the Attorney General of Colombia, the Judges of Colombia, the people who have been able to come back from M–11 and what was done in their country to try to institute a democracy. These are the people who recognize that, yes, there are problems but they are trying to make the changes. The people who plead to this country say: Help us. Don't do the whole thing; just do a part of it. Put your imprimatur of leadership on it so other nations will follow and so we will have the ability to control something which, if we do not, will spread through the whole Andean region and, I contend, to Mexico and to the United States as well.

I think you have, essentially, a major battle in this area of South America that will effectively determine the future of these countries—Colombia, the Andean region, Mexico—and to a degree our own country.

I very much hope people will reconsider and really look at how important it is to stop this trafficking. I remember the day—and it was in the 1980s—we in the cities of America never saw an arrest involving a ton of cocaine or a ton of any other substances, hundreds of pounds of drugs at one time. Now the arrests are being made, and they are finding 5 tons, 6 tons, 4 tons.

The business that is inherent in this, the corruption that comes with it, is so enormous it is beyond anything we can possibly conceive. The complicity by transportation companies is one of the reasons Senator COVERDELL and I worked together on this drug kingpin bill, to apply the RICO statutes to companies doing business with the cartels who simply turn their heads when there are 5 tons of cocaine on a train coming into this country or in a container as part of a fleet of trucks that come across the border every day. People have to open their eyes. They have to see what is happening. We have to begin to support the leaders who will stand tall.

I will be very candid with the Senator from Connecticut and our distinguished Presiding Officer from the great State of Maine. If somebody came to me with a picture of my daughter or my granddaughter, I don't know what I would do. I don't know. I believe I would tell them where to get off, but I don't really know. It is like the person who jumps in the river to save someone who is drowning. You don't really know until you are in that situation.

The fact is, thousands of people in Colombia are in that situation on a daily basis. What they are saying is: Help, United States. Use your leadership. Give us the resources because we need helicopters that can fly at a certain altitude and have a certain range. The Huey cannot do it; it is the Black Hawk. We need a certain altitude for certain areas. The Huey can't do it; give us the Black Hawk. Help us with some of this other equipment we need and stand by us as we make the battle real.

If we are to put our money where our mouth is, it has to be to fight the major trafficker. It has to be to fight the narcoterrorist. It has to be to stand up for the political leaders who are willing to stand against them.

Mr. DODD. Madam President, if my distinguished colleague will yield one more time, I commend her immensely for her heartfelt statement and use this as another appeal. We are leaving for another week now. There are only two of us here, but I suspect our sentiments are shared by a majority of our colleagues, both Republicans and Democrats. We make an appeal to the majority leader to reconsider this decision on bringing up a supplemental, a boiled-down one if necessary, to focus on this issue and a couple of others that legitimately fall into the category of emergency.

I say this because I think the last statement made by our distinguished colleague from California is an important one. What we say here does not go unnoticed. What we do here or not do here does not go unnoticed. The greatest fear the narcotraffickers have is that there will be a united front to take them on.

That is their greatest fear. They worry about a government in Colombia that is not afraid to extradite. They do not want to be extradited because they know we are not afraid to lock them up forever, if necessary. They are frightened about a European Community and other Latin American countries joining in a common effort. As every one of these leaders will tell you, they know what happens in Colombia can happen in Venezuela, in Ecuador, and happened in Peru. It is happening in Bolivia. These are better financed operations than any insurgency we have seen before with millions of dollars.

Mrs. FEINSTEIN. Can I ask the Senator a question? I believe the Senator was in the Senate when President Bush gave the order to send American troops to Panama because so many heavy narcotics were coming through Panama, much of it under the control of one person, a general by the name of Manuel Noriega. They picked up this general and brought him back to the United States for trial. To this day, he is in Federal prison in the United States, and the problem has been remedied in Panama. This was the kind of direct recognition of a problem and a response that has solved the problem. Does the Senator agree?

Mr. DODD. I do. I say to my friend and colleague from California, I remember it very well. In fact, the decision to go in was made late at night. There was talk about it ahead of time. I received a call, as I think other Members of the Senate did, in the wee hours of the morning informing us that the effort was about to be undertaken.

I recall early that morning going on a couple national television programs to discuss it. I expressed my strong support for what President Bush was doing in Panama. I thought it was important he have bipartisan support in the effort in Panama.

The Senator from California is absolutely correct, General Noriega was removed. While the problem has not been eliminated entirely in Panama, that action certainly made a huge difference. It is a good case to point out.

We need that kind of leadership in the Senate on this issue, in my view. The narcotraffickers in Bogota, Colombia, in the flatlands, the llanos, as they call them, of southern Colombia know what we are not doing in the Senate. They know President Pastrana has asked for our help. They are watching, and they see a Senate of the United States that says it does not have time to bring this up or does not think it is that important to bring up. I can tell my colleague firsthand there is no more encouraging sign to these people than our apparent disinterest in the subject matter.

Every day we wait and do not respond, their grip grows stronger. I am not exaggerating when I tell the Senator that the sovereignty of this country of Colombia is at stake.

The Senator from California has pointed out a third of the country has already been lost to them. The oldest democracy in Latin America can be lost. Mark my words. This is a well-heeled and well-financed operation. Millions of dollars every day pour into the coffers of these insurgency groups through the narcotrafficking efforts. If we wait another week or another month, we make it that much more difficult to address this issue. We have a courageous President and a courageous country in Colombia and other nations willing to step up.

We are the largest consuming country. We are the addicted nation. The reason these campesinos and farmers grow the poppy seeds and grow the heroin is because there are people here who consume it.

The journalists, the politicians, the judges, and the police officers are willing to fight back. They want to know whether or not we are going to join with them in that fight. That is all we are asking: Stand up and join them in that fight.

I am hopeful, again, before too many more weeks go by that we will respond. The admiration I have for the House for having done so is tremendous. My admiration for the President for calling on us to do it is tremendous.

Mrs. FEINSTEIN. Can I bring up another subject? One of the criticisms I have heard is we spend too much on this kind of activity already, and we need to spend more on demand. In fact, as we both know, there are provisions in this bill to meet the demand needs in our own country.

Mr. DODD. Right.

Mrs. FEINSTEIN. I was interested in finding out how much of our entire drug control budget is devoted to international drug control efforts. Does the Senator have an idea what that amount is?

Mr. DODD. I do. The total amount we spend—my colleague can correct me—is about $18.5 billion total—domestic and foreign, all the efforts. Of the $18.5 billion, if one excludes the Colombian plan money, it is about $1.5 billion out of the—three my colleague is about to say?

Mrs. FEINSTEIN. No, it is 3 percent.

Mr. DODD. Three percent.

Mrs. FEINSTEIN. Only 3 percent of that entire drug budget, which the Senator just accurately stated, goes to international narcotics control. Yet we

know the drugs are coming in in 5-ton lots. We know the one area of responsibility we have is to control the borders in international drug control. No local government can do that, most certainly, and yet only 3 percent of the budget goes for that.

Mr. DODD. My colleague says we spend about $2 billion on our borders, as she points out, and on the drug abuse programs, the efforts of local authorities, but it is a fraction. I am not suggesting and I do not think my colleague from California is suggesting we spend all of the money there or even a half of the money there. This is a multifaceted effort.

We have to spend it locally. We have to fight it at the local level. We have to have rehabilitation efforts, drug abuse efforts. We have to be fighting it at the borders of this country, but we also need to go to the source, and we are not going to the source.

Here is a country willing to fight back. Many times we find it difficult to get cooperation from governments. Here is the President of Colombia who was kidnaped and knows firsthand what it is to live under this kind of system, who is coming to us and saying: Look, we are going to put $4 billion of our own money into this effort. The Europeans are willing to step up. Can you help? The addicted nation, can you help?

Up to this point, this Chamber has said no.

Mrs. FEINSTEIN. I will conclude with one additional comment. Colombia is the source country for 80 percent of the cocaine consumed in this Nation. It is the source country of 70 percent of the heroin consumed in this Nation. It is a country under siege. It is a country where one-third of the geographic area is controlled by narcoterrorists, and it happens to have a government that is willing to stand up and say: We want to do something about it. United States, help us in a multilateral effort do something about it.

This Senate is saying it does not have time to consider the request. It is in our national interest to consider the request. It is in our national interest to have debate on the request. It is in our national interest to appropriate the dollars for this request.

I end by summarizing something Mr. Friedman said in the New York Times:

> If we give the Colombian majority the aid it needs to fight the drug Mafia, there is a chance—and it's no sure thing —that it will be able to forge a domestic peace. If we don't —and this is a sure thing—the problem will only get worse, it will spew instability across this region, and the only rain forest your kids will ever see is the Rainforest Cafe.

I thank the Chair, and I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KERREY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business until 2 o'clock.

THE WEALTH GAP

Mr. KERREY. Mr. President, in the debate over tax cuts our attention is understandably drawn to the question of who pays those taxes and from this a debate commonly ensues over who should get the benefits of tax reductions. This argument leads us to consider the disparities of income and the need to make certain that our tax laws are not written so as to increase income inequality and hopefully to write our tax laws in order to give a boost to those whose wages are lower.

Today, I rise to talk about a problem facing Americans that is related to but different from the income inequality. The problem I will address today is the growing gap between the richest Americans and the poorest.

The latest Statistics of Income Bulletin from the IRS shows that the combined net worth of the top 4.4 million Americans was $6.7 trillion in 1995. In other words, the top 2.5 percent of our population held 27.4 percent of the Nation's wealth in the mid-1990s. No doubt this group of wealthy Americans feels very financially secure.

But what about the other 97.5 percent of Americans? Is the security of wealth spread in a reasonably equitable way across all American households? The answer in my view, is a tragic and emphatic no.

Although there is a perception that the recent rapid growth in the stock market has produced widespread economic gains among all income groups, a majority of households still do not own stock-based assets and, thus, have not participated in the growth of the 1990s economy. A complete picture is presented in the United States Federal Reserve's Survey on Consumer Finances. This report provides us with the following statistics:

Since 1989, the share of net worth owned by the top 1 percent of American households has grown from 37.4 percent to 39.1 percent, while the share of net worth held by the bottom 40 percent of households has dropped from .9 percent to a statistically near insignificant .2 percent.

Nearly 60 percent of the wealth held by families in the lowest 90 percent of the population is in the family home—not liquid assets that can be used as a source of income and security at retirement. Families in the lowest 90 percent of the population had only 3 percent of their assets in stocks and bonds.

While an increasing number of Americans are purchasing stock-based equities—49 percent in 1999 vs. 40 percent in 1995—only 29 percent of households own stock worth more than $5,000, and the top 10 percent of households in the distribution hold 88.4 percent of the value of all stocks and mutual funds. In fact, the top 1 percent holds 51.4 percent of the value of all stocks and mutual funds—while the bottom 90 percent hold just 11.6 percent of the total value.

These statistics show that the gains of the great 1990s stock market runup have not benefitted a majority of Americans. The gains have not narrowed the gap between the wealthiest in America and the poorest in America. In fact, the data analyzed in a study done by the preeminent wealth statistician, Mr. Ed Wolff, reveals that the wealthiest 10 percent of households enjoyed 85 percent of the stock market gains from 1989 until 1998.

Why should we be so concerned about the growing wealth gap? I believe the answer is that the ownership of wealth brings security to people's lives and because the ownership of wealth opens up new opportunities and because the ownership of wealth transforms the way people view their futures.

An individual with no financial assets—and no means to accumulate financial assets—cannot count on a secure retirement, cannot ensure that his or her future health care needs will be met, and cannot save effectively for important life milestones, such as the purchase of a first home or the funding of a child's college education.

Americans clearly understand and desire the freedom and security that comes with wealth. We can point to the ongoing increase in participation rates in 401(k) plans as evidence that people are concerned about amassing wealth for a secure retirement. We can even point to the continued growing popularity of lotteries and game shows like ''Who Wants to Be A Millionaire'' as evidence that people value the security of wealth—especially wealth that is acquired quickly.

The virtues of savings and wealth accumulation are clear. But if the virtues are so clear, why aren't more Americans voluntarily increasing their savings? Not a TV show goes by without an advertisement from a financial services company offering investment advice and investment products. Not a week goes by without a front page story about the Social Security funding ''crisis''—implicitly warning people to save for their own retirements. So why aren't more Americans saving?

I have identified barriers that I believe continue to prevent a substantial portion of the American population from being able to save, to invest, and to accumulate wealth.

Barrier No. 1 is education.

No single factor is a greater predictor of income and wealth than education. Property educated and trained individuals can command a premium salary because they are in high demand and in short supply. Only one-third of households are headed by someone with a college degree. These households have a median before-tax income of $55,000 and a median net worth of $146,400. Households headed by a person with no high school diploma have a median income of $15,500 and a net worth of $20,000.

In addition to disparate levels of educational attainment, there is a huge problem in America with a specific lack of investor education. Economics and Finance are not required courses in most school districts across the United States. As a result, too few people understand the magic of compounding interest rates and, as a consequence, wait too long to begin saving for their retirement.

The second barrier is income.

Of course, one of the fundamental rules of wealth accumulation is that you must have income that you can set aside in order to create substantial wealth. A quarter of families in the United States are bringing home between $10,000 and $25,000 a year. Forty percent of American households are bringing in less than $31,000 per year. After FICA taxes of $2,372 and $2,600 in Federal and State income taxes, a typical family of four has little left over for savings.

Not only have low and moderate income Americans not shared in the growth of a booming stock market, but they have also not shared in the growth of weekly paychecks. According to the most recent Survey on Consumer Finances by the Federal Reserve Board, mean income grew between 1995 and 1998 only for families headed by individuals with at least some college education—mean incomes for all education groups in 1998 were lower than they had been in 1989. Median income only rose appreciably between 1989 and 1998 for those with a college degree.

When you look at two of the lowest income groups, the story of income stagnation is quite grim. Nearly 13 percent of families earned less than $10,000 in 1998. The median salary of this group was $6,200—a real decline of 6 percent since 1989. Nearly one-quarter of families earned between $10,000 and $25,000 in 1998. Of these families, the median salary was $16,900—a real increase of only 2.4 percent since 1989. Clearly, the capacity of this group to save on its own is very limited.

Barrier No. 3 is payroll taxes.

The payroll tax may not seem like much of a barrier to Americans with income over $100,000, who only have to pay taxes on the first $76,200 of income, but to American families earning less than $25,000—40 percent of all households—it is a tremendous bite. The total payroll tax paid by an individual earning $25,000 per year and his employer is $3,825. This is several times greater than their income tax bill. For those who propose spending the Social Security tax surplus to enhance Social Security or Medicare benefits, it is worth noting that the lowest 40 percent of American earners pay more than 40 percent of the benefits for both Social Security and Part A Medicare. And those are the individuals must apt to be uninsured.

Barrier No. 4 is the burden of debt.

Consumer debt has a major impact on a household's ability to save. According to the latest SCF, households earning less than $25,000 annually bear the most significant burden of debt compared to their income. The median ratio of debt payments to income among those earning less than $10,000 is 20.3 percent; among those earning $10,000 to $25,000, the ratio is 17.8 percent. In fact, 32 percent of those making less than $10,000 pay more than 40 percent of their income in debt payments, an increase of 16 percent since 1995. About 20 percent of those making between $10,000 and $25,000 devote more than 40 percent of their income to debt payments. Finally, 15.1 percent of households with less than $10,000 of income had debt payments 60 days past due—a doubling since 1995—which not only reflects an inability to keep up with debt payments but also contributes to bad credit and an inability to purchase a future home, etc.

The Federal Government's publicly-held debt also has an indirect impact on the ability of workers to save. As a major borrower, the Federal Government increases interest rates. Higher interest rates lower private capital formation, which in turn hampers growth in productivity and living standards. In addition, higher interest rates on government debt translate into higher interest rates on mortgages, student loans, and credit card debt. When individuals pay higher interest rates, fewer resources are available for saving and investing.

With all of these barriers to wealth accumulation, what can we, as lawmakers, do to eliminate these barriers? I believe the answer is twofold. We must create new savings incentives for low and moderate income workers and we must create a mandatory savings mechanism for all workers.

A number of legislation initiatives have been offered to help low and income workers save. For years, Senator LIEBERMAN has championed an effort to expand Individual Development Accounts beyond a pilot program. IDAs are a way to encourage lower income folks to save for the purchase of a home, the establishment of a business, or education.

President Clinton has offered an interesting plan to get low and moderate income families to participate in employer pension plans through a government savings match program. While Senators GRAHAM and GRASSLEY and Representatives PORTMAN and CARDIN have offered comprehensive pension reform proposals designed to expand pension coverage among low income workers.

I, along with a bipartisan group of Senate and House Members, have introduced a Social Security reform plan that allows workers to put a portion of their FICA tax dollars into individual savings accounts. Our plan also calls for an additional government savings match program for low income workers. In addition, our plan calls for opening mandatory savings accounts at birth through the KidSave program.

What would this plan do? Fifty years from now we would have a much different wealth distribution situation in America. Men and women who today have no chance of accumulating real wealth would accumulate the kind of wealth that provides them with meaningful financial security. A new generation of Americans would be heading toward their retirement years less dependent on government transfers for health or income. If this plan were enacted, it would immediately change Americans' attitude towards saving on account of informing tens of millions of the power of compounding interest rates.

Sadly, critics of this proposal to help low income workers acquire assets and share in the growth of the American economy too often misdescribe the impact. The key line that is used in opposition is: ''I am against privatization of Social Security.'' This line will usually produce a round of applause with senior groups who would not be affected by any of the proposals. Even sadder, these critics are also the same ones who prefer to merely offer solutions that include transferring more income and thereby increasing dependency on the Government. I do not believe proposals that merely transfer more income will solve the problem of inequitable distribution of wealth.

Ownership of wealth is a much more reliable way of becoming financially secure in old age than promises by politicians to tax and transfer income. Ownership of wealth produces greater independence and happiness. The maldistribution of wealth, the rich getting richer and the poor getting poorer, is not healthy for a liberal democracy and a free market economy such as ours. The costs of financing health and retirement income needs of the baby boom generation exceeds the tax paying capacity of the generations that follow them.

So, Mr. President, after we have spent time debating the need to solve the problem of income inequality we need to turn to the matter of wealth inequality. And when we do we will

quickly learn that we will not solve the problem of the rich getting richer and the poor getting poorer by beating up on the rich. We will solve the problem by lifting the poor out of poverty with programs that enable them to accumulate wealth in a variety of ways including modernizing and improving the Social Security program so that it becomes a means of saving money and a mechanism for transferring income.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield 1 minute of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AIDAN MICHAEL CRAIG

Mr. CRAIG. Mr. President, at the end of the day, we are going to be adjourning for the Easter recess, or at least that is what is anticipated at this time. This Easter recess is going to be a special time for me because I am going home to Idaho to see a new grandbaby I have not yet seen, except by pictures that have been transmitted through the Internet.

His grandmother has already been out there to hold him in her arms. Both Suzanne and I are extremely excited that our son Mike and his wife Stephanie have provided us with a beautiful new grandbaby called Aidan Michael Craig.

We have already enjoyed the excitement of grandmother and grandfatherhood, and now we have one more extension of that. This coming week, I am going to have that unique privilege that only comes with being a grandparent; that is, to hold that grandbaby in your arms. This Easter recess is a special time for me. I wanted to share with all of my colleagues in the Senate that it will be a joyous time for both me and my wife Suzanne.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume off the time allotted to this side of the aisle. We have 44 minutes remaining; is that right?

The PRESIDING OFFICER. The Senator is correct. The Senator from Iowa is recognized.

REDUCING TAXES FOR MARRIED COUPLES

Mr. GRASSLEY. Mr. President, I take this opportunity, at the start of debate on this important bill to reduce taxes for married couples by eliminating the marriage tax penalty, to give some reaction to comments made from the other side of the aisle yesterday. My reaction probably should have been given last night, but the environment at that time was such that other Members wanted to speak on issues other than the marriage tax penalty, so I did not take advantage of the opportunity. It would have been more appropriate for me to respond to the Senate minority leader and other Members of the other side of the aisle last night so it would be more in context.

These comments are in regard to our efforts to repeal the marriage tax penalty and also to clear up some of the inaccurate and misleading statements made by the other side of the Senate.

We heard the charge made yesterday by the minority leader that, in passing this bill, we are going to be dipping into the Social Security surplus. Of course, that is going to be the Democratic mantra from now on, even though it is not the truth. Our own budget document is evidence of it not being our intent. Knowing the other side is salivating at trying to make this bogus political charge stick, we have been very careful in making sure we stay within the $150 billion in tax relief authorized in the budget resolution that will be before us later today in the form of the conference committee report on the budget for the year 2001.

By carefully staying within these limits, we aren't touching one cent of Social Security money. That is important because people know the irresponsibility of Congress from 1969 until the Republican majority of Congress, the first Republican majority in both Houses of Congress in 40 years, finally got the job done of balancing the budget with decisions made in 1997. For the first time in 43 years, we are paying down on the national debt 3 years in a row. The budget we are going to adopt this afternoon for the year 2001 will be the fourth year, and we will be paying down $177 billion on that off the debt in the budget year 2001.

Regardless of what the members of the other side of the aisle say, this marriage tax penalty bill we are going to pass to reduce taxes for the average married couple by $1,400, because they will no longer get hit with the marriage penalty, fits into the budget and doesn't use one cent of Social Security money to accomplish our goal of justice for middle-class married families in America.

Now, we also heard the misleading charge yesterday that we in the majority are trying to dictate what amendments the Democrats could offer. All we have been trying to do is to bring some order to this process so we can get this bill, which even the President of the United States says ought to pass. In his State of the Union Message, he asked us to pass a bill eliminating the marriage tax penalty. So, yesterday, they said we were trying to dictate amendments. Well, during that discussion, we asked if second-degree amendments could be in order to the Democrats' first-degree amendments. We were told absolutely not. So the Democratic side is doing as much dictating as anyone. If we can be accused of complaining about the amendments they want to offer and objecting to it, then they have no right to deny us the opportunity to offer second-degree amendments to their amendments.

In fact, the assistant minority leader stated that his caucus was in lockstep behind the minority leader. Well, that is simply part of the problem. The other side does walk in lockstep against reform in an attempt to paint this Congress as a do-nothing Congress. Funny, isn't it, how when Democrats brag about being in lockstep and unanimity behind their leader, somehow that isn't being partisan. But if Republicans were to vote in lockstep behind our leader, they would say we are being very partisan.

So, again, it seems as if we have a double standard that is not quite justified. Maybe my accusations should be directed more toward the press and media than the other side of the aisle and their statements. But it seems so often if Republicans are together, we are being partisan. But if Democrats are together, they aren't being partisan. As I have followed the stories on this in the press for the last 2 days, I haven't seen any charge of partisanship by the media toward the other side of the aisle. But, boy, I bet we Republicans would be painted as partisan.

Unfortunately, for the other side, this Congress has already made substantial progress and will continue to do so, and they will never be able to label us as a do-nothing Congress. I wish, though, that we had a few independent thinkers on the other side of the aisle, as we do on our side of the aisle, and not the lockstep following of leaders to the extent which it is. All I have to do as a Republican is proudly point out the independence of Senator MCCAIN on this side of the aisle to show that there are Republicans who are independent and do not always follow in lockstep. It would be nice if there were a few ''Senator McCains'' on the other side of the aisle who were willing to break ranks and be very independent.

A couple of the amendments the Democrats want to offer deal with prescription drugs. Of course, these are political amendments. We Republicans have already set aside $40 billion in our budget to deal with Medicare and prescription drugs. All we need to do is have people on that side of the aisle—as there are bipartisan Medicare reform proposals with prescription drug provisions in them—get behind some of these bipartisan approaches and get the White House behind them. We will be glad to move on those within the $40 billion we have set aside in our budget to deal with Medicare reform and prescription drugs because we all know this problem has to be solved. We know

that some seniors can't afford prescription drugs. Some seniors have to choose between food and drugs. That is not a choice they should have to make. And we have, consequently, taken the initiative in our budget and have $40 billion for that. Now all we need is a little bit of cooperation from the other side of the aisle, following on what one or two on the other side of the aisle have attempted to do with Republicans, to move a bill along in this effort. But the White House happens to be dragging its feet.

Now, I think the insinuation is, from the amendments being offered on prescription drugs, that we don't see this as a problem and that we don't want to solve this problem. They aren't telling the truth.

Another amendment they have asked us to look at deals with the taxation of Conservation Reserve Program payments to farmers. The Internal Revenue Service—as they so often do in their infinite wisdom but lack of common sense—is trying to impose Social Security taxes on these payments. Of course, this is the Clinton-Gore administration that is doing this to the farmers of the United States. These taxes hadn't been opposed until the Clinton-Gore administration started imposing them through the IRS. And now we have a Democrat amendment to overturn what the Clinton-Gore administration is doing to the farmers on the CRP payments. So why don't the people on the other side of the aisle just call up President Clinton and Vice President GORE and ask them to order their own IRS to drop this silly new interpretation of the law because right now we have the Vice President going around the country saying how much he is willing to help the farmers of the United States and, Lord only knows, they need help with prices at 25-year lows.

Well, I guess help came after he invented the Internet because I haven't seen any help in this area since this has been in the courts in the United States. Now we have the Clinton-Gore IRS beating up on farmers with this new tax. Now, there is nothing wrong with the tax being offered from the other side of the aisle, trying to correct this; but it seems to me that there are other ways this could be handled.

Yesterday, we also heard what was really a political attack, that this tax relief is somehow a ''risky tax cut scheme.'' How come from the other side of the aisle all we ever hear about is ''risky tax cut schemes''? We don't hear about the risky spending schemes that are offered by the White House or by the other side of the aisle. All you have to do is go back to State of the Union Address on January 2000 and listen to the President of the United States propose 77 new spending programs—77 new spending programs. Somehow, there is shock on the other side that we want to let the people of this country keep their hard-earned money rather than running it through the Treasury in Washington, DC.

Now, there is a certain amount of good economic freedom argument you can give that is very philosophical about why the working men and women of America ought to spend more of their own money and send less of it to Washington just so they can have the economic freedom to do with the fruits of their labor and their minds what they want to do. But there is also a pretty good economic argument for not running any more money than is absolutely needed through Washington, DC. That is because money spent through the Federal budget does less economic good—in other words, it turns over less times for the economy—than money spent by individual taxpayers and working men and women of America. All one has to do is look at the defense budget. The defense budget produces a lot of expensive items. But once they are made, those items are not used for producing wealth. They serve a good purpose for our national defense. But they don't turn over any more money in our economy.

We come to these risky spending schemes of this administration with 77 new programs, and we have tax cuts before Congress. Being at the highest level of taxation in the history of our country, at about 21 percent of gross domestic product, if we allow the President, through those 77 risky spending schemes, to build up to that level of expenditure at 21 percent, then when we have a downturn in the economy, the spending is going to stay up here and the income is down here. Then you have another budget deficit; whereas, if we continue the pattern of the last 50 years of taxing at about 18.5 to 19 percent of the gross domestic product, then over the historical average there will be less chance of a deficit.

We want to let the working men and women keep more of their money and keep our historical level of taxation at about 18.5 to 19 percent. We do not want the extra money that is now coming into the Treasury to be eaten up by these 77 risky spending schemes of this administration.

I feel compelled to correct a statement made by my democratic colleague from Illinois. My colleague stated that the Republican marriage penalty bill would require 5 million more taxpayers to pay higher taxes. My colleague stated:

> Here's the kicker. They don't want to talk about they have drawn their bill up so that five million Americans will actually pay higher taxes. . . . Take a look around the corner—five million Americans end up paying higher taxes under the alternative minimum tax. So now isn't that something?

This is simply incorrect. According to the Joint Committee on Taxation there would be no increase in any taxpayer's overall tax liability as a result of this bill.

In fact, the bill attempts to correct an AMT problem for millions of taxpayers. According to Joint Tax, in the year 2010, 9.2 million tax returns will benefit from the AMT provision in the bill—this includes 6.5 million joint returns and 2.7 million other individual returns benefiting from this bill. This is a worthy goal, and we should do what is right.

According to Joint Tax, in 2010 approximately 1.5 million joint returns benefiting from the AMT credit extension will become AMT payers under the bill. However, as I just mentioned, Joint Tax estimates that the bill would not increase any taxpayer's overall tax liability.

The record must be set straight—no one will pay higher taxes as a result of this bill.

My friends on the other side of the aisle have rejected a request we made yesterday to allow a debate solely on the marriage tax penalty relief. The Senate leader has offered 10 relevant amendments, including their alternative marriage tax penalty proposal. The other side has rejected this offer. The other side claims they want to debate other issues—talk about issues other than tax relief.

Either way you slice it—by what the Senate minority has done or by what they claim—they evidently don't care about marriage tax penalty relief itself.

Senate Democrats could live with a focused debate when it applied to the education savings accounts a month ago, March 2, and ending the Social Security earnings limit for seniors over 65, which only a few weeks ago, on March 22, was passed by the Senate.

However, now when it comes down to marriage tax penalty relief, our colleagues and friends on the other side of the aisle say no. Why? What has changed compared to these other two tax bills? Why were those other items only a few weeks ago so much more important than this bill that would help over 40 million families? The bill before the Senate will help 40 million families. They want to debate other issues, so they are holding up the marriage tax penalty bill.

Imagine the hue and cry Democrats would raise if the shoe were on the other foot—if we were debating these other issues and we demanded to offer marriage tax penalty amendments.

The House has acted. The Finance Committee has acted. The Senate should now act. However, it can't because the Democrats are obstructing this legislation like in-laws on a honeymoon.

We have been more than fair. We have said this is a debate on marriage tax penalty relief—offer any amendment you want that related to this bill

and we will give you a debate and a vote on it. Any amendment—up to ten of them.

How many relevant amendments did the Democrats offer yesterday? Less then half of their ten addressed this issue. By my generous calculation that means that they only half care about marriage tax penalty relief.

In the House, it was not this way. Forty-eight Democrats across the Rotunda voted for marriage tax penalty relief. It was bipartisan over there. Why can't it be bipartisan here? Democrats here are seeking to make this a highly partisan Senate.

So the Senate must wait and over 40 million American families will have to wait. Every couple who suffers under this marriage tax penalty, which has existed for 31 years, must wait further. In a sense, everyone is going to have to wait while the other side of the aisle obstructs this tax relief effort.

This is tax week across America. America's families are hunkered down over their kitchen tables figuring out their tax forms. Isn't it time these taxpayers get a break from the most unfair part of this process, the provisions that tax them at a higher rate just because they are doing what is right and are married?

I want to give them that break. My colleagues want to give them that break. However, my Democrat colleagues don't want to give them that break. In fact, they don't want to even give them a debate or a vote on this very important issue.

I urge the Senate to go to the final debate on this and pass it before we adjourn this week. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TAXES

Mr. CONRAD. Mr. President, as I listened to my colleague, I thought some things said required a response.

As we look back at how we achieved balance in our budget and how we turned massive deficits into massive surpluses, let me explain how it was done. This chart covers 1980 through 1999. The blue line is the outlays or expenditures of the Federal Government; the red line is the revenue line. We had massive deficits when we were following the Republican economic prescription for the country, which was trickle-down economics, because the outlays far exceeded revenues. The result was massive deficits and massive growth of the debt.

In 1993, we got a new administration and a new economic plan. We passed a proposal without a single vote from the other side that reduced spending as a percentage of our national economy and raised revenue. That is how we balanced the budget. That is how we stopped the raid on Social Security. That is how we stopped the economic decline the country was experiencing under their plan, under their proposal.

In fact, at the time we passed the new budget plan in 1993, which was a 5-year plan reducing the deficits each and every year as we brought spending down, we brought revenues up until the two lines crossed and we moved into surplus. Our friends on the other side of the aisle said it was a huge mistake. They said it would increase the deficit. They said it would increase unemployment. They said it would increase inflation. They were wrong on every count. They were not just a little bit wrong, they were completely wrong.

Now they come with a new economic prescription to go back to the bad old days—back to debt, back to deficits, back to decline. Are we going to take that path? Haven't we learned anything about what works? Haven't we learned the best course is one of fiscal discipline? Haven't we learned the best course is to stay on this plan that has turned massive deficits into massive surpluses, that has led to the longest economic expansion in our country, that has led to the lowest unemployment in more than 30 years, the lowest inflation in more than 30 years? Are we going to jeopardize this with a risky tax scheme that our friends on the other side propose?

My friend from Iowa says we have the highest tax rates ever. No, we don't have the highest taxes ever. This chart shows the revenue line, and indeed it came up; that is absolutely correct. It was that combination of reduced spending and increased revenue that led to this result. However, that does not translate into higher tax rates on the American people. A key reason we have higher revenues is because we got the economy moving again. This extraordinary economic expansion—again, the longest economic expansion in our history—has generated more revenue. That is what helped balance the budget, coupled with reduced spending.

The question of what has happened to individual taxes is quite a different story. This was a story on the front page of the Washington Post: ''Federal Tax Level Falls for Most. Studies Show Burden Now Less Than 10 Percent.''

The story tells the truth.

> For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in four decades.

We don't have the highest taxes on individual American taxpayers that we have ever had, as the Senator from Iowa asserted. That is just not the case.

> For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in four decades.

That is the truth according to a series of studies by both liberal and conservative tax experts. Each of the studies shows the bottom line is the same. Most Americans this year will have to fork over less than 10 percent of their income to the Federal Government. The Congressional Budget Office estimates the middle fifth of American families with an average income of $39,000 paid 5.4 percent income tax in 1999, compared with 8.3 percent in 1981. Their taxes have gone down. That is the middle-income people in America.

The Treasury Department estimates that a four-person family, with a median income of $54,900, paid 7.46 percent of that in income tax, the lowest since 1965. And the median two-earner family making $68,000 paid 8.8 percent in 1998, about the same as 1955.

If we are going to have a debate, let's have a debate on facts and not make up things.

The fundamental problem with the legislation offered by our colleagues: They have more of a tax cut than there is non-Social Security surplus available for a tax cut. It is a question of priorities. What do we want to do with the surpluses available? Remember, these are projected surpluses. We can take the money and use it all for a tax cut that disproportionately goes to the wealthiest. That is what the Republicans want to do.

Our side believes we ought to reserve every penny of the Social Security surplus for Social Security. Republicans agree with that. On the non-Social Security surplus, the Republicans want to use it all for a tax cut that disproportionately goes to the wealthiest; 60 percent goes to the wealthiest 10 percent.

Our side thinks the highest priority should be further paying down of the debt because that is what every economist has said is in the highest interests of this country. This is what will most assure our economic future.

Second, we believe we ought to provide for tax relief; 29 percent of the non-Social Security surplus under our proposal goes for tax relief. Part of that goes to address the marriage tax penalty. However, we are addressing those who suffer the marriage tax penalty.

Our friends on the other side want to give a big tax cut to folks who do not have the marriage tax penalty. In fact, for people receiving the marriage bonus—they pay lower taxes as a result of being married than if they were filing individually—they want to give them a tax cut, too.

When they say we are limited to 10 amendments on our side, the underlying legislation deals with many more issues than just the marriage tax penalty. They want to restrict our right to offer alternatives. That is not fair. That is not the way the Senate was designed to operate. Not surprisingly, we don't intend to go along with that. That is not the way the Senate is designed to work.

We offered legislation in the Senate Finance Committee to give people a choice. They file as married couples;

they file as individuals; file the way that helps the most, that gives families the least tax liability. That is what Democrats are proposing. We do it in a way to not use all of the non-Social Security surplus for a tax cut that goes predominantly to the wealthiest. Instead, we put the highest priority on reducing the debt; the second highest priority on tax relief; the third highest priority on using money for high priority domestic needs such as defense, education, and agriculture, which are in very deep trouble.

Mrs. HUTCHISON. Mr. President, are the 10 minutes Senator CONRAD has remaining from the Democratic side?

The PRESIDING OFFICER (Mr. ROBERTS). That is correct, from the Democratic side. There are 20 minutes remaining on the Republican side.

Mrs. HUTCHISON. I thank the Chair.

THE PRESIDING OFFICER. The Senator from North Dakota is recognized.

MR. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 2422 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized for 5 minutes.

MARRIAGE TAX RELIEF

Mr. ASHCROFT. Mr. President, I rise to speak on behalf of the marriage tax relief bill. You could characterize it as tax relief or you could characterize it, I suppose, as a tax cut. But the true characterization is one that Senator HUTCHISON has over and over emphasized: This is tax correction. The bill is intended to correct the Tax Code. The code needs correction because it is an assault on the very values of our culture.

There is a fundamental unfairness when the Tax Code is at war with our values and penalizes a basic social institution such as the institution of marriage. The American people know this. They understand it is not right to have a Tax Code that penalizes marriage. The vast majority of the Members of this body understand this. This last week, during consideration of the budget resolution, the Senate voted 99–1 on the Hutchison amendment to support marriage tax relief. In other words, let's abandon the policy of punishing married people who pay higher taxes in the Tax Code.

Despite this overwhelming vote less than 10 days ago, some of my colleagues are now trying to stop or to delay the marriage tax relief measure by demanding nonrelevant amendments. Yesterday, several Senators from the other side of the aisle spoke on the floor and agreed there is unfairness in the Tax Code and that it is fundamentally unfair to tax people only because they marry. However, these same Senators then said the Finance Committee bill gives tax cuts to people who do not need them. That seems an arrogant statement to me, to suppose Government knows best how to spend the people's money. In addition, one Senator opposed the finance bill, asking, how many of these tax cuts can we afford to give away?

I submit, the real question is, how much of the hard-earned money can families afford to have taken away by an unfair system which penalizes men and women, a schoolteacher, a fireman, for getting married and beginning a family? How much longer will we continue to allow married couples to be penalized just for getting married?

We are here to correct that fundamental unfairness. It is something that has grown up in the code. It is like a weed which is taking over the garden. Good things are prevented by its presence. We ought to pull it out and make sure we have a Tax Code that does not make it harder for young people to be married and have a family.

Are we for correcting this unfairness? Are we against it? Or are we just saying that we are? One cannot say they oppose this penalty and then fight to take the relief away that is provided in the bill. Our colleagues in the House have already demonstrated dramatically that they back a correction for this injustice.

In February, the House passed the Marriage Tax Penalty Relief Act of 2000. Thanks to the good work of the Senate Finance Committee, under the direction of Senator ROTH, we have a measure which will help substantially lessen the burden of this penalty that has been laid upon the families of America.

This bill makes great strides in providing relief and correcting this injustice. Twenty-five million American couples pay an average of $1,400 a year extra simply because they are married. Ending the penalty will give couples the freedom to make the choices they ought to make: The choice to be married and have a durable, lasting relationship of marriage as the foundation for the family unit.

The marriage tax penalty forces some Americans to make compromises instead of real choices. Mothers and fathers should be able to choose whether both parents will be employed outside the home based on what is in the family's best interest, or whether there should be a nonworking spouse who stays in the home. The Senate bill respects the value of the contribution of the spouse who stays home, and that is very important. Our Tax Code should respect the value that is added to the equation by a stay-at-home spouse who makes the family a stronger unit and builds for this country the kind of integrity that strong families provide.

In conclusion, no one has ever devised or developed or even dreamed of a better department of education, social services, a better department of health, education, and welfare than the family, and it is time for our Tax Code.

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired. Who yields time?

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 303

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask unanimous consent, notwithstanding rule XXII, that following the cloture votes relative to H.R. 6, the Senate proceed to H. Con. Res. 303, the adjournment resolution, with a vote to occur on adoption, all without intervening action or debate. I further ask unanimous consent that following that vote, the Senate begin debate on the budget resolution conference report and, when received, the conference report be considered as having been read and there be 4 hours of debate to be divided in the following fashion: 90 minutes under the control of Senator DOMENICI, 90 minutes under the control of Senator LAUTENBERG, and 1 hour under the control of Senator REED of Rhode Island.

Finally, I ask unanimous consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report, without any intervening action or debate.

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

Who yields time?

The distinguished Senator from Virginia is recognized.

Mr. ROBB. I inquire as to how much time remains on this side.

The PRESIDING OFFICER. The Senator has 2 minutes.

MARRIAGE TAX PENALTY RELIEF

Mrs. LINCOLN. Mr. President, in listening to my colleagues I am pleased to detect broad support for ending the so-called marriage penalty. I know that no one in this body believes that there should be a price to pay to the government for matrimony. However, we should work for a fair and reasonable solution that will not expand the marriage bonus and shift tax unfairness from one group in this country to another. The fact is that expanding marriage bonuses is not fair to single Americans just like doing nothing is unfair to married couples.

The ironic thing about the marriage penalty is that it was actually born out of fairness. According to a June 22, 1999 document prepared by the staff of the Joint Committee on Taxation, before 1948, there was only one income tax schedule, and all individuals were liable for tax as separate filing units.

Under this tax structure, there was neither a marriage penalty nor a marriage bonus.

However, this structure created an incentive to split incomes because, with a progressive income tax rate structure, a married couple with only one spouse earning income could reduce their combined tax liability if they could split the income and assign half to each spouse. Under this system a disparity between the citizens of community and separate property states arose after a handful of Supreme Court cases upheld the denial of contractual attempts to split income, but ruled that in states with community property laws, income splitting was required for community income. This led Senator John McClellan, of my home state of Arkansas, to ask Senator William Knowland of California, ''why is it that just because you live in California and I live in Arkansas, you pay $646 less every year than I pay?''

The Revenue Act of 1948 provided the benefit of income splitting to all married couples by establishing a separate tax schedule for joint returns. That schedule was designed so that married couples would pay twice the tax of a single taxpayer having one-half the couple's taxable income. While this new schedule equalized treatment between married couples in states with community property laws and those in states with separate property laws, it introduced a marriage bonus into the tax law for couples in states with separate property laws. As a result of this basic rate structure, by 1969, an individual with the same income as a married couple could have had a tax liability up to 40 percent higher than that of the married couple.

To address this inequity, which was at the time labeled a ''singles penalty,'' a special rate schedule was introduced for single taxpayers, leaving the old schedule solely for married individuals filing separate returns. This schedule created the infrastructure for the so-called marriage penalty that we seek to end today.

At the time more than thirty years ago when the current single and married filing categories were established, our society looked different, and very few people were affected by the flaws in our tax code that imposed a penalty on marriage. As we all know, Mr. President, the general rule is that married couples whose incomes are split more evenly than 30–70 suffer a marriage penalty. However, the fact still remains, that married couples whose incomes are attributable largely to one spouse generally receive a marriage bonus.

As the income levels between men and women have rightly narrowed and as more married women have moved into the work force, the so-called marriage penalty has begun to affect more and more families.

Today we are debating a bill offered by the Senate Finance Committee that seeks to address the problem of the so called Marriage Penalty, and I applaud my colleagues for bringing this to the floor. As I said before, I believe we all want to tell our constituents that we have ended the marriage penalty, however, the underlying bill will not allow us to do that.

There are 65 provisions in the tax code that contribute to a possible marriage penalty for taxpayers. The bill offered by the Majority only eliminates one of those provisions and softens the bite of two others. The fact still remains that 62 other provisions could rise up to affect married couples on tax day. If we are going to end the marriage penalty, Mr. President, we should just end it.

Another problem with the Majority bill is that it expands the marriage bonus. We should not bring back the unfairness we had before 1969. We should learn from the history of this debate and we should come up with a better solution. I believe in the sanctity of marriage, as do all of my colleagues. I don't believe in penalizing it. But I also recognize the rights and fairness that our single constituents demand. We should not shift tax unfairness from one group to another, we should work to eliminate the unfairness for all Americans.

The Majority bill would also expand the roles of the Alternative Minimum Tax. Talk about unfair! I think a lot of Americans would almost rather pay the marriage penalty than have to deal with the Alternative Minimum Tax. The Majority bill would expand, by 5 million, the number of people who have to fill out an AMT tax form and pay higher rates. Not only is it inexcusable, it goes against what we stand for and what we are trying to achieve

We should be working to lessen the effects of the AMT on middle class families not expand them. I am aware that the Majority bill includes a provision to permanently exempt the nonrefundable personal tax credits from AMT determination. That is good policy. In fact, Mr. President, I am the author of the bill, S. 506, that is essentially attached to the Majority bill. This provision, however, will not do enough to lessen the effects that doubling the standard deduction will have on the AMT roles. The good policy of S. 506 is drowned by the bad policy to which it is attached; drowned in the squeals of 5 million voters. I remind my colleagues that the AMT equals higher taxes and confusing forms. No one wants that for their constituents.

Lastly, Mr. President, this majority bill can hardly be labeled a ''Marriage Penalty Relief Bill'' at all. It doesn't completely eliminate the marriage penalty and less than half the cost of the bill goes to reducing it. 60 percent of the cost of the Majority bill goes to singles and to expanding the marriage bonus. I believe we should be honest with the American taxpayer and quit trying to aggregate tax cuts under popular headings like ''Marriage Penalty Relief'' and ram them through the process with cloture votes.

If my colleagues truly believe in fairness, as I think they do, then, Mr. President, let us work to truly end the marriage penalty, not to just put it on hold. Let's work together, Mr. President, to end the marriage penalty. Lets put an end to it now and forever. That means eliminating all 65 marriage penalties. Not just one and a fraction. That also means avoiding a new singles penalty. We have a record to look upon, Mr. President. We have a history. If we approach the marriage penalty in the way the Majority proposes, the unfairness will continue, the debate will continue, and sadly, the marriage penalty will continue as well.

Mr. LEAHY. Mr. President, I do not like the marriage penalty. I think it is poor public policy. However, I am forced to vote against cloture today because the majority has refused to allow the minority to offer amendments to improve this seriously flawed legislation.

The majority has presented us with a bill that not only fails to completely remedy the marriage penalty, but also provides large tax cuts to individuals and married couples who currently experience a marriage bonus. Less than 40% of the benefits of this bill would actually go to couples earning under $100,000. This is not a marriage penalty bill; this is a fiscally irresponsible tax cut bill for the wealthy. Hard working married couples in Vermont deserve an honest, targeted measure to eliminate the marriage penalty, not the proposal that is before us today.

I had looked forward to debating amendments to strengthen this bill and I am disappointed that the majority is cutting off the debate with a motion to invoke cloture. The integrity of the Senate is threatened when the majority refuses to permit the minority to debate amendments. The Senate should be the conscience of the nation because of the distinguishing feature of this body for any Senator to offer amendments and thoroughly debate the merits of legislation.

I support an end to the marriage penalty. I will continue to work with other Senators to pass legislation that is targeted at eliminating all of the marriage penalties that are embedded in our tax code. Vermonters deserve nothing less.

Mr. BYRD. Mr. President, today the Senate will vote on two cloture motions, the first, to end debate on the Finance Committee's substitute amendment to H.R. 6, the Marriage Tax Penalty Relief Act, and, the second, to end debate on the underlying bill.

First, I am, as are others, deeply concerned with that anomaly in the tax code known as the ''marriage penalty.'' I can think of no rational reason why two individuals who have vowed a lifelong commitment to each other through the sacred institution of marriage should, in certain cases, have their combined income taxed at a higher rate than that of two unmarried persons. At a time of declining social values, it simply does not make sense for the Congress to sanction policies which clearly work to the detriment of family stability.

Throughout the annals of human experience, in dozens of civilizations and cultures of varying value systems, humanity has discovered that the permanent relationship between men and women is a keystone to the stability, strength, and health of human society. The purpose of this kind of union between human beings is primarily for the establishment of a home atmosphere in which a man and a woman pledge themselves exclusively to one another and who bring into being children for the fulfillment of their love for one another and for the greater good of the human community at large. Indeed, I doubt that any Senator would refute the assertion that the promotion of marriage and family stability is in the best interest of the nation as a whole.

The question then is how to utilize the nation's tax code to move towards this goal. Marriage neutrality, for reasons that I will leave to the distinguished Finance Committee Chairman, the Senator from Delaware, and, the Finance Committee ranking member, the Senator from New York, to explain, is seemingly incompatible with a progressive income tax system that allows for married couples to file jointly. That is, if this body believes that higher-income households should pay higher taxes than lower-income households, and that married couples should be allowed to file joint returns, marriage neutrality can be a difficult goal to achieve. While I applaud the efforts of the Senator from Delaware and the Senator from New York in their attempts to balance these seemingly incompatible goals, I remain hesitant about jumping on any bandwagon at this time without first raising some concerns.

My primary concern, which I would presume is a concern of all Senators, is the cost associated with each of these proposals. The Republican plan, upon which the majority leader has filed a cloture motion, would cost approximately $248 billion over 10 years, and would explode after the first 10 years, costing the Federal Government $39 billion per year thereafter. This cost would be paid for through the non-Social Security surpluses that are projected by the Congressional Budget Office over the next 10 years. The so-called Democratic alternative, on the other hand, is not much better. The proposal would cost $150 billion over 10 years, but once fully phased in, is expected to cost about $48 billion per year thereafter. The basis upon which these tax cuts are being proposed is the presumption that the Congressional Budget Office's projections of non-Social Security surpluses will come to pass and will be large enough to cover tax cuts of this magnitude without causing the Federal budget to revert back into the kind of annual triple-digit billion dollar budget deficits we suffered over the last two decades. Never mind the fact that these non-Social Security surpluses are not yet in the hands of the Treasury. Never mind the fact that this Senate has not yet ensured that our domestic spending needs will be met in the coming years. Never mind the fact that such enormous tax cuts, once enacted, would be very difficult to reverse.

To its credit, however, the Democratic alternative is a substantively better proposal. Not only would it eliminate all sixty-five marriage penalties in the tax code, compared to the Republican proposal which would eliminate only three of the penalties, but it would also limit tax relief to those who actually suffer marriage penalties. Nevertheless, the Senate stands ready to shut down debate on these measures, and to effectively prohibit the Democratic alternative from being offered. Moreover, amendments that could possibly improve these proposals, or, at least, ensure that these proposals are enacted in the most cost efficient way possible, would also be limited—perhaps not to be allowed to be called up at all.

Another concern of mine is that both proposals are distributionally skewed away from lower- and middle-income families. Senators should be encouraged to offer amendments so that these proposals better target families who most need tax relief. Instead, Senators are discouraged from offering amendments to improve the measure. Watching the debate yesterday, I noted Senators suggesting that amendments should be limited to only five or six so that the Senate could finish its work tonight and recess for the Easter break. As far as this Senator from West Virginia is concerned, if this legislation is as important as most Senators seem to think it is, we should stay in tomorrow, perhaps Saturday, and for as long as it takes to provide the best targeted, most cost-efficient tax package possible. This legislation should not be railroaded through this Chamber in order to accommodate a political deadline or to avoid debate on controversial amendments.

I, for one, will not support shutting down debate on these measures without first having these concerns addressed. I refuse to allow myself to be backed into a position where I must support limiting debate on a so-called marriage penalty relief bill simply to avoid political attacks that I do not support marriage penalty relief. My constituents understand my position on this matter. I have been married, now, almost 63 years, so I know about the marriage penalty. It has not changed over the years. I will oppose cloture on this bill, not because I am opposed to marriage penalty relief, but because I am opposed to this kind of legislating.

Putting aside the policy implications of these votes for a moment, I am growing increasingly concerned about how this body is seemingly incapable of considering any legislation without, first, limiting amendments that may be offered; and, second, limiting the ability of Senators to debate the legislation. These marriage penalty proposals are only the most recent example of this new style of legislating. Education savings accounts, the Social Security earnings limit, and bankruptcy reform have all been debated in this fashion. The stock options bill that was brought to the floor was limited to one hour of debate with no amendments or motions in order. Presumably, this agreement was reached to prevent minimum wage amendments from being offered. Indeed, time after time, day after day, cloture motions to end debate are being filed before debate even has a chance to get under way.

The rationale behind today's cloture vote is that a majority of constituents and legislators support marriage penalty relief, so this legislation should be passed without delay. Ironically, this is exactly why the Senate was established as the body of majority rule but minority right. When James Madison arrived in Philadelphia in 1787 to correct the ''injustices'' of the Articles of Confederation, he had derived a general theory of politics based on his experiences in the Virginia state legislature. His focus was on the majoritarian premises of popular government. While Madison pondered that legislators would primarily respond to the passions and interests of their constituents, he realized that minority rights were not so much to protect the people from government as to protect the people from popular majorities acting through government. In recent months, however—and I say this not as a Democrat, but as a member of the minority—minority rights have been pushed aside in order to accommodate political expediency. The Democrats, as I observe them, are standing up for their rights as a minority, not attempting, as has been stated several times in the past, to dictate the Senate's schedule. This Democrat is certainly not trying to dictate the schedule. I do, however, have an interest in the Senate. And, I think that the Senate has gone downhill in recent years. I think that it is too partisan. I

have seen bills called up, and cloture immediately filed upon them to end debate on them when there had been no debate. I, when I was majority leader, filed cloture motions in similar situations, but I never did it time after time and day after day, I did it very seldom.

Senators do have the right to offer amendments, they do have the right to debate those amendments, and they have the right to a roll call vote on those amendments if they want it. Similarly, this Senator, along with every other Senator in this body, has the right to debate amendments offered by other Senators and to a roll call vote on those amendments. This was the message that I was hoping to convey last Friday during the debate on the budget resolution. When I objected to the unanimous consent request regarding the inclusion of some fifty amendments to the budget resolution, my goal was not to prevent the consideration of those amendments.

In fact, I was suggesting that the Senate spend the extra time on Saturday and on Monday to debate and to vote on those amendments. It was my desire to hear debate and to vote on those amendments, not to move on to final passage.

The Senator who offers the amendment, of course, has a right to have debate on it and a right to ask for a vote. But any other Senator also has a right to hear the debate and also has a right to ask for a vote if he wants it. So it is not just the Senator who offers the amendment whose case is put in jeopardy because he is denied a vote. The whole Senate and the people I represent, the people the Senator from Rhode Island represents, are entitled to a debate also on the amendment.

As I have said before, I will not support the erosion of minority rights in the Senate simply to advance a politically popular initiative. I hope that my colleagues will take a moment to consider their votes in this context, rather than in the context of what is politically popular and expedient.

Mr. ROBB. Mr. President, last week, I offered an amendment to the Senate budget resolution that would have required Congress to enact a new Medicare prescription drug benefit before considering any massive tax cuts. While a procedural hurdle prevented my amendment from passing, fifty-one senators voted to waive the budget point of order, indicating they favored it, sending the American people a strong signal that a majority of the U.S. Senate thought we should put the needs of our nation's seniors before excessive tax cuts.

Yet only a week after this vote, Mr. President, we are considering a massive tax cut that will spend $248 billion of the surplus over 10 years, without doing anything to modernize Medicare. Under the guise of eliminating the ''marriage penalty,'' the majority has brought a bill to the floor that would devote over half of its benefits to people who either aren't married, or who are actually receiving right now a tax benefit, or ''bonus,'' for being married. This takes a lot of chutzpah.

I believe we ought to eliminate the marriage penalty for those who actually suffer the marriage penalty and need the relief most. With all the rhetoric from the other side about eliminating the marriage penalty, one might think that they would share my view and want to pass a bill that would actually focus on the penalty.

But a close examination of the Republican bill reveals that it is not quite what it is described to be. In fact, there are 65 provisions in the Tax Code that have a marriage penalty, including Social Security. Their bill takes care of one provision entirely and two others partially, and leaves the other 63 marriage penalties exactly the way they are. The Democratic bill addresses all 65 provisions, and takes care of the entire penalty for nearly everybody. The Democratic bill accomplishes all this but costs half as much.

It is time that we set our priorities straight. We ought not to be devoting $140 billion of the surplus over 10 years to individuals who currently have no marriage penalty when we have done nothing to help those who suffer from the ''senior citizens' drug penalty'' the high prices our Nation's seniors are forced to pay for prescription drugs.

I intend to offer a motion to recommit this bloated bill to the Finance Committee, with instructions to report out a new bill by June 1 that focuses its dollars on taxpayers who actually face a marriage penalty, and that devotes $40 billion over the next 5 years to a new prescription drug benefit. This motion will not prevent Congress from enacting marriage penalty relief this year, it will just ensure that we do not backtrack from last week's vote to enact a prescription drug benefit before we do major tax cuts.

I want to share again a letter I received from a woman in St. Stephens Church, VA which illustrates why the prescription drug amendment is so important. She writes:

> My husband and I are both retirees and rely on Social Security and Medicare. Recently, we both had to go to our family doctor, and the drugs that were prescribed for us would cost us out of pocket approximately $300 per month. Due to the cost of the two prescriptions, we are forced to choose not to take the medication and live with the illness.

Another woman from Scottsville, VA writes:

> My husband's income consists of his Social Security and a small pension from his former employer. We spend over twice as much for prescriptions as we do for groceries, and it's getting harder and harder to stretch our income 'til our checks arrive.

These Virginians are not alone in their troubles. The average senior citizen will spend $1,100 on prescription drugs this year. Most of them will not have adequate prescription drug coverage to help them cover these crushing costs. The numbers of those who do have coverage are dropping rapidly.

Despite the suggestions of some of my colleagues, this problem is not limited solely to the poor. One in four Medicare beneficiaries with a high income—defined as $45,000 a year for a couple—has no coverage for prescription drugs. And while some seniors do have coverage, nearly half of them lack coverage for the entire year, making them extremely vulnerable to catastrophic drug costs.

Complicating this matter for the elderly is the ''senior citizens' drug penalty'' that seniors without drug coverage are forced to pay. Most working Americans who are insured through the private sector pay less than the full retail price for prescription drugs. This is because insurers generally contract with Pharmaceutical Benefit Managers—or PBMs—that negotiate better prices for drugs and pass on the power of group purchasing to their customers.

Seniors lack this option, however, and must still pay full price for their drugs. A study released earlier this week showed that seniors without drug coverage typically pay 15 percent more than people with coverage. And the percentage of Medicare beneficiaries without drug coverage who report not being able to afford a needed drug is about 5 times higher than those with coverage.

This ''senior citizens' drug penalty,'' in my view, is unconscionable. Senior citizens rely more on drugs, and have higher drug costs, than any other segment of the population. They deserve to have the same bargaining power that benefits other Americans.

Last week the other side spoke against my amendment, claiming that there was already adequate language in the Republican budget resolution to ensure that we pass a prescription drug benefit this year. At the time, they pointed to the $40 billion reserve fund which was included in the budget resolution the Committee reported, arguing that this would provide ample money to enact a prescription drug benefit and offer tax relief.

Republicans asked, in essence, that we trust them that the Senate will not squander the surplus on tax cuts before we have helped our nation's seniors. Let me say that I do trust my good friends on the other side of the aisle. To borrow a line from Ronald Reagan, I believe we should trust—but verify. That is what my amendment last week did. It required deeds as well as words.

Seeing what happened in the budget resolution conference committee, it has become clearer than ever why we need to verify the promises that the other side gives us. Because despite both chambers setting aside a $40 billion reserve fund for a prescription

drug benefit, one of the first things that the conferees did was cut this fund in half, to $20 billion—a number far too low to enact any sort of universal benefit for our nation's seniors. The conferees then took this other $20 billion, which is vitally needed to fund a universal prescription drug benefit, and said that it should be used for other Medicare reforms, such as another round of adjustments to the payment rates for Medicare providers that were hit hard by the cuts in the Balanced Budget Act of 1997. But after touting this reserve fund as the key to a prescription drug benefit, they have essentially neutered themselves.

Even worse, the conferees removed the one provision that would have helped push a prescription drug benefit forward. The Senate budget resolution set a date of September 1 for the Finance Committee to report out a prescription drug bill. This deadline would have guaranteed that the Senate would at least consider prescription drug legislation this year. But the conferees stripped this deadline out of the bill. They have basically said: it is not important for the Senate to pass a bill to eliminate the ''senior citizens' drug penalty.''

I am by no means opposed to taking another look at the decisions we made in the Balanced Budget Act of 1997. I worked very hard last year in the Finance Committee on the Balanced Budget Refinement Act. And there ought to be room, in the context of a balanced budget, to provide further relief to health care providers who were hit hard by the cuts in the Balanced Budget Act of 1997.

We ought not to be limiting our Medicare reform efforts to $40 billion, however, simply to free up additional funds for tax cuts. With this new limit, Republicans have essentially pitted a prescription drug benefit for seniors against additional relief for doctors, hospitals, nursing homes, and other health care providers. Republicans have decided that two important priorities must square off, so that we can provide billions of dollars in so-called ''marriage penalty'' tax relief to individuals who do not even incur a marriage tax penalty on their taxes.

Our nation's seniors deserve better than this. Last week, at least fifty-one Senators felt the same way. I urge every one of them, as well as Senators who opposed my amendment last week because they thought the $40 billion reserve fund would guarantee a prescription drug benefit, to support my motion to recommit this bill. With its passage, we will be able to eliminate both the true marriage tax penalty and the ''senior citizens' drug penalty.''

UNANIMOUS CONSENT REQUEST—H.R. 6

Mr. ROBB. Mr. President, I ask unanimous consent that we proceed to consideration of H.R. 6, the Marriage Tax Penalty Relief Act, so that I may offer a motion to recommit the bill to the Senate Finance Committee.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object, I see this as an effort to delay passing the marriage tax penalty relief bill. Offering or voting for this motion is saying that the Senate does not want to fix the marriage tax penalty. Recommitting the bill is an attempt, I think, to kill the bill.

We are going to deal with the prescription drug problem. As I said in my opening comments this morning, Republicans have already set aside $40 billion in our budget to do so. We do not need to delay fixing the marriage tax penalty in order to fix the Medicare problem. We have the resources and the time to do both.

Again, I think this is a transparent effort to kill marriage tax penalty relief, and, consequently, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. ROBB. Mr. President, I accept the objection of my friend from Iowa. Under the conference agreement, the $40 billion went in on the part of the Senate. Only $20 billion came out; $20 billion has already been diverted in the conference agreement. I recognize an objection has been offered. I will make my point.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. GRASSLEY. Mr. President, I yield 5 minutes to the Senator from Montana.

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

MARRIAGE TAX RELIEF

Mr. BURNS. Mr. President, I thank my friend from Iowa.

This has been an interesting debate on this part of the Tax Code, and I have been listening to this debate with a lot of interest. If there ever was something that needed fixing, it is unfairness in the Tax Code. I am not going to talk about a disincentive for folks to get married. I look at it from a standpoint of fairness.

Young couples who are starting out and trying to save a little money for the education of their children, or trying to pay for a home, these couples are penalized. They have dreams of participating in American opportunities, and they are kept from this by an unfair tax code. In Montana, 90,000 couples are penalized to the tune of $51.5 million every year in extra taxes simply because they are Mr. and Mrs.

We made it pretty clear on this side of the aisle that tax reform is needed. If we have to do it one step at a time or one inch at a time, then that is the way we will do it. That makes it very slow and very painful. Yet it has to be done.

According to the Congressional Budget Office, almost half of married couples pay higher taxes due to their married status. The marriage tax penalty increases taxes on affected couples $29 billion per year. Currently, this marriage tax penalty imposes an average additional tax of $1,400 a year on 21 million married couples nationwide.

I, along with my Republican colleagues, have made it clear that continued tax reform and tax relief is necessary, and I can think of no other tax that has such a dramatic impact on so many people. To some people, $1,400 may not sound like a lot of money, but to a lot of Americans $1,400 does mean a lot of money. Especially when it can be used for things like saving for education, or supporting young families, or a long list of things that need to be fixed around the house.

The marriage tax penalty can have significant negative economic implications for the country as a whole since the tax code can discourage some people from entering the workforce altogether.

Additionally, this is a good time for us to restore fairness for married people. No. 1, I think what we have seen this week in the stock market, what we have seen in the high-tech stocks, shows that we may not be in the real booming economy now that everybody thinks we are. No. 2, if you live in farm country, we know we are not in a booming economy. Look at our small towns around my State of Montana and all through farm country. We know what tough times are. And then to be penalized in your taxes just because you are married seems a little unfair.

I support this particular piece of legislation. I want the American people to know that we will take this one step at a time. After all, we did not get into this situation overnight. Maybe it will take one step just to get us out of this kind of a situation.

Mr. President, as I said, I rise in support of legislation currently on the floor that will put an end to the marriage tax penalty. We have been fighting this tax inequity for several years now. The people of Montana have spoken to me either through letters or conversation—they think this tax is unfair.

Last year, I met with a couple in Billings, MT, to determine the impact of this tax on them. Joshua and Jody Hayes paid $971 more in taxes because they were married than they would have paid if they remained single.

In Montana, it is estimated that nearly 90,000 couples are penalized by this tax to the tune of $51.5 million—solely for being married.

I along with my Republican colleagues have made it clear that continued tax reform and tax relief is necessary, but I can think of no other tax that has such a dramatic impact on so many people.

If ever there was a disincentive to be married, this penalty would be it. I believe this, along with the estate tax, is one of the most unfair taxes on Americans. It is not right for people to be penalized with higher taxes simply because they choose to get married.

According to the Congressional Budget Office (CBO), almost half of all married couples pay higher taxes due to their marital status. Cumulatively, the marriage penalty increases taxes on affected couples by $29 billion per year. Currently, this tax penalty imposes an average additional tax of $1400 on 21 million married couples nationwide.

The marriage penalty can have significantly negative economic implications for the country as a whole as well. Not only does this penalty within the tax system stand as a likely obstacle to marriage, it can actually discourage a spouse from entering the workforce.

By adding together husband and wife under the rate schedule, tax laws both encourage families to identify a primary and secondary worker and then place an extra burden on the secondary worker because his or her wages come on top of the primary earner's wages.

As the American family realizes lower income levels, the Nation realizes lower economic output. From a strictly economic perspective, the fact that potential workers would avoid the labor force as a result of a tax penalty is a clear sign of a failure to maximize true economic output. As a result, the nation as a whole fails to reach its economic potential, which is demonstrated by decreased earnings and international competitiveness.

I am very disappointed the President has indicated he will veto this bill as he has in the past. That is not just the veto of a bill—that is another signal the administration does not support the union of two people and their impending family.

Congress has the momentum to correct this inequity and I encourage my colleagues to support this legislation to repeal the marriage penalty.

I ask unanimous consent to have an example of the marriage tax penalty printed in the RECORD.

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

EXAMPLE OF THE MARRIAGE PENALTY TAX

Take a couple in which the husband is a new Billings Police Officer and his wife is a teacher for the Billings School District.

	Husband	Wife	Couple
Adjusted Gross Income	$33,500	$28,200	$61,700
Less Personal Exemption	4,150	4,150	6,900
Standard Deduction	+2,650	+2,650	+5,300
	6,800	6,800	12,200
Taxable Income	26,700	21,400	49,500
Tax Liability	4,271.50	3,210.00	8,504.00

Total tax liability when filing jointly is 8,504.
Total tax liability for both filing as singles 7,481.50.
Marriage Penalty 1,022.50.

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

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield 5 minutes to the Senator from Texas.

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

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Iowa, who has done a wonderful job in managing this bill, and more importantly for his role in the Finance Committee to make sure that we have a great marriage tax penalty relief bill.

I thank the Senator from Montana for talking in straight terms, as he always does, about what our priorities are: Does this money belong to the people who earned it or does it belong to the Federal Government in Washington, DC?

I think it is very interesting; when people talk about tax cuts, you can tell immediately how Members are going to vote by how they refer to the tax cuts.

As the Senator from Missouri said earlier, if you are going to be against tax cuts, you are going to say: How much will it cost the Federal Government to give this tax relief? But if you believe that people who earn the money deserve to keep it, then you are going to say: How much is it going to cost the American family if we do not give them back part of the excess that they have sent to Washington in income tax withholding?

I want to make the point again, we are not talking about the Social Security surplus providing money for tax cuts. We are talking about the income tax surplus. That means that people have sent too much to Washington and we are trying to return some of it.

I think it was an interesting argument earlier, on the Democratic side, where it was shown that Federal taxes have gone down in our country. We are trying to lower Federal taxes, but, in fact, what has happened is local taxes have gone up. So all of the neutral sources in our country today tell us that there is, in fact, a higher tax burden on the average American family today than ever before in peacetime. That is a big burden on an average family.

About 40 percent of the average family's income is taken in taxes. That is a fact. And we are in peacetime. We do have a balanced budget. We do not need that much. We should send it right back to the people who earned it, to put in their pockets for them to make the decisions as to how to spend it. That is what we are trying to do today.

I think it is interesting when you listen to the debate. The distinguished Democratic leader yesterday said, in the debate: ''I think the Republican bill is a marriage penalty relief bill in name only. It is a Trojan horse for the other risky tax schemes that have been proposed so far this year.''

I want to go over what we have taken up this year, what we have proposed this year, and just say to the American people: I wonder what the risky tax schemes are.

Is it a risky tax scheme to let people on Social Security between the ages of 65 and 70 work without paying a penalty? Is that a risky tax scheme? Is the education tax credit that Senator COVERDELL passed earlier this year to give parents a tax credit to buy education enhancements for their children—the computers, the extra books, the tutors—a risky tax scheme? Or is it the small business tax relief that we passed to try to give our small businesses an opportunity to grow and create new jobs in our country?

I am not sure to which ''risky tax scheme'' the Democratic leader refers. But if that is a ''risky tax scheme,'' I am guilty because I do believe the hard-working people of this country deserve to keep more of the money they earn.

This marriage tax penalty relief was provided for in the budget we passed last week. We would take only 50 percent of the allocation over a 5-year period. We think that is quite responsible as stewards of our tax dollars.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. I thank the Chair and yield the floor.

Mr. WARNER. Mr. President, the Republican led Senate is considering legislation that I have long advocated for working families—relief from the marriage tax penalty.

This is not a limited problem. According to the Congressional Budget Office, almost half of all married couples—21 million—are affected by the marriage penalty. One study showed that over 640,000 couples in Virginia are affected.

The marriage tax penalty unfairly affects middle class married working couples. For example, a manufacturing plant worker makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they both file their taxes as singles they would pay 15 percent in income tax. But if they choose to live their lives in holy matrimony and file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28%. The result is a tax penalty of approximately $1,400.

The Republican marriage penalty relief bill would fix this unfairness without shifting of the tax burden and without the need for a tax increase on

any individual. Middle and low income families would benefit as much as earners with higher incomes. The bipartisan support for eliminating the marriage penalty is overwhelming. The House of Representatives passed the bill with 268 votes.

In the Senate, our bill increases the standard deduction for joint returns to twice the amount of the standard deduction for single returns, doubles the size of both the 15% and 28% tax brackets for joint returns to twice the size of the corresponding tax rate brackets for single returns, and increases the phase-out income level for the Earned Income Tax Credit (EITC) for joint returns by $2,500. Additionally, it makes permanent the current allowance of personal nonrefundable tax credits to offset both regular and alternative minimum tax liabilities.

Critics have claimed that most of the tax relief under our plan would go to wealthy couples. That is simply not true. The Congressional Joint Committee on Taxation's distribution analysis estimates that couples making under $75,000 annually will be the biggest winners. Additionally, the Joint Tax Committee estimates that couples earning between $20,000 and $30,000 will receive the biggest percentage reduction in their federal taxes out of any income level, with couples making between $30,000–$40,000 fairing almost as well.

Opponents of this measure have argued that some married couples, where only one spouse works, will receive a so-called ''marriage bonus''. Although the word ''bonus'' implies an additional benefit, this is simply not the case. First, this money belongs to the taxpayers. With a surplus of over $2 trillion, not including Social Security, all taxpayers are entitled to a return of their tax overpayment. Second, should the federal government, through tax policy, discourage either parent from staying at home with children? If a couple chooses to raise their family on just one income, they will need all the financial help they can get. The government should not penalize a family simply because it takes both spouses working outside of the home to make $50,000. Being a stay at home parent should be rewarded—not penalized.

This means over $64 billion in tax relief over the next five years. Combined with the other tax relief measures adopted by the Senate this year—tax relief for small employers, improved health care access, and education savings accounts—the total tax relief considered by the Senate falls well within the $150 billion budgeted for tax cuts in the recently-adopted budget resolution.

This is a modest proposal. Eliminating the marriage penalty will result in less tax paid to the federal government. However, the Congressional Budget Office estimates that taxpayers will send Uncle Sam almost $2 trillion in additional surplus taxes over the next ten years. That is after Congress has locked up 100% of Social Security surplus and paid down the public debt. Our proposal asks Uncle Sam to give back to middle class families just 10 cents out of every extra surplus dollar they send to Washington. Is that really to much to ask to help families? The Federal government should not put a price tag on the sacrament of marriage.

Mr. GORTON. Mr. President, next Monday is the deadline for all Americans to file their 1999 income tax returns with the Internal Revenue Service. This week the Senate has appropriately dedicated its attention to the tax burden placed on Americans, particularly the unfair marriage tax penalty. Simply, the marriage tax penalty is an injustice in the current Federal income Tax Code that results in a married couple filing a joint tax return paying more in taxes than if the same couple were not married and filed as individuals.

Every week of the year I receive letters from Washington state constituents outraged by the marriage tax penalty, but during tax season my mailbox is deluged with the protests of married couples. Last year, Congress passed a tax relief bill that would have eliminated the marriage penalty, but President Clinton vetoed this needed reform. This year, Democrats have spent this entire week delaying and then blocking a Senate vote on a bill to end the marriage penalty.

Maybe some of my colleagues should hear what I read in the letters I receive asking for action by Congress and the President to eliminate the marriage tax penalty. From an email I received from a constituent in Maple Valley, Washington: ''I wanted to express my hope that you and the other members of Congress will be able to eliminate the marriage penalty tax * * * Why should I pay more in taxes since I am married?'' From Bellingham, Washington: ''Fairness! It all comes down to fairness. Please stop penalizing us for being married. We deserve the same as two single taxpayers.'' From a family farmer in Eastern Washington state: ''I believe the marriage tax penalty is a mistake that should be corrected. It would establish fairness in our tax system.'' This is merely a sampling of the hundreds of letters I have received, but it is an accurate representation of the views of my constituents and the vast majority of Americans.

My No. 1 tax legislative priority is complete tax reform. I believe the entire confusing and incomprehensible Tax Code should be scrapped and replaced with a system that is fair, simple, uniform and consistent. Until such fundamental reform can take place, I will continue to work in support of tax reform and relief measures that correct unfair aspects of the existing tax code mess. The marriage tax penalty is absolutely one of the most outrageous and indefensible injustices in the current Tax Code. Efforts to delay and block the elimination of the marriage tax penalty are clearly an affront to a sense of fairness, the institution of marriage, and they are contrary to the desires of an overwhelming majority of Americans. The Senate should vote now to correct the marriage tax penalty.

Mr. DOMENICI. Mr. President, the marriage penalty is the extra tax a couple pays as a result of being married. When a couple says ''I do'' they are really saying ''IRS, we will pay.'' The tax code has 63 provisions that penalize couples for being married. There are more than 20 income phase-outs and each is a marriage penalty. The two biggest marriage penalizers are the standard deduction and the tax brackets. Fairness would dictate that the standard deduction for a couple should be twice what it is for a single taxpayer. Fairness would dictate that the tax bracket income cut-off points for a married couple should be twice that of a single taxpayer. That is not the way the current code is structured. This bill would restore fairness.

About 25 million married couples annually are adversely affected by the marriage penalty. Average marriage penalty is $1,400. If we eliminated the marriage penalty, the typical family would have an extra $1,400 to pay the electric bill for nine months, pay for three months of day care, pay for a five-day vacation at Disneyland or eat out 35 times.

There wasn't always a marriage penalty. Prior to 1948 the tax code taxed individuals, but today, the marriage penalty has infiltrated the entire tax code. It didn't matter when most women stayed at home, but now that so many women work it is indefensible to have the marriage penalty in our law. A working wife often works to support the federal government, more than she works to help her family, because the first dollar she earns is taxed at the highest rate her husband's income is taxed. Some economists call this the ''second earner bias'' because the income of the secondary earner is stacked on top of the primary earner's income resulting in a relatively high marginal rate.

Of the 27 OECD countries 19 countries taxed husbands and wives separately so there is no marriage penalty. The biggest culprits are the standard deduction and the tax brackets.

The standard deduction for two individuals filing single returns is not twice what the standard deduction for a married couple filing a joint return is. It isn't but, it should be.

Marriage penalty hits low income workers. Eligibility for the earned income credit is the same for single heads of households and married couples. Combining two incomes on a joint

return may push a couple into the phase-out range of the EIC and reduce the size of their credit.

As I mentioned, a growing number of tax provisions—credits and deductions—are phased-out at certain income ranges. Any tax provision that has an income phase-out contributes to the marriage penalty. Few of us probably ever stop to think about the marriage penalty when we vote for tax provisions with income phase-outs. Some phase-outs start as low as $10,000 of income. The dependent credit, the elderly credit and earned income credit have phase out ranges that compound the marriage penalty for the working poor.

Several provisions have phase-outs in the $50,000 to $75,000 in income range which add to the marriage penalty of the two income middle class families. The dependent credit, the Hope education credit, the elderly credit, adoption credit; the IRA deduction and the Education loan interest expense deductions. Itemized deduction threshold, personal exemption, all get ''marriage penalty-ed'' out of existence for many married couples with modest incomes.

S. 2346 provides total tax relief to married couples of $64 billion over the next five years. Combined with the other tax relief measures adopted by the Senate this year—tax relief for small employers (H.R. 833), improved health care access (H.R. 2990), and education savings accounts (S. 1134)—the total relief considered by the Senate falls well within the $150 billion budgeted for tax cuts in the recently-adopted Senate budget resolution.

Let me describe in particularity the provisions of the bill. Standard deduction: The bill increases the standard deduction for married couples filing jointly to twice the standard deduction for single taxpayers. According to the Joint Committee on Taxation, this provision provides tax relief to approximately 25 million couples filing joint returns. It is effective for taxable years after December 31, 2000.

Increased brackets: The bill expands, over a six-year period, the 15-percent and 28-percent income tax brackets for a married couple filing a joint return to twice the size of the corresponding brackets for an individual relief to 21 million married couples, including 3 million senior citizens.

EIC: The bill increases the beginning and the end of the phase-out of the Earned Income Credit for couples filing a joint return. Currently, for a couple with two or more children, the EIC begins phasing out at $12,690 and is eliminated for couples earning more than $31,152. Under this bill, the new range would be $2,500 higher. For these couples eligible for the EIC, the maximum credit is increased by $526, from $3,888 to $4,414. It is effective for taxable years after December 31, 2000.

AMT relief: The bill permanently extends the current temporary exemption from the individual alternative Minimum Tax (AMT) for several family-related tax credits, including the $500 per child tax credit, HOPE and Lifetime Learning credits, and dependent care credit. The bill also exempts two refundable credits, the Earned Income Credit and the refundable child credit, from being reduced by the AMT. It is effective for taxable years after December 31, 2000.

Mr. President, this bill addresses one of the biggest federal income tax injustices and I hope the Congress will enact this legislation.

Ms. SNOWE. Mr. President, I rise in strong support of the S. 2346—legislation that would dramatically reduce one of the most insidious aspects of the tax code: the marriage penalty.

Mr. President, as my colleagues are aware, there are several primary causes of the ''marriage penalty'' within the tax code, including different tax rate schedules and different standard deductions for joint filers versus single filers.

In terms of the impact of these differing tax provisions, the marriage penalty is most pronounced for two-earner couples in which the husband and wife have nearly equal incomes. While this may not have been as noticeable in society 30 or 40 years ago, the demographic changes that have occurred since the 1960s—with more married women entering the workforce to help support their families—has led to a significant increase in the share of couples who suffer from the marriage penalty.

Mr. President, make no mistake, the impact of the marriage penalty is severe. According to the Congressional Budget Office (CBO), 42% of married couples incur marriage penalties that average nearly $1,400.

When measured by income category, fully 12% of couples with incomes below $20,000 incurred a marriage penalty in 1996; 44% of couples with incomes of $20,000 to $50,0000; and 55% of couples with incomes above $50,000.

In addition, according to CBO, empirical evidence suggests that the marriage penalty may affect work patterns, particularly for a couple's second earner. Specifically, because filing a joint return often imposes a substantially higher tax rate on a couple's second earner, the higher rate reduces the second earner's after-tax wage and may cause that individual to work fewer hours or not at all. As a result, economic efficiency is harmed in the overall economy.

Furthermore, while I would hope that the tax code would not be a factor in a couple's decision to marry or stay single, the simple fact is that a couple's tax status could worsen if married and could, therefore, impact a couple's decision to marry. Therefore, we should eliminate this potential barrier to marriage and ensure that couples make one of life's biggest decisions based on their values and beliefs—not on the federal tax code.

Mr. President, as a strong opponent of the marriage penalty, I am an original cosponsor of S. 15, legislation introduced by Senator HUTCHISON that eliminates the marriage penalty through a proposal known as ''income splitting.'' Under this approach, a married couple would add up all their income and then split it in half. Each spouse would then file as a single individual and pay taxes on his or her half of the total income, with exemptions, deductions and credits being split evenly between the two spouses.

Last year, to advance this legislation or any other proposal that would provide marriage penalty relief, I offered an amendment during the markup of the FY 2000 budget resolution that ensured a significant reduction in—or the outright elimination of—the marriage penalty would be a central component of any tax cut package adopted during last year's reconciliation process.

Later that summer, in accordance with my budget amendment, the $792 billion tax cut reconciliation package that was passed by the Senate last summer included such relief, as did the final House-Senate conference report. However, just as President Clinton vetoed the tax bill in 1995 that included marriage penalty relief, last year's tax bill was vetoed as well.

In an effort to address this issue outside a broader tax package, the House of Representatives passed legislation earlier this year—by a bipartisan vote of 268 to 158—that would reduce the marriage penalty.

Now, in the Senate, we are considering stand-alone legislation that would dramatically reduce the marriage penalty by doubling the standard deduction for married couples relative to single filers; expanding the 15 percent and 28 percent income tax brackets for married couples to twice the size of the corresponding tax brackets for single filers; increasing the phase-out range of the Earned Income Credit (EIC) for couples filing joint returns; and permanently exempting family tax credits from the individual Alternative Minimum Tax (AMT).

Mr. President, it is my hope that, by considering this package of marriage penalty relief proposals as a stand-alone bill—and not as part of a broader, and potentially controversial, tax cut package—we will not only pass this legislation prior to ''tax day'' on April 17, but ultimately send a bill to the President that he will sign for the benefit of all married couples.

The bottom line is that we should not condone or accept a tax code that penalizes married couples or discourages marriage, and this bill provides the Senate with the opportunity to correct this inequity in a straightforward manner.

Ultimately, this bill is not simply about providing the American people with a reasonable and rational tax cut—rather, it is about correcting a gross discrepancy in the tax code that unfairly impacts married couples. Accordingly, even though individual members of this body disagree on a wide variety of tax cuts policies, I would hope we would all agree that the act of marriage should not be penalized by the Internal Revenue Code—and would support the proposal before us accordingly.

Thank you, Mr. President. I yield the floor.

Mr. HUTCHINSON. Mr. President, I rise today in support of the Roth marriage tax relief plan. The clock is ticking, Mr. President. In less than forty-eight hours, Americans across the country will empty their pockets to pay the government thousands of dollars in taxes.

For approximately 42 American couples, tax day will have an extra sting to it, because they will have to pay an average of $1,400 extra in taxes to accommodate an outdated and discriminatory tax system.

When we first adopted the tax code, women made up only about three percent of the work force. But today, women are full time entrepreneurs. Some seventy percent of mothers work, only to find their income penalized. Our tax system did not anticipate this dramatic growth in dual income families. So now an outdated system discriminates against women and married couples.

When Mr. and Mrs. Smith get married, they look forward to a bright and prosperous future—to have and to hold, for richer and for poorer. But they soon find that Uncle Sam has moved in and cast his low shadow over them. And they are undoubtedly poorer.

The marriage penalty cuts two ways—by pushing married couples into a higher tax bracket and by lowering the couple's standard deduction. Two married income earners, with their combined income, must pay their income tax at a higher rate with a lower deduction than they would if they were two single people.

This is not a one time penalty. Under our tax system, marriage is not a freeway. It is a toll road. For ten years of marriage, couples must pay an average of $14,000 extra. For twenty years, couples must pay $28,000 extra. And they must forgo money that they could have invested in a car, a house, or their children's education. Mr. President, we must update the tax system and we must lift this extra burden on the backs of American couples.

The Roth plan takes solid steps on the path of tax relief. It increases the standard deduction for a married couple filing a joint return to twice the basic standard deduction for a single individual beginning in 2001. This standard deduction increase will help 25 million couples filing joint returns. The Roth plan expands the 15-percent and 28-percent tax brackets for a married couple filing a joint return to twice the size for a single individual. Twenty-one million couples will benefit from these tax bracket expansions. This legislation also expands the Earned Income Credit (EIC) beginning and ending income levels by $2,500, removing the disadvantage of receiving a smaller EIC after marriage. Finally, the Roth plan exempts family tax credits from the individual Alternative Minimum Tax.

Mr. President, all week I have heard my colleagues on the other side of the aisle claim their support for marriage penalty relief. Yet they insist on quenching the thirst of American couples with only a raindrop relief. They offer nearly $100 billion less in tax relief for American couples in the next ten years. Fifty percent of the benefits under their plan do not occur until 2008.

We must be serious about tax relief for American couples. If you talk to any marriage counselor, he or she will quickly tell you that the number one cause of problems in marriage is money—specifically, the lack of it. If we want to support American families, if we want to support the future of America, we can start by reducing the money problems of married couples.

Mr. President, there are 207,677 couples in my home state of Arkansas suffering from the marriage penalty. They have called for marriage penalty relief. I want to give it to them.

I hope that when the clock stops ticking on Saturday, the Senate will have lightened the load on the couples and the American family. I urge my colleagues to support the Roth marriage penalty relief plan.

Mr. MACK. Mr. President, I hope that our colleagues across the aisle will not prevent us from reducing the marriage penalties in the tax code. This bill will provide married couples the relief that President Clinton denied them last year with his veto of the Taxpayer Refund and Relief Act of 1999. President Clinton's action last year increased taxes by close to $800 billion and imposed a marriage penalty on middle class American families.

There is no place in the tax code for marriage penalties. Marriage penalties are caused by tax laws that treat joint filers relatively worse than single filers with half the income. It has of late become common practice to use the tax code for purposes of social engineering, discouraging some actions with the stick of tax penalties and encouraging others with the carrot of tax preferences. But there is no legitimate policy reason for punishing taxpayers with higher taxes just because they happen to be married. The marriage penalties in the tax code undermine the family, the institution that is the foundation of our society.

I view this bill as just a start. Our tax code will not truly be family-friendly until every single marriage penalty is rooted out and eliminated, so that married couples with twice the income of single individuals are taxed at the same rates, and are eligible for the same tax preferences—including deductions, exemptions, use of IRAs and other savings vehicles—as those single filers. This bill is an important step toward that ultimate goal.

The Democrat criticisms of our bill are misplaced. They argue that our bill contains complicated phase-ins, in contrast to their simple approach. But anyone who reads the bill and their alternative would see that this is false. The Finance Committee bill contains percentages in it, sure enough. And it phases in the relief, that is true. But the percentages and the phase-ins are instructions to the Treasury and the IRS, to make adjustments to the tax brackets. The only people who have to make any new calculations under the Finance Committee bill are the bureaucrats who make up the tax tables, not the taxpayer.

By contrast, the Democrat alternative, in phasing in its relief, requires taxpayers to calculate their taxes as joint filers, then calculate their taxes as if they were single—a complicated process that requires the allocation of various deductions and credits. Next, the taxpayer would have to determine the difference between these two calculations and then reduce this by a certain percentage. That is supposed to be simple? The Democrat substitute adds to the headaches of tax filing and the demand for tax preparers and tax preparation software.

The Democrats also complain that the Finance Committee bill does more than address their narrow definition of the marriage penalty. They invoke the so-called ''marriage bonus.'' But the ''marriage bonus'' is a red herring. What they call a ''marriage bonus'' results from adjustment tax brackets for joint filers to reflect the fact that two adults are sharing the household income. Under the Democrat approach, single taxpayers who marry a non-working or low-earning spouse should pay the same amount of taxes as when they were single, even though this income must be spread over the needs of two adults.

This approach is fundamentally flawed. The Democrat approach would enshrine in the law a new, ''homemaker penalty.'' The Democrats would make families with one earner and one stay-at-home spouse pay higher taxes than families with the same household income and two earners.

But why discriminate against one-earner families? Why would we want a tax code that penalized families just because one of the spouses chooses the

hard work of the household over the role of breadwinner? The Democrat alternative discourages parents from staying home with their infant children, and penalizes people who sacrifice income in order that they can care for their elderly parents. That is just plain wrong.

The Finance Committee bill reduces the marriage penalty in a rational sensible way, by making the standard deduction for joint filers twice what it is for single filers, and by making the ranges at which income is taxed at the 15% and 28% rates twice for joint filers what they are for single filers. This recognizes that marriage is a partnership in which two adults share the household income. Our approach cuts taxes for all American families. The Democrats call this a ''bonus.'' We calm it common sense.

Mr. GRASSLEY. Mr. President, how much time do we have remaining on this side of the aisle?

The PRESIDING OFFICER. The Senator has just a little less than 3 minutes.

Mr. GRASSLEY. Mr. President, I yield myself 1 minute. And if somebody else wants the remaining 2 minutes, I would be glad to yield it.

I take this opportunity, just before the cloture votes, to clear up a couple things. First of all, the Senator from North Dakota is a very good friend of mine. I work very closely with him. I do not dispute what he said. But I do want to clarify his reaction to my saying that taxes are as high as they have ever been in the history of our country.

The Senator made the point that taxes have gone down for many taxpayers. Of course, that is true. He concentrated on middle-income taxpayers. But it is mostly true because of the tax credit for children that the Republicans promoted and passed in the 1997 tax bill. For a family with two kids, for instance, that means $1,000 that Republicans provided, or about $25 billion a year.

But despite the protests of the Senator from North Dakota, I still stand by my comments that the overall percentage of taxation is at a historical high of near 21 percent of GDP.

Then in response to Senator ROBB's comments on the Medicare reserve, it is my understanding that $40 billion was reserved for Medicare and prescription drugs in the conference report. I hope and think that the Senator from Virginia is incorrect.

I yield my remaining time to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. How much time remains?

The PRESIDING OFFICER. Forty-five seconds.

Mr. BROWNBACK. I thank the Chair and the Senator from Iowa.

Mr. President, I say to all my colleagues, this is the vote on marriage tax penalty relief. If you support marriage tax penalty relief, vote for cloture so we can consider this bill. We can send a clean bill to the President. If you are not for marriage tax penalty relief, do not vote for cloture.

This is the vote on whether or not we are going to grant marriage tax penalty relief to nearly 25 million American couples. That is what this vote is all about now. It is not about a whole bunch of extraneous amendments. It is about the marriage tax penalty.

If you ran on this issue, this is your chance to vote to say: I am for eliminating the marriage tax penalty. If you ran on it, this is the time to stand up and say: I am for eliminating the marriage tax penalty.

I urge all of my colleagues to vote for cloture to go to the bill.

I thank the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). All time has expired.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Resumed

Pending:

Lott (for Roth) amendment No. 3090, in the nature of a substitute.

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment (No. 3090) to the marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

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

The question is, Is it the sense of the Senate that debate on amendment No. 3090 to H.R. 6, an act to amend the Internal Revenue Code of 1986 to reduce the marriage tax penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned-income credit, and to repeal the reduction of the refundable tax credits, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—53

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Voinovich
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Moynihan	Roth

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

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

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 marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Parliamentary inquiry: What is the next vote?

The PRESIDING OFFICER. The next vote is on the cloture motion on the bill.

Mr. DASCHLE. Mr. President, parliamentary inquiry: If a cloture vote is

invoked on this bill, would the pending amendment offered by the majority leader fall because it is not germane?

The PRESIDING OFFICER. It would.

Mr. DASCHLE. Mr. President, I will vote ''no'' on this cloture in order to protect the majority leader's right to offer his amendment as well as to protect our rights to offer our amendments.

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 H.R. 6, an act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.—

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—53

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Torricelli
Enzi	Mack	Voinovich
		Warner

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Voinovich
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Moynihan	Roth

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CONDITIONAL ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

The PRESIDING OFFICER. Under the previous order, the clerk will report H. Con. Res. 303 by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 303) providing for a conditional adjournment of the House of Representatives and a conditional adjournment or recess of the Senate.

Under the previous order, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the resolution. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced, yeas 55, nays 43, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Helms	Snowe
Chafee, L.	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Coverdell	Jeffords	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Torricelli
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—43

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Wellstone
Dodd	Landrieu	Wyden
Dorgan	Lautenberg	
Durbin	Leahy	

NOT VOTING—2

Moynihan	Roth

The concurrent resolution (H. Con. Res. 303) was agreed to, as follows:

H. CON. RES. 303

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 13, 2000, or Friday, April 14, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, May 2, 2000, for morning-hour debate, 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 Senate recesses or adjourns at the close of business on Thursday, April 13, 2000, or Friday, April 14, 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, April 25, 2000, or 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.

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

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FISCAL YEAR 2001 BUDGET—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany the concurrent resolution on the budget, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, having met have agreed to recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of April 12, 2000.)

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours of debate, as follows: 90 minutes under the control of the Senator from New Mexico; 90 minutes under the control of the Senator from New Jersey; and 1 hour under the control of Senator REED of Rhode Island.

Mr. DOMENICI. Mr. President, on our side, I do not intend to yield back time until Republican Senators have indicated to me they do not want any time. I do not know why we need a full hour and a half on our side, and I do not know why they need a full hour and a half plus 1 hour, which is 2½ hours on their side.

I yield myself time off my hour and a half.

I noted a minute ago that present on the floor was Senator SNOWE. While I wish to discuss a number of issues, I want to say to her, and to those who supported her, that because of her diligence, this budget resolution has a reserve fund of $40 billion to be used for Medicare prescription drugs and Medicare reform.

Frankly, I note that the House, at least on the majority side, is already discussing what they would do. Clearly, this $40 billion will go to the Finance Committee of the Senate because Senator SNOWE, Senator WYDEN, and Senator SMITH in the committee worked very hard to get it done. I will say what has changed so I will not, in any way, overstate the case as to what Senator WYDEN did.

But essentially because of OLYMPIA SNOWE's dedication, we put $40 billion in a reserve fund. That means the Finance Committee can go to work on a bill, and the money is waiting for them to do a bill that meets the mandates or the qualifications of this reserve fund. We have, as she requested, up to $20 billion for prescription drugs and up to $20 billion for reforming the system so that it will do a better job and a more efficient job while we are adding some new benefits.

I think everybody who has looked at it thinks that is what we ought the do.

In committee, there was a mandatory date by which this had to be done. In conference with the House, that was refused. So we won half the battle. We got the $20 billion and the $20 billion, as I have described, which is $40 billion, but we did not get the mandatory date. We are going to have to rely upon the impetus that will accrue over the ensuing days because of the House action and the desire of this body to have our Finance Committee produce a bill. I have every confidence that they will.

Having said that, I yield myself about 10 minutes to describe where we are.

If, in fact, we adopt this budget resolution this evening, I say we are getting better all the time at getting our job done. The occupant of the Chair will be pleased to know we have had a Budget Act for a long time, since 1974. For all those years, if we produce this budget tonight, we will have produced three budget resolutions on time. That means April 15 had come and gone most years, and we could not get our job done because it was so contentious and so difficult. It will mean that 2 years in a row—last year and this year—for the first time in history, we adopted a budget resolution on time, by April 15.

That speaks for itself. It means, however, that we can get started on the work that must be done to implement this work. We can get started sooner, earlier. With the hard work that is going to be done predominantly by the Appropriations Committees, and the Finance Committee in our body, we may very well get most of our work done in a very timely manner and be able to leave here before our respective conventions with the people's business having been accomplished.

I think that would be a pretty good achievement. I will agree that it has been a very hard job. I will also indicate openly, it was very difficult for me. This work is about as difficult as any I have done in getting something accomplished. Again, it is partisan. We produced it with Republican votes. That is the way it normally is on a budget resolution. Then we will proceed to try to implement it. We will do our best.

Let me summarize, so everybody will know what this resolution does. Then, in due course, we can hear from the other side as to what they think it does not do and what they would like to do.

But I say to the Senate, I have seen an atmosphere that indicates the theory which I adopted—starting last year when we had a big surplus—that we better take a little bit of this money and allocate it to the taxpayers is resonating every day, with more and more assurance that if we do not, there will not be any surplus.

I know the occupant of the chair is a fiscally responsible person. He has his ideas. I see new bills being proposed because, indeed, we have a surplus. People have not done anything for 40 or 50 years, and they are introducing a bill that would cost anywhere from $2 to $5 billion, and all of a sudden it becomes expedient that we do it, and we must do it now.

We hear about all kinds of new bills that are now big-need items in America. Let me suggest, for those who say it is too early to have tax relief, if we do not do it pretty soon, there will be no surplus left for the taxpayer.

Our budget resolution says: If you can, Senate and House, produce some tax relief. It says if you cannot, all that money, over 5 years, goes to the debt, I say to my good friend, Senator GORTON.

But let me suggest that we are right; we ought to put in money to have some tax relief. I will give you the paramount reason for that. On this floor, immediately prior to the consideration of this budget resolution conference report, what were we discussing? We were discussing the marriage tax penalty reform—meaning married couples in America, including the couples married this year, when they file that April 15 tax return early next week, they are going to be penalized, on average, $1,400 because they are married.

Why should we wait around for another decade, when there are the kind of surpluses we have seen in this budget resolution, to provide tax relief for the American people?

The Democrats have been arguing: The Republicans are going to enhance the rich of America with their tax bill. They are going to use this relief and give it all to the rich people.

It should come as no surprise that 50 percent of the tax relief we are talking about—$64 billion; almost 50 percent—is going to go to cure the marriage tax penalty. There may be some who will get up and say that is helping the rich. But I am saying, it is something most Americans do not believe is American law. Most Americans say: Are you kidding? Are we punishing two people who are married, who work, who file joint returns? The answer is yes, and we want to fix it.

For those who say wait until we fix Social Security, wait until we fix Medicare, wait until we fund all these programs we now see as desperately needed, wait until we fund the President's programs—I say to Senator GORTON, that is a 14-percent increase in domestic spending—just fund it, there will not be any money for Social Security. If you do that 3 years in a row, there is no money for tax relief, and you are using the Social Security surplus, which is for 3 years of domestic funding at the level of the President.

So what is risky? They say it is risky to have marriage tax penalty relief provided for in this bill. I say it is not risky; it is absolutely necessary. It is urgent.

America must show we are concerned about married couples. There is a very longstanding belief in America and in the world, that we ought to try to promote family life, if we can, and married couples trying to struggle through it.

It is not too early. It is the right time. But if we do not do it, I can see it coming between all the new needs that are going to be prescribed for this budget that we have not done in the past, that we are going to have to add to this huge Federal expenditure called the budget, and there will be nothing for marriage tax penalty relief or any kind of tax relief.

So once again, this budget says, over 5 years, $150 billion can be used in tax relief. Right off the bat, when somebody on the other side says it is for the rich, I want everybody to understand almost half of it is for the marriage tax penalty reform. Second, we don't touch a nickel of Social Security. We have Senator ABRAHAM's part of this resolution which for the next year says the lockbox applies and makes it part of the budget resolution that you need 60 votes to touch or use the Social Security surplus. Then to make it even more logical, we put $170 billion against the public debt this year, the biggest installment on the debt in the history of the Republic, $1 trillion over the next 5 years. This is an enormous payment on the debt. Nothing similar was ever assumed 5 years ago or 10 years ago or, I imagine, for the last three or four decades.

In addition, because of Senator SNOWE's initiative, we provide $40 billion on Medicare and prescription drugs.

On the tax relief—just to show the equity of it all—we put $170 billion on the debt, and we have $13 billion in tax relief in the first year, between 12 and 13. The ratio is about 12 to 1, almost 13 to 1 of debt reduction versus tax relief. Over the 5 years, it is about 8 to 1 in debt reduction versus tax relief. That is pretty good fairness, since we are talking about tax fairness in this budget resolution.

All spending will increase $212 billion over the next 5 years. That includes the $40 billion for prescription drugs. There will be NIH, science, funds for military, funds for health, funds for military retirees, veterans and other high-priority items.

Frankly, I hope we pass this resolution and proceed to prove we tried to try to do this. We think this is the right budget for our time. If we don't hold down spending, except for high-priority items such as defense, education, science, NIH and the like, then the married couples of America can say goodbye to any tax relief as it might affect them and make their commitment to the institution of marriage and family life a little less difficult. After we have done marriage tax penalty relief, we will do something on the tax side for small business, which is the cornerstone of our great success in the last 6 years. We will talk about that later.

With that, unless one of my Republican Senators wants part of my time, I yield the floor and reserve the remainder of my time. I thank the Senate for its attention.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is the last budget resolution on which I will be working. It has been quite an interesting exercise.

I start off by saying that I hope and believe firmly the goodwill that exists with the chairman of the Budget Committee and myself will not evaporate as we discuss this budget. We are good friends, and we have been good partners in debate and discussion. We disagree on the conclusions. That means no disrespect flowing either way, and I am sure I speak for Senator DOMENICI. It is with esteem and—I use the term carefully—affection that we have worked together.

Now that we have said the good things, we will get on to the others; that is, I firmly believe this is the wrong budget resolution at the wrong time because we are still in the position that, with rare exception, we have almost no bipartisan agreement. I heard Senator DOMENICI describe the former occupant of the chair as fiscally responsible. I assume that ''fiscally responsible'' is kind of a catchall for the side of the aisle that one is on; that others on this side may appear to be fiscally irresponsible.

We can't buy that. We have a difference of view. The difference of view is clearly marked in this budget resolution. What should we do to use the funds we have available on behalf of the American public? Should we focus on those whose incomes are at the middle or the lower end of the scale or should we give the tax breaks primarily to the wealthy of the country? It clearly reflects the values and priorities we each have.

This budget conference report calls for costly and risky tax breaks that would, contrary to the statements made, raid Social Security surpluses. It proposes deep cuts in domestic programs such as education and health care and law enforcement and veterans' benefits and environmental protection. It fails to ensure that seniors will be provided with a meaningful prescription drug benefit. It talks about it, but it doesn't arrange for it to happen. On debt reduction—the Holy Grail that Chairman Greenspan held out as being the cardinal first step, the principle by which we operate in terms of maintaining our fiscal responsibility, paying down the debt—this fails to pay down the debt as much as we can. It fails to make it a priority. It hides the long-term cost of its tax breaks and it puts our economy at risk by weakening our commitment to fiscal discipline.

To understand my contention that the tax breaks in this conference report would raid Social Security, I will take a quick look at the numbers.

The Congressional Budget Office, CBO, says that over the next 5 years, the non-Social Security surplus will be $171 billion. We don't dispute that. The sides have not argued on that count. This assumes that Congress freezes discretionary spending at current real levels. ''Current real levels'' means adjusting only for inflation. In fact, if Congress increases domestic spending at the same rate as it has done in recent years, which has been greater than inflation, the actual surplus would be substantially smaller. Still, to give the majority the benefit of the doubt, let's ignore history for a moment and optimistically assume that the non-Social Security surplus will be $171 billion. The conference report—that report which was debated and agreed upon between the House and the Senate, their budgeteers, our budgeteers, and finally both bodies, they have already passed this so we are being asked to pass it—calls for tax breaks of $175 billion. Now, that is in the face of a $171 billion non-Social Security surplus.

This reduction in future surpluses also would require the Government to pay about $21 billion more in interest payments because we would have more debt. Thus, the real cost of the tax breaks isn't $175 billion; it is $196 billion, $25 billion more than the entire non-Social Security surplus of $171 billion. In clear words, this budget would raid Social Security of $25 billion.

Now, if the tax breaks use the entire non-Social Security surplus, plus $25 billion of the Social Security surplus, how can the conference report also provide funding for any of the new initiatives it claims, such as increases in military spending, prescription drug coverage, and agriculture, to name just a few high-priority items?

The real answer is, it just can't be done. The numbers don't add up. Unfortunately, the majority seeks to sidestep this problem by assuming huge, unspecified cuts in domestic programs. The resolution calls for a 7.5-percent cut in nondefense discretionary programs over the next 5 years. The cut would be, in the fifth year, 9.8 percent. In fact, since the majority claimed it would protect some specific programs, the cuts in other areas would be substantially higher.

We only received a single copy of the conference report last night at about 10 o'clock. So we haven't had the time to fully analyze the impact of cuts such as this. But these cuts are even more dramatic than the cuts proposed in the Senate version of the legislation, which were 8.2 percent in the fifth year. That was the Senate version of the legislation, before it merged with the House in the conference report we are examining now.

Here are some of the examples of the impact of the less severe Senate cuts—once again, the bill we sent over to merge with the House—as estimated by the Office of Management and Budget. We would have 20,000 new teachers not being able to be hired to reduce class size; 5,000 communities would lose assistance to help construct and modernize their schools; 62,000 fewer children would be served by the Head Start Program, which is a very successful program that says early education helps kids prepare to learn. We find that is necessary in our society. Then, there would be 19,000 fewer researchers, educators, and students who would receive support from the National Science Foundation. They do the research that talks about climate variations. We all see what the impending disasters might be like, such as tornadoes and other windstorms with higher and higher velocities and more frequency. And funding for all new federally led cleanup of toxic waste sites would be eliminated. Nine-hundred fewer FBI agents could be retained.

I wonder how the public feels about 900 fewer FBI agents—when we are looking not only at reduced rates of criminality, but also understanding what the need might be; that includes domestic terrorism, it includes fraud, and it includes all kinds of things for

which we know the FBI has responsibility. We are going to work with 900 fewer FBI agents?

There would be 430 fewer Border Patrol agents available to safeguard our borders. Well, there isn't anybody I have talked to who thinks we need less protection on our borders.

The list goes on. The actual cuts will be even deeper than those suggested since the conference report calls for substantially deeper cuts than the Senate-passed version of the budget resolution.

As most people around here recognize, cuts of this magnitude are just completely unrealistic. They are not going to happen. Neither Republicans nor Democrats are going to tolerate them. It is kind of putting it off in the future. It may get us through an election cycle, but reality will come home and we will not be able to stand these cuts.

This is not the first time the Senate has assumed deep, unspecified cuts in the budget resolution. Last year's resolution included similarly unrealistic assumptions. Not surprisingly, by the end of the year, the Republican majority of Congress had approved appropriations bills that spent about $35 billion more than it assumed earlier. No doubt something similar is going to happen this year.

Unfortunately, the Republican budget relies on these unrealistic cuts for its tax breaks and its various increases in mandatory spending.

Just to explain, mandatory spending is funding those programs that are decided by the legislature, the Congress—that these programs get a high priority. We recently voted $2 billion more for the FAA—not that people disagree with the need for improving FAA's operations, but the fact is, it is mandatory. That means it gets priority, and no matter what happens behind it, the increases in FAA take place. Well, it has to come from someplace. It can come from transportation, from the Coast Guard, with all of the services they provide, or it can come from other sensitive places. The cost of that spending and the new tax breaks will be locked in up front. The savings, however, will.

When Congress later fails to make the assumed cuts in appropriations bills, funds for the tax breaks and for new spending will require deeper raids on Social Security. We should not let that fact escape. We want everybody to think about it. We want the Congressmen and the Senators who are going home and looking toward reelection to be able to explain to their constituents about how we had to dip into Social Security a little bit, even though everybody basically swore on the sword it would not happen. But it has to happen if this budget is going to stand.

One might think the assumption of deep, unrealistic cuts in discretionary spending would allow the Republicans to claim significantly more debt reduction than the budget proposed by Democrats. However, if one assumes GOP spending cuts actually materialize, which is highly unlikely, the Republican budget would still reduce much less debt than President Clinton and the Senate Democrats. The Republican plan claimed to use non-Social Security surpluses to reduce only about $12 billion of debt over 5 years. By contrast, the President's budget would reduce $90 billion of debt over that same period—more than seven times as much. So it is $90 billion under the President's budget and $12 billion in the Republican budget. This difference in debt reduction helps to show just how extreme the GOP tax breaks really are.

Throughout the debate on the resolution, the Republicans have claimed that their budget contains over a trillion dollars of debt reduction. However, this figure is based almost entirely on Social Security surpluses. These surpluses are called off-budget, and both parties are committed to protecting them. Yet when it comes to the portion of the budget that remains subject to congressional discretion, Republicans have refused to devote significant resources for debt reduction. In doing so, they have rejected repeated calls by Federal Reserve Chairman Alan Greenspan to make debt reduction our first priority.

My next concern about the budget resolution is that it fails to ensure that Congress will really act on legislation establishing a prescription drug benefit—another program that is saluted, generally. But it is not real. This is in marked contrast to treatment of the tax breaks. Tax breaks have an instruction to the Finance Committee that they must report out a way to get tax breaks. They have to do it. There is quite a distinction between saying we should and they have to. The conference report includes two $20 billion reserve funds that, theoretically, could be used for prescription drugs, but there is no requirement for the Senate to act. It is very unspecific.

The second reserve fund contains vague language that would allow virtually the entire $20 billion to be used for purposes other than prescription drugs. That could leave little more than $20 billion for prescription drugs, which is far short of what is needed to provide an adequate benefit. The Medicare reserve fund, applicable to the House, would allow virtually the entire $40 billion fund to be diverted to purposes other than prescription drugs.

While they say we have to have it, they don't arrange for the mechanism to make it happen.

Compounding matters, Mr. President, the language of the second Senate reserve fund requires that the solvency of the Medicare Program be extended before a single penny can be used either for any prescription drug benefit, or new provider payments. In other words, if you want access to this money to help seniors with prescriptions, you have to cut somewhere else within Medicare first. And that seems very unlikely to happen.

Mr. President, there is only one conclusion to draw from all this: the Republican Party simply is not committed to providing our seniors with prescription drugs. The senior population has to listen to that. For the Republican Party, tax breaks for the wealthy are a much higher priority.

Mr. President, my final concern about the conference report is that it covers only 5 years, not the 10 included in last year's resolution.

People might say: Well, what is the difference between 5 or 10? It matters a lot because a tax break has an effect of compounding significantly in the second quintile. It is going to grow by leaps and bounds.

This has the effect of hiding the long-term cost of its tax breaks. It also weakens the budget resolution as a means of enforcing long-term fiscal discipline, since points of order would not be available against tax breaks that explode in cost after 5 years.

Mr. President, as of last year, CBO has been producing 10-year numbers. There's no excuse for Congress not doing the same. And if we were serious about preparing for the baby boomers' retirement, we would be sure to plan for longer term costs.

In sum, Mr. President, the Republican majority has made tax breaks that go largely to the wealthy their highest priority. Higher than Social Security. Higher than education. Higher than prescription drugs for our seniors. Higher than reducing our debt. This is unacceptable. And higher than maintaining fiscal discipline.

In so doing, they have produced a budget that is fundamentally at odds with the priorities and values of the American people. A budget that puts our economy at risk. And a budget that fails to prepare for our future.

Just to confirm something I earlier said, the budget resolution, as it came out of the Senate, says the Senate Committee on Finance shall report to the Senate a reconciliation bill. That means they must do it. That is the only place we have any force of law in the Budget Committee. Otherwise, ours is generally a guideline or blueprint for how the Congress should act, putting a ceiling on total spending. It is up to the Appropriations Committee to divide that spending. They say this reconciliation bill shall be done not later than July 14 in the year 2000, and not later than September 13 in the year 2000. So they have 2 days. That is a realistic assignment for the Finance Committee.

There is no such thing for prescription drugs. The Republicans are not

asking that we treat prescription drugs with the same force and the same outcome as we do the tax breaks.

One thing is apparent. One thing is very clear. They are going to protect the tax breaks no matter who they have to take the money from to make it happen—no matter what program they are going to take the money from to make it happen; no matter what it does to the budget and its balance; no matter what it does to debt reduction; no matter what. The primary thing is tax reduction and tax breaks for the wealthy. If you make $800,000, which is kind of the median figure for the top 1 percent, you might get a $50,000 tax cut, if plans go as they are. But if you make $35,000, you could be looking at $1 a week, or maybe even $2, if things go right.

We have to make decisions. There is no room for amendments. There is no room for change. This has been decided. The majority decided. The majority will have to carry it because I predict that there is going to be little, if any, support from Democrats. We don't believe it is fiscally responsible. We don't think it is fair. We don't think it is equitable. We don't think the wealthy ought to be the largest beneficiary of the outcome.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if the distinguished ranking minority member would agree with me on a request. Senator GORTON is going to preside at 4 o'clock. He wonders, if he arrives on the floor 4 or 5 minutes before having to preside, if he could speak on my time for 5 minutes.

Mr. LAUTENBERG. I have no objection assuming that we don't interrupt right in the middle. We will do our best to provide for Senator GORTON.

Mr. DOMENICI. I thank the Senator.

Mr. President, I yield myself 5 minutes in rebuttal. Then I will be glad to yield time to the distinguished Senator from New Jersey.

First, let me explain what we have done on Medicare.

Before any tax relief is provided in terms of dollar numbers, we have already used $40 billion of the non-Social Security surplus for Medicare. That is waiting for the committee, at which time it is assigned to them. We are not gambling. We are saying that is it. As a matter of fact, we are saying if you do not do it, it goes to the debt.

What do we provide with the $40 billion? There is a little, tiny bit of difference between the way we and others see it. And we think there will be a majority for this view when the bill finally gets considered. We say there is $40 billion. We say if you do no reform of the program, there is $20 billion. Let me repeat that. If you do no reform, there is $20 billion for prescription drugs. If you do some reform to stabilize the program, you can use the whole $40 billion for prescription drugs.

That is what Senator OLYMPIA SNOWE of Maine had as the underpinnings of her approach. She wanted some reform. But she wanted to make sure, even if we could not do that, we started a prescription drug program with $20 billion.

If the committee does something like the Breaux-Frist—that is a bipartisan approach—with some reform in Medicare, you understand the Medicare program will be insolvent in about 13 years. I don't think seniors want us to add a benefit that will make it run out of money sooner. I think they would be asking us to see if we could fix it and make it more responsive, more modern, to give them more money for prescription drugs.

Let me repeat that we are not taking this money from anyone. It is aside and apart from the tax relief we are asking for, such as the marriage tax penalty reform that the other side has been delaying here on the floor.

We are saying $40 billion is set for Medicare, and it has two purposes. If you do not reform and make the program more modern so it has a chance of surviving longer, you can use $20 billion of it. It says so in the resolution for prescription drugs. But if you do something such as the Breaux-Frist reform, which is fixing the program, you can use the $40 billion of new money for prescription drugs.

Frankly, I think it is a responsible way to handle a very difficult problem because if you do not ask for some reform to get the full $40 billion, we are going to have $40 billion, and the program next year is not going to be any better off. Then seniors are going to ask: Now what happens? We have prescription drugs, but we are still not going to have any money to pay our regular bills in about 13 years.

I think we are pushing both at the same time.

Let me make my last observation with reference to the difference between the two parties.

All of them are going to vote against this. It really says you cannot pass the marriage tax penalty which is going to cost the Treasury about $64 billion over 5 years in the name of fairness to married couples. You can't pass that, they say, until you have done all of these other things that Government wants done for the Government. And there will never be a time when we are going to have a surplus to give to the hard-working people of this country, in particular, relief items such as the marriage tax penalty. There is not going to be any money around. Don't kid anyone. There is a very big difference.

I ask that you take a visual inventory with me about the announcements of late by the administration, the Secretary of Energy, and many others: We have new programs on which we have to spend money. It isn't enough that the President already provided a 14-percent increase in domestic discretionary. There are all the new needs.

What money will they use for the ''pay fors''? Does anybody have any idea? Is the money coming from heaven? New manna in the desert? Of course not. It will be the surplus we think ought to go back to the taxpayer in the form of tax relief after we spent money to increase government.

We have money to increase government, but how much is enough? I think there is enough money available to leave a little bit. I rechecked my notes, and the tax relief in this first year is $11.6 billion; the debt reduction is $170 billion. How can anyone say we are not reducing the debt when that is the largest payment on the national debt in the history of the Republic? This resolution says: Don't touch Social Security. You will reduce it by $1 trillion—hardly a number we can understand—and still have a little bit left over for such things as tax relief for married couples in America.

That is the big difference. They want to wait, we don't know how long, but perhaps until we solve every problem we have in government with reference to Medicare and everything else. Don't give the taxpayer back even this little tiny amount.

I hope the Republicans will support this. I am very proud of the difference.

They would not have put more than $40 billion in for Medicare if they were producing their own resolution. That is about the right number on which they could get consensus on their side of the aisle. They would not put 50 or 60 or 80. If you put 40 in, there is money left over for the taxpayer. That is the truth of the budget resolution.

There will be a historic debate on education reform in a couple of weeks. I am very pleased to know we have probably had something to do with precipitating that reform debate. There is enough money to increase education. It is obvious to this Senator the Republicans are not going to go for an increase in education money if it is status quo for education, if we are going to do more of the same, because more of the same isn't good enough. We need to do something very different in education and spend more money doing it. We are going to have an opportunity to have that discussed.

This conference report assumes $45.6 billion in 2001 for the Department of Education. That is overall, for everything—a $10 billion increase. Not exactly for what the President wants but overall in this function. That is what is provided.

This is an election year. The administration and Secretary Richardson have the latest idea to take care of anyone who worked in a nuclear facility over the last 50 or 60 years. I know they are good sounding bills, but it is also an election year.

I say to the taxpayer and to married couples of America, beware of an election year. In this country, an election year means they want to spend all your money and try to convince you that is right, leaving nothing to repair problems in tax law such as the marriage tax penalty. Beware. They will have more spending programs than you ever heard of, including a 14-percent increase in domestic discretionary spending by the President in his budget in an election year.

The Republicans say: We want a change; we don't want the huge add-ons to government. We think in the scheme of things, over the next 5 years, the taxpayer ought to get a little bit of relief.

That is the difference in the two bills. I think it is a good difference. When they say rich people are going to get the benefit of the tax relief on the marriage tax penalty, that is unfair. We want to fix it. How many want to do that? We win that. We have to use some of the surplus to pay for that kind of reform. That money doesn't grow on trees. That money has to come out of the coffers of the United States. It doesn't belong to the Government.

I am pleased to yield 5 minutes to Senator GORTON, and then I yield back to the Senator from New Jersey.

Mr. LAUTENBERG. I appeal to my friends on the Democrat side, as well as others, we only have a total of 3 hours, plus an hour that Senator REED has, for Members to talk. Members need to be prepared to come to the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, there are, in my view, two remarkable aspects to the budget resolution conference report before the Senate this afternoon.

The first is, I believe for only the third or fourth time since the Budget Act was passed, the promptness with which the Senate is dealing on a final basis with a budget resolution that is the springboard from which we will do the substantive work of the appropriations for the balance of this year. For that promptness, for the efficiency with which the Senate has dealt with this issue, we owe our deepest and sincerest thanks not only to the chairman of the committee, my friend, PETE DOMENICI, but to the staff who have labored so long and so hard on a highly technical and complicated task.

More significant perhaps than the significance of finishing our work on time is the substantive nature of this budget resolution. It is exquisitely balanced among three separate needs: The need to adequately fund those programs that are already major responsibilities of the Federal Government; the need to provide for additional programs of considerable interest, the most significant of which being the Medicare program about which Senator DOMENICI spoke earlier, but also including priorities with respect to education—particularly close to my heart—and to our national defense.

The second substantive element of this budget resolution is the dramatic reduction in the national debt it will cause. It is only a short period of time since we were discussing how we could reduce annual national deficits of upwards of a quarter a trillion a year. Now we face the equally difficult but far more pleasant prospect of paying off the national debt at a very substantial rate.

The third element in this budget resolution is the opportunity to provide tax relief for hard-working Americans who pay taxes. The chairman of the committee, Senator DOMENICI, pointed out the importance of the bill, which regrettably was subjected to a filibuster earlier today, to end the unconscionable penalty against married Americans, both of whom are at work. The thought that a couple in love, even in relatively modest professions, should pay a penalty for getting married rather than receiving the approbation of society for doing so is bizarre. To have the ability to provide for that marriage tax penalty relief, amounting, as the chairman pointed out, to almost half of the allowed tax relief in the bill, is a vitally important part of this budget resolution.

As the chairman himself pointed out, if for some reason we cannot pass tax relief, or if for some reason we pass a tax relief bill that is vetoed by the President, then that money should go to further pay down the national debt. Regrettably, many of the Members on the other side, as evidenced by their actions just a week ago when we were debating this issue on the floor of the Senate, would prefer to spend it. I suspect if we added up the expenditures contained in all of their unsuccessful amendments, we not only would have spent the entire general fund surplus, but we would have once again eaten into the Social Security surplus as well.

In summary, we have a budget resolution that allows us adequately to fund the functions of government. It allows us to meet some new needs and desires of the American people. It allows us modest but still significant room for tax relief. It makes dramatic payments on the national debt.

For each and every one of those reasons, we not only owe our thanks to the chairman of the Budget Committee and to his staff, I believe we owe our votes in favor of the resolution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Who yields time? The Senator from Rhode Island.

Mr. REED. Mr. President, I request to be recognized out of my time under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is so recognized.

Mr. REED. Mr. President, we are spending a few moments discussing the budget. There are obvious differences on both sides with respect to this budget. I commend the chairman, Senator DOMENICI, and the ranking member, Senator LAUTENBERG, for their efforts over many months to fashion a budget and bring it to us.

My focal point is not on the vote that is forthcoming; it is on the vote we just concluded with respect to adjournment. In many respects, I share the overall sentiments of the Senator from West Virginia that it is about time we get down to work and business, and if we need to take time to consider the marriage tax penalty and other provisions, we should do that, rather than arbitrarily and conveniently walking away.

The concern I have goes to another critical issue, and that is the issue of our inability over many months to bring to this floor a conference report on the juvenile justice bill which includes sensible gun safety measures we all adopted in the wake of the Columbine tragedy.

The first-year anniversary of that tragedy is just 7 days away, and we will not be in Washington working on this issue; we will be scattered around the country. I believe—and that is why I joined many of my colleagues voting against adjournment—that we should be here working rather than off about the country on April 20 saying, I am sure, thoughtful and pious comments about our outrage at what happened at Columbine High School and the need to do something. We should be here instead doing something, and our departure should be tempered with the realization that we have for months foregone effective action to provide sensible gun safety rules in this country.

We all were shocked last April 20 by the carnage and horror at Columbine High School. Within a month, in May, we passed extremely sensible provisions as part of the juvenile justice bill to provide for child safety locks, to close the gun show loophole, ban the importation of large-capacity ammunition clips for automatic weapons, and many other provisions. Yet all of our efforts have languished for months. In fact, the conference committee met just one time in August in a perfunctory meeting, and since that time, it has not even come together to consider these difficult issues and to seek a compromise resolution so we can send this measure to the President to become law.

We are leaving today with our work undone. I had hoped we could have stayed. I had hoped we could have worked harder and more efficiently so that we could, in fact, have a conference report with gun control measures that would be sent to the President for his signature.

The Columbine tragedy is just one aspect of a pervasive climate of gun violence in this country that claims 12 children a day. We have to take effective steps to prevent that tidal wave of gun violence.

I note the other body, responding to the pressure of public opinion and the sensible nature of the provisions we are talking about, moved last Tuesday to enact legislation that provides enhanced penalties, mandatory minimum sentences on any person who uses a gun while committing a crime of violence or is involved in serious drug trafficking offenses.

No one is going to argue about the need for strong enforcement and stiff penalties, but enforcement without adequate, sensible, comprehensible laws misses the point. We have to do both. Indeed, we insist both be done.

My colleague, Senator DURBIN of Illinois, has been very forceful in trying to, within the context of this budget, enhance the resources devoted to the enforcement of our gun laws. He has met opposition. That opposition, I believe, should fade. We can and must do both: Prevent gun violence by good, sound, commonsense laws, and enforce those laws so we further add to the prevention of violence in our community.

One other aspect of this enforcement issue is the simple fact that we cannot enforce loopholes. We have to have legislation that is sensible, practical, and works. We found, particularly in the case of the gun show legislation, that the current regime just does not work. Senator LAUTENBERG's amendment on the juvenile justice bill will effectively close that loophole and give our authorities credible and effective means to prevent easy access to firearms by those individuals who are prohibited, either through criminal records or a history of mental instability.

There are other aspects within the bill that are so clearly and obviously necessary and, indeed, noncontroversial. In poll after poll, 89 percent of Americans support child safety locks, support the notion that these safety locks should be sold with a weapon and, indeed, should be incorporated in the design of a new weapon. The State of Maryland last week, in a very courageous legislative act, passed legislation that will do just this.

The need is quite clear. For children under the age of 15, the rate of accidental gun deaths in America is nine times higher than the rate of 25 other industrial countries combined. Often, I believe, there is a misperception about the nature of gun violence in this country; that it is the result of hoodlums attacking innocent citizens, victimizing them with handguns, when, in fact, there is an extraordinary number of children who are killed accidentally. Here, certainly, is a situation where a child safety lock can and should make a difference.

There is another aspect of gun violence in America and, again, it is not the gangs with guns attacking innocent citizens. It is the fact that guns are frequently used in suicides. For young children under 15, suicide deaths from guns are 11 times higher than that of the other 25 industrial nations combined. In fact, 54 percent of all firearms-related deaths in 1996 were suicides. Once again, a child safety lock might have helped, might have deterred for a moment a child or even an adult who was so desperate, so distraught that they contemplated and, sadly, acted out a death wish.

These statistics alone warrant the legislation—in fact, demand the legislation. There is a wealth of research that suggests the likelihood of suicide among adolescents increases by the ease of access to firearms—suicide by firearms.

According to the National Journal, one study last year found that three-fourths of adolescents who use a gun to commit suicide obtain the gun from the family home.

The Injury Control Research Center at the Harvard School of Public Health found in a 1999 survey that 20 percent of gun owners stored their guns loaded and unlocked. This is a situation, again, that cries out for sensible control of weapons to prevent these tragic and unnecessary deaths.

There is a national survey—the largest ever conducted—on gun storage by the American Journal of Public Health which found that more than 22 million children in the United States live in homes with firearms; and in 43 percent of those homes, the guns are not locked up or fitted with trigger locks.

Simply by the adoption of a national requirement to have trigger locks on weapons, we cannot ensure that each and every gun will be locked up and secured. But certainly, we will have a much higher percentage of those weapons that are secured if we pass legislation of this kind.

If we require a safety lock to be provided when a gun is sold, if we give parents and adults who buy these weapons not only the incentive but the actual lock, we can, I hope and expect, reduce these types of deaths among children.

In fact, we probably should be doing more because there are many States that have child access prevention laws—or CAP laws as they are called—which encourage the safe storage of firearms by holding adults accountable if they knowingly keep a firearm within their home where a child might have access to it and that child, in fact, obtains the weapon and uses it to harm themselves or to harm others. Senator DURBIN has such a bill. I am proud to be a cosponsor of that legislation. This legislation is working.

A 1997 article published in the Journal of the American Medical Association analyzed the effect of CAP laws in 12 States. The JAMA study found that, on average, there was a 23-percent drop in accidental firearm-related deaths among children younger than 15 years old.

There has been an overall downward trend in unintentional shootings in the United States since 1979. That is encouraging. But indeed, we saw a much steeper decline in those States that had child access prevention laws.

But if we are not yet ready to consider a child access prevention law, the least we can do, the minimum we can do, is follow through on our vote of last May and ensure the conference committee sends to us quickly the child safety lock legislation that we passed.

There is another important part of the legislation that is pending in the conference committee, and that is the legislation that was sponsored and championed by Senator LAUTENBERG with respect to the gun show loophole. This particularly resonates at this moment when we are days away from the Columbine tragedy, because, in fact, three of the weapons used in the Columbine tragedy were bought at gun shows from unlicensed dealers who did not have to perform background checks.

The two killers, Dylan Klebold and Eric Harris, along with an older woman friend, Robyn Anderson, went to a gun show and obtained these weapons. In fact, it is reported that both Harris and Klebold went from table to table, from booth to booth, trying to find an unlicensed dealer, knowing they would not be subjected to a background check.

In fact, Robyn Anderson herself testified before the Colorado Legislature that she would not have helped these young men if she knew she had to face a background check.

What more compelling evidence can we have of the need and the effects of this legislation than the reality of the tragedy at Columbine High School?

There has been a lot of talk by the gun proponents that a 72-hour waiting period is involved in this amendment. It is not the case at all. There is not a waiting period. What it requires, though, is that the law enforcement authority would have 72 hours to fully conduct the background check. The gun lobby and their allies say that would completely undermine gun shows, which are weekend events, which start up on a Saturday and end perhaps in midafternoon the next day, Sunday. They say they could not do that.

In fact, not only could they do it in the vast majority of cases, but they should do it because we should have the same Brady law applying to all dealers at a gun show.

It turns out that the FBI indicates, in their statistics, that most gun purchases are processed extremely quickly. In fact, using the national instant check system, the FBI clears 72 percent

of gun buyers within 30 seconds; another 23 percent are cleared within 2 hours. So 95 percent of the people who attempt to obtain guns are cleared within 2 hours. It is only that other 5 percent who might require an additional day or two.

But of that 5 percent, they are 20 times more likely to be prohibited from possessing a firearm. So the reality is that those people who argue for no background checks at gun shows or that they have to be limited to 24 hours are simply protecting those who are most likely to be prohibited under the law from purchasing a firearm a handgun.

In fact, the vast majority of gun purchasers—those law-abiding citizens, those individuals that the NRA points to as their sterling members—would not be impeded at all. They would be checked within 2 hours.

The other aspect of this, in terms of requiring additional time for law enforcement officers, is that if there is a problematic application for a purchase, if there is a suggestion or indication that the individual is not qualified, then those law enforcement officers need the time to check out records, to go to a county courthouse or to go someplace else to get the records; that would be virtually impossible if this was limited to 24 hours on a Saturday or a Sunday.

Frankly, they have to do it because there is a due process requirement. If you are going to turn down an individual from obtaining a firearm, that police officer has to have sufficient evidence—real evidence, not hearsay, not the feeling that something is wrong, not a thought that they heard about this individual someplace, in the coffee shop—that he is unreliable or might have been convicted of a crime; they have to have tangible evidence. Otherwise, they will be sued, probably by advocates and proponents of the gun lobby. So this is a real, practical and necessary need for enforcing the law.

But what we hear consistently from the gun lobby is lots of misinformation: It will close down gun shows. There is a waiting period.

All of this is wrong. The Lautenberg amendment is sound, practical, pragmatic legislation that will deal with the problem, that will not at all impede the vast majority of purchases of firearms at gun shows, and will contribute significantly to the elimination of—we hope, or at least a diminution of—the gun violence we are seeing in the country today.

In the Senate last week, we had the opportunity to vote on a resolution I proposed that would urge the conferees to send a report back to us before April 20, including all of the provisions I have spoken about, that would, in fact, give us the chance to send this to the President for his signature. The vote on April 6 was 53–47, with a bipartisan majority. That vote has started some wheels turning.

On April 11, Mr. HYDE, chairman of the Judiciary Committee in the other body, and JOHN CONYERS, the ranking member, sent a letter to Senator HATCH saying:

> We write to request a juvenile justice conference meeting as soon as possible.

We are making progress, but we are going to lose this momentum and this progress as we leave this week. Perhaps that is intentional. Perhaps this is about stopping the momentum that is building up, playing for time, hoping that we forget about Columbine, hoping that when the anniversary comes, we will be all around the country and the world and not here to respond to the concerns of families in this Nation who are deeply concerned about this issue.

I have spoken about the aspects of the legislation. I have spoken about the logic behind it, the statistics that strongly support it. Ultimately, this is about people's lives in America—sadly, and too often, about children's lives.

On February 29, a 6-year-old, Kayla Rolland, was shot to death by her 6-year-old classmate in Mount Morris Township, MI. I have said this before and it bears repeating: If any of us last May stood on this floor and said a 6-year-old child would be shot to death with a handgun by another 6-year-old child in a school in America, we would have been accused and lambasted as a hysterical demagog who was trying to stir up unreasonable fears and concerns for political advantage.

The truth is, it has happened. A 6-year-old is dead, shot by another 6-year-old in a school in this country. That week, Kayla's death was just one of other deaths of children that go unheralded, because 12 children die a day. For example, one young woman in Carroll County, MD, 18 years old, died of an accidental gunshot wound to the head after she and her friends were admiring her father's .22-caliber revolver. Where were her parents? They were in Costa Rica as missionaries. Had there been a law requiring a trigger lock, had the gun salesman been required to provide a trigger lock with this weapon, I have to believe parents such as those would have locked up the weapon. As those teenagers were admiring the weapon, it wouldn't have discharged. We might have been able to save a life if we had acted. Think of the lives that are being lost because we are not acting.

Another 16-year-old boy in Shopiere, WI, and his friend were horsing around with a .22-caliber pistol his mother kept for protection. It was usually stored in a dresser, but they got ahold of it. After posing with the gun for pictures, the boy pointed the gun to his head. It went off, killing him. As his grandmother said: It was kid's play, total kid's play. Ask yourself, had that weapon been secured with a child safety lock, would it have gone off as two young kids horsing around posed with it? Probably not.

Then a 15-year-old boy in San Bernardino, CA, found his stepfather's handgun while his pregnant mother slept, and used to it shoot himself. Perhaps at the height of desperation, if he had seen a lock on that weapon, he might have been deterred for a moment, enough time perhaps to somehow come back off the edge rather than to plunge into the abyss and take his own life.

A 16-year-old girl in Altoona, PA, argued with her father about her curfew. He was a gun collector; he had handguns. She found one and killed herself—over a curfew. Perhaps, again, if there had been a child safety lock, some other protective device, that momentary pique, that momentary anger we have all had with our parents, would have resulted in perhaps an annoyance but not death.

That is just one week in America, the week Kayla Rolland died. But it is every week in America, 12 children a day. We can do more. We should do it, rather than leaving today and going off on our recess. That would be the greatest tribute to the 12 young people and the 1 teacher who died in Columbine High School.

I would like to say the conference committee has been working, but that is not accurate. They have been waiting for a year. We have been waiting for a year. We can do more. We should do more. We must do more. The American people want it. The American people expect it. The American people deserve it—certainly the families of those children who were killed at Columbine and the 12 children a day who are victims of gun violence in this country.

I realize we have lost that vote on adjournment. We will be back. We will come back again and again and again until we pass sensible gun safety legislation to make this country a bit safer and, hopefully, do what the American people sent us here to do: To protect their children and ensure a rule of law and not an error of violence that claims the lives of children each and every day.

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

Mr. LAUTENBERG. Mr. President, I yield to the Senator from Massachusetts 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the budget resolution that Republicans put before the American people today proposes an unacceptable change of course, at a time when the Nation needs to stay the course of the investments that are driving our historic economic expansion. This is a budget that reverts to the days of trickle-

down economics, despite all the evidence that it will only widen the unconscionable gap that already exists between rich and poor in our society. It fails to respond to the challenges the Nation so obviously faces in education, health care, prescription drugs for the elderly, youth violence, firearm safety, hunger, scientific research and development, and environmental protection.

The Senate improved the House budget resolution in important respects last week, but the House position prevailed on every issue during conference. The document before the Senate today is far less satisfactory than the budget the Senate sent to conference last Friday. The Senate resolution dedicated just $2.7 billion of the $150 billion Republican tax cut to Pell Grants that help low-income, high-achieving students attend college. But the House Republicans killed even this modest incentive for college education, preferring to keep every possible dollar for more tax breaks for the wealthy.

The Senate resolution included an $8.5 billion reserve fund to expand early learning opportunities, so that young children enter school ready to learn. This was a bipartisan amendment that Senator STEVENS, Senator JEFFORDS and I offered. But House Republicans blocked it.

The Senate resolution included a pledge that the minimum wage should be increased by $1, but the House Republicans rejected it.

The Senate minimum wage provision expressed our fundamental commitment that many of the hardest working Americans working 40 hours a week, 52 weeks of the year, ought not to have to continue to live in poverty, nor should their children. But it was rejected by the House conferees.

The Senate resolution even included a provision by Republican Senator ARLEN SPECTER to increase funding for medical research. But again, House Republicans rejected it.

Instead, the Republican budget resolution that emerged from conference is a shortsighted scheme to protect narrow special-interests instead of the national interest. I'm proud to join my Democratic colleagues in voting against it. We will continue the battle for a fair budget in weeks and months ahead. But the final battle may well be on election day, when the American people at long last will have the choice to elect the Congress that will make the right investments, not the wrong investments, for the Nation's future.

During last week's budget debate we heard many statistics that are misleading at best. When we cut through all the ''smoke and mirrors,'' what matters is that this unacceptable budget resolution supports a huge tax break for the wealthy that the Nation can't afford.

The independent Congressional Budget Office confirms that the Republican budget resolution reduces domestic discretionary spending by an average of 6.5%. It is impossible for this Congress to write honest appropriations bills with cuts that drastic. Our Republican colleagues couldn't make the numbers add up without massive accounting gimmicks last year, and they can't do it this year.

Our Republican friends say that they designed this budget resolution to curb the gimmicks used last year. But we all know there will be new ones used to pretend to meet the urgent needs our country faces.

This budget also prevents us from acting to reduce the number of low-income working families who have no health insurance—to rebuild our crumbling public schools, to reduce the hunger that still afflicts 3 out of every 100 American households—to make college affordable for low-income students—and to achieve the scientific advances that are so close.

Tax breaks for the wealthy are what this budget resolution is all about. No other subject is treated so often and so thoroughly. There are reconciliation instructions on tax cuts, reserve funds for tax cuts, and even provisions for more tax cuts if the surplus grows. The only things that this budget resolution requires committees to report are tax cuts. The only procedural protection under ''reconciliation'' provided by the resolution is for tax cuts.

Democrats support affordable, targeted tax cuts, and they should be enacted promptly. But the merit of a tax cut depends on its size and its distribution. It is obvious that these GOP tax cuts are excessive and irresponsible. They offer plums for the rich and crumbs for everyone else, and President Clinton will be right to give them the veto they obviously deserve.

The budgets we vote for say a great deal about our values. It is easy to pay lip service to meeting the Nation's unmet needs. But a budget clearly shows whether we are willing to allocate resources to address those needs effectively.

This budget does not pass the laugh test. It does not seriously address the range of important challenges facing America. It does not meet our national needs in education, in health care, in medical and other scientific research, in security for senior citizens, in environmental protection, and in public safety. On all these issues, it is a failed budget, because it fails America. It gives the most to those who already have the most. It pretends that the Nation has no unmet needs—and it deserves to be defeated.

Mr. President, one very important aspect of the budget that was altered and changed in the budget conference report concerns the issue of prescription drugs. This issue was before the Senate Finance Committee. We had debate on this measure on the floor during the budget consideration. We hoped to be able to have debate on this issue when we talked about the marriage tax penalty. Look at the contrast between the way the budget conference considered tax breaks and how the conference committee addressed prescription drugs—an issue that is calling out for action by this Congress, and calling out for action now.

We made some progress in the budget resolution that passed the Senate earlier, but look at what happened in that conference. Look at what happened on one of the most important issues in this country today. Providing America's seniors with the help they need in order to survive, through a responsible, comprehensive prescription drug benefit that will be affordable and that will include basic benefits, as well as catastrophic coverage must be a priority.

Look at the difference on what we call reconciliation of revenue reductions in the Senate. In other words, what did the budget resolution say in the conference with regard to tax cuts? It says that the Senate Committee on Finance shall report to the Senate a reconciliation bill not later than July 14 of the year 2000, and not later than September 13, 2000, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by $11.6 billion in 2001 and $150 billion for fiscal years 2001–2005. Not later than July 14 or September 13. This is what is in the conference report with regard to prescription drugs.

Whenever the Senate Committee on Finance reports a bill which improves access to prescription drugs for Medicare beneficiaries, the chairman of the Committee on the Budget may revise to accommodate such legislation $20 billion over the period of fiscal years 2001 through 2005. Then the (b) section talks about Medicare reform.

We have changed some rather specific instructions on prescription drugs—improving access to prescription drugs. The seniors of this country know the difference between access to prescription drugs and a benefit package that includes prescription drugs. Access to prescription drugs may mean a bus ticket for a senior living in Maine or any of the border States to go over to Canada. That is access to prescription drugs. We are not talking about access. We are talking about a benefit package that is going to be meaningful to our senior citizens.

That is what this debate has been about. Our seniors understand which benefits they receive and they understand which benefits they don't receive. One benefit they do not receive is a prescription drug benefit. In addition, the $20 billion which may have access to prescription drugs at this time is half the amount the President has recommended.

This is a clear abdication of this body's responsibility to our seniors. We

cannot go home without taking action on an effective prescription drug program. We on this side of the aisle feel strongly that one of the priorities that should have been attended to prior to a tax break is an effective prescription drug program; one that is universal, basic and catastrophic, and affordable—affordable to the individuals and affordable to our government.

But, no, we get lip service on the issue of prescription drugs in this particular proposal. That in and of itself should be enough reason to reject the proposal. If you vote for this budget, you are not serious about making sure our seniors are going to have prescription drugs. You cannot vote for this budget and say you are serious about prescription drugs because this budget does not provide the necessary assurance to our senior citizens.

I will take a final minute to talk about the drug crisis America's seniors are facing. Prescription drug coverage is going down at the same time drug costs are going up. I shared with the Senate the other day the reality our senior citizens across this country face. A third of all senior citizens don't have any prescription drug coverage at all; another third are losing coverage. These seniors have employer-based coverage, which is declining dramatically every single year. Then there are seniors with coverage through HMOs; their coverage is being squeezed out. The only group that has reliable coverage are the poorest of the poor who are covered under the Medicaid program. Prescription drug coverage is not just another benefit, it is life and death for our seniors.

This chart demonstrates what has been happening to drug costs. We are seeing double-digit increases in drug costs. From 1995, going up; in 1997, up 14 percent; and in 1998, up 15 percent; in 1999, up 16 percent. These increases were at a time when we had an average of a 2-percent increase in the rate of inflation.

This issue affects Americans all across this country; it isn't an issue just in the Northeast. It is an issue in the Northeast, the Southeast, the Midwest, the Northwest and the Southwest. It is a universal issue. Our senior citizens deserve better action by the Budget Committee in the conference. It is a tragedy. But we are strongly committed on this side of the aisle not to give up on this issue. We are going to take every opportunity to fight for prescription drugs. We believe our seniors are entitled to an effective drug program. We think a prescription drug program is absolutely essential. It has to be one of our top priorities. It should have been done right by the Budget Committee.

The prescription drug benefit is more deserving than the tax breaks which are included in this resolution. That was the issue that was before the Budget Committee. That is the issue that is before the Senate of the United States this afternoon. That is the most important reason I will vote ''no.''

Mr. DOMENICI. Mr. President, I note the presence of Senator BOXER on the floor. I have 45 minutes remaining and I will take a few minutes to discuss Senator KENNEDY's remarks.

Mr. President, fellow Senators, nothing could be further from the truth than this budget resolution and this budget conference does not provide for Medicare prescription relief for senior citizens.

Let me state what I think the triggering mechanism would have ultimately done. It would work in favor of those who don't want a bipartisan solution because they could have stonewalled this until the date arrived and then produce a partisan solution to Medicare on the floor of the Senate. But nobody should deny the work and the authenticity of what is in this budget resolution as suggested in our Budget Committee by the distinguished Senator from Maine, Senator SNOWE.

Senator SNOWE recognizes seniors don't want a prescription drug added to a Medicare program that is going bankrupt. We provide in this budget resolution if there is some reform in this program, $40 billion in new money can be used for prescription drugs. I don't want to let my voice grow any louder because I have on different occasions wondered whether talking extremely loud helps with one's case or not. I have no illusions but that I am speaking to myself and I will speak very moderately about this. The truth of the matter is, the Finance Committee of the Senate is challenged by this budget resolution to produce a bipartisan solution to the issue of prescription drugs. Some in this body do not want a bipartisan solution because it will have some of the good points of experts on our side about how to fix this, including the distinguished Senator from Tennessee, Mr. FRIST the distinguished Senator from Maine, Ms. SNOWE, a Republican, and many others.

Let me repeat, this budget resolution says whatever you do on taxes or tax relief, such as the marriage tax penalty, there is in addition to that, $40 billion for Medicare. That is $40 billion that can be used for prescription drugs. If the committee in charge of this wants to use it all for prescription drugs, they have to provide some reform to the system.

Frankly, there is a big split over whether that is what the bill ought to do. But the Budget Committee opted, in this budget resolution, to try to be on the side of pursuing a bipartisan solution in the committee of jurisdiction, which has had 14 hearings, and is going to do something. The House is going its way. Before the year is out, we will have a bipartisan solution on this floor. That is precisely what would be good for seniors. We will take the politics out of Medicare, and we will put money into prescription drugs. That is really what we want to do in this budget resolution.

Some may call it irresponsibility. I call it the height of responsibility. I believe to do otherwise is an invitation to election year politicking about Medicare prescription drugs that is, in the end, apt not to help with the Medicare program which everybody wants to try to fix and add prescription benefits.

I want to repeat, the reason we have tax relief in this budget, and tell the committee to produce it, is the very issue we debated 4 hours ago on this floor called marriage tax penalty reform. It will cost, if we do it right, somewhere between $50 and $65 billion. Where will we get that relief for the millions of married couples? We will get it in this budget resolution and get $40 billion for Medicare, prescription drugs, and reform.

If the seniors understand the two positions, they will say let's go try this; let's have Senators on that committee of finance, Democrat and Republican, working on a solution that belongs to everybody. It will probably be a right solution for the trust fund if it is a bipartisan solution.

So I repeat, there is money for prescription drugs and there is money for tax relief, such as the marriage tax penalty reform that must be adopted.

I reserve the remainder of the time I have on the resolution.

Mr. REED. I yield 10 minutes to the Senator from California from the time I control.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from California.

Mrs. BOXER. Mr. President, I want to say to Senator REED, he is a very powerful voice in favor of sensible gun laws. He is taking every opportunity he can. He has stated this many times, to bring this matter of the juvenile justice bill that contains all these important gun control laws to the floor of the Senate. Today he said we should not adjourn until we take care of this. I think he is making a very important point. We have five important, sensible gun control measures in the juvenile justice bill. We voted for them here. On one of them, it was AL GORE, the Vice President, who broke that tie vote on closing the gun show loophole on which Senator LAUTENBERG had worked so hard, to keep away from children, and to keep away from people who are mentally unstable, and keep away from criminals, access to weapons.

It is a very sad day indeed that we are going home, now, right on the heels of the tragic anniversary of Columbine—those killings occurred a year ago—and we have done nothing.

I want to state for the RECORD, every time my friend Senator REED comes to

the floor, I will be there with him as long as it takes. We are going to have a Million Mom March. I don't know whether a million moms will come, but thousands will come to march in favor of these very responsible gun laws. I intend to be there, and many of us will be there with them. We will not stop the pressure.

Mr. President, every budget is a roadmap. This budget takes us down the wrong road at almost every turn. I agreed with one thing that happened in the conference, and I want to say thank you to the House. I am very careful not to say thank you to my chairman, who told me not to thank him for this because he is on the other side. The language calling for drilling in the Arctic wildlife refuge was removed. I am very pleased about that. I thank the House for doing that. I hope we do not have to face that fight this year, next year, or the year after.

But in terms of everything else that happened, this budget got decidedly worse. It is leading us down the wrong road, a road that does not adequately fund education or prescription drug benefits, a road that doesn't reduce the debt enough, a road that leads to risky tax cuts that can derail our economic recovery and therefore endanger Medicare and even Social Security.

This is a road that lacks fiscal responsibility. It has no room in it for a lands legacy bill that people on both sides of the aisle want to see, where we can take offshore oil revenues and put them into good use by expanding our public ownership of precious lands we are losing and preserve historic areas. I think this budget puts America in a risky, dangerous position and it does not meet the needs of our people.

We know what will happen if this budget goes into effect, as it will, and the appropriators carry it out. We will see cuts to the most vulnerable population—cuts in the Women, Infants and Children feeding program, cuts in Head Start, in the Job Corps, in child care, in children's mental health. Those cuts will be perhaps more than 10 percent.

We could not get more funding for afterschool programs even though we had some bipartisan support. The police chiefs all across this land know that is the best crimefighting program. We could not get that. We know juvenile crime peaks between 3 p.m. and 6 p.m. What does this budget say? We are holding the line on afterschool programs, and the million kids waiting to get in will simply have to wait. One million kids are waiting to get into afterschool programs. That is how popular they are. Ninety percent of the American people want them. The police want them. The President put it in his budget, and they have cut his request in half, leaving 1 million people out of the loop.

I do not understand how we can say we speak for the people when we walk away from a program that has 90 percent approval and one we know works.

Senator KENNEDY has talked about the flimsy prescription drug benefit. It is not going to help our seniors if we make them think we are doing something for them but we do not back it up with funding. Senator CONRAD, who will speak after I finish my remarks, has talked long and hard about a lockbox for Medicare. That was voted down. That is gone.

We agreed to lock up Social Security but not Medicare. It does not do us any good if our people get their full Social Security benefit and they have to turn around and pay more and more for Medicare. They are going to be poor one way or the other. If my colleagues support Social Security, they have to support Medicare. This budget simply does not do it.

My colleagues should see the letters that come from the people in my State who are forced to cut their medicine in half in order to make ends meet. They are choosing between prescription drugs and eating dinner. This is America. This is wrong.

Why does this budget turn out this way? Because of a risky tax cut.

Maybe some say it is good to have a tax cut; maybe they look at the tax cut as helping people who really need it. One roadmap we have is George W. Bush's tax cut. Let's look at that one. What happens if one earns over $300,000? They get back $50,000 a year. They will be popping those champagne corks in the boardrooms. But if one earns $38,000 a year, they will get back about $260 or $280 a year.

Summing up, this budget takes us down the wrong path any way one looks, whether it is looking at tax cuts that are fair and targeted, sensible and fiscally responsible, or it is a prescription drug benefit that makes sense for our seniors, protecting Medicare that makes sense for our seniors, or investing in education which makes sense for our children, or having a reserve fund for our environment.

By the way, on energy efficiency, they slash and burn the President's proposal, and then they say he has no energy policy. This budget takes us down a bad road. It should be rejected, Mr. President.

Mr. ROBB. Mr. President, I regret that I am unable to support the budget resolution that is before us today. Our annual budget resolution supposedly represents our nation's fiscal blueprint, but this document comes up short in terms of what our priorities ought to be. Instead of large, untargeted and unwarranted tax cuts, we ought to be dedicating our resources towards rebuilding our nation's schools, providing Seniors with affordable medication, strengthening Social Security and building up our national defense—in addition to paying down the national debt, so that the federal government can stay out of the capital market and be better equipped to handle dips in the economy in the future. In all of these categories the budget resolution falls woefully short. Through fiscal discipline the past seven years, we finally have the ability to begin to address our real needs. We cannot allow this golden opportunity to slip through our fingers. We owe it to our children and our parents to do a better job.

Mr. LEAHY. Mr. President, I am disappointed that the conference committee dropped an amendment I offered with Senator KOHL that would have applied additional surpluses estimated by CBO to debt reduction rather than tax cuts. I had hoped that this fiscally responsible amendment, which was unanimously adopted by the Senate, would be included in the final version of the budget resolution. Instead, the Committee accepted a House provision that would allow the budget chairman to use additional surpluses for tax cuts above and beyond the $150 billion in cuts already in the resolution. I find it disheartening that Congress is not even willing to commit unexpected surpluses to debt reduction.

In the 1980s, Congress went on a tax cut binge and left the bill for our children. During those years we all saw the lip service paid and the sloganeering about balancing the budget, while we simultaneously tripled the national debt and ran the biggest deficits of any nation in the history of the world. As a result, the national debt now stands at $3.6 trillion and the Federal government pays almost $1 billion in interest every working day on this debt. Now that we have surpluses, we have a chance and an obligation to pay off that debt. This budget resolution fails to live up to that responsibility.

Nothing would do more to keep our economy strong than paying down our national debt. Paying down our national debt will keep interest rates low. Consumers gain ground with lower mortgage costs, car payments, credit card charges with low interest rates. And small business owners can invest, expand and create jobs with low interest rates.

Alan Greenspan and nearly every other economist who has testified before the Senate Budget and Finance Committees has stated that our nation's budget surpluses should be used to pay down the debt. And yet, the Republican budget resolution proposes far less debt reduction than the budgets developed by President Clinton and Senate Democrats. This resolution would use 98% of the non-Social Security surplus for tax breaks which would primarily benefit the wealthy. By dropping our amendment, Congress is in danger of using an even higher percentage of the surplus for tax cuts, and even less for debt reduction. This does not make fiscal sense.

During markup, Senator LAUTENBERG offered an alternative budget that

would have reduced $330 billion in debt over ten years, while providing almost $300 billion in targeted tax cuts—cuts that would go towards eliminating the marriage tax penalty, permitting the self-employed a full tax deduction for their health insurance and providing estate tax relief for family farmers and small business owners. Such cuts would be fair and targeted to help all Vermonters, not just the wealthy. Unfortunately, this amendment failed.

In 1993, Congress charted a course of fiscal discipline and the country has reaped the benefits of this successful plan. Republicans and Democrats can rightfully claim their shares of the credit for getting the nation's fiscal house in order. The important thing now is to keep our budget in balance, to pay down our debt, and to keep our economy growing. Unfortunately, this budget resolution fails to make a real commitment to debt reduction, which is why I must vote against it.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask for time off our side off the resolution and ask to be notified when I have consumed 15 minutes.

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

Mr. CONRAD. Mr. President, this is one of the most important decisions we make every year: the question of the budget outline for the United States; what are our priorities; where is the money going to be spent; what are the revenue sources for the United States. The fundamental question is, Are we going to maintain fiscal discipline? Are we going to maintain a strategy that has produced the longest economic expansion in our country's history?

This article appeared in the Washington Post in the business section announcing that the expansion was, at that time, the Nation's longest. This is back in February. Of course, the expansion has now been extended even further. But even then, we had created the longest economic expansion in our country's history. I say when ''we'' created; I am talking about all of us as Americans.

Part of it is a result of Federal policy: the fiscal policy of the country, which is controlled by the Congress and the President of the United States, and the monetary policy, which is controlled by the Federal Reserve. The two work hand in glove to produce economic results for this country.

Obviously, the underlying strength of America is the people of this country. Their hard work, their innovation, their creativity, their entrepreneurial spirit and drive makes this country the greatest economic power on the face of the globe.

It is important to remember the economic strategy and the economic plan that brought us to where we are today. If we look back at the last three administrations and look at the question of the budget deficits that are so important to the fiscal policy of this country and the monetary policy, this is what one finds: The Reagan administration inherited a deficit of about $80 billion and promptly ran it up to over $200 billion and dramatically expanded the Nation's debt over the period of that administration. In fact, they more than tripled the national debt during this period.

Then we had the Bush administration, which inherited a deficit of $153 billion and promptly ran it up to a $290 billion deficit. It actually was somewhat worse than that because this is counting the Social Security surplus. The true deficit, at least as I define it, was well over $300 billion.

The Clinton administration came in, and in 1993, we passed a 5-year budget plan that was designed to reduce the deficit dramatically to take pressure off interest rates and to get this economy moving again. That plan passed without a single Republican vote in either the House or the Senate. These are the facts.

That 5-year plan was put into place, and here are the results. They are clear; they are unambiguous. They show that each and every year that 5-year plan reduced the budget deficit, first, to $255 billion; then to $203 billion; then to $164 billion; then to $107 billion; then to $22 billion. By the end of the 5-year plan, we had done what was perhaps thought impossible when we started. We had balanced the Federal budget.

Now we anticipate a $176 billion budget surplus in this year. This is a plan that worked.

This shows the trend in receipts and outlays, the expenditures of the Federal Government that made this plan work. The blue line shows the spending of the Federal Government; the red line shows the receipts of the Federal Government. This is over a 20-year period.

What it shows is obviously our spending was higher than receipts for an extended period in the eighties. That is why we were running massive budget deficits. When Democrats voted for a 5-year plan to get our fiscal house in order, spending came down each and every year in relationship to the size of our economy, revenue went up each and every year because, in part, we raised taxes on the wealthiest 1 percent in this country, and spending was cut. That is what allowed us to balance the budget, get our fiscal house in order, and kick off the longest economic expansion in our history. That is the record. Those are the facts.

The question is, Are we going to put all this at risk and go back to the old, bad days of ''debt'' and ''deficits'' and ''decline,'' what I call the three Ds? I very much hope we do not return to those policies and those plans and that set of results: debt, deficits, and decline. That would be a profound mistake. Why would we ever turn our back on an economic strategy that has worked so well?

Let's look at the results.

Federal spending is now at its lowest level since 1966. We cut spending with that 5-year plan in 1993. Democrats cut spending because we did not have any help from the other side of the aisle—none. We cut spending because it was necessary to get our fiscal house in order.

The results of reducing those deficits has been the virtuous cycle: Reduced deficits, reduced debt, and reduced interest rates that helps spur investment in the private sector, that helps spur private growth in the private sector, that led to the creation of over 20 million jobs, that gave us the lowest level of inflation since 1965. The virtuous cycle does not end there because it also gave us the lowest rate of unemployment in 42 years.

These are the results of an economic plan that was put in place in 1993. It has also brought down the debt. What a remarkable circumstance. But we have actually started bringing down the publicly held debt. We are in a position to nearly pay it off by the year 2010. We are in a position to pay off the publicly held debt of this country by the year 2013, if we stay on course.

Alan Greenspan, who is in charge of monetary policy—the Congress and the President are in charge of fiscal policy; the Federal Reserve is in charge of monetary policy—the head of monetary policy for our country says: Pay down the debt first. That is what he is urging us to do.

He is not alone because virtually every economist of whatever ideological persuasion who has come before the Budget Committee and the Finance Committee, on which I sit, has told us: The highest priority ought to be to continue to pay down the debt, to put us in a position to deal with the baby-boom generation when it starts to retire and puts enormous demands on Medicare, on Social Security, on veterans programs; that the best way to prepare for the day when they retire is to build this economy, to grow this economy. And the best way to grow this economy is to lift the debt burden that is on this economy.

That is what will hold down interest rates. That is what will keep the Government out of competition in private markets for scarce resources. That will allow additional resources to go into private investment.

This plan, this strategy, has been working. Now, all of a sudden, our friends on the Republican side, who opposed putting in place that strategy that has worked so well, tell us: Ah, well, we were wrong then, but trust us, let's go back to that failed strategy we

were pursuing before, and let's try it again.

Why would we do that? It makes no earthly sense.

What will happen if we take this risky approach they are proposing? I submit to you, in their plan they use all of the non-Social Security surplus—all of it—for a tax cut, a tax cut that goes to the wealthiest among us. Senator MCCAIN said it well during the campaign. He questioned the Bush plan to take 60 percent of the benefits of their tax plan and to give it to the wealthiest 10 percent.

Mr. Bush has said, over and over, in his campaign: What they don't know in Washington is, this is the people's money. He is right about that. It is the people's money. The question is, What should be done with the people's money? Should it be given to the wealthiest 10 percent—disproportionately given to the wealthiest 10 percent—or should our top priority be to use the people's money to pay down the people's debt? I submit to you, the highest priority ought to be to pay down the people's debt. But that is not the Republican priority.

It is true they take all of the Social Security surplus and reserve it for Social Security. We do the same thing in our budget. That is the right thing to do. I applaud them for it. But on the non-Social Security surplus, they have quite a different approach.

I think, objectively stated, the non-Social Security surplus is most likely to be about $170 billion over the next 5 years. The Republican plan has a $150 billion tax cut, a $25 billion reserve for tax cuts, and costs another $21 billion in interest. So they have $196 billion reserved for a tax cut that goes primarily to the wealthiest among us when we have only $171 billion available in a non-Social Security surplus.

Where is the rest of the money going to come from? I think it is going to come right out of the Social Security trust fund. We are going to go back to the old, bad days of raiding the Social Security trust fund surplus. I hope not. I do not know how else it happens.

Our priority on the Democratic side is to use the vast majority of the projected surpluses over the next 10 years for debt reduction. In fact, we use 82 percent of the projected surpluses for debt reduction. That is, every penny of the Social Security surplus for Social Security, since it is not used for that purpose immediately, goes to pay down the debt. The Republicans do the same thing. But, in addition, we take 36 percent of the non-Social Security surplus and use that for further paying down the debt.

We also have a chunk of money for tax relief—not nearly as much as they do; we will stipulate to that. Their priority is a big tax cut to the wealthiest among us. Our priority is to pay down the debt.

As I indicated, we take all of the Social Security surplus and use that to pay down debt. But, in addition, we take, of the non-Social Security surplus, 36 percent of it for debt reduction. We take 29 percent of it for tax cuts because we, too, believe tax relief is important.

We would like to solve the marriage tax penalty. We would like to ease the estate tax burden. We would like to deal with some of the other inequities in the Tax Code.

We also reserve 23 percent for high-priority domestic needs such as defense, education, agriculture, and, yes, a prescription drug benefit.

We believe these are the priorities of the American people.

Let me conclude by saying there are some on the Republican side who have argued over and over that the tax burden on the American people is the highest it has ever been.

The tax revenues are high, but the tax burden, the tax rates, on individual taxpayers are not high. That is odd. How can the revenues be high but the tax rates on individuals not be high? The reason is, we have a booming economy that produces lots of revenue. That is part of the virtuous cycle we have created by getting our fiscal house in order.

But if we look at the individual tax burden, what we find is, contrary to what our friends on the Republican side say so often and so repeatedly, the Federal tax level has fallen for most people in this country.

Let me quote from the Washington Post of March 26 of this year:

> Studies Show Burden Now Less Than 10%
>
> For all but the wealthiest Americans, the federal income tax burden has shrunk to the lowest level in four decades, according to a series of studies by liberal and conservative tax experts. . . .

What we see is that the tax burden on individual Americans has been reduced, and reduced dramatically.

The article further states:

> The Congressional Budget Office estimates the middle fifth of American families, with an average income of $39,100, paid 5.4 percent in income tax in 1999, compared with 8.3 percent in 1981. The Treasury Department estimates a four-person family, with a median income of $54,900, paid 7.46 percent of that in income tax, the lowest since 1965.

The article continues: The Conservative Tax Foundation figures that the median two-earner family, making $68,000, paid 8.8 percent in 1998, about the same as 1955.

This is a question of priorities. We ought to reject this budget and pass the alternative.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes to the Senator from Washington,

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. First, I thank the Senator from New Jersey, Mr. LAUTENBERG, for his tremendous leadership on the Democratic side of the Budget Committee. I have truly enjoyed working with him and will miss him a great deal in the coming years. His leadership has been so important to all of us.

I come to the floor today to address the Republican budget proposal and to tell my colleagues that I will be a ''no'' vote because I believe it fails to reflect the priorities of families across this country. In fact, if this budget were submitted to any math class, it would get an F because, frankly, the numbers do not add up.

The reality in this budget does not meet the rhetoric. Despite all the claims, when we do the math, the things Americans care about—improving their education, reducing the debt, saving Social Security, strengthening and modernizing Medicare—have all been left behind. The things that matter to families have been sacrificed in the name of an irresponsible tax cut.

I am disappointed that this budget abandons the progress we have made since 1993. Since I first joined the Budget Committee, our Nation's financial strength has grown dramatically. Through the hard work of the President, the Vice President, and Congress, we have turned deficits into surpluses. We learned many important lessons. We learned that budgets must be realistic. They have to take into account what our Nation needs and what we are capable of providing.

This budget is neither realistic nor responsible. It does not provide the necessary investments in education and health care. It does not ensure that prescription drug coverage for Medicare beneficiaries will be considered before we enact tax cuts. Instead, this Republican budget sacrifices our priorities for a $200 billion tax cut.

I am extremely concerned that this tax cut could eat up all of the on-budget surplus. Given this Congress' track record on tax cuts, it is fair to assume that, as usual, the top 10 percent of the people will get more than 60 percent of the benefits. The President and the American people rejected that tax plan last year, and I expect they will reject it again. We can have responsible and fair tax cuts that are fiscally prudent, but you won't find them in this budget.

I am also disappointed that this conference report dropped two important priorities during the conference committee. First, an important amendment I introduced to ensure programs that help victims of domestic violence was dropped. Another amendment concerning pipeline safety was also left behind. In the Senate Budget Committee, I introduced an amendment to ensure that pipeline safety efforts are funded at levels that were called for in my bill. My amendment was unanimously passed by the Senate Budget Committee. Unfortunately, this budget makes it almost impossible to fully fund the Office of Pipeline Safety. Our

budget should help us make our pipeline safer. I fear this budget moves away from our responsibility.

I will be talking later this evening about the issue of pipeline safety as well.

While those two key amendments were dropped, I am pleased that my amendment concerning women and Social Security was affirmed. After 2 years, the Republican budget conferees have finally committed that Social Security reform should not penalize women. I am pleased it is in this budget.

Overall, to make room for their tax cut, Republicans shortchanged the investments that really matter to the American people. In fact, in key areas, this budget doesn't even keep up with inflation.

I will give a few examples of how this budget leaves America's priorities behind. The decisions in this budget will be felt in classrooms across America. The budget before us would decimate the progress we have made over the last 2 years in reducing overcrowded classrooms. In the last 2 years, we have hired 29,000 new, fully qualified teachers to reduce class sizes in first, second, and third grades. Today, because of that action, 1.7 million students are learning in classrooms where the basics are taught in a disciplined environment. We should be building on our progress. This Republican budget before us today abandons our progress. This budget tells students: Sorry, you are going to have to sit in an overcrowded classroom next year because, under the Republican tax plan, you are not a priority.

It should be a priority that we pay down our national debt instead of passing that burden along to our children. This budget tells every young American: Sorry, you better start saving money now to pay off the national debt because, under the Republican tax plan, you are not a priority.

It is a priority that we strengthen and modernize Medicare. It is a priority that seniors get help buying the medicine they need because no one should have to choose between buying medicine and paying for food. This budget tells seniors: Sorry, you can't get the prescription drug coverage you need because, under the Republican tax plan, you are not a priority.

The American people want real budgets, not gimmicks. They want to know that our Nation's vital priorities are being treated as priorities. They don't want the things that matter in their lives to be squeezed out by unbalanced tax cuts that only benefit a few people.

We should be using the surplus we have today to honor our commitments to our children and to our seniors. Now is the time to address the long-term solvency of Social Security and Medicare and to provide resources to local communities to make our classrooms ready for the 21st century. Those are the things a responsible budget would do. We should pass a budget that reflects the priorities of the American people and one that is realistic. I believe the budget before us fails the American people on both counts. Therefore, I must oppose it.

I thank the Chair and yield the remainder of my time to the Democratic side.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Would the Chair inform me how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 40 minutes; the Senator from Rhode Island has 26 minutes; the Senator from New Jersey has 20 minutes.

Mr. DOMENICI. Mr. President, I don't intend to use the entire time I have. I would like to make sure I understand where they are going on the other side. If we are going to make an effort to vote earlier, I will be yielding back some of my time. I yield myself 6 minutes.

First, let me identify the occupant of the chair. The occupant of the chair is one of our new Senators, Mr. SMITH, from way over on the West Coast. I am very proud to have him in the Senate, but I am more proud that he is on the Budget Committee. There are people talking about what happens in this budget resolution, such as the distinguished Senator, Mrs. MURRAY, talking about a sense-of-the-Senate resolution as if it were binding on somebody. It is nothing more than what it says. It doesn't affect anything. To the extent we dropped some of her provisions, there were scores of sense-of-the-Senate resolutions in this budget that we did not take.

What we did keep was something for which the distinguished occupant of the chair fought hard. I am told there are so many people watching C–SPAN. Sometimes I wonder how many times they want to hear the same speech, but I believe, when it is given again on that side, I have to say a few words.

I repeat: Because of the distinguished Senator who occupies the chair, working in concert with the distinguished Senator from Maine, Ms. SNOWE, helped by Senator WYDEN from the same State as the occupant of the chair, we have a real provision we did not drop that has to do with Medicare prescription drugs and Medicare reform. I was so pleased to hear a freshman Senator, the occupant of the chair, say he wanted to support the Snowe amendment for $40 billion and that we might as well face up and get a bill. It says we can use the whole $40 billion for prescription drugs, and it is not crowded out by tax relief. It is separate and distinct; it is available.

We have said if you do some reform to preserve the well-being of the Medicare system, you can have $40 billion in new money for prescription drugs. Now, if you choose to only do prescription drugs and do nothing to Medicare, it gets $20 billion to go ahead and add some prescription drugs. Frankly, I believe the Senator occupying the chair, Senator SMITH of Oregon, was on the side of a very large majority of Senators. I think so long as we keep it bipartisan there is going to be an effort to repair the Medicare system for the senior citizens, which is going broke, and we can say we reformed it and modernized it and at the same time we have added $40 billion for prescription drugs.

No matter how many times the other side repeats it—and I don't know that I am going to answer it again today—I will tell you what I know is in the budget resolution. If I had to read the words, you would see I am paraphrasing the words quite accurately. With reference to education, we can continue to hear specifics, that we didn't provide classroom teachers. Let me repeat, the only time we are going to find out what we really do for education is when the Appropriations Committee, headed by Senator SPECTER, produces an appropriations bill, because anything we say in this budget resolution about specifics on education are only assumptions.

Many times, if not most of the time, the Appropriations Committee decides what they are going to spend on education, which programs they are going to fund, and whether it is going to be less children per classroom or more. That is not going to be decided by this resolution. What is going to be, or could be, decided is how much is available for education—not specifics but education.

I say that this conference report assumes $45.6 billion in the year 2001 for the Department of Education—a $10 billion increase, or 30-percent increase, over last year's level. Over the next 5 years, most interestingly, assumptions on education are $21.9 billion in new money, additional money, which is essentially what the President asked for.

Now, whatever they want to say in the next hour in repetition, I don't know that I will answer it again. I am trying my very best to say that these specific things Senators bring to the Senator floor and say there is a sense of the Senate on it and that would have gotten it done, I want to be kind; I don't want to say what I might say. But the fact that it is in, or not, doesn't mean very much. It is what the Appropriations Committee does with the money. Then there is going to be a bipartisan debate, for which I am grateful, on whether we should have the status quo on education programs or whether we should have reform.

Essentially, for anybody interested in what is going to determine where we spend the money and how we spend it, it may be that we are going to leave all

these categorical programs—money for more teachers and less students per classroom and all the other specifics that some people think are important—it may be that we will let the schools keep doing that. We are probably going to give them an option not to do that; in a way, that is more accommodating to them, with flexibility and accountability.

That is essentially what we set up. We don't preclude that debate and its conclusions, which I understand from the majority leader will occur before this year is out. It is historical because it is coming out of committee of jurisdiction. It is not going to be done on the floor. It is headed by Senator JEFFORDS. Nobody thought there would be major reform. There is major reform, and it comes out to the floor to be debated.

I don't know that I can do more on the issue of debt reduction other than to tell the Senate that this budget resolution has over $1 trillion in debt service over the next 5 years. It is most interesting that, all of a sudden, there is a difference between reducing the debt held by the public through Social Security surpluses and reducing it with other surpluses. Let me say, dollar for dollar, it is the same debt reduction, or reduction held by the public. It doesn't matter whether it comes out of the Social Security surplus that we don't spend or whether it comes out of the surplus that is on budget. We have a different way of accounting for them.

We think there is a lot of money available during the next 5 years. In fact, we think over a freeze there is $400 billion in non-Social Security surplus. There is already a basic budget. Looking at this chart, we think it is $400 billion. Interestingly enough, that is over freezing everything. The Democrats assume what they call a freeze in real spending, that would bring the spending way up to here because they add inflation every year and call it automatic. It is not spending new money. We said let's start over. So we put $212 billion in domestic programs—domestic and defense. We put $150 billion in tax relief, which we ask today, how many more times do we have to hear that our tax proposals are for the rich? The biggest tax proposal is the marriage tax penalty. Is that what they are saying is a typical Republican effort to help the rich? I hope all the married people in America listen to that argument.

In addition, we take that surplus and we put $40 billion of it in this non-Social Security on the debt. I don't believe the argument is about debt reduction. It may be today, but the argument is: Let's spend that tax relief money. Let's spend this. That is what the argument is about. I repeat, if we don't get tax relief, all this money, $150 billion, goes to debt reduction for the debt held by the public, adding to the $1 trillion I have just told you about that is in this.

I will conclude by thanking the Budget Committee. The Republican majority produced this format. Obviously, from the newest Senator, to me as the most senior Senator on our side, we followed the lead of OLYMPIA SNOWE on Medicare and the leadership of my friend who is occupying the Chair, in getting a real Medicare proposal and that will drive a bipartisan solution. Let me repeat, in an election year, praise the Lord, if we can get a bipartisan solution to Medicare because it will be the right one if it turns out to be a partisan solution. I am afraid it will be a political solution, and I am not sure the Medicare trust fund for our seniors is going to come out very well. So that is why I think this is a good approach.

My last observation is that the Appropriations Committee has to take all this money and decide what to do with it. Senator TED STEVENS is the chairman and that is his principal responsibility. I assure those who voted for this and who will vote for it today, it depends on how you allocate the money among priorities. But if they happen to be priorities we have been expressing today and that we expressed in this resolution, there will be plenty of funding for education, plenty of funding for the National Institutes of Health, plenty of funding for Medicare—and that is not an appropriated account—and we will have plenty of money to prepare our defense for this new 100 years we are entering where we need to make up some lost ground.

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

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

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I have a lot to say and not much time in which to say it. The fundamental point is that this budget resolution represents a statement of the values of the Members of Congress, representing the 270 million citizens of the United States of America. What this budget resolution says is that we are giving a priority to tax cuts over meeting the moral, ethical, and legal obligations of the U.S. Government to its citizens by failing to make a commitment to strengthen Social Security and to strengthen the Medicare program. That is the fundamental message of this budget resolution.

This budget resolution requires the Senate Finance Committee to report two bills with tax cuts totalling $150 billion in the next 5 years. The Finance Committee can report separate legislation cutting taxes by an additional $25 billion over 5 years.

The Finance Committee can report even greater tax cuts if in July the Congressional Budget Office projects higher on-budget surpluses.

There is no similar set of mandates or permission as it relates to strengthening Social Security and strengthening and expanding Medicare. We must do these things. And we can do these things relative to tax cuts. There is no similar provision relative to our obligation to Social Security and Medicare.

We already have embarked on a serious and, I say, unfocused tax-cutting process. If you add up what we have already done in the educational savings account, the Patients' Bill of Rights, the minimum wage, small business tax cut, and what was proposed this week in terms of marriage penalty tax cuts, and suspension of the gas tax, with that hole in our transportation funding being filled by the non-Social Security surplus, we have already spent approximately two-thirds of the non-Social Security surplus we anticipate for this next fiscal year and approximately two-thirds of what we anticipate for the next 5 years with those actions alone.

I suggest that is not a prudent way to go about using the non-Social Security surplus—that we ought to do first things first. The first thing we should do is to meet the obligation this Government has to its citizens in the areas of Social Security and Medicare. Why are those two such priorities? They are priorities because the citizens of the United States every payday are paying into those trust funds for Social Security and for Medicare. They have a legal, contractual obligation from the Government to meet those benefits which they anticipate. We need to have a similar commitment to assure that those programs are going to be capable of meeting those obligations.

We also have not been faithful in this budget resolution to some commitments both Houses have made in terms of a prescription medication benefit.

Both the Senate- and the House-passed resolutions infer—and the leadership of both Houses publicly stated—that we would be reserving $40 billion over the next 5 years for purposes of a prescription medication benefit.

We received from the conference committee a commitment to spend $20 billion for additional access to prescription medication—not a specific modification of the Medicare program that would incorporate prescription medication as a benefit of Medicare. The other $20 billion would be available only if there were changes in the structure of the Medicare program which would be scored by the Congressional Budget Office as increasing the solvency of the Medicare program.

This is not the prescription medication benefit the American people expected. This is not the benefit we anticipated when we passed the budget

resolution in the Senate. It is not a prescription medication benefit that will respond to the realities of modern medicine.

One of the reasons many of us believe it is so important to have a prescription medication benefit is to change the fundamental culture of the Medicare system. Medicare was adopted in 1965 as an acute-care program. If you were sick enough to go in the hospital, or if you were run over by a truck, Medicare would provide financing for your health care.

What we need to be thinking about as we start the 21st century is the approach to health care most Americans want. That is an approach that emphasizes prevention and wellness and the maintenance of quality of life. Almost every step required to do that, whether it is to moderate diabetes, to reduce the prospect of stroke and heart disease, to deal with hormonal imbalances, all of those things that are fundamental to the quality of life, particularly of older Americans, requires prescription medication as a key to this accomplishment.

Providing this prescription medication benefit is not just adding another benefit to Medicare, as has been asserted; rather, it is changing the fundamental orientation of Medicare to one that will focus on the wellness of the American people, and not just wait until they get sick enough to go in the hospital.

That is the fundamental issue that is at risk with this budget resolution which puts at the top of the pyramid of American values providing unspecified tax cuts and puts at the bottom of American values meeting our contract with the Americans who have built this great Nation through strength in Social Security and Medicare.

I urge the rejection of this budget resolution. Hopefully, we will have an opportunity to adopt one that is more in keeping with the desires of the American people.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from New Jersey.

We have an economy that is booming. We have record low levels of unemployment. We have Government coffers that are overflowing. We have a predicted $3 trillion surplus over the next 10 years.

We are still being told by this budget resolution that we can't afford in our country to provide a good education for every child; we can't afford good health care for citizens; we can't afford to do something about the poverty of 14 million children in our country.

In the words of Rabbi Hill, ''If not now, when?'' This Republican budget resolution provides a very discouraging answer to Rabbi Hill's question. This budget resolution says to Rabbi Hill, ''Not now and probably not ever.''

The tradeoff is simple. You have huge tax cuts disproportionately flowing to wealthier, high-income citizens. You have in a post-world-war era a bloated military budget. But you have a budget resolution that does not invest in the health, the skill, the intellect, and the character of our children, and you have a budget resolution that in nondefense discretionary spending calls for cuts with a booming economy.

We will see cuts in Head Start, new teachers, reducing class size, home-delivered meals to seniors, and environmental cleanup.

We will not do well in this new century, and we will not have the successful economy or the successful moral nation Senator GRAHAM talks about, if we don't provide a good education for every child. We will not do as well as we can do as a nation in this new century if we don't invest in the skills development of our children. We will not do as well as we could and must do as a nation and national community if we don't invest in the health of our children. We, the United States of America, the good country, will not be better unless we make this investment in our children. By that standard, this budget is sorely lacking. I will vote against it.

I yield the floor.

Mr. LAUTENBERG. I yield 10 minutes to the Senator from Iowa.

Mr. HARKIN. Mr. President, 7 years ago we ended a failed economic policy of trickle down economics. It brought ballooning deficits, a quadrupling of the national debt, high interest rates, and low growth. But we made some tough decisions and tough votes. We changed the course of the new economic policies that invested in people and imposed needed fiscal discipline.

The results are in: 21 million new jobs, 4 percent unemployment rate, the lowest in 30 years, the fastest growth rate in 30 years, and the lowest crime and welfare rate in 30 years. There is the highest home ownership ever, 108 months of straight economic growth, productivity-breaking records, and inflation outside of energy is tame. Why do we want to change this? Why return to the days of risky tax schemes, the days of trickle down economics, and fiscal irresponsibility?

That is exactly what the conference report budget before the Senate does. This budget resolution before the Senate provides $175 billion to tax cuts, skewed to the wealthiest of Americans. The Congressional Budget Office, however, projects $171 billion in non-Social Security surpluses over the next 5 years. Add the higher interest we have to pay on the public debt because we did tax cuts instead of paying down the debt, and what does that add up to? This budget conference report before the Senate means we will have to tap into the Social Security surplus in order to pay for these tax cuts.

It is fiscally irresponsible. We ought to take a different course and follow the adage that when times are good, prepare for the future. That means the budget should put the highest priority on paying off the debt, securing Social Security and Medicare for the future.

I have said time and time again on this floor, if you want to save Medicare and cut down on Medicare expenses today, invest in medical research. To that end, 3 years ago, the Senate, in a unanimous vote, went on record as saying we ought to double NIH basic medical research in 5 years. Last year, we had a historic increase of $2.3 billion to keep on the track of doubling NIH research in 5 years. This next year would require $2.7 billion. Keep in mind the Senate voted unanimously to double NIH funding.

When the budget came out of committee, it was short by $1.6 billion for NIH research. Senator SPECTER, chairman of the appropriations subcommittee on health and human services that funds NIH, offered an amendment that I supported to add back the $1.6 billion to medical research. Nine Republicans joined the Democrats, and it passed 54–46.

As anyone who has even opened the newspapers lately knows, we are on the verge of many breakthroughs in biomedical research, stem cell research, and the human genome, which is being mapped and will be done shortly. Now we need to push ahead to invest in medical research, to find the causes, the cures, and the preventions for many of the illnesses that cost Medicare so much today. Yet this conference report ignores the bipartisan vote in the Senate. It completely obliterates the $1.6 billion that was added by the Specter amendment. It has been wiped out.

Let's bring it to concrete terms. What does it mean? The conference report that took out that $1.6 billion, when spread over the different research being done by NIH, means, for example, that in AIDS research, $179 million less than what we had in the Senate; cancer research is $261 million less than what we had in the Senate; prostate cancer is down $21 million; arthritis is down $24 million; Alzheimer's is $41.8 million less than what we had in the Senate.

If the conference report had kept in what we had voted for in the Senate, we would have an additional $261 million for cancer research; we would have an additional $179 million for AIDS research; we would have an additional $111 million for mental health research; we would have an additional $14 million for Parkinson's; we would have an additional $13 million for osteoporosis; we would have an additional $1.9 million for multiple sclerosis; we would

have another $24 million for kidney disease; we would have another $38 million to study infant mortality; we would have another $47 million for diabetes research if this budget report has the $1.6 billion added by the Senate.

I thought the budget we passed was inadequate before; it is woefully inadequate now. For the life of me, I don't understand why the $1.6 billion was taken out of this critically needed part of meeting our obligations of the future for NIH basic research.

There is another point. The Senate resolution had increased Pell grants by $400, bringing them up to $3,700. We have needed to do that over the last 20 years. The purchasing power of Pell grants went down 25 percent. A poor student in college today can spend 25 percent less with the maximum Pell grant than 20 years ago. The education was also dropped in conference. That is deeply, deeply disappointing.

This budget needs to be sent back to the drawing board. It targets fiscally irresponsible tax breaks to the wealthiest of Americans. It shortchanges the critical investments we need: First, in medical research; and, second, in investment in education to keep our economy and our people healthy and strong.

I yield back the remainder of my time.

Mr. DASCHLE. Mr. President, in the last week, this budget has gone from bad to worse. That is the only ''progress'' we've seen. After a conference from which Democrats were excluded, our Republicans colleagues are now proposing even bigger tax cuts. Last week, Senate Republicans voted for $150 billion in tax cuts over five years, plus a ''summer surprise'' of more tax cuts. This resolution calls for $175 billion over five years, plus a ''summer surprise.''

To pay for those bigger tax cuts, this resolution calls for even deeper cuts in education, health care, other critical priorities. It still calls for 6 percent across-the-board cut in discretionary spending next year. That hasn't changed—for obvious reasons; our colleagues don't want to make things even worse just before an election.

But things do get much worse after the election—and every year for the foreseeable future—under this plan. The additional cuts all ratchet up in the ''out years.'' Instead of 8 percent across-the-board cuts by 2005, this plan calls for cuts of nearly 10 percent across-the-board by 2005.

This plan dramatically weakens—in fact, it all but eliminates—any commitment to a prescription drug benefit. Last week, this Senate passed a plan that dedicated $40 billion over five years for prescription drugs. That commitment is not included in this resolution. This resolution includes $20 billion to quote—''improve access to prescription drugs''—whatever that means. There's another $20 billion—but that's available only after we cut Medicare benefits.

As if that's not bad enough, this plan says the money for a prescription drug benefit will be available ''whenever'' the Finance Committee reports out a prescription drug bill. ''Whenever''? Why don't they just say the money will be available ''if we feel like it,'' or, the money will be available ''if there's anything left after we pass all our tax breaks''?

The Senate-passed Republican budget at least included a date. It said money for prescription drug benefit would be available by Sept. 1, 2000—whether or not the Finance Committee did its job. Now they've scratched out that date and written in ''whenever.'' You can practically see the budget writers winking! What they really mean is ''never.''

Last week, a majority of Senators voted that Congress should put prescription drugs ahead of tax cuts. Fifty-one Senators—Republicans and Democrats—said we should not spend one dollar on tax cuts until we pass a real prescription drug bill. This resolution directly contradicts that statement. It says, ''Forget what we said last week. Spend nearly $200 billion on tax cuts now. Worry about prescription drugs whenever.'' The contradiction would be laughable if it weren't so deadly serious.

Our Republican colleagues claim that, under their plan, total discretionary spending next year would be $14 billion above freeze. The operative word is ''total.'' What they don't like to say about their budget is defense spending is $21 billion above a freeze; non-defense discretionary spending is $7 billion below a freeze.

There's another thing our colleagues don't like to talk about: According to the Congressional Budget Office, the total non-Social Security surplus over the next five years will be $171 billion. The reason our colleagues don't like to talk about that is their tax cut costs $196 billion over 5 years—$25 billion more than entire non-Social Security surplus.

I am tempted to recycle that classic old Yogi Berra line—''It's deja vu all over again.''—because it seems like we've had this same debate every year for the last five years. Instead, let me use a different Yogi Berra quote: ''It ain't over 'til it's over.'' This is just the beginning of the budget process. We have many months to go.

This budget does not meet the priorities of American people. If we pass this flawed plan, America would miss a once-in-a-lifetime opportunity to sustain and expand this economic prosperity; protect Social Security and Medicare; and invest in America's future—in education, medical research, safe communities, clean water—all the things we need to remain strong and competitive.

In the five years since they regained control of Congress, Republicans have never passed a budget without a major ''train wreck.'' This budget, unfortunately, sets us up to extend that record. To quote the Republican Chairman of the House Appropriations Committee, these numbers are ''unrealistic.'' They do not add up. It's obvious. We know it, and they know it.

We hope that this year, our colleagues will admit their plan can't work—before the train wreck. If they do, Democrats are ready, willing and determined to work with them to get the budget process back on track. We want to work with Republicans to write a responsible budget. A budget that extends the solvency of Social Security and Medicare, so we can avoid a Baby Boomer retirement crisis; a budget that includes a real Medicare prescription drug plan that is voluntary, affordable and universal.

We want to work with Republicans to pass a budget that pays down our national debt—so we can stop wasting $220 billion a year—$600 million a day—on interest payments. We want to work with our colleagues to pass a budget that provides tax cuts to help working families with real needs—like child care, day care, and caring for older parents—a budget that invests education, health care and other critical priorities. We want to work with Republicans to pass a budget, in short, that allows us to seize, not squander, the once-in-a-lifetime opportunity now before us.

Mr. MCCAIN. Mr. President, I will reluctantly vote against the Conference Report on the Budget Resolution for Fiscal Year 2001. Although the budget resolution includes most of the mechanisms approved by the Senate to ensure better budgetary discipline, the resolution fails to address the pressing issues of the impending financial insolvency of Social Security and Medicare, and the massive burden of debt that will be passed along to our children and grandchildren.

Mr. President, for the first time in history, economic projections show a surplus of nearly $1.9 trillion over the next ten years, exclusive of the surplus in the Social Security Trust Funds. At the same time, we know that the Social Security system is projected to be bankrupt by 2037 and Medicare will be broke in 2023, leaving millions of elderly Americans without the promised benefits they need to live comfortably in their retirement years.

Yet, this budget resolution uses none of the surplus to shore up either Social Security or Medicare. Nor does it apply any significant portion of the surplus to reducing the burden on future generations of our $5.7 trillion national debt. In fact, debt will actually continue to accumulate because the resolution allows most of the non-Social Security surplus to be spent on more big government programs.

Mr. President, as I traveled around the country over the past several months, I listened to the American people. Everywhere I went, they told me that they wanted us to protect and preserve Social Security and Medicare. They said they wanted to pay down the debt. I proposed a plan to use the bulk of the non-Social Security surplus to do what the people told me they wanted to do, and still provide much-needed tax relief to those who need it most—lower- and middle-income families. Unfortunately, this budget spends too much and saves too little for the future, and I cannot support it.

Mr. President, there are some very good provisions in the budget resolution.

I support the increase of $4.5 billion in defense spending over the President's budget request, which represents real growth in the defense budget for the first time in many years. I am pleased that the conference includes the $25 million added to the defense budget to get 12,000 enlisted families off of food stamps and end the disgrace of the food stamp Army once and for all. For too many years, the Clinton Administration has neglected the people who volunteer for military service. With this increase, and money freed up from eliminating waste and inefficiency in the defense budget, we can make progress toward restoring the morale and readiness of our Armed Forces.

The addition of $1.9 billion to the budget request for veterans health care is the amount identified in the Independent Budget of the veterans groups as the minimum necessary to provide appropriate care for our veterans. I hope the Congress sees fit this year to restore the ''broken promise'' of free lifetime medical care that was made to our nation's oldest veterans, and I intend to work with my colleagues to ensure all of our military personnel have access to the quality, affordable health care they deserve.

Many of the specific funding assumptions in the resolution are laudable, but I disagree with funding most of these increases from the surplus. I have identified billions of dollars of pork-barrel spending in annual appropriations bills over the past several years—programs that are wasteful, inefficient, or low-priority. Because of the compelling need to deal with the problems in Social Security and Medicare, we should look within the budget to ferret out waste in order to fund higher priority requirements, rather than spend the entire surplus on more government.

Some of the objectionable provisions in this resolution are earmarks that would qualify as pork-barrel spending if they were included in an appropriations bill. For example, the resolution identifies $700 million to construct, or site and design, more than ten new courthouses in 2001. It assumes $25 million will be set aside for the construction of a Metro station on New York Avenue in the District of Columbia. And it earmarks $510 million for NOAA's Pacific coastal salmon recovery program. As I have always said, I am not making a judgment on the merits of these programs, but their mention in this resolution leads me to assume that they will show up as earmarks in the appropriations process—a process not noted for its reliance on merit over politics.

I also note the significant cut in the International Affairs budget in the resolution, which is $2.7 billion less than the President's request and $2.2 billion below last year's level. I am concerned that, as in past years, the foreign affairs budget is seen as an easy target for cuts to offset spending in other areas. Clearly, the United States is and must remain a global power with global interests, both related to our security and that of our allies, as well as our economic health. Our continued international involvement requires not just a strong military, but a robust diplomacy. I will be looking carefully at the Foreign Operations Appropriations bill to ensure that the programs that are cut to meet this budget target are appropriate and do not in any way hinder our ability to influence world affairs to our advantage.

Mr. President, I am pleased to note that the resolution includes several Senate-passed provisions to ensure Congress complies with the revenue and spending levels in the resolution to limit the amount of emergency spending and budgetary gimmicks, including:

A Social Security ''lockbox'' point of order which can be raised against any budget resolution that dips into the Social Security Trust Funds.

A permanent 60-vote point of order in the Senate challenging any ''emergency'' in any spending or revenue bill, to ensure that emergency spending is truly used for emergencies and not simply to avoid accounting for routine spending.

A restored firewall between defense and non-defense spending for FY 2001, with any funds unused in either account to be used for debt reduction.

Two new 60-vote points of order to prevent the use of advanced appropriations and delayed obligations to circumvent spending limits.

Mr. President, there are many good provisions in the budget resolution, and I thank the Chairman and Ranking Member of the Budget Committee for taking on some very tough fights. The fact is that we simply have different opinions about budget priorities. I cannot support this resolution because it spends the surplus on more government, without guaranteeing funding for Social Security or Medicare reform or significantly reducing the debt, and I will vote against the resolution.

Mr. L. CHAFEE. Mr. President, I rise today to express my opposition to H. Con. Res. 290, the Budget Resolution for FY 2001 Conference Report that the Senate is voting on today. I feel it is important to note that despite my opposition, I have deep and abiding respect for Budget Committee Chairman DOMENICI and recognize and appreciate the hard work, expertise, and excellent leadership that he has displayed in the Senate's consideration of the federal budget.

There is much to praise in Chairman DOMENICI's budget. Increased funding for education and defense. A reserve fund of $40 billion for a prescription drug benefit. Provisions to do away with budgetary gimmicks. A Social Security Lock-Box. But, there is just too much money set aside for tax cuts, and not enough for paying down the debt.

While I support some targeted tax cuts, such as the low-income housing tax credit, and marriage penalty relief, I believe that $150 billion over five years in tax cuts is too much. Instead, I believe it makes more sense to pay down the debt. The federal debt—currently $5.7 trillion, with interest costs of over $200 billion per year, or almost 12 percent of annual federal outlays—represents a huge burden that should not be passed on to our children and to our grandchildren. Not only is this massive debt a problem, but by paying down the debt we would free up more than $200 billion per year. That money eventually could be used to ensure the solvency of Social Security and Medicare; to increase funding for education, specifically, Individuals with Disabilities Education Act (IDEA); needed infrastructure and environmental improvements; and to provide for tax relief.

Let me take a few moments to explain a number of my votes from last week during the Senate's consideration of the Budget Resolution. I voted for an amendment offered by Senator CONRAD that would have reduced the tax cuts in the Budget Resolution from $150 billion over five years to $75 billion for tax cuts and $75 billion for debt relief. I also voted for an amendment offered by Senator VOINOVICH that would have struck all tax relief from the Budget Resolution so that it may be used for debt relief. Believing that the approach taken by Senator LAUTENBERG was more fiscally responsible, I voted in favor of his amendment because it contained only $59 billion in tax cuts and provided for more debt relief. Finally, I voted against the Budget Resolution as it was reported from Committee because it contained a too high level of tax cuts and not enough debt relief.

All of us who have had to pay interest—be it on our house, car, credit card, or other payment—know that these costs are painful. We need to apply the same fiscal discipline here in

Congress that we apply at home. To pay out 12 percent of our revenues annually on interest costs rather than on education, needed infrastructure construction and improvements, and to ensure the solvency of the Social Security and Medicare programs, seems to me to be a poor investment of taxpayer dollars. Therefore, in an effort to encourage fiscal discipline and responsibility, I am casting my vote against the Budget Resolution Conference Report.

Mr. JEFFORDS. Mr. President, first I must congratulate the Chairman of the Budget Committee, Senator DOMENICI, for producing an on-time budget for only the third time in the 24-plus-year history of the Budget Act.

Thrifty, cautious, and conservative. These adjectives describe the Yankee qualities of many Vermonters when someone tries to get them to open their wallets, and are in the genes of anyone who represents our great state in Congress. I am pleased that this resolution protects social security. Not one penny of the social security surplus is touched. Second, it balances the budget every year without using the social security surplus. Thirdly, this resolution retires the national debt held by the public—nearly $170 billion in the first year and $1 trillion over the next five years.

I am greatly troubled, however, about certain elements in the budget, and will vote against the fiscal year 2001 budget resolution now before the Senate.

What would a cautious farmer do when times are good—invest in new equipment to become more efficient, pay off debts, and put some away for a rainy day. There is no question that tax relief is warranted, but not at the expense of education, veterans health, job training, child care and other important discretionary programs.

A farmer cautiously guards his seed corn for future harvests. Our nation's seed corn is its youth and investments in education are needed to protect our prosperity. The conference report now before us rejects funding added on the floor of the Senate for three important education programs. It not only rejects funding that a majority of this body supported but it takes a giant step backward by reducing funding for education $3 billion below what was contained within the original Senate-passed resolution.

When I first arrived in Congress, one of the very first bills that I had the privilege of working on was the Education of All Handicapped Act of 1975. As a freshman Member of Congress, I was proud to sponsor that legislation and to be named as a member of the House and Senate conference committee along with then Vermont Senator Bob Stafford.

At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a public education. Passage of the Education of All Handicapped Act offered financial incentives to states to fulfill this existing obligation. Recognizing that the costs associated with educating these children was more than many school districts could bear alone, the Federal government pledged to pay 40 percent of the costs of educating these students.

The budget resolution that is before us makes a mockery of this pledge. The original Senate budget resolution assumed that the Federal government would only fund between 15 and 18 percent of the cost of educating disabled students. My amendment to increase this percentage was narrowly defeated last week and was then watered down by an amendment by my colleague Senator VOINOVICH. I had hoped, nonetheless, that passage of the Voinovich amendment meant that a serious effort would be made in conference to increase funding for IDEA. This hope was clearly misplaced.

Let me also speak for a minute about early childhood education.

Research into the development and growth of the human brain clearly demonstrates that learning begins at birth. The sheer magnitude of this scientific research is difficult to fathom. When talk turns to 100 billion neurons or connections with axons and dendrites, confusion is the most likely outcome. What this research basically says is something that parents and grandparents have know for decades, very young children need a nurturing, stimulating environment in order for their brains to make the myriad of connections they need to grow into competent, caring adults.

Research on the brain has shown that the years between birth and six are critical for future success in school, at work, and in society. I believe that education provides the cornerstone from which all other things become possible. Our Nation's first educational goal is that all children should begin school ready to learn. In order to achieve that goal, parents and caretakers need support and assistance to better ensure that they have the tools necessary to incorporate early childhood learning into the daily lives of our Nation's children. Senator STEVENS offered an amendment that was adopted by unanimous consent that provided mandatory funding for this program. This funding was rejected in conference and is not contained within this budget resolution.

Senator KENNEDY and I offered an amendment that provided for a $400 increase in the maximum Pell Grant. These funds make it possible for millions of students to attend college each year. Again, this funding was rejected in conference and is not contained within this resolution.

Prosperity also dictates that we redouble our efforts to protect society's most vulnerable. Unfortunately, this budget does not go far enough to provide drugs to seniors who need them now. I agree with Vermonters who tell me that prescription drug costs are too high, and that it doesn't make sense for Medicare to cover hospital charges, but not cover the drugs that could keep beneficiaries out of the hospital.

Let me be clear, Mr. President, I believe that we need Medicare reform that includes a broad prescription drug benefit. But even if we are not able to enact Medicare reform this year, I believe we need to provide sufficient funds now, in this budget, that will provide relief to Medicare beneficiaries that need help the most—those low-income seniors whose income is high enough that they don't qualify for Medicaid, but still do not have enough income to afford the prescription drugs that they need.

Mr. President, I am very disappointed with the prescription drug provision in this Budget Resolution. I supported the approach of Senator SNOWE's amendment in the Budget Committee that would have provided $40 billion for prescription drugs for Medicare beneficiaries even if Congress is unable to enact Medicare reform. We should not let Congress' inability to enact broad Medicare reform stand in the way of providing seniors with the medicines that they need to live longer, healthier lives.

I am further dismayed that this budget resolution does not fulfill our Nation's commitment to its veterans. Years of underfunding coupled with spiraling health care costs have left the veterans health care system struggling to provide the quality care that veterans expect and deserve. This trend must be stopped and reversed. We owe it to future generations to keep federal spending under control. But we must first recognize the prior claim of veterans who have already given of themselves and who expect to receive the medical care and benefits they were promised.

This budget, like all budgets passed by Congress, is an expression of political intent, priorities, and a starting point for bargaining. Much work remains to be done to pass the 13 appropriations bills that actually fund the government. In areas where I disagree with the budget resolution, I plan to work hard with appropriators to adjust spending levels and turn this budget into reality.

Mr. President, I yield the floor.

Mr. ASHCROFT. Mr. President, the Budget Resolution before us is a responsible budget framework. Senator DOMENICI has done a superb job in helping to craft this budget on the Senate side, and he deserves our praise. This budget resolution balances the important goals of debt reduction, tax relief, and prudent spending levels.

Most importantly, the budget will fully protect Social Security now and in the future. This represents a sea change in the way business is done in Washington. When I came to Washington, Congress routinely spent money out of the Social Security trust fund. This resolution ends the raid on Social Security, and does so in two ways.

First, the budget is based on the premise that Social Security funds will not be used to pay for additional deficit spending or tax relief. Second, as part of this budget's commitment to protect the entire Social Security surplus, Senator DOMENICI included a point of order against any budget that spends money out of the Social Security surplus. This rule is the same as the one I proposed last year, and that was included in the FY 2000 budget.

As a result of this hard-fought fiscal discipline, this budget will retire $1.1 trillion in publicly held debt over 5 years, and approximately $170 billion next year. If we continue upon the path laid out by this budget, we will completely eliminate the publicly-held debt over the next 13 years.

We have already made great progress in this regard. When this budget is enacted, we will have reduced the national debt by $533 billion over the past three years.

I was particularly pleased that the Senate unanimously accepted my amendment objecting to the President's plan to have the government invest Social Security surpluses in the stock market. This risky scheme would have put both Social Security and the stock market at risk.

In addition to responsibly paying off our publicly-held debt, this budget allows for approximately $150 billion in tax relief over 5 years, including $13 billion in FY 2001. These actions include significant marriage penalty relief, which already has passed the House, and is working its way through the Senate. In fact, during the debate on the Budget Resolution, the Senate passed the Hutchison-Ashcroft amendment calling for marriage penalty relief 99–1.

In addition to providing a judicious mix of tax relief, debt reduction, and Social Security protection, the FY 2001 Budget Resolution also includes responsible spending levels. This budget, which is a balanced budget for the third year in a row, calls for approximately $600.5 billion in discretionary spending.

This budget will fully fund Medicare, rejecting President Clinton's Medicare cuts of $14 billion over 5 years. In addition, Congress' spending plan calls for a $40 billion reserve fund to pay for Medicare reform and Medicare prescription drugs.

As I said, this budget focuses spending towards our national priorities, including a $4.5 billion increase in education spending in FY 2001, and $5.5 billion in agriculture spending in FY 2000. The FY 2001 budget also increases funding for domestic priorities such as Head Start; embassy security; the National Science Foundation; the National Institutes of Health; the Park Service; and highways and airports.

Of course, this budget isn't perfect. I was disappointed that the Senate did not adopt the effort to protect the Medicare surplus with my Medicare lockbox amendment. This amendment, which would have extended the protections that now apply to Social Security to the Medicare Part A Hospital Insurance trust, did not overcome a point of order in the Senate.

Despite this setback, I am pleased with the overall package agreed to by Congress. It meets the vital national needs of protecting Social Security, reducing debt, cutting taxes, and funding our domestic priorities. I plan to vote for the FY 2001 Budget Resolution.

Mr. WARNER. Mr. President, I rise today in support of the budget resolution conference report. This budget before us today continues the momentum we started last year to provide additional funding for defense in an effort to correct the most critical readiness, modernization, and recruiting and retention problems in our military.

I thank the Majority Leader, the distinguished chairman of the Budget Committee and his staff and the distinguished chairman of the Appropriations Committee and his staff, for working with me to provide the additional $4.0 billion in much-needed funding for the Department of Defense, the reserve for military retiree healthcare, and the important language necessary to allow the military thrift savings plan to become a reality. I also recognize members of my own committee staff—Les Brownlee, Staff Director, Judy Ansley, our Deputy Staff Director, and especially Larry Lanzillotta, our Budget Chief—whose expertise in budgeting matters is invaluable not only to the Armed Services Committee, but to the entire Senate as well.

The funds which have been added in this Budget Resolution for defense are absolutely critical in providing readiness, modernization funding, and the personnel incentives necessary to reverse the negative trends in recruiting and retention. The increase of $4.0 billion will allow us to bring defense spending to a more appropriate level and address some of the urgent unfunded requirements of the military chiefs. For too many years, the size of our defense budget has been based on constrained funding, not on the threats facing our country or the military strategy necessary to meet those threats. This budget will go a long way in allowing us to ensure the safety and security of our people by maintaining a strong and capable military.

Making the Thrift Savings Plan available to military personnel comes at a critical time for the military services. Participation in a thrift savings account will encourage personal savings and enhance the retirement income for service members, who currently do not have access to a 401(k) savings plan. When the TSP program is implemented, military personnel will be able to join federal workers in a savings program that will enhance the value of their retirement system and permit them to improve their quality of life. The Service Chiefs have indicated that this plan, combined with the pay raise, the repeal of the Redux retirement system, and the increased bonuses in the FY 2000 Defense Authorization Act, will reduce the hemorrhage of trained and experienced military personnel we are now experiencing.

The Secretary of Defense, the Chairman of the Joint Chiefs, and the Service Chiefs have all said that fulfilling our commitment for healthcare to our military retirees should be among the highest priorities for this year. I believe there is overwhelming support in the Senate to correct many of the shortfalls in the military healthcare system for our service members, their families, and our military retirees. It is critical that we enact the important initiatives contained in the bipartisan healthcare legislation introduced by the leadership of the Senate and the leadership of the Armed Services Committee earlier this year. This budget resolution makes it possible to fund these important health care initiatives for our military retirees.

I want to again express my appreciation to the distinguished Chairman of the Appropriations Committee, Senator STEVENS, and the Chairman of the Budget Committee, Senator DOMENICI, and also their highly professional staff members for assisting us in securing these much-needed funds in support of a stronger national defense.

Mr. DOMENICI. Mr. President, once again, I am trying hard to accommodate Senators. I will not use more of our time if they want to give back. I have one Senator who has not spoken. I yield 5 minutes to Senator SNOWE.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to speak in support of the conference report on the fiscal year 2001 budget resolution and to highlight a reserve fund that Senator DOMENICI has been referring to with respect to a new prescription drug benefit.

In advance, I would like to thank the chairman of the Senate Budget Committee for his unwavering commitment to a balanced budget and fiscally responsible decisionmaking over the years. Thanks to his leadership and efforts, the turbulent waves of annual deficits and mounting debt have certainly been calmed. And if we adhere to

the principles as contained in this year's budget resolution, and retain these principles in the years to come, clearly, we will have provided security for many generations.

The conference report we are now considering not only maintains fiscal discipline but it also ensures that critical priorities are protected in fiscal year 2001 and beyond, which is the purpose of the balanced budget: to be able to provide a constraint on Federal spending but at the same time determine how best to invest in the future.

I commend the chairman of the Budget Committee for having taken the step last year to protect every dollar that belongs to the Social Security trust fund and devoting it solely to reducing the publicly held debt. Ultimately, this commitment and this conference report will ensure that we reduce the publicly-held debt by approximately $1 trillion over the next 5 years and eliminate it entirely by the year 2013. Clearly, it is a paradigm shift, not only with respect to the fact we are no longer using surpluses that belong to Social Security, but also the fact that we are able to reduce the publicly held debt and make a commitment to protecting Social Security.

The second issue in this budget that is critically important is that we are making investments where we should be making investments for the future—in education, health care, child care, and defense. In addition, this budget provides modest tax relief. The American people do deserve tax relief, given the burdens they have faced over the years to achieve debt reduction, and the constraints we have had to adhere to over this last decade. Certainly they deserve to have a piece of that pie through the elimination of the marriage tax penalty, through a deduction for college tuition expenses and a credit for the interest paid on student loans. Those are the priorities that could be accommodated in this conference report that the American people deserve. I think they are the right priorities.

Third, as the chairman of the committee has indicated, we have now included and have taken a giant step forward in ensuring our Nation's seniors have a prescription drug benefit program. Senator WYDEN, Senator SMITH, and I offered an amendment in the committee that would have laid out a bifurcated approach that would provide a down-payment of $20 billion for a new benefit in the first 3 years, and $20 billion in years 2004 and 2005 contingent on Congress moving forward on Medicare reform. Of importance, the initial down-payment of $20 billion would allow us to move forward in creating a new benefit this year with or without Medicare reform—and that structure has been retained in this conference report.

We also included a date certain by which the Senate Finance Committee would be required to report a new prescription drug benefit bill. If that date was not met, we would be able to proceed with the stand-alone prescription drug benefit on the floor. That time certain was dropped.

But the fact of the matter is, the conference report retains the reserve fund language, and we still have the ability to create a stand-alone prescription drug benefit this year. As a result, the Senate Finance Committee still has $20 billion available to develop a prescription drug benefit program for our Nation's seniors that is not contingent on Medicare reform or other legislation—and an additional $20 billion will be made available if they proceed with broader Medicare reform.

Accordingly, I thank Chairman DOMENICI for his efforts in ensuring that provision would be included in the conference report. The significance of it is twofold. One is that we have $20 billion that would be immediately available for such a benefit. As a result, this reserve fund gives us the opening we need to consider and pass a prescription drug benefit program this year. Furthermore, it not only provides a downpayment for such a benefit over the next 5 years, but it also provides an additional $20 billion if we move forward reach a consensus on Medicare reform. This total allotment of $40 billion over the coming five years is more than was contained in the Chairman's mark, and even more than was provided in the President's own budget proposal for a prescription drug benefit.

There are no caveats, there are no conditions. The Senate Finance Committee has the ability to proceed with a comprehensive Medicare reform package. But in the event they cannot grapple with this issue, if they fail to reach a consensus and Congress fails to reach a consensus, we can proceed and enact a prescription drug benefit program.

So the overall structure of this fund is the same as it was when we offered it as an amendment during the markup, as it was supported unanimously by Republicans and Democrats on the Budget Committee. As a result, it provides the Finance Committee with both the means and the motivation to act on this legislation in a timely manner.

In conclusion, I again applaud the efforts of the chairman of the Budget Committee, Senator DOMENICI, for preserving the essential structure of this reserve fund which enables the Senate and the Congress to create a prescription drug benefit in a timely fashion. I congratulate him because this is a significant step forward and gives us the opportunity, for the first time in a very long time, to enact this very significant and critical benefit for our Nation's seniors.

Thank you, Mr. President. I yield the floor.

Mr. DOMENICI. I will propound a unanimous consent request. It is cleared on the other side.

I ask unanimous consent vote on adoption of the budget conference report occur no later than 6:30 p.m. this evening.

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

Mr. DOMENICI. I thank the Chair and Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I conclude my remarks, regretfully noting we are leaving without passing the juvenile justice bill conference report, without adopting sensible gun control legislation, missing the opportunity, I think, to do what the American people want us to do.

I have long been a supporter of effective gun controls, working hard for the Brady bill and for the assault weapons ban while I was in the other body. But I have been galvanized to an even more concerted effort by an event that took place very recently in Providence. This, I think, is an example of the gun violence we face.

Two young men were horsing around wrestling. One got offended by the other one. Unfortunately, this happened in a neighborhood, like so many neighborhoods, where it is easier to get a gun than it is to get a library book. Someone in the crowd had a handgun. In an act of absolute recklessness, one young man fired at the other young man, critically wounding him in the head. That young man, the shooter, was so distraught that he rushed off and took his own life. That is the face of gun violence in too many places in America today.

We can do something about it. We should do something about it. We should not leave until we do something about it. Regretfully, we are leaving but we are coming back, I hope, with a renewed commitment to ensure we will, in fact, pass the provisions in the juvenile justice committee report.

I yield 5 minutes to the Senator from New Jersey, who has particularly championed the legislation to close the gun show loophole.

I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Rhode Island for the work he has done on trying to limit the damage from gun violence in this country. He reminded us it is time. We are days away from April 20, the anniversary of the terrible tragedy at Columbine. We are days away. That means in this full year that passed, we could not find time to get on with doing our best to control gun violence by examining what the possibilities are, by closing the gun show loophole, by making sure those who are going to

apply for gun ownership were fit to do it.

Here is a picture of a fellow who is on the FBI Ten Most Wanted Fugitives list. He could walk up to an unlicensed dealer in a gun show and purchase all the guns the money in his pocket can buy. We ought not permit that. The American people do not want us to permit that.

Mr. President, we are closing the debate now. I congratulate my friend and colleague from New Mexico for his ardent work on getting this done. They have a majority, and the one thing we know about our democratic system is if a majority has been sent here by the American people, we have to acknowledge that, and they have the choice of a majority. I wish we had the majority, and we would be kinder and gentler, although I am not sure everybody would agree with that.

That is the die as it was cast. It was cast by a majority. In the process, I see substantial loopholes in this budget conference report. It proposes deep cuts in programs such as education and health care, law enforcement, veterans benefits, and environmental protection. Also, based on just the most simple arithmetic, it is going to raid the Social Security surplus, regarding which so many of us have taken an oath: Touch not a hair on yon gray Social Security head. Here we are, preparing to violate it, even as we present a program for the fiscal year 2001.

They did purport—and I am not talking about as a deception; I am talking about it as an analysis of the arithmetic, the mathematics as it is there—that prescription drugs were going to be taken care of.

I read from the conference committee report under the heading of prescription drugs. It says: Whenever the Committee on Finance in the Senate reports a bill, a joint resolution or conference report thereon submitted which improves access to prescription drugs for Medicare beneficiaries. It does not say we are going to develop a program that is going to make prescription drugs more available, cheaper, et cetera. It does not talk about that. It says access. Maybe it means the Government is going to produce lists of places where one can buy drugs off the Internet cheaper. Maybe access means if you visit country X, Y, or Z, you will be able to buy prescription drugs cheaper.

Access is a broad term. It does not say anything about having to get it done, but it does say in the tax section that the Finance Committee must reconcile. That means they have to produce a sufficient amount of funding for tax breaks for whomever it affects, and this is going to be principally the wealthy.

We leave the prescription drug section and go to the Medicare reform on page 48. It says: Whenever the Committee on Finance in the Senate—they are the people who can do it; we cannot do it in the Budget Committee—whenever the Finance Committee reports a bill, joint resolution, or conference report thereon submitted which improves the solvency of the Medicare program without the use of new subsidies from the general fund—to me that says we are going to dip into the Medicare trust fund in order to reform Medicare.

If that is reform, Heaven protect us, keep us from the kind of reform that says we will have to take funds from cuts in the Medicare trust fund.

Mr. President, in conclusion, this is my last attempt to work on the Federal budget. As disappointed as I am with the outcome, I am pleased to say I very comfortably and very forthrightly worked with Senator DOMENICI. He is a distinguished Senator. He knows his subjects, oh, so well. I will miss the chance for the fray, but also the chance for the pleasant contact we have had through this experience.

Mr. DOMENICI. Does the Senator from New Jersey yield back his time?

Mr. LAUTENBERG. I yield back my time.

Mr. DOMENICI. Mr. President, I am going to respond to the Senator for 1 minute, and then I will have remarks about the Senator from New Jersey and our relationship.

I say to the distinguished Senator who spoke about the National Institutes of Health and what we are going to do and not going to do, everybody should know when and by whom the NIH increased in the most dramatic manner in its history.

In the last 3 years, when Republicans controlled both Houses, we increased the National Institutes of Health—cancer, AIDS, all those diseases—let me give the numbers to my colleagues. Since 1998, NIH has increased 40 percent: In 1998, $13.7 billion; in 1999, it was $15.6 billion. That is a 14-percent increase. In 2000, it went up 13.8 percent, one of the largest domestic program increases in this whole budget. In 2001, this conference report, NIH funding is going to $19.3 billion. That is an increase of 8 percent. We are doing pretty well trying to find cures for serious ailments, thanks to the Republicans who in conference and elsewhere pushed so hard for it.

I ask that it be in order to ask for the yeas and nays.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, when Senator LAUTENBERG of New Jersey came to this committee, I do not know if he was like me, but I never thought I would be ranking member, much less chairman. I am not sure he had a plan to be ranking member, especially when he had to put up with me.

It has been not only a joy, in terms of getting our committee work done, but it has been healthy from the standpoint of adversaries who believe strongly about their position but understand the other fellow can have a different opinion and it is all right, they are OK. That is how I feel about him. He has different views than I, but he brought a lot of stability to this committee. The minority ought to be very grateful for the way he handled matters. They all had a chance to contribute.

Today is his last effort on the floor of the Senate as ranking member. I thank him. I hope the whole Senate understands what he has done.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, if I may take 1 minute from the time remaining of the Senator from Rhode Island. I yielded back all my time.

I ask unanimous consent to print in the RECORD documents prepared by OMB that explain the impact as they see it.

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

POTENTIAL IMPACT IN FY 2001 OF THE BUDGET RESOLUTION CONFERENCE REPORT

The following programmatic impact statements illustrate reductions (by function) to the FY 2001 Budget request contained in the Budget Resolution Conference Report.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Class Size. The Conference Report appears to freeze the Class Size Reduction program at the FY 2000 level and would therefore prevent the hiring of the third group of teachers meant to reduce class size in grades 1–3, to a nationwide average of 18 students per class. Twenty thousand new teachers could not be hired.

21st Century Community Learning Centers. The Conference Report could cut $547 million from the President's request, denying approximately 1.6 million school age children in over 6,000 new centers access to before- and after-school and summer programs in safe, drug-free environments.

School Construction. The Budget Resolution Conference Report could eliminate $1.3 billion in loan subsidies and grants to repair 5,000 public schools.

Small, safe, and drug-free schools. The Conference Report could prevent 400 additional high schools from developing schools-within-schools and career academies that could create smaller, safer learning environments for students. It could also severely compromise the President's proposed 40-community expansion of the popular interagency Safe Schools/Healthy Students initiative, which supports comprehensive, community-wide approaches to drug and violence prevention, and eliminate Project SERV, an initiative to provide emergency assistance to schools affected by serious violence or other traumatic incidents.

Funding for the Dislocated Worker program would be cut by about $213 million, denying training, job search assistance, and support services to approximately 118,000 dislocated workers.

Adult training services for over 45,000 of the 380,000 adults who would otherwise be served in FY 2000 would be eliminated.

Funding for the Youth Activities Formula Grant program would be cut by about $123 million, denying 73,000 low-income youth summer jobs and training opportunities.

The Community Service Employment for Older Americans program would be cut by about $57 million. About 12,000 low-income older Americans would lose their part-time jobs.

The budget resolution would cut the Job Corps program by $163 million—preventing Job Corps from opening the final two centers of the recent four center expansion and possibly resulting in the closure of 8–11 additional Job Corps Centers, denying job training opportunities to over 5,000 disadvantaged youth.

Funding for the Youth Opportunity Grants program would be cut by $45 million, denying over 10,000 youth in high-poverty communities access to education, training, and employment assistance.

A $845 million cut to the President's request would force Head Start to provide services to approximately 70,000 fewer children in FY 2001 than would otherwise be served.

The 12-percent cut to the Administration on Aging assumed in the Budget Resolution would result in 20 million fewer home-delivered meals to ill and disabled seniors than would otherwise be served.

COMMUNITY AND REGIONAL DEVELOPMENT

The final Budget Resolution reduces funding for Community and Regional Development below last year's level and is a decrease of approximately $3 billion from the President's budget. Given the competing demands within this program category, this funding level would almost certainly result in no increase in the Community Development Block Grant (CDBG) program, and would probably end up reducing CDBG funding by eight percent below the President's budget level. This would reduce local communities support of housing activities, including a loss of more than 28,000 people from benefiting from programs providing housing rehabilitation, construction, and homebuyer assistance, and 6,900 fewer jobs being created using CDBG assistance for economic development. The resolution funding level would seriously impair the ability of the New Markets initiatives to provide businesses with funding and assistance, which they would use to invest in low income neighborhoods around the country.

The Conference Report's funding level would seriously impair the ability of the New Markets initiatives to provide businesses with funding and assistance, which they would use to invest in low-income neighborhoods around the country.

FEMA Emergency Funding. Contingent emergency appropriations provide a means to make emergency disaster response funding available to handle the disaster activity that is expected to occur, based on recent experience. By stripping out contingent emergency funding from the President's budget request, the Budget Resolution makes it more difficult for the President to release appropriate funding as quickly as possible to enable Federal agencies to respond rapidly when a disaster strikes. Postponing consideration of contingent emergency appropriations until disasters strike could lead to circumstances in which disaster victims are left without shelter and communities are left without critical clean up and rebuilding assistance for days, weeks, and sometimes even months.

Super-Majority for FEMA Emergencies. Requiring a super-majority of the Senate for an emergency appropriation would make it much more difficult for the Federal Government to respond quickly and appropriately to disasters. A super-majority requirement could lead to some circumstances in which disaster victims are left without Federal disaster assistance for lengthy periods—and perhaps even some cases in which disaster victims will not receive the assistance they need.

INCOME SECURITY

The Budget Resolution explicitly states its intention to provide funding for the renewal of all expiring Section 8 housing contracts. However, the large and competing demands on Income Security activities assumed in the Budget Resolution indicate that full renewal funding cannot be achieved within the resolution's functional total. As a result, the resolution would necessitate significant cuts in housing renewals from the President's request of $13 billion. The resolution would also eliminate the Administration's efforts to assist more needy families with 120,000 new incremental housing vouchers. The deletion of new housing assistance would come at a time when a record 5.4 million low-income households in this country have worst-case housing needs—defined as spending over 50 percent of their income in rent or living in substandard housing.

INTERNATIONAL AFFAIRS

International Organizations and Peacekeeping Accounts. A 17-percent reduction to funds for the international organizations and peacekeeping accounts would prevent the United States from making its full assessed payments to the UN and other international organizations that directly promote vital U.S. interests. This would substantially increase U.S. arrears to the UN and jeopardize the negotiations for reforms that would lead to the payment of approximately $800 million in arrears. This cut would also cripple continuing and critical new peacekeeping missions seeking to redress the instability and suffering caused by conflicts in East Timor, Kosovo, and Africa.

African Development Foundation (ADF) and Inter-American Foundation (IAF). The abolition of ADF and IAF would eliminate the only U.S. Government institutions that work exclusively with local, grassroots organizations in Africa and Latin America to expand economic opportunities and develop basic democratic values and institutions.

SCIENCE AND SPACE

Reduced Support for Basic Research. A reduction of about $365 million to NSF would result in almost 14,000 fewer researchers, educators, and students receiving NSF support—affecting the high-tech workforce and well-trained students needed for the Nation's future. A reduction of this magnitude would result in over 3,000 fewer awards for state-of-the-art research and education activities.

NATURAL RESOURCES

The Budget Resolution would cut farm loan programs at the USDA, resulting in 800 fewer loans to American farmers and ranchers.

EPA's Superfund program would be cut by $69 million. This would eliminate funding for all 15 new federally-led cleanups and five ongoing federally-led cleanups in FY 2001, needlessly jeopardizing public health for citizens living near affected sites and making it more difficult to meet the 900-site cleanup goal in 2002.

The cut to EPA's Enforcement Program assumed by the Budget Resolution would significantly hamper the environmental cop on the beat, jeopardizing our ability to assure adequate protection of public health and the environment. Nearly, 1,000 fewer inspections could contribute to a higher non-compliance rate and an increase in pollution.

The reduction assumed by the Budget Resolution to the Children's Health Initiative would impair efforts to train health care workers on the environmental control of asthma; limit outreach programs to children, parents, and care-givers on avoidance of second-hand smoke and other indoor allergens; and, hinder critical research into the role that pesticides and chemicals may play in the onset of asthma. In addition, EPA's lead program, which focuses on enforcing lead regulations and community-based programs that are aimed at reducing children's exposure to lead, would be curtailed.

The Budget Resolution reduces most Interior Department and Forest Service programs by six percent below the President's request. Such a reduction would hinder Wildland fire suppression and protection programs, delay or limit the construction and rehabilitation of needed visitor facilities, and diminish the ability to oversee coalmining operations and the ability to assist States and Tribes in cleanup of almost 9,000 acres of abandoned mine lands.

HEALTH

Funding for the Food and Drug Administration (FDA) could be cut by over $191 million. Such a reduction would result in extended product review times for new vaccines, new food additives, and complex emerging medical technology, making it difficult for the FDA to meet congressionally-mandated performance levels. This reduction would also impede FDA's efforts to ensure the safety of the Nation's food supply and would strain the agency's ability to respond to outbreaks of food borne illness.

Substance Abuse and Mental Health Services Administration funding would be reduced by $305 million, which would deny treatment to roughly 66,000 people who receive mental health and substance abuse services.

TRANSPORTATION

A reduction of four percent, or $21 million, below the President's request of $521 million for Amtrak would jeopardize Amtrak's ability to achieve self-sufficiency. The recently announced route expansions would be postponed, and the frequency and level of service on Amtrak's remaining trains reduced. This will further reduce revenues, leading to additional service reductions.

ADMINISTRATION OF JUSTICE

The Budget Resolution rejects the President's $1.335 billion request for the 21st Century Policing Initiative (COPS). It does not appear to provide any funds for the hiring of additional police officers, or for community crime prevention programs, and it is well below the President's request for law enforcement technology and gun prosecution. Without continued funding for the COPS hiring program, it will be impossible to meet the President's goal of funding up to 150,000 additional officers by 2005.

GENERAL GOVERNMENT

IRS. The Budget Resolution assumes cuts in the IRS's resources by $1.2 billion below the President's Budget—nearly $0.8 billion below the level needed to maintain current operations. The IRS would lose 12,000 workers needed to provide service to taxpayers and to ensure that the tax laws are enforced fairly. IRS modernization efforts mandated

by the 1998 Restructuring and Reform Act would be halted. Instead of the improvements in performance proposed in the President's budget, audit rates—which have already fallen by half over the past decade—would drop to unacceptable levels. Taxpayers would face greater frustration, and the Treasury would lose billions of dollars in enforcement revenue. Such a dramatic cut in both compliance efforts and taxpayer service would put at risk the voluntary compliance system, which collects over $1.7 trillion in revenue each year.

Mr. LAUTENBERG. Mr. President, I thank Senator DOMENICI. I thank staff in the person of Bill Hoagland and Bruce King on my side.

I yield the floor.

Mr. REED. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—50

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Stevens
Coverdell	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—48

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	McCain
Bingaman	Harkin	Mikulski
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Byrd	Johnson	Robb
Chafee, L.	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Specter
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Moynihan	Roth

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I thank the distinguished chairman of the Budget Committee, Senator DOMENICI, and the ranking member, Senator LAUTENBERG, for their work on the budget resolution, and for the way they have handled it throughout the process.

CRIME VICTIMS RIGHTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to S.J. Res. 3, regarding the rights of crime victims.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object.

Mr. President, I notice that the adjournment order has already been adopted. Respectfully, I do not believe that there is any intention of completing this matter today, tomorrow, or even next week. We have just barely filed a committee report.

This is a constitutional amendment. I think we ought, at least, to make sure Senators know that this is going to be the next matter coming up and that they have a chance to consider the report and the proposal. A constitutional amendment should not be rushed through this way, with all due respect. So I will object.

I will be happy to work with the distinguished majority leader, who has the added problems of having to make sure that the Senate does its work at the appropriate time. I will be happy to work with him on schedules and everything else on this, but because it is a constitutional amendment, I think we should treat it with more care and not just zing it off like this. We should have a real debate. I am not going to stop it from coming forward. I only want to make sure that everyone knows about it, that everyone has a chance to debate it and that everyone has the opportunity to offer amendments.

The PRESIDING OFFICER. Objection is heard.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT THE RIGHTS OF CRIME VICTIMS—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to S.J. Res. 3 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 299, S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims:

Trent Lott, Jon Kyl, Judd Gregg, Wayne Allard, Robert Smith of New Hampshire, Richard Shelby, Gordon Smith of Oregon, Bill Frist, Mike DeWine, Ben Nighthorse Campbell, Jim Bunning, Chuck Grassley, Rod Grams, Connie Mack, Craig Thomas, and Jesse Helms.

Mr. LOTT. Mr. President, this cloture vote will occur on the motion to proceed on Tuesday, April 25.

I ask unanimous consent that the vote occur at 2:15 p.m. and that the mandatory quorum under rule XXII be waived, and I withdraw the motion to proceed.

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

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

CLOTURE MOTION

Mr. LOTT. Mr. President, negotiations are still ongoing with respect to the pending marriage tax penalty legislation. However, a resolution to the issue has not been worked out yet. It looks as if we are not going to be able to get it before the recess.

I call for the regular order with respect to H.R. 6 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment to Calendar No. 437, H.R. 6, the Marriage Tax Penalty Relief Act of 2000:

Trent Lott, Kay Bailey Hutchison, Tim Hutchinson, Chuck Hagel, Larry E. Craig, Phil Gramm, Jesse Helms, Strom Thurmond, Rod Grams, Sam Brownback, Pat Roberts, Judd Gregg, Wayne Allard, Richard Shelby, Gordon Smith of Oregon, and Bill Frist.

Mr. LOTT. Mr. President, I ask unanimous consent that this cloture vote occur immediately following the vote scheduled at 12:15 on Tuesday, April 25, and the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. Mr. President, the vote will occur at approximately 2:25 p.m., or after the 2:15 vote.

On Tuesday, it is my hope that Members will allow me to vitiate the cloture vote and enter into a reasonable agreement that would allow swifter passage of the bill. Of course, I would like to continue to see if we can get agreement on alternatives or relevant amendments.

On yesterday, part of our problem in getting an agreement worked out was we didn't get the chance to even look at the amendments before the end of the day. But I am still hopeful we are going to be able to come up with something that would allow us to get an agreement and vitiate this cloture vote.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

THE GAS TAX

Mr. REID. Mr. President, before the majority leader leaves, I say respectfully that we appreciate his efforts to try to move legislation along. But I just want to make sure the record is clear. We were generous in offering the majority the opportunity to review our amendments. There is no requirement, of course, that we do so.

I also say to the leader that I think if we had started the marriage penalty legislation Monday or Tuesday of this week, we would be finished with it by now.

There may have been a lot of amendments offered, but the way we used to do things around here, we had lots and lots of amendments. In fact, there were a number of occasions when we had well over 100 amendments without any restriction of who offered them or what the subject matter was. And we completed the legislation.

I believe and predict if we go right to work on the marriage penalty legislation on the Tuesday when we return, we will complete it within 2 or 3 days, at the very most; maybe even in 2 days.

I think the majority leader should allow us—I say this not in a pejorative way; we don't need to be allowed in the true sense of the word—to have the Senate work its will the way we have done it for a couple hundred years. I think he would be surprised at how much legislation we could move.

Mr. LOTT. Mr. President, it is my hope that over the next week or early the next week, I will be able to propose a list of amendments. I suggest that would be kind of in the realm of what we can agree to.

We have been looking at these various amendments. Some of them are clearly not going to be acceptable, and they probably could be easily tabled. Even though they are not relevant, some of them are meritorious. Our concern is, they have not been considered by the appropriate committee, whether it is Finance, or Agriculture. We are hesitant to have a vote on these and try to get Members to vote against them when, in fact, they may eventually want to be for them in a different forum.

I have an idea of how we might be able to work something out on this. I will have a suggestion on that before we come back a week from Tuesday.

Mr. REID. Mr. President, I say to my friend I very much appreciate that. But I remind the Senator that the underlying bill skipped the committee process and came directly to the floor. I believe we should do as much as we can in the committee process. But the bill before us didn't get a vote in committee.

Mr. LOTT. The marriage tax penalty bill was considered by the Finance Committee, and we had amendments, including an alternative that was offered and seriously considered. The Moynihan alternative amendment has a lot of credibility to it.

Mr. REID. I apologize to the Senator. Maybe he didn't understand me. I didn't speak properly. What I should have said is, the legislation we spent a lot of time on this week—namely, the gas tax proposal—avoided the committee process.

Mr. LOTT. You are right on that one, and it didn't pass either.

I yield the floor.

WORST TERRORIST ACT

Mr. HELMS. Mr. President, in December 1988, a few days before Christmas, a terrorist bomb exploded on Pan Am flight #103 over Scotland. 270 people died—murdered is the more fitting word—including 189 Americans. It was one of the worst terrorist attacks in history.

Next month, two Libyan suspects are scheduled to go on trial in the Netherlands for the bombing. These two Libyans are believed to have planted the bomb, but there is widespread belief that the Libyan government ordered the attack.

Though the United Nations has suspended sanctions on Libya since Qadhafi saw fit to turn over the two suspects in the Pan Am 103 bombing, Libya has by no means been restored to the status of a civilized nation. Libya is a rogue nation that has been an avowed enemy of the United States for three decades. (''The time has come for us to deal America a strong slap on it's cool arrogant face,'' Qadhafi said in 1973—at the same time he ''nationalized'' all foreign oil concessions in his country. ''Nationalized'' in this instance is a dressed-up word for outright thievery.)

So it is Qadhafi's regime that stands accused of the deliberate murder of American servicemen in the 1986 La Belle discotheque bombing. The same regime whose top officials have been convicted, in absentia, by French courts for bombing a French jetliner, killing 171 people, including seven Americans. The same regime that ordered the murder of 189 Americans on Pan Am Flight 103—Americans from 22 states: New York, New Jersey, Ohio, Pennsylvania, Connecticut, Vermont, Massachusetts, Michigan, Minnesota, Maryland, North Dakota, California, New Hampshire, Colorado, West Virginia, Texas, Florida, Virginia, Kansas, Arkansas, Rhode Island, and Washington D.C. Nearly half of America's states lost one or more residents to the Libyan terrorists in that 1988 bombing of Pan Am 103 over Scotland.

The mothers and fathers, husbands and wives, and all those children of the Pan Am 103 victims will never forget the horror but, unfortunately, the U.S. foreign policy establishment appears less concerned with that history, hence the recent U.S. decision to ''review'' the ban on American citizens' travel to Libya.

Mr. President, this resolution should remind the Administration of the heinous crimes committed by the Libyan regime. It identifies Libya's continued refusal to accept responsibility for its role in these acts. It calls on President Clinton to consult with Congress on policy toward Libya—consultations that would include disclosing United Nations documents containing assurances to the Qadhafi regime that it would not be destabilized as a result of the trial in The Hague.

Most importantly, this resolution would emphasize the Sense of the Senate that all U.S. restrictions on Libya, including the travel ban, should remain in place until all cases of Libyan terrorism against Americans have been resolved, and until the Libyan government cooperates in bringing the murderers to justice.

A clear signal is needed to Qadhafi, and, apparently, to the Clinton Administration—that the United States will not stand idly by when our citizens are murdered.

If and when Libya apologizes and begins to make amends to all Americans, then perhaps there can be talks. Not before.

THE NEED FOR FUNDAMENTAL TAX REFORM

Mr. GORTON. Every April, Americans are reintroduced to the beauty of Spring by blooming tulips, green lawns, and the 5.5 million word federal income tax code.

As every citizen wrestles with the complexity and incomprehensibility of the mammoth tax code to file his or her return by the April 15th (April 17th this year) annual deadline, there is virtually universal agreement that change is desperately needed. I believe that amending the tax code is not enough. I believe that we must scrap the entire tax code—it is too complicated, too burdensome, too unfair.

How complicated is the tax code? Here are some illustrative facts and

figures. The current federal income tax system was born in 1913 as a law under 100 pages in length. The original 1040 form covered two pages, front and back. This included instructions. Today, the 1040 form has 76 pages of instructions alone. The most basic tax form today, the EZ1040, has 33 pages of instructions.

The annotated tax code fills 14 volumes of some 11,700 pages, and it takes an additional 19 volumes totaling another almost 11,750 pages to contain the regulations governing the code. To implement the code, the Internal Revenue Service prints over 400 forms and more than 100 pamphlets with instructions on how to complete these forms.

We need to focus our attention in Congress on developing a new tax system, and we need the President to support changing the current tax code, instead of defending it from reform. Fundamental reform of the tax code is my number one tax priority and I believe a new federal tax system must be based on four principles: fairness, simplicity, uniformity and consistency.

My support for tax reform should not be interpreted as opposition to providing tax relief to American families and working individuals who are sending more of their paycheck to the federal government in taxes than at almost any point in our nation's history. I absolutely support allowing people to keep more of the money they earned, and am pleased that the budget resolution adopted by Congress allows for a responsible reduction in taxes of $150 billion over the next 5 years, rather than the $13 billion tax increase for next year that the Clinton-Gore Administration proposed in their budget. The budget plan will allow Congress to consider several tax relief measures that not only reduce the tax burden on Americans, but also make the tax code simpler and more fair.

Congress has already passed legislation to repeal the Social Security Earnings Limit that penalized working seniors one dollar of Social Security benefits for every $3 they earn over the limit of $17,000. Congress is engaged in a debate to eliminate the marriage tax penalty. Eliminating the estate, or death, tax is not only a priority of mine and many in Congress, it is a priority for small business owners and family farmers whose very existence is threatened by this disgraceful tax.

Americans deserve a tax code they can understand and predict. About the only thing Americans can predict about the current tax code is that every April they will likely be sending a big check off to Uncle Sam, and about the only thing they understand is that the IRS will find them if they do not. This must change and it is why I am working for a new tax system that is fair, simple, uniform and consistent. A new code based on these four principles will free Americans from suffering through the forms and tax tables of April tax season, and allow them to enjoy the blossoms and sunshine of the April Spring season.

SOUTHEASTERN EUROPE: OBSERVATIONS AND OUTLOOK

Mr. VOINOVICH. Mr. President, when the bombing ceased, and Serbian military forces withdrew from the Kosovo province, most Americans believed that the end of the air war meant the end of the United States' involvement in the Balkans. Such a misconception is due primarily to the fact that the political and military situation in the Balkans, as well as U.S. foreign policy towards the region, remains largely unknown to the vast majority of Americans.

Because of my belief that the Balkan region is key to our strategic interests in Europe, earlier this year, I traveled to the Republic of Croatia, the Former Yugoslav Republic of Macedonia, Kosovo and Brussels, Belgium in order to examine the humanitarian, economic, political and security situation in Southeastern Europe. Today, I would like to take this opportunity to share some of my observations with my colleagues and the American people.

Before I proceed further, I would like to publicly thank U.S. Ambassador to Croatia, William Montgomery, U.S. Ambassador to Macedonia, Michael Einik, Chief of the U.S. Mission to Kosovo, Larry Rossin, U.S. Ambassador to NATO, Sandy Vershbow and U.S. Ambassador to the EU, Richard Morningstar. They are fine representatives of our nation, and they are doing an outstanding job to help bring peace and stability to this sensitive part of the world.

I would also like to thank our U.S. embassy staff in Croatia, Macedonia, the North Atlantic Treaty Organization (NATO) and the European Union (EU). In addition, I would like to thank the personnel who comprise the U.S. Mission in Kosovo, the Department of State, the Department of Defense, and the U.S. Army—especially Colonel Timothy Peterson, who accompanied me on this trip and also provided his valuable insight and expertise on the region.

I would further like to thank Senator FRED THOMPSON, my chairman on the Governmental Affairs Committee, for giving me the opportunity and the Committee authorization to take this trip.

Finally, I would like to thank our men and women in uniform who provided such invaluable assistance during my travels in the region. They have my gratitude, and I believe the gratitude of our nation should go out to our peacekeeping force in Kosovo. We have a tremendous team working on our behalf in the region, and all Americans should be proud of their tireless efforts to help promote peace and protect the interests of the United States in southeastern Europe.

Mr. President, one of the more encouraging developments I observed in my trip to the Balkans was a new positive spirit that seems to be emerging in a number of nations in the region.

In my visit to Croatia, I had the opportunity to meet with the newly-elected president of Croatia, Stipe Mesic.

President Mesic is a bright, engaging, well-spoken gentleman with a tremendous understanding of the varied and complex issues facing his country. More importantly, he has a clear concept—supported by his electorate—of the direction his country should take for the future.

President Mesic is pleased that the region finally seems to have abandoned the two terrible ideas that have caused so much bloodshed over the last decade—the dream of a ''Greater Serbia'' and the dream of a ''Greater Croatia.'' In an indication of his commitment to ending these disastrous notions, he expressed to me his support for sending individuals responsible for war crimes that have taken place over the last decade to the International Criminal Tribunal for prosecution.

He is also committed to fully returning to Croatia those refugees who were displaced after conflict swept the nation in the 1990's. He understands that a functional economy, the establishment of private property rights and the rule of law are key to the return of these refugees.

President Mesic appeared to understand that the future of southeastern Europe is linked to minority rights and that redrawing international boundaries along ethnic lines is fundamentally unworkable—we need only witness the ongoing debacle in Bosnia for such an example. With this realization on the need to consider minority rights, he plans on appealing to the best instincts in his people to put aside ethnic hatred, so that they and their nation may move ahead. He has stated that he looks forward to serving as the President of all of the Croatian people, regardless of their ethnicity. If lines are not going to be redrawn, then a major hurdle to domestic peace in Croatia will have been removed.

It is my understanding that Prime Minister Racan, who I did not have the opportunity to meet since he was out of the country during my visit, seems committed to these principles as well. I'm also encouraged that Parliamentary President Zlatko Tomcic, Deputy Parliamentary President Zdravko Tomac, Serbian Member of Parliament Milan Djukic and Serbian Democratic Forum President Veljko Dzakula—all of whom I met in Croatia—appear to be supportive.

I was also pleased to meet with Macedonia's President Boris Trajkovski,

the Macedonian Prime Minister, Ljubco Georgievski, and Arben Xhaferi, the leader of Macedonia's ethnic Albanian community. They seem to have been able to successfully bridge the domestic ethnic problems that have been at the heart of the various conflicts that have decimated southeastern Europe over the last ten years.

As many of my colleagues may recall, Macedonia was seen as another potential flashpoint during the course of the Kosovo bombing campaign as the Macedonian people became polarized either in favor, or against, NATO's actions. This possibility seems to have been successfully averted because Macedonians do not generally possess the same kind of ethnic hatreds towards their minority community that have plagued other nations in the region.

Domestic peace and stability has been achieved in Macedonia by appealing to the best instincts in people, rather than the worst. The elected leadership has made it clear that the ethnic Albanian community, which makes up roughly 25% to 30% of the population, is an integral and respected component of society. Because of this, minority rights are, by and large, protected, and the rule of law is, for the most part, very well respected. The importance of these trends cannot be understated.

I was particularly interested to hear President Trajkovski discuss the amazing recovery of Macedonia's economy. When the nation separated from the FRY in 1991, Macedonia's per capita income immediately started sliding downward, dropping 40 percent. This decline was clearly exacerbated by the Kosovo bombing campaign.

Nevertheless, in recent months, the economy has staged a dramatic turnaround because of stable and progressive leadership, market reforms and economic activity as a result of Macedonia's serving as a staging point for KFOR. Macedonia is beginning the slow process of returning to its pre-independence level of economic activity. More importantly, the EU, as a part of its new focus on the Balkans region, has established a relationship with Macedonia intended to lead to its eventual membership in the European Union, a commitment that had never been made before the Kosovo war. Given my belief that integration of the nations of the region into the broader European community is essential to long-term peace and stability, this is a dramatic development.

At the headquarters of the United Nations Mission in Kosovo (UNMIK) in Pristina, Kosovo, I had the opportunity to sit down and meet with several key leaders of the Kosovo Albanian community and representatives on the Interim Administrative Council—Dr. Ibrahim Rugova, Mr. Hashim Thaci and Dr. Rexhep Qosja. This was an extraordinary meeting given the historical animosity between these leaders.

All three leaders made a very clear promise to me that they were committed to a multi-ethnic, democratic Kosovo, one that would respect the rights of all ethnic minorities. I was heartened to hear these comments. This commitment could serve as the basis for long-term peace and stability in Kosovo.

In response, I said that they could go down in history as truly great men were they to make this commitment a reality. I explained that the historic cycle of revenge in Kosovo must end and minority rights must be respected—including the sanctity of churches and monasteries. This would be the key to the future of Kosovo.

I traveled to Brussels to make my feelings known to the leadership of the European Union (EU) regarding their lack of leadership and commitment to the problems facing southeastern Europe. I met with U.S. Ambassador to the EU, Richard Morningstar and U.S. Ambassador to NATO, Alexander Vershbow and with other leaders of NATO and the EU. I was pleasantly surprised to learn that the Europeans basically ''get it.'' That is, they understand that unless the Balkan region is fully integrated into the broader European community, the region will ''Balkanize Europe.'' This is the same message I have been saying for months. I was pleased to see the Europeans taking the necessary steps that will eventually include the nations of the region in the EU and NATO.

I think it is important to highlight the level of support the Europeans are providing the region. They have budgeted six billion euros (basically $6 billion) over the next six years to help bring Romania and Bulgaria into the EU. They have also prepared to provide 5.5 billion euros (again, roughly $5.5 billion) over the same time period to implement the three initiatives of the Stability Pact—democratization, security, and regional infrastructure development.

Of the total financial support committed to Kosovo by the international community, including humanitarian, development, economic recovery and reconstruction assistance, the EU has pledged 35.5 percent. The U.S. has pledged 15.4 percent.

Of the total amount pledged for the operations of UNMIK, the EU has pledged 41.4 percent, the U.S. 13.2 percent.

I ask unanimous consent that a document detailing these burden-sharing numbers be printed in the RECORD.

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

(See Exhibit 1.)

Mr. VOINOVICH. We need to understand that while the Europeans are handling the bulk of the spending in the region, we must also be willing to come to the table to provide leadership. The importance of the United States to provide leadership was underscored by members of NATO and the EU, particularly those countries benefitting from the Stability Pact.

One of the highlights of my trip was the opportunity I had to spend time with our troops in Macedonia and Kosovo. There are few things that make me more proud of being an American than seeing the pride, professionalism, sense of duty and commitment in the faces of our young people in uniform.

I was especially happy to spend time with the 321st Psychological Operations Company, Task Force Falcon, which was deployed from Ohio and stationed at Camp Bondsteel in Kosovo. It gave me the chance to interact with these fine men and women from Ohio and hear their views on their mission in Kosovo. It also gave me the opportunity to visit with my friend, Major Wendell Bugg, whom I've known since my days as Governor. He is with the 321st and is doing a wonderful job. It was great to see him and get reacquainted.

And, Mr. President, I can't forget the unsung heroes of Kosovo—the men and women of the various humanitarian missions. I had the opportunity to meet with representatives from all of the major humanitarian aid organizations involved in Kosovo and Macedonia. I truly admire the service these people provide their fellow man. They are on the front lines daily, helping people, making a difference. To all of them I say, keep up the good work. Their efforts are key to stability in southeastern Europe and in responding to basic human needs.

While I encountered many encouraging prospects for regional peace and prosperity during my trip, I also identified a number of challenges the region and the international community are facing.

While there is ample reason to be optimistic about the future of Croatia under the leadership of President Mesic and Prime Minister Racan, there are also reasons to be concerned. The Croatian economy has been struggling for years. Unemployment and inflation rates are high. The country is deep in debt internationally. Many skilled, well-educated young people have left the country for better job prospects elsewhere. This has effectively created a ''brain drain,'' which, unless it is stemmed, will have a negative impact for decades. For Croatia to continue on its new path, away from its nationalist past, the economy must improve. If a solid market economy cannot take hold, there is a very real possibility that the Croatian people will grow impatient with President Mesic and Prime Minister Racan and seek to replace them; possibly with individuals who would rule the country under nationalist communist ideology.

The other problem facing the Croatian economy is in the area of refugee

returns. As my colleagues may know, the majority of the civilians forced out of their homes during the conflicts of the early 1990's still have not returned to their homes. Even as President Mesic works to implement his campaign commitment to create a legal environment where minority rights are protected, people will not return to their homes—if their home still exists—if there is no work for them when they return. Thus, Croatia's struggling economy does impact and will continue to impact the entire region.

Current trends in Macedonia suggest the existence of an extremist element within the ethnic Albanian community. These individuals are willing to resort to violence in order to destabilize the sitting democratically-elected government of Macedonia, and put in its place a government run by Albanians, for Albanians. These extremists are beginning to make their presence felt with the government in Macedonia. It will take a tremendous commitment on the part of the current government to maintain a democratic, multi-ethnic form of government in Macedonia in the face of this threat.

A major impediment to peace and prosperity in southeastern Europe is the rise in organized crime. There have been a number of recent reports indicating that the Balkans region is being used more and more frequently as a transshipment point for illegal narcotics and arms. These reports were echoed by nearly everyone I spoke with on the trip. With this illicit trade comes violence, corruption, a lack of foreign investment and general societal havoc. As the nations of the region work to establish the rule of law, a functional judicial system and prosperous economies, I believe America and European nations must offer their crime-fighting expertise in order to help the Balkan nations shape their own future and steer clear from the menace of organized crime.

A tremendous concern that Dr. Bernard Kouchner, civilian head of the UNMIK operation, brought to the forefront was that the international community must be more active in their dispersal of aid-money pledged to the region, and in particular, the EU needed to be a more active participant in this area. Indeed, the EU has only dispersed 13.3 percent of the money they have pledged to UNMIK thus far. The EU has a number of strong arguments to explain their delay, including the nature of their fiscal cycle, the various mechanisms in place to prevent fraud and abuse, the unwieldy nature of the body, etc. Regardless, the fact is that the money has to be put on the table. As I mentioned before, the U.S. is doing its fair share given the role we played during the course of the bombing campaign. Now is the time for the Europeans to do theirs.

Throughout my trip to the Balkans, all signs pointed to the fact that the Stability Pact was not being implemented to the benefit of the region.

I believe that the Stability Pact represents one of the few good things that resulted from the Kosovo bombing campaign. Under the Stability Pact, the Europeans, with the leadership of the Germans and the French, agreed to work towards the gradual integration of the nations of southeastern Europe into the broader European community. In practice, this means EU and NATO membership. In exchange, the nations of the Balkan region must agree to put aside the ethnic divisions and nationalism that has caused so much death and destruction in recent years. This compact, if implemented, would be a gigantic leap forward.

Unfortunately, so far, not much has happened with the Pact. Meetings and conferences between government bureaucrats have been held. There have been a lot of speeches, studies, conversations, debates, and the like, but nothing has really happened ''on the ground'' in the region. I believe the Pact must move ahead with infrastructure projects that benefit the economies of the region. Start building bridges. Start cleaning the Danube River. Start building ''Corridor Eight,'' which will create an East-West railway/roadway travel corridor to stimulate commerce. Just start doing something!

I am somewhat heartened by the results of the Stability Pact conference in Brussels 2 weeks ago. There, 4 dozen countries and 3 dozen organizations pledged 2.4 billion Euros to fully-finance a 1.8 billion Euro ''Quick Start'' package of regional economic development and infrastructure projects and initiatives in southeast Europe over the next twelve months. I believe this commitment represents one of the first positive steps that has been taken since the end of the air war towards restoring peace and stability to the region.

Mr. President, I ask unanimous consent to insert into the RECORD at the end of my remarks a statement that was made by the Honorable Nadezhda Mihailova, Foreign Minister of the Republic of Bulgaria, regarding Bulgaria's perspective on southeastern Europe prior to the Stability Pact Conference.

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

(See Exhibit 2.)

Mr. VOINOVICH. The deeds of the Kosovar Albanians are not matching the rhetoric of the Albanian leadership. As recent press reports have made clear, NATO is facing another potential crisis in Kosovo. Extremist members of the ethnic Albanian community—some have argued under the direction of Hashim Thaci—have refused to put down their arms, put aside their desire for revenge against the Serbs, and work towards peace. Rather, they are intent on pushing the Serbs, with bombings, assassinations, threats, etc. to force a response from Slobodan Milosevic in Belgrade. Today, Kosovo Serbs are being killed, their monasteries are being burned, and they are afraid to leave their homes. This is not KFOR's fault. This is not UNMIK's fault. Radical elements within the Kosovo Albanian community are responsible for continued attacks against the dwindling Serb community in Kosovo. I am concerned that many in the Kosovo Albanian community want to force another confrontation between NATO and Milosevic so Kosovo can finally be rid of the Serb community and establish itself as an independent nation.

Let me be clear. The same group our State Department once called a terrorist organization—the KLA—whom we embraced as our friends and allies when NATO was bombing, are again becoming terrorists. They are working against the healing of Kosovo. Our message must be clear to Thaci, Rugova, Qosja and their Kosovo Albanian followers—stop this violence against the Serb community or the U.S. will pull out our troops. I said this directly to Thaci, Rugova and Qosja when I met them. As much as I want southeast Europe, including Kosovo and Serbia, to be integrated into the European community, I will work against it if the cycle of violence continues. The Kosovo Albanians have a historic opportunity to choose between two very different paths for the future—integration or continued isolation. The choice is theirs to make and the world will be watching.

Let me now turn to the Kosovo Serbs. They have suffered a great deal since the end of the Kosovo bombing campaign at the hands of certain elements within the Albanian community seeking revenge. However, the Kosovo Serbs' continued refusal to participate in UNMIK's Interim Administrative Council is unacceptable. I took the same message I made to the Albanians to the Serbs—stop the cycle of violence and move ahead towards reconciliation.

Decisions are going to be made regarding the future of Kosovo with or without Serbian participation. It is in their best interest to become involved. I am somewhat heartened that Bishop Artemjie's visit to the U.S. has prompted some progress towards getting the Kosovo Serbs to participate in the Interim Administrative Council. I understand that as a result of his visit, discussions are taking place that would allow the development of several media outlets within Kosovo. I am hopeful that this will serve as the impetus to get the Serb community in Kosovo involved in the Interim Administrative Council. It will require diligence and co-operation on a multi-ethnic approach, but I believe it will ultimately serve to draw the whole of Kosovo society together and stop the killing and

violence and fear for life, limb and property that permeates the minority community in Kosovo.

Meanwhile, NATO continues to struggle with Milosevic's meddling hands in Kosovo. He has a group of extremist Kosovo Serbs, mainly situated around Mitrovica, agitating the situation in Kosovo whenever possible in an effort to encourage NATO to pack up and go home. He must not succeed. NATO must stand strong and refuse to accept any more provocations. They should seize illegal weapons and jail law-breakers and agitators. NATO forces should take the enemies of peace off the streets and shut-down the extremists of both sides. Defusing the situation will lower tensions and allow the mainstream people of Kosovo to move forward with their future.

Last month, I introduced S. Res. 272 which I believe effectively addresses this issue, and many more. On Milosevic, the Resolution makes it clear that he continues to be the heart of the problem in the region. In order to encourage democratic change, the Resolution:

Expresses the readiness of the Senate, once there is a democratic government in Serbia, to review conditions for Serbia's full reintegration into the international community;

Expresses its readiness to assist a future democratic government in Serbia to build a democratic, peaceful, and prosperous society, based on the same principle of respect for international obligations, as set out by the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, which guide the relations of the United States with other countries in southeastern Europe; and

Calls upon the United States and other Western democracies to publicly announce and demonstrate to the Serbian people the magnitude of assistance they could expect after democratization.

I ask unanimous consent that the full text of S. Res. 272 be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 3.)

Mr. VOINOVICH. Mr. President, the NATO KFOR troops are in Kosovo to provide a secure environment for all citizens while civic institutions develop. The UNMIK structure, which I will address momentarily, has been charged with this civic development—this nation building. One of the key elements in this process is the establishment of a functional judicial system, including a functional police force. It is hoped that once properly trained, this police force will eventually take the responsibility for domestic law enforcement from the KFOR troops.

The international community has promised to supply 4,433 police for this UN force in Kosovo. Our European friends have committed the bulk of this total. However, only 2,359 police are in place in Kosovo. This is appalling.

As a rule, our European allies have national police systems rather than state or provincial police forces like we do in the U.S. This matters because it gives the national governments—governments that have promised to put their police in Kosovo to serve in the UN body—the ability to simply direct redeployments to meet their commitments. This lack of will and action is truly appalling. To provide context, I think it is important to note that we have had to recruit the American men and women serving with the UN in Kosovo from our state and local police departments. The best information I have shows that we have put 481 people, out of our total commitment of 550, in place in Kosovo. If we can meet our promises through recruitment, surely our European friends can meet theirs through directives.

This all matters because the sooner the UN police force and a judicial system is operational in Kosovo, the sooner our troops can come home.

One of the issues hardly considered when NATO became involved in Kosovo was the development of an end game. Well, now we know why. We are, in fact, building a nation. I understand no one is willing to say this publicly but we need to be truthful: the international community—using UNMIK as its tool on the ground—is building a new nation in Kosovo. It's all-encompassing. From schools, to roads, to power grids, to taxation, to local elections, to municipal councils, to the judicial system—it is all now our responsibility because we won the war.

In conclusion, I would like to address those cynics who believe we should immediately pull out of Kosovo and the Balkans because they believe we will never successfully bring about peace in the region. These cynics often point to the historical hatred between the ethnic groups in the region as an indication that NATO and the UN are doomed to fail. I disagree. We can make a difference and history supports my view.

Consider the centuries of animosity and hatred between the nations of western Europe. Few would have thought that the bitter adversaries at the heart of two world wars last century could be looking to a new century where borders are crossed without passports, where there is freedom of labor movement, and where there is no military presence on the borders. It happened because the nations of western Europe were willing to put aside centuries of hatred, revenge and ethnic prejudice and break the cycle of violence. If it could happen there, it can happen in southeast Europe.

One of the Beatitudes states that ''blessed are the peacemakers, for they shall be called the children of God'' (Matthew 5:9). With these words in mind, our efforts must be redoubled so that we may help bring peace, stability and prosperity to southeastern Europe.

EXHIBIT 1

SOUTHEASTERN EUROPE FUNDING

Southeastern Europe (includes humanitarian, development, economic recovery and reconstruction assistance—military, security and assessed expenditures are not included)

The international community, led by the United States, the European Union and international financial institutions, has pledged $4.033 billion in support for southeastern Europe for the year 2000. A complete list of the nations involved in this effort appears below:

[In billions of dollars]

	EU	US	EU + [1]
Amount pledged	$1.398	$0.3764	$1.853.2
Amount pledged as a percentage of the total	34.7%	9.3%	45.9%

[1] EU + Individual European Nations (EU and Non-EU Members).

Kosovo Total (includes humanitarian, development, economic recovery and reconstruction assistance—military, security and assessed expenditures are not included)

The international community, led by the United States, the European Union and international financial institutions, has pledged $1.013 billion in support for Kosovo for the year 2000. Again, a complete list of the nations involved in this effort appears below:

[In millions of dollars]

	EU	US	EU + [1]
Amount pledged	$360	$156.6	651.1
Amount pledged as a percentage of the total	35.5%	15.4%	64.2%

[1] EU + Individual European Nations (EU and Non-EU Members).

UNITED NATIONS MISSION IN KOSOVO (UNMIK) OPERATING EXPENSES

[In millions of dollars]

	EU	US	Total
Pledged	$75	$24	$181.3
Dispersed	10	14	71.8
Amount pledged as a percentage of the total	41.4%	13.2%	.....
Percentage of pledge dispersed	13.3%	58.3%	.....

Assessed Contributions for United Nations Staff

The U.S. is assessed 25 percent of the United Nations regular budget. This budget is used to fund the staff involved with the United Nations Mission in Kosovo (UNMIK).

UN POLICE

	Total	US
Pledged	4433	550
Fielded	2359	481

Expense: $93 million (for both FY99 and FY00). The FY00 supplemental includes a request for an additional $12.4 million to increase the number of Americans serving in the UN police force to 685 (from 550).

KFOR Troops

	Peacekeepers
Total	38,000
U.S.	5,800–6,200

The U.S. also has an additional 1,000 troops deployed in countries surrounding Kosovo to provide support for the operation.

Using 6,000 American troops (the average of the estimates), the U.S. has deployed 15.8 percent of the total forces involved in the KFOR operation.

Costs

	In billions
Initial Deployment (FY99)	$1.2
Ongoing Operations (FY00)	$1.9

EXHIBIT 2

STATEMENT OF HON. NADEZHDA MIHAILOVA, FOREIGN MINISTER OF THE REPUBLIC OF BULGARIA

As the United States discusses assistance to Southeastern Europe prior to the Stability Pact financing conference in Brussels on March 29–30, 2000, I believe it is important to provide you with the Bulgarian perspective.

Before I speak to the contributions Bulgaria will make to peace and security in Southeast Europe, let me tell you a little about the distance Bulgaria has traveled since 1989.

In 1989, Bulgaria shared the plight of all the former Warsaw Pact countries. My generation inherited a country without democratic institutions, without the basic mechanisms of a market economy, and without a balance of political power based on trust between the citizens of Bulgaria and their government. Indeed, we had only two assets that proved to be of value: Bulgaria's 1300-year history as a state deeply involved in the history of Europe and a highly self-confident and self-reliant population.

Many of those who were committed to rebuilding a Bulgarian democracy, myself included, spent the early years of the 1990's in Europe and the United States refining our political thinking. I myself benefited from the National Endowment for Democracy (NED) established by Congress to fan the flames of freedom and in 1991–92, I specialized in foreign policy and public relations in the US Congress and Harvard University.

By 1996 Peter Stoyanov was elected President. Bulgaria had begun to turn the corner in its transition to a market economy and the election of Prime Minister Kostov and his Government gave a strong impetus to this process. A new generation of Bulgarians was ready to begin our drive for full integration (actually re-integration) into the institutions of the Euro-Atlantic community.

In the few short years in which I have been fortunate to serve as Foreign Minister, Bulgaria has been identified as one of the most qualified candidates under consideration for NATO membership. We have been invited by the European Union to begin accession negotiations on full membership and we allied ourselves with other democracies in resisting the depredations of Milosevic during the Kosovo War. Today, the values of freedom and democracy and the commitment to Euro-Atlantic cooperation form the foundation of our foreign policy. Our country is firmly dedicated to progressive but prompt integration into the European community.

I can state with considerable pride that Bulgaria has made great progress in the establishment of a robust and permanent pluralistic democracy and in building the structures to support a modern market economy. On the political side, we have reestablished institutions that guarantee democracy, the rule of law, human rights, and ensure respect for and protection of minorities. On the economic side, Bulgaria has concentrated its efforts on the consolidation of market reforms, the acceleration of privatization, and the juridical measures a functioning market economy requires to operate openly and transparently.

These reforms have already produced significant improvement in the macroeconomic situation in Bulgaria. In 1998, we had a remarkably low annual inflation rate of 1%, after a horrible 578.6% in 1997. In 1999, the inflation rate increased to 6.2% mainly due to the obstruction of the Danube River, which damaged our trade relations with Europe. In 1998–99 our budget deficit was almost zero and we achieved a 3% growth in GDP. Additionally, the government maintains a high-level of hard currency reserves accounting for more than 30% of GDP.

We have completed the difficult task of liquidating state enterprises and banks undergoing losses. Privatization of Bulgaria's largest companies is nearly complete. My country has also begun to apply the rules of the European Monetary Union and the use of the Euro-currency. The European Union accession process will provide the Bulgarian economy a further impetus for development. The full introduction of European rules and practices in this rapidly growing emerging market should make Bulgaria very attractive for foreign investment. At the same time, by expanding its borders to include Bulgaria, the EU will come closer to regions, rich in natural resources and of great economic potential, with which Bulgaria has traditional economic ties.

In the foreign policy arena, Bulgaria has clearly and consistently defined its strategic goals. NATO membership, accession to the European Union, and dedication to lasting political stabilization for Southeastern Europe. After years of political legal, social and economic reform, our country began official negotiations with the EU last month. Full membership into the European Union is a strategic goal that enjoys wide support throughout Bulgarian society. The long cherished aspirations of the Bulgarian people for sharing the identity and the political future of a united Europe will be substantially advanced by our accession in the EU. But this step alone is insufficient.

Bulgaria's aspiration to join the European Union and NATO are motivated not only by its own economic interests and security reasons, but also by the desire to help strengthen the Euro-Atlantic community by promoting democracy throughout all the nations of Southeast Europe. Thus, Bulgaria's long-term foreign policy interests can only be served by joining with its neighbors in the effort to consolidate regional stability and security.

We believe that a safe and prosperous home can be built only in a safe and prosperous neighborhood.

Thus, only primary foreign policy goals in Southeast Europe are to:

Develop bilateral relations with all countries of the region based on a shared commitment to democratic values and human rights;

Mobilize and accelerate regional economic development through joint infrastructure projects, trade and investment encouragement, etc.;

Expand the scope of arms control, and support other measures for strengthening confidence and security;

Implement bilateral and multilateral measures for restricting new security risks, including regional programs aimed at combating transborder crime;

Play an active role in implementing the goals of the Stability Pact for Southeastern Europe.

A defining principle of Bulgaria's foreign policy with its neighbors has been to address and resolve contentious issues in pursuit of balanced bilateral relations. This bold approach has recently led to the resolution of some of the region's diplomatic divisions. Successes include re-opening relations between Bulgaria and the Republic of Macedonia (Bulgaria strongly supports Macedonia and as you know, was the first country in the world to recognize Macedonia) and the resolution of all disputed issues and development of equally friendly relations with Greece and Turkey. In addition, just last month, Bulgaria and Romania reached agreement on building a second bridge on the Danube River between Vidin and Kalafat. This agreement, I would argue, highlights the important strategic role Bulgaria can play in the context of regional political and economic stabilization as well as promoting the integration of Southeast Europe into the Euro-Atlantic community.

As an illustration of our efforts to enhance regional cooperation, Prime Minister Ivan Kostov organized a meeting in January with the Prime Ministers of the countries bordering the Former Republic of Yugoslavia. The basic goal of this meeting was to encourage broad discussion on how to pursue joint stabilization efforts. We also sought to send a clear message to the international community reflecting the view of these Southeastern European leaders.

Only a few weeks ago the first trilateral meeting of the foreign ministers of Bulgaria, Turkey and Greece took place that was generally estimated as a new step in building new patterns of relations in the region.

In addition, last month, Bulgaria joined six other nations in signing a 21-point charter to further democratic and economic development in the region. We pledged to support good neighborly relations, stability, security, and cooperation in Southeast Europe.

The United States does not need to be reminded that without Hungary, Romania, Greece, Turkey and Bulgaria working together, the containment of Serbian aggression and the eventual democratization of all of the Balkans will be impossible.

President Clinton's visit to Sofia last year and numerous conversations I have had with Lord Robertson and General Clark, serve to reinforce the role Bulgaria has played in developing and promoting multilateral cooperation in Southeast Europe and in standing firm with NATO during the Kosovo crisis. It is because of our past contributions and the pivotal role we can play in the region that the Bulgarian city of Plovdiv was chosen as the headquarters of the newly established Multinational Peace-keeping Forces in Southeast Europe.

Events in Serbia and Kosovo last year, however, adversely affected the economics of the region. We suffered direct losses in trade as a result of transportation difficulties and foreign investment in Bulgaria declined because the neighborhood was, and still is to some degree, perceived as unsafe and unreliable for foreign investors.

Bulgaria's view for the future of Southeast Europe is for the region to transform into a source of economic growth and an active link between Western Europe and the adjacent area to the northeast and southeast, whose strategic importance will continue to increase in this century. This vision is based, among other things, on the understanding that the region has an important place in the overall geopolitical architecture of Europe.

The present level of interdependence among countries and the status of Southeast Europe's political and economic development

directly impacts the entire European continent. In addition, security and stability in the region represents an important element of the European security architecture, and therefore is of strategic importance to the US.

That is precisely the reason why we are strongly encouraged by the growing involvement of the Euro-Atlantic community with the issues expressed in the Stability Pact promotion of security, democracy and economic development in the Balkans. This engagement marks the beginning of an approach that is fundamentally different from the past. It does not mean temporary crisis-management measures, but rather a move beyond this to a comprehensive effort to find a common concept for development of the region and its full integration into the Euro-Atlantic community.

Now is the time—nearly one year after the crisis in Kosovo—to turn the financial commitments made by the European Union into reality. We seek the support and leadership of the international community, and particularly the United States to transform the Stability Pact's long-term vision for ''integrating the Balkans into Europe'' into a concrete policy, with structured benchmarks backed by financial resources. The goal should not only be to neutralize the immediate consequences of the Kosovo crisis, but also to find solutions to the problems of economic development in the region as a whole. Cooperation and full integration of the region with a prospering and democratic Europe can be achieved only through integration on all fronts—political, economic, and financial. However, it is impossible to expect quick developments if no money comes to the region. We believe that funds should be devoted to long-term regional goals like transportation routes, infrastructure development, and improving specific institutions that can facilitate the links between the countries, such as customs operations, drug control and combating corruption.

Our key priorities for Stability Pact assistance include:

1. Construction of the Trans-European Transport Corridor #4. This project will connect Central Europe with Bulgaria and Macedonia and includes construction of a second bridge over the Danube at Vidin-Calafat. The bridge will replace the ferry, decreasing travel time and eliminating the need to load and unload cargo. The project also includes construction of road and railway approaches, as well as border and customs infrastructure. The budget for the bridge is estimated to be US $177 million. Included in this cost are road connections to the bridge from Romania and Bulgaria. The project is expected to take 3½ years.

2. Construction of a regional section of Trans-European Transport Corridor #8. This project, estimated at US$10 million, involves construction of a 2.5-km railway connecting Gyueshevo, Bulgaria with the Macedonian border. This project will greatly improve the capacity of Trans-European Corridor #8. Project coordinators can make use of the partially installed track, and will need to construct a ballast prism, lay additional rails, complete and install electrification of a 500-meter tunnel, and improve border railway station and facilities. US $1.1 million has already been invested to modernize Gyueshevo station, which started in the second quarter of 1998.

Completion of a new railroad between Beliakovitsa, Macedonia and the Bulgarian border is critical for effective functioning of the transportation corridor and requires an additional investment of US $220 million.

Reconstruction of the railway track between Radomir and Gyueshevo in Bulgaria is also necessary. This project includes laying electrical lines on 88 km of railway to increase maximum train speed from 65–75 to 160 km/h. It will cost US $93 million and is expected to take three years.

3. Pipeline for light fuels. US $40 million is needed to construct a 110-km pipeline from Thtiman, Bulgaria to Koumanova, Macedonia. This project also includes construction of petrol depot in Kriva Palanka or Koumanova.

4. Increased electrification of the railway between Karnobat and Sindel, Bulgaria. This project includes reconstruction and expansion of electrification along an existing 123-km railway line in order to increase transmission capacity and allow a maximum speed of 130 km/hr. Estimated cost of this project is US $125 million, of which US $38 million has already been spent. Additional funds would allow the project, part of Transport Corridor #8, to continue immediately.

5. Construction of an Information Center for Democratic Development for Southeastern Europe. The Center will contribute to the development and strengthening of democracy in the region by deepening the process of reform and building an atmosphere of confidence and understanding. It will also help prevent new crises and conflicts in the region. The center will be directly involved in the process of Yugoslavia's democratization, as well as the search for solutions to the lasting political and economic effects of the Kosovo crisis. Active NGO participation from the region will be key to realization of the Center's potential.

I cannot state strongly enough how critical U.S. leadership is at this time to ensure that the Stability Pact goals turn into action. U.S. Congressional commitment, along with a renewed commitment by the Administration, to support and encourage Europe to honor her financial commitments is vital to the success of the Stability Pact. Continued U.S. assistance through OPIC, EXIM and TDA is also crucial for stimulating foreign investment increased trade and implementation of infrastructure projects.

Finally, I would like to express my personal gratitude and that of the Republic of Bulgaria to the United States and particularly the U.S. Congress, for providing essential economic, political, and military assistance to Bulgaria and the other Balkan nations throughout the Kosovo conflict and beyond. The active support of the United states continues to be the indispensable condition for economic recovery of Southeast Europe and the completion of its long journey towards democracy. I cannot tell you how important it is for the United States to remain committed to your allies in this critical and dynamic region of the Euro-Atlantic community.

Thank you.

EXHIBIT 3

S. RES. 272

Whereas the North Atlantic Treaty Organization's (NATO's) March 24, 1999 through June 10, 1999 bombing of the Federal Republic of Yugoslavia focused the attention of the international community on southeastern Europe;

Whereas the international community, in particular the United States and the European Union, made a commitment at the conclusion of the bombing campaign to integrate southeastern Europe into the broader European community;

Whereas there is an historic opportunity for the international community to help the people of southeastern Europe break the cycle of violence, retribution, and revenge and move towards respect for minority rights, establishment of the rule of law, and the further development of democratic governments;

Whereas the Stability Pact was established in July 1999 with the goal of promoting cooperation among the countries of southeastern Europe, with a focus on long-term political stability and peace, security, democratization, and economic reconstruction and development;

Whereas the effective implementation of the Stability Pact is important to the long-term peace and stability in the region;

Whereas the people and Government of the Former Yugoslav Republic of Macedonia have a positive record of respect for minority rights, the rule of law, and democratic traditions since independence;

Whereas the people of Croatia have recently elected leaders that respect minority rights, the rule of law, and democratic traditions;

Whereas positive developments in the Former Yugoslav Republic of Macedonia and the Republic of Croatia will clearly indicate to the people of Serbia that economic progress and integration into the international community is only possible if Milosevic is removed from power; and

Whereas the Republic of Slovenia continues to serve as a model for the region as it moves closer to European Union and NATO membership: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the tide of democratic change in southeastern Europe, particularly the free and fair elections in Croatia, and the regional cooperation taking place under the umbrella of the Stability Pact;

(2) recognizes that in this trend, the regime of Slobodan Milosevic is ever more an anomaly, the only government in the region not democratically elected, and an obstacle to peace and neighborly relations in the region;

(3) expresses its sense that the United States cannot have normal relations with Belgrade as long as the Milosevic regime is in power;

(4) views Slobodan Milosevic as a brutal indicted war criminal, responsible for immeasurable bloodshed, ethnic hatred, and human rights abuses in southeastern Europe in recent years;

(5) considers international sanctions an essential tool to isolate the Milosevic regime and promote democracy, and urges the Administration to intensify, focus, and expand those sanctions that most effectively target the regime and its key supporters;

(6) supports strongly the efforts of the Serbian people to establish a democratic government and endorses their call for early, free, and fair elections;

(7) looks forward to establishing a normal relationship with a new democratic government in Serbia, which will permit an end to Belgrade's isolation and the opportunity to restore the historically friendly relations between the Serbian and American people;

(8) expresses the readiness of the Senate, once there is a democratic government in Serbia, to review conditions for Serbia's full reintegration into the international community;

(9) expresses its readiness to assist a future democratic government in Serbia to build a democratic, peaceful, and prosperous society, based on the same principle of respect for international obligations, as set out by

the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, which guide the relations of the United States with other countries in southeastern Europe;

(10) calls upon the United States and other Western democracies to publicly announce and demonstrate to the Serbian people the magnitude of assistance they could expect after democratization; and

(11) recognizes the progress in democratic and market reform made by Montenegro, which can serve as a model for Serbia, and urges a peaceful resolution of political differences over the abrogation of Montenegro's rights under the federal constitution.

THE JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, I am disappointed that the majority continues to refuse to reconvene the conference on juvenile justice legislation.

This Congress has kept the country waiting far too long for action on juvenile justice legislation and sensible gun safety laws. We are fast approaching the first-year anniversary of the shooting at Columbine High School in Littleton, Colorado. Next Thursday will sadly mark one year since fourteen students and a teacher lost their lives in that tragedy on April 20, 1999.

It has been 11 months since the Senate passed the Hatch-Leahy juvenile justice bill by an overwhelming vote of 73–25. Our bipartisan bill includes modest yet effective gun safety provisions. It has been 10 months since the House of Representatives passed its own juvenile crime bill on June 17, 1999. It has been 9 months since the House and Senate juvenile justice conference met for the first—and only—time on August 5, 1999, less than 24 hours before the Congress adjourned for its long August recess.

Senate and House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions, but the majority refuses to act. Indeed, on October 20, 1999, all the House and Senate Democratic conferees wrote to Senator HATCH, the Chairman of the juvenile justice conference, and Congressman HYDE, the Chairman of the House Judiciary Committee, to reconvene the conference immediately. This week, Congressman HYDE joined our call for the juvenile justice conference to meet as soon as possible in a letter to Senator HATCH, which was also signed by Congressman CONYERS.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

It is ironic that the Senate will be in recess next week on the anniversary of the Columbine tragedy. In fact, the Senate has been in recess more than in session since the one ceremonial meeting of the juvenile crime conference committee. I hope we get to work soon and finish what we started in the juvenile justice conference. It is well past the time for Congress to act.

I ask unanimous consent that this Hyde-Conyers letter of April 11, 2000 be printed in the RECORD at the conclusion of my remarks.

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

HOUSE OF REPRESENTATIVES, CONGRESS OF THE UNITED STATES, COMMITTEE ON THE JUDICIARY,
Washington, DC, April 11, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: We write to request a juvenile justice conference meeting as soon as possible.

As you are aware, in the last two months, we have witnessed a succession of gun violence tragedies. We have been shocked by a six-year-old shooting a six-year-old in Mount Morris Township, Michigan. We have seen a nursing home held hostage and a mass shooting in Pittsburgh. In February, Memphis firefighters responding to a call were shot and killed by a disturbed man. It is clear that the Nation would like Congress to respond.

We know that there is not complete agreement on all of the issues before the Conference. We also recognize the need for compromise. We have already agreed in principle to proposed language to reduce the waiting period to 24 hours in most cases, but are still trying to resolve appropriate "safety hatch" exceptions.

We have pledged to each other to begin anew negotiations. We believe, however, that beginning the work of the Conference will play a constructive role in the necessary process of narrowing our differences.

We appreciate your consideration of this request.

Sincerely,

HENRY J. HYDE,
Chairman, House Judiciary Committee.
JOHN CONYERS, JR.,
Ranking Member, House Judiciary Committee.

SECTION 415 PENSION REFORM NEEDED

Mr. GORTON. Mr. President, during this week prior to the April deadline for filing income tax returns with the Internal Revenue Service, Congress often focuses on the high tax burden shouldered by American families and the need for tax reform. Fundamental reform is my top tax legislative priority. I believe the entire confusing and incomprehensible tax code should be scrapped and replaced with a system that is fair, simple, uniform and consistent. Until such fundamental reform can take place, I will continue to work in support of tax reform measures that correct unfair aspects of the existing tax code mess.

One section of the code that I believe needs to be changed and changed soon is Section 415. Section 415 of the tax code was enacted in 1974 for the purpose of limiting the pensions of corporate executives. Section 415 no longer impacts corporate executives, but it does unfairly impact middle income workers who are prevented from collecting the full pensions they earned and deserve from their multi-employer plan. This is as simple as the tax code keeping workers from being able to collect their own money. I believe this injustice should be corrected, and I have cosponsored legislation, Senate bill 1209, that will restore fairness to this section of the tax code.

The Senate version of the 1999 tax relief bill included the fix to Section 415. I am pleased that the Senate joined me in recognizing the absolute need to correct Section 415 and to stop unfairly punishing workers by blocking access to their hard-earned pensions, though I am disappointed that this change did not become law last year. It was, however, an important step towards achieving reform. As the nation focuses on tax season, I reaffirm my dedication to fighting to pass legislation to bring fairness to Section 415 of the tax code and ensure our nation's workers collect what they have rightfully earned.

U.S.S. "J. WILLIAM DITTER"

Mr. SPECTER. Mr. President, in honor of their reunion to be held this month, I am pleased to call the Senate's attention to honor the crew of U.S.S. *J. William Ditter* who served during World War II.

I commend the dedication and courage of that crew of the minelayer named in honor of former Pennsylvania Congressman J. William Ditter.

Born in Philadelphia, Pennsylvania, on September 5, 1888, J. William Ditter received his law degree from Temple University in 1913 and was admitted to the bar the same year. As a school teacher and baseball coach at Northeast High School from 1912 until 1925, one of Coach Ditter's team members was Jimmy Dykes, who later went on to become Connie Mack's star third baseman during the Philadelphia Athletics' glory years in the nineteen-thirties. Less famous, but equally important were the hundreds of young men and women who studied at Northeast High under "Doc" Ditter's tutelage. They constantly sought his advice and retained their affection for him in the years that followed.

In 1925, Mr. Ditter moved to Montgomery County, where he practiced law

and became an active member of his church and community. In 1932, Montgomery County was made a separate Congressional district and Mr. Ditter was elected to serve as its first Representative.

As a member of the House of Representatives, he quickly became known for his tireless work, dedication to our country, and consummate skill in debate. Congressman Ditter took a prominent role in defeating President Franklin Roosevelt's efforts to pack the Supreme Court in order to insure that New Deal legislation would not be declared unconstitutional. As the Ranking Member of the House Appropriations Subcommittee on Naval Affairs, he led the fight to establish a two-ocean Navy. The success of the Navy in World War II, including the ship which was named after him, was due in part to the leadership and dedication of Congressman J. William Ditter.

In recognition of his leadership, Bill Ditter was selected to be the Chairman of the Republican Congressional Campaign Committee, a post he held until his death in 1943. While in Congress, Mr. Ditter explained his positions on public affairs by writing a weekly newspaper column, Trend of Events. During his years in Congress, he was much in demand as a public speaker, not only in Montgomery County but throughout the state and nation.

Congressman Ditter's political career was cut short by his untimely death in a Navy plane crash near Columbia, Pennsylvania. He was returning from Boston where he had been on a trip to participate in the commissioning of the Navy's new carrier, U.S.S. *Wasp*. Among the many dignitaries who attended his funeral were former President Herbert C. Hoover, a close, personal friend and my colleague Senator MCCAIN's grandfather Admiral John S. McCain, Sr., Commander of Carrier Task Force 38. Congressman Ditter was buried with military honors at Whitemarsh Memorial Cemetery. In light of his distinguished service to our nation, the Navy named a destroyer-mine layer in his honor, U.S.S. *J. William Ditter* (DM 31).

U.S.S. *J. William Ditter* was a fitting tribute to Congressman Ditter. The Sumner class destroyer, which was converted to a high speed mine layer, was christened by Mrs. J. William Ditter on July 4, 1944. It was commissioned on October 28, 1944, and served as a unit of Division 9, Mine Squadron 3. Congressman Ditter's dedication and service to his country was mirrored by the actions of the men on U.S.S. *J. William Ditter*. The ''Fighting J. Willy'', as the crew called the mine layer, destroyed many Japanese suicide aircraft and boats during its years of service.

The end of April marks the fifty-fifth anniversary of the brave actions of the crew in the early days of the operations in Okinawa. U.S.S. *J. William Ditter* greatly contributed to the success of the first landings on April 1, 1945 by escorting transport ships carrying American invasion forces.

On April 12, U.S.S. *J. William Ditter* joined the radar picket line to protect ships against attacking Japanese aircraft. On April 26, U.S.S. *J. William Ditter* drove off an attacking enemy aircraft, and on April 27, the crew helped to down two enemy aircraft. On April 28, the crew shot down an attacking suicide aircraft and combined its fire with another ship in order to shoot down two other hostile aircraft. On April 29, the crew detected and attacked an enemy submarine.

By May 28, 1945, U.S.S. *J. William Ditter* had shot down eight Japanese aircraft and assisted in destroying three others. On June 6, 1945, in the radar picket line of Task Force 51.5 patrolling southeast of Nakagusukua Wan, U.S.S. *J. William Ditter* shot down four. However, one suicide plane hit U.S.S. *J. William Ditter*, inflicting heavy damage and numerous casualties. Ten men were killed and twenty-seven were wounded on that fateful day.

Although the ship was repaired enough to make it home to the United States, it was decommissioned and struck from the Navy's fleet when the war ended. Despite the short term of service, U.S.S. *J. William Ditter* had a distinguished war record, keeping in honor with the person for whom the ship was named—Congressman J. William Ditter.

The crew deserves special recognition for their service, and I am pleased to be able to commend them on the floor of the United States Senate. I ask unanimous consent to have printed in the RECORD the list of the names of the crew members who served on U.S.S. *J. William Ditter*.

As an addendum, I think it is appropriate to note the distinguished public service of Congressman Ditter's son, J. William Ditter, Jr., who is a judge on the U.S. District Court for the Eastern District of Pennsylvania where I knew him as a practicing attorney in that court.

There being no objections, the list was ordered to be printed in the RECORD, as follows:

CREW OF THE U.S.S. ''J. WILLIAM DITTER''

Anthony R. Amoroso, Robert Amoroso, James D. Anderson, Harold W. Andrews, James Carlton Annis, Bernard Appelbaum, Armin Argullin, Hans Arnbel, Thomas E. Ates, Lester Bailey, Hayden B. Baker, Harold G. Baker, Robert A. Baker, John L. Balog, Archie Y. Barhardt, Jack L. Bates, Lester E. Bausch, Bruce J. Baxter, Jr., George William Baxter, Robert W. Beale, Bertram D. Bekemeyer, Stefan Belajsak, Loyd D. Benton, Harold L. Berger, Frederick Binder, Coy Blair, Jr., Martin Block, Jr., James O. Blow, Ronald Clarence Blucher, Tyrus Augustus Bohler, Joshua G. Bosley, Jr., Oscar S. Bowden, Joseph E. Brackett, Charles F. Bradley, Grady H. Bradley, William I. Bradley, Cameron C. Breedlove, John E. Brennan, Wallace C. Brought, Jr., Robert Joseph Bruckbauer, John M. Bryan, Ranson G. Buff, Chester Durward Bullard, Henry A. Bunch, Jacob L. Burkett, William T. Burns, Charles E. Burriss, Joseph F. Burrows, Lester Earl Busby, Jake L. Bynum, Ralph W. Byrd, John P. Byrne, Carl R. Cagle, Jr., Herman Leonard Cain, George Henry Cambria, John R. Carpenter, Melvin Edward Carpenter, Elijah C. Carter, Joseph S. Caruso, Ronald F. Cashin, John W. Caulk, Jr., John G. Chambers, Howard C. Childers, Kenneth H. Chitty, John C. Church, Luke E. Church, Charles H. Clark, James Franklin Clark, Harvey G. Clendenin, James P. Clouse, Kermit T. Cocherham, Walter Fielden Cochran, Otis Elbert Cochran, Frank W. Collins, John I. Colvin, Jack L. Connelly, Eugene C. Cook, Garland V. Cook, Aubrey Bernard Cousins, Alfred R. Cox, James H. Craig, Alton V. Cranfield, Jr., Bruce Alvin Crauswell, Russell B. Crawford, James V. Creasman, John William Crown, Howard J. Cummings, Theodore L. Cunard, Jr., Andrew Joseph Cuneo, John R. Curry, Ralph Ray Curtis, Walter Czarnecki, Doyle O. Daniell, Robert A. Darrah, Franklin Armfield Daughton, Cecil C. Davis, Edward T. Davis, Wilbur A. Davis, Charlie A. Deal, Edward J. Derricott, Charles H. Di Francesco, Battaile Stevenson Dickenson, Ed Lawrence Dickerson, Earl W. Dillon, Philip Dinerstein, Edward P. Domme, Kenneth F. Dommel, Kenneth Cedric Dowell, Elwyn T. Drew, Roland A. Du Sault, Marvin Leroy Dukes, Carl G. Dunn, Francis R. Dymck, Lloyd E. Eagleson, Frank S. Echternach, William L. Eckrote, Charles K. Edmonds, John C. Effner, Keith A. Emerson, Frederick J. Ernst, James E. Erwin, John E. Evans, Ludwig M. Eymann, Theodore Fabey, Warren Harding Fanning, Francis R. Farney, Edward C. Faytak, John Fernandez, Joseph F. Ferriols, Nathan Feuerstwin, Harold R. Fisher, James E. Fleenor, Charly L. Flynn, Urben G. Foley, James Gordon Foley, Melvin L. Ford, Otis Leonard Forehand, Ellis Joseph Foster, Vernon Alfred Frederickson, James L. Freeman, Edward J. Freet, Jr., Dudley V. Frye, Loy J. Gammel, Peter Gardner, R. Giachelti, Travis C. Gilchrist, Robert M. Glover, Sherman L. Goggins, George E. Gold, Lawrence J. Gordon, Eugene Franklin Graves, Louis W. Graves, James J. Greenwood, Elbert Gregory, Alderman Lewis Griffis, Stephen Grigos, Norman A. Gross, James Hasil Grubbs, Jr., William Franklin Gurkin, Jr., Anthony M. Gurnari, Harvey E. Hall, Lawrence Ray Hamilton, Kelse J. Hamlin, Vaughn L. Hanson, Lester L. Hardy, Leo C. Harris, Jr., Lester Harris, Thad Harris, Herman D. Hartman, Jr., Arthur H. Hawkins, John

B. Hawthorne, Edward J. Haywood, John W. Heafner, Hugh Plonk Heauner, Herbert Kenneth Heim, Donald E. Heiner, Herbert K. Helm, William R. Helms, Sr., Robert A. Herman, Howard L. Herthel, Joe Shafter Higginbotham, Clarence E. Higgs, Richard L. Hinton, Dewey T. Hobgood, Francis J. Hoey, William E. Hoffman, Thomas Alexander Holden, Lester Manford Holladay, Harold Arthur Hollstrom, John L. Holt, Jr., Marvin J. Holtz, Harold G. Holzworth, John Henry Honour, Jr., Clyde E. Hooper, Marvin G. Hoover, Clay T. Houchin, John M. House, Leslie C. Hovis, Jr., James Samuel Hughes, Stanley J. Humphrey, Robert Angelo Iafrate, James Bernard Ingley, James Michael Irwin, Robert Lee Jacobs, Albin Maynard James, James Oscar Jarvis, Lee N. Johnson, Robert R. Johnson, Wilbur N. Johnson, Carl Chesley Johnson, Ralph Ross Johnston, James E. Jones, Walton Hailey Jones, Norman Emmett Jump, Arthur Louis Junker, Henry William Kaiser, James L. Keever, John Y. Keith, Jr., Charles Fenwick Kendall, Raymond F. Kennedy, Galin Kerr, John E. Kirkpatrick, Andrew F. Klacskiewics, Berry L. Knight, James Knowles, Arnold Stuart Knudsen, Arthur J. Koch, Theodore Koch, Hazel L. Kolb, Edward J. Kolenski, George E. Kondas, Joseph G. Krakow, Walter A. Laarser, Kenneth S. Lancaster, Joseph Landers, Charlie M. Langley, William D. Langley, Laurance John Langley, Norman L. Langlois, J. Larney, Nick T. Laudas, Albert F. Lechewicz, Curtis F. Lee, Allan Marley Lee, Sabatino Donato Leo, Albert A. Leuesque, Walter Leuthold, John W. Lewis, Arthur L. Linker, Robert P. Llewellyn, Warren E. Lloyd, Vincent J. Luei, Robert W. Lultrell, Jr., William N. Lynch, William Wallace Lynch, Paul S. Manzone, Elliot G. Mapp, Tony Marcello, Creighton William Marshall, Billy B. Martin, Terrance M. Mason, Russell E. Mattson, Vincent D. McCall, Lloyd A. McCraney, William J. McCrudden, William R. McKay, Jr., George W. McQueen, Joseph A. Mezzanotti, Warren Calvin Milard, Daniel Millard, Joseph A. Minieri, Peter F. Monahan, Martin Mondzak, Richard L. Montgomery, William B. Morgan, Bennie W. Morris, Sr., Henry A. Mueller, John K. Murray, Frank H. Nearing, Norman D. Nipping, Wilbur O. Niven, Lee S. Nordigan, Paul Peace Norris, Donald V. Northrop, Donald W. O'Shaughnessy, Milton P. Orr, Joseph F. Ott, Jr., John Edward Pacheco, Melvin Painter, Paul Gregory Paltakos, Chester Ray Park, Frank A. Patalane, James O'Neal Peatross, Abner Hartfield Perry, Henry R. Peter, Chester G. Polad, Reginald Smith Porter, John G. Porto, Woodrow W. Potter, Albert W. Price, Roy Prince, Nathan Prizer, Theodore F. Profant, Paul C. Raddatz, Jr., Louis H. Rauschenberg, Eugene A. Reese, Albert Reid, Jr., Lucas Reyes, Guy H. Rhodes, Arthur H. Rich, Zerney W. Roberts, Sr., Marvin E. Robinson, Joseph Rus, Claude C. Samples, Anthony Santamaria, Thomas F. Sarafield, Arthur A. Saunders, Elmer G. Schleif, Donald L. Schnurr, William Schoene, Jr., Joseph Schrippe, George Schroeder, Kenneth R. Schwarz, Harry L. Segal, Roland O. Sewing, Earl F. Shank, Earnest L. Shelley, Thomas Wayne Shexhan, James L. Sikes, Paul S. Smith, Hugh Berkley Snyder, Paul Samuel South, Frank A. Spiller, John W. Sprouse, Andrew A. Staske, Brune S. Stee, Alexander A. Steiner, Frank D. Stewart, Randolph T. Stickhouse, Charlie W. Strader, Jacob Straf, Anthon T. Stricklend, Michael J. Strusinski, Joe H. Summerlin, Benar L. Thompson, William Leslie Tiffany, Ben Lyman Titus, Henry Gustav Toepfer, Wykliff N. Tolari, Jack E. Tompkins, James Henry Torian, Warren E. Traak, Clinton A. Trick, Fernando B. Tucker, James L. Turner, Mark C. Turner, William M. Turscanyi, Earl C. Umlsuf, Joseph Valenti, Jess Marnell Van Cleave, George Richard Venerable, William E. Vogel, John P. Walsh, William D. Warner, Helmuth J. Weber, Herbert Roy Weber, Frank William Whitfield, Billy B. Williams, George Willie Wilson, Robert W. Winke, Frederick A. Wirth, Joseph Wozny, James R. Yates, and Carl L. Young.

ELIAN GONZALEZ

Mrs. BOXER. Mr. President, I want to take this occasion to say something about the Elian Gonzalez case. I have not spoken formerly in the Senate about it, but it has been addressed by several of my colleagues on the other side of the aisle. For me, it is simple because it is not about politics; it is about the heart; it is about family.

Some may call me old fashioned. I think kids belong with their parents—I have always believed that—unless there is some reason a child should not be with the parent, if the child has a bad parent. There is no proof of that in any way, or suggestion of that, except at the last minute the relatives who are caring for Elian, now, have made these charges.

It seems as if every time the father comes closer, he becomes a worse person. First, he was wonderful. They said, he is wonderful but he doesn't care about his son; he is not here. Now he is here, and they still will not turn the child over.

I have a little grandson. He is about a year younger than Elian, so I am pretty familiar with kids that age because I have watched him so closely. They are babies; they really are. They are little children. They are babies. They are impressionable. That is why it is so important to treat them well and to not use them for any purpose—let them be children.

I have to say unequivocally as a grandmother, not as a Senator, I believe it is very harmful for a child to be exposed to screaming adults outside of his home, day in and day out, shouting things. There is something wrong with that. It is harmful to a child.

I also want to point out there is room for politics over the Cuba issue. Of course there is. But it is not around this case. It should not be around this case, either by those in this country who want to make it a political issue, or Fidel Castro, who may well want to do that if and when Elian is back. That would be deplorable.

We have to treat this child gently. We have to reunite this child with his living parent. I just would like to make a plea to those who do not want to do that and who have said that to get Elian with his father is going to take people coming to the door, that they will not relinquish this child except if there is force used, that is not the way we do things in this country.

This is a country of peaceful laws. That is why we have courts. That is why people have to obey court orders. We have laws. We cannot, because we disagree with them—God knows, every one of us disagree with jury verdicts; we disagree with laws; we disagree with decisions. The beauty of our Nation is that we are a country of laws. We must make it clear those laws should be obeyed. We ought to do it in the best interests of this child, which means gently and peacefully.

REMEMBRANCE OF THE KATYN FOREST MASSACRE

Mr. SANTORUM. Mr. President, I rise today to remind my fellow Americans of a horrific tragedy which occurred in Poland six decades ago. April 13 serves as a day of remembrance of this terrible massacre.

On September 1, 1939, Germany invaded Poland to begin World War II. Two weeks later, in accordance with the secret Ribbentrop-Molotov Pact, the Soviet Union invaded Poland from the East and completed the partition of this nation. The Soviet invasion lasted eleven days and resulted in the forced deportation of 1.5 million Poles to Russian labor camps. Of those 1.5 million, approximately 15,000 Polish military officers disappeared under mysterious circumstances. On June 22, 1941, tensions between Germany and the Soviet Union exploded as the German army stormed into Soviet territory. It would take nearly two years before the German army would uncover evidence relating to the 15,000 Polish officers who had disappeared in 1940.

In 1943, German forces near Smolensk, in western Russia, investigated reports they heard from Russian civilians to the effect that a large number of prisoners had been murdered by the Soviet secret police in the area nearly three years earlier. The German investigators were led by local Russians to a

series of mounds in a wooded area about 10 miles west of Smolensk. On April 13, 1943, German officials made a gruesome discovery as they uncovered buried corpses. They found numerous victims, each with hands bound behind their backs and a bullet hole in the base of their skulls. Over the course of the next month, the Germans exhumed more than 4500 corpses. Unable to continue to dig through Katyn Forest, Germany requested the assistance of the International Red Cross and representatives of neutral countries to determine the circumstances surrounding the execution and burial of these 4500 Polish officers.

After examining the bodies, these representatives reported to the appropriate authorities their conclusion that the men buried in Katyn Forest were those of Polish military officers, along with a number of civilian cultural leaders, business leaders, and intellectuals—scientists, writers, and poets—who had been in the portion of Poland occupied by the Soviet Union in September 1939. The Soviet Union vehemently denied the allegations of responsibility. Once the Soviet Union had reclaimed Katyn Forest, a pro-Soviet investigation of the Katyn Forest Massacre determined that the Polish officers and leaders had been massacred by the German army. It would take another 45 years before the truth of the massacre would finally be acknowledged by the leaders of the Soviet Union.

Aside from United States congressional hearings held in Britain, Italy, Germany and the United States in the early 1950s, the Katyn Forest Massacre was largely forgotten by the international community. But the truth of Katyn Forest remained vivid for the Polish nation. Polish nationals were determined to discover the truth. These individuals wanted justice for the fallen comrades.

After the publication of an account of the Massacre by a Soviet historian in 1990, Polish President Wojciech Jaruzelski quickly arranged a series of meetings with Soviet President Mikhail Gorbachev and other Soviet officials in an attempt to finally bring a conclusion to the Katyn conspiracy. On April 13, 1990, the day after President Jaruzelski's final meeting with Mikhail Gorbachev, the Soviet news agency published a statement of acknowledgment on behalf of the Soviet government for summary execution of 15,000 Polish officers in the Katyn Forest during late April and early May of 1940. The statement claimed that the NKVD, the Soviet secret police, followed the orders of their chief, Lavrenti P. Beria, and massacred these 15,000 Polish captives.

We must never forget the crime against humanity which was carried out in this rural section of Poland. As our nation looks towards the 21st Century and the promising future, we must always remember the sacrifices of brave and gallant men in the defense of their nation and their heritage which have helping the world achieve greater freedom and democracy. April 13 should always be remembered not as a day in which hope briefly dimmed when these brave men were executed but a day in which freedom triumphed and shown brightly after decades of silence.

FEDERAL COMMITMENT TO EDUCATION

Mr. HATCH. Mr. President, last week the Senate passed the FY 2001 Budget Resolution. I would be remiss if, upon reflection, I did not take this opportunity to talk about the federal commitment to education in my state of Utah.

In my state of Utah, education consistently ranks as one of the highest priorities for Utahns. During this year's session of the Utah legislature, Utah reaffirmed its commitment to improving education, reducing class size and paying dedicated teachers a salary commensurate with their efforts and qualifications.

Utah takes its commitment to education funding very seriously. During the 1995–96 school year, education expenditures in Utah amounted to $92 per $1000 of personal income. The national average was $62 per $1000. In other words, Mr. President, Utah's education expenditure relative to total personal income is nearly 50 percent more than the national average. It is the third highest in the nation.

In education expenditures as a percent of total direct state and local government expenditures, Utah ranks 2nd in the nation. Utah's expenditure for education was 41.5 percent of the total amount spent for government. The national average is 33.5 percent.

Mr. President, no one can tell me that Utahns are not serious about funding education. And these efforts have garnered results. Utah's scores on ACT tests are equal to or better than the national average in English, math, reading and science. Utah ranks 1st in the nation in Advanced Placement tests taken and passed.

Still, even with these efforts, Utah remains 1st the nation in terms of class size and last in per-pupil expenditure. This is due to Utah's unique demographic. Utah families are, on average, larger than any other state. Utah has the highest birth rate in the nation.

While it is true that these factors contribute to the allocation of federal education funds, most notably the Title I funds, the Clinton administration has done very little to help Utah. Indeed, many of the proposals in the administration budget would be detrimental to education efforts underway in Utah.

Among other things, this administration has consistently cut funding for Impact Aid. Impact Aid is a vital program for Utah because it helps make up for the lost property tax revenue in school districts where there is a significant federal presence. Since half of our state is federally owned or controlled, that means our schools would suffer even greater financial difficulties without Impact Aid. I appreciate that this Budget Resolution rejects the 15 percent cut requested by the Clinton administration.

Indeed, in addition to support for Impact Aid, there is much to applaud in this Budget Resolution relative to education. It assumes an increase of more than $600 million over the administration's request. Over $11 billion will be dedicated to funding the Individuals with Disabilities Education Act. This will greatly assist Utah fund the education of students with special needs.

Moreover, because the federal government will be contributing more toward the costs of special education, fulfilling more of its promise to fund 40 percent of the cost for educating students with disabilities, the state will be able to use its own resources to address state and local priorities such as lowering class size, improve facilities, increasing teachers' pay, upgrading instructional equipment and textbooks, or offering enrichment programs.

Finally, this administration has never recommended funding for the Education Finance Incentive Grant program which, instead of a per-pupil expenditure as a proxy for a state's commitment to education, uses a combination of a state's effort to fund education and a state's willingness to more equitably distribute resources among a state's economically diverse school districts. As I have noted, Utah allocates a significant amount of state revenue to education, demonstrating our state's effort. Utah also has in place an ''equity program'' for assisting schools with smaller tax bases. Nationally, we ought to be encouraging states to make such effort, and we ought to be rewarding states that do. This is an important program that deserves a consistent funding stream, and I will be addressing this issue in the context of the reauthorization of the Elementary and Secondary Education Act.

In the area of higher education, this Budget Resolution rejects the administration's proposal to require guaranty agencies, which finance guaranteed student loans (GSLs), to pay accelerated and increased funds from their federal reserves. This would be especially devastating to Utah's Higher Education Assistance Authority (UHEAA). Utah has one of the lowest average incomes in the nation; and, therefore, Utah students who are not reliant on their parents for financial assistance rely instead on assistance from UHEAA.

During past assessments, because UHEAA had maintained one of highest

guarantee program reserves ratios, Utah had to return one of the highest percentages of current reserves to the federal government. Under the administration's proposal, these cuts would have been deepened, and I am grateful to the Budget committee for rejecting them.

In closing, I would like to commend the tireless hard work of the Chairman of the Budget Committee, Senator DOMENICI. His dedication to sound fiscal policy and appropriate spending priorities are laudable. I also thank the Senate leadership for their efforts on moving this process along. I look forward to the enactment of this Budget Resolution. I thank the chair and yield the floor.

PASSAGE OF S. 376 ''ORBIT''

Ms. MIKULSKI. Mr. President, I rise today to support the conference report on satellite reform. As a co-sponsor of the original bill, I believe this bi-partisan legislation will encourage more competition in the satellite communications market. This will benefit American consumers and workers. It will also make America more competitive in the global satellite market.

The Open-market Reorganization for the Betterment of International Telecommunications Act (ORBIT bill) will benefit our nation in a number of ways. First, the bill allows Lockheed Martin to acquire 100% of COMSAT Corporation by removing a number of old and outdated regulatory barriers. This is great news for these two outstanding Maryland companies and their employees. The merger will encourage growth and economic competition in one of the most dynamic sectors of our economy—the global satellite market. It means jobs today and jobs tomorrow—both in Maryland and throughout our nation. I look forward to Lockheed Martin and COMSAT completing their merger without any further delay.

Second, this legislation encourages the privatization of INTELSAT, an inter-governmental organization, by including the leverage necessary to ensure that INTELSAT's privatization will conclude in a timely and pro-competitive manner.

Third, the conference agreement also reaffirms the ability of carriers to obtain Level III direct access. Level III direct access allows customers to enter into contractual agreements with INTELSAT to order, receive and pay for INTELSAT space segment capacity at the same rate that INTELSAT charges its signatories. This means that users of INTELSAT services will be able to purchase services directly from INTELSAT without going through COMSAT.

Fourth, the bill does not remove the current prohibition on Level IV direct access until after INTELSAT privatizes. Allowing Level IV access before privatization would have unfairly and unjustly permitted COMSAT's competitors to buy all of COMSAT's investment in INTELSAT below market value which would have weakened the value of this international asset. This would have significantly diminished the value of the Lockheed-COMSAT transaction.

I commend my colleagues on both sides of the aisle in the Senate and in the House for passing S. 376 and commend the President for signing this important legislation into law.

ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, April 24 marks the 85th anniversary of the beginning of one of the most tragic events in history, the Armenian Genocide. In 1915, the Ottoman Turkish Government embarked on a brutal policy of ethnic extermination. Over the next eight years, 1.5 million Armenians were killed, and more than half a million were forced from their homeland into exile.

In the years since then, the Armenian diaspora has thrived in the United States and in many other countries, bringing extraordinary vitality and achievement to communities across America and throughout the world. The Armenian Assembly of America, the Armenian National Committee of America, and other distinguished groups deserve great credit for their impressive work in maintaining the proud history and heritage of the Armenian people, and guaranteeing that the Armenian Genocide will never be forgotten.

One of the enduring achievements of the survivors of the Genocide and their descendants has been to keep its tragic memory alive, in spite of continuing efforts by those who refuse to acknowledge the atrocities that took place. In Massachusetts, the curriculum of every public school now includes human rights and genocide, and the Armenian Genocide is part of that curriculum.

As this new century unfolds, it is time for all governments, political leaders and peoples everywhere to recognize the Armenian Genocide. These annual commemorations are an effective way to pay tribute to the courage and suffering and triumph of the Armenian people, and to ensure that such atrocities will never happen again to any people on earth.

Mrs. BOXER. Mr. President, each year on April 24, we pause to remember the tragedy of the Armenian Genocide. On that date in 1915, more than two hundred Armenian religious, political, and intellectual leaders were arrested in Constantinople (now Istanbul) and killed, marking the beginning of an organized campaign to eliminate the Armenian presence from the Ottoman Empire. This brutal campaign would result in the massacre of a million and a half Armenian men, women, and children.

Thousands of Armenians were subjected to torture, deportation, slavery, and murder. More than five hundred thousand were removed from their homes and sent on forced death marches through the deserts of Syria. This dark time is among the saddest chapters in human history.

But Armenians are strong people, and their dream of freedom did not die. More than seventy years after the genocide, the new Republic of Armenia was born as the Soviet Union crumbled. Today, we pay tribute to the courage and strength of a people who would not know defeat.

Yet independence has not meant an end to their struggle. There are still those who question the reality of the Armenian slaughter, who have failed to recognize its very existence. We must not allow the horror of the Armenian genocide to be either dismissed or denied.

Genocide is the worst of all crimes against humanity. As we try to learn from the recent genocidal conflicts in Kosovo and Rwanda and prevent future atrocities, it is especially important to remember those who lost their lives in the first genocide of the twentieth century. We must never forget the victims of the Armenian genocide.

A MODERN DAY TRAGEDY

Mr. MACK. Mr. President, I come to the floor of the Senate today to tell a story—a modern day tragedy about a mother, Elizabeth, who so loved her son, Elian, that she tried to bring him to the shores of the United States of America from Cuba—to the shores of freedom. Had she succeeded, she would have joined her family members already in the United States: her cousin who arrived only last year; her son's great uncle and his family who have been in the United States for many years; and another cousin who has been here for over fifteen years. She would have been reunited with many other relatives who must today remain anonymous for fear of retribution by Castro against those still trapped in Cuba. Instead, she met with tragedy in the Florida straits. Elizabeth died. Her five-year-old son survived.

Let me be a little more specific. On November 21, 1999, a group of 14 Cuban citizens boarded a boat bound for the United States and the shores of freedom. The motor failed shortly after departing and the group was forced to return to Cuba. Think of the anxiety at this moment, having to return after risking everything. The anticipation. The disappointment. The fear.

When the boat returned to Cuba, one of the other female passengers, Arianne Horta, placed her young daughter back on the shore of Cuba. She then wanted to make sure that Elizabeth was positive in her decision to take Elian. And

despite the fact that Elian had a father in Cuba, Elizabeth brought her son back on the boat to set sail for the second time that night—seeking freedom on the shores of America.

If you are interested in what Elian's mother really wanted, think about the act of choosing to keep her son on the boat, while Arianne took her child off the boat. This is as clear a message as a mother can send that she wanted freedom for her child. She wanted freedom despite the risks involved, despite a failed attempt to flee hours earlier, and despite the fact that the father remained in Cuba.

Think about that moment of choice for Elizabeth—put my son on the beach and he can live with his father, or keep him with me so we could have the hope of freedom. It is clear to me that she valued freedom above everything. Now think—if that was you, and you died, would you want the child returned to Cuba?

Think of yourself in Nazi Germany. A mother successfully smuggles a child out, but dies in the process at the hands of the Nazis. The father, probably under duress, demands the return of his child. Would we contemplate returning him? Would we return a child under the same circumstances to Saddam Hussein's Iraq? If a mother and child were scaling the Berlin wall and the mother was shot, but the child was pushed over—would we send the child back? Absolutely not.

On the night of November 21, this group of Cuban nationals repaired their boat and set sail a second time. On the following night, the boat capsized. The survivors clung to anything that would float and hung on for dear life. After a day struggling for her life, Elizabeth died. But before she passed on, she told a fellow passenger who did survive, Nivaldo Fernandez, to make sure that Elian touches land, to make sure he touches dry land.

As many of my colleagues know well, if a Cuban refugee reaches American soil they will not be sent back to Cuba. Every Cuban knows that reaching ''dry land'' means they will be free from Castro's iron fist. Elizabeth's dying wish was for her Elian to reach dry land. There can be no doubt about what she wanted for her son.

Mr. President, I come to the floor today with great disappointment—disappointment in this Administration and disappointment in the Attorney General. Elian Gonzalez's mother's death will be in vain and this little boy's struggle for freedom, his struggle to live in America, simply is being dismissed if the boy's best interests and the family's legal rights are not considered.

Many will say that this is a simple decision, the INS and the Department of Justice should merely reunite a father with the son he loves. I think all of us recognize the intense and profound bond between parent and child. It is to be respected and cherished. It is a natural instinct to want to reunite parent and child. But these are by no means ordinary circumstances. I ask the American people to look beyond the headlines, to understand the intense pressure this father is under. It is unlike anything you or I will ever experience in a free America. I have no doubt the father loves his little boy. But how many of us have stopped and thought about why this father did not come to his son the day he was found, exhausted and dehydrated having survived a treacherous trip at sea. Consider why he has not come for almost 5 months to support his son, hug his son, comfort his son. Again, I would suspect it is not out of lack of concern for his boy. I would suspect it is because Castro would not let him.

Is it possible the father wants the boy to remain with his family in Miami and live in freedom? My understanding is that the father knew Elian and his mother were coming to this country and even told other family members that he would get to America if he ''had to do so in a bowl.''

I can't imagine anyone disagrees with the notion that Castro controls the father's words and actions through duress—through intimidation. The fact is that none of us knows the true wishes of this father. Castro has used this father and son to manipulate both Cuba and the United States.

Today, the United States is not about to reunite a boy and his father, instead we are about to reunite a child and his dictator. And we are doing so against his mother's wishes. We may be doing so against his father's wishes, as well.

Last week, a spokesman of the Cuban embassy stated ''Elian Gonzalez is a possession of the Cuban Government.'' In Castro's Cuba, the state always has the last word in how a child is raised—it does not matter if a parent disagrees. According to Cuban law, any parent who questions the regime or takes any action deemed to run contrary to the revolution's goals could be imprisoned or executed.

Let me quote a former Cuban Government official from a recent Washington Post op-ed.

> Within Cuba, the return of Elian will not be seen as an act of justice by the U.S. government, but rather as yet another victory for the bully-boy tactics of Fidel Castro. This is why the dictator is trying to recover Elian—to convert him into a different kind of symbol—a symbol of the Revolution—even though for that to happen, Elian would have to renounce his mother, the family in Miami that took care of him and even in fact, his father, Juan Miguel. Because upon returning to Cuba, he will not belong to his family. He will be another son of the Revolution.

If Cuba were a free country, this situation would have been easily resolved. But Cuba is not free, it is a police state. In fact, Article 8 of Cuba's Code for Children and Youth states: ''Society and the State work for the efficient protection of youths against all influences contrary to their communist formation.''

Make no mistake, in Cuba, Elian will not have a normal childhood.

In Cuba, Elian will be allowed to live with his father until he is eleven; thereafter he will be sent to work in a farm-labor camp for 45 to 60 days per year.

In Cuba, Elian will face compulsory military service until he is 27.

In Cuba, Elian will be indoctrinated in the glories of ''the revolution'' and taught to regard any Cubans who reject Castroism—including his dead mother—as counterrevolutionaries and traitors.

In Cuba, Elian will be allowed to attend college only if his ''political attitude and social conduct'' satisfy the regime in Havana.

Returning Elian to Cuba means returning him to Fidel Castro. When I was a child, my parents had the last word in my upbringing. In Cuba, Castro's wishes carry the day—he can override any parent. Be assured Castro will begin his manipulation of Elian from the day of his return. I can see the images now—parades and banners, welcoming home the young defender of the ''Communist Revolution.'' Elian may remain closer to Fidel than any other child may be forced to suffer. The boy may get better treatment as a result, but this will be only on the surface. This innocent child will be captive—a prisoner in his own homeland. The regime cannot afford for this boy to return to Cuba only to renounce Castro's ways. Elian will be treated, not as a child, but as an opportunity to exploit. His home, his education, his father's salary, everything, will be provided as Fidel dictates. The pathetic efforts of a desperate tyrant to legitimize his method of oppression will make Elian a test. My colleagues, he is a child. Instead of Fidel's cruelties, he needs compassion.

There is a reason Elian's mother and countless others have risked everything and have given their lives in the hope that their children will taste freedom. And while Elian's mother's voice cannot be heard now, her actions were loud and clear.

I would not be so angry if we were truly reuniting a parent and child. But if we return Elian, the United States will be caving to the demands of the last tyrant in the Western Hemisphere and will be sending a six-year-old boy to a place that Human Rights Watch states has a ''highly developed machinery of repression.'' And the United States will be doing this without providing basic civil rights to Elian—without permitting his legal options to play out.

Instead, our Government is short circuiting justice for political expediency and we will have to live with that.

The outrage and fury I feel toward the administration, the Department of Justice and the INS for the manner in which they have handled the Elian Gonzalez case is overwhelming.

The United States is a Nation committed to the principles of freedom, justice, democracy and respect for human dignity. We are a nation built upon a rich diversity of heritage. We celebrate the uniqueness of our roots, family traditions and cultural experiences. And while this rich diversity is the strength of our great country, we, as Americans, share a common bond that is even stronger. That common bond is our precious freedom. Freedom to pursue our dreams, freedom to raise our children, freedom to speak our minds, and freedom from a government that dictates what we say, where we should live, and what we will become.

These principles strengthen our democracy, our nation. These principles are what continue to draw people to America's shores. Our democracy is designed to preserve and protect the rights of the weak and the strong. Our judicial system is designed to promote access to justice for all Americans. But what we have seen in the past several weeks from our own Justice Department in its' handling of the Elian Gonzalez case shakes the very foundation of our American principles.

Instead of defending these principles, this Administration has intimidated Elian's American family with the sheer weight, power, and force of the United States Government. This Administration has chosen to grind down this family's emotions and trample on the family's rights. In the process, the best interests of this boy have been undeniably neglected and his mother's wishes ignored. This Administration's treatment of a young child has evolved into an exercise of cruel and unusual punishment to preserve a pre-determined outcome and to placate an old and bitter dictator.

The United States is a free country. We have a Bill or Rights, a code of laws, and a separation of powers which guarantees no administration shall be able to sidestep the law. We are a country in which the judicial system should be permitted to work without presidential influence for political expediency—and certainly without bringing the mighty weight and power of the government down on the weakest of all people—a child.

But, in the last four months, this administration, our United States Government, has overstepped its bounds. Mr. President, I am disillusioned by the present status of this struggle for freedom. Disillusioned that these calls to honor freedom have fallen on deaf ears. But, then I think of the Cuban parents who so loved their children that they sent them unaccompanied to the United States in the 1960's in what became known as ''Operation Pedro Pan.'' Fourteen thousand and eighty-four children were sent away from the clutches of Castro by their loving parents to go to America to live in freedom. These parents willingly sent their children in order to escape Castro—in order to escape oppression. Many, if not most, of these children had no family in the United States. But they were sent to the United States with their parents wish for freedom—freedom at all costs.

We know Elian's mother sought freedom for her son—and she paid the ultimate price. We know many in Elian's family had already come to the United States; some recently, some long ago. But we have taken the sad, sad action of assuming a man whose very life and that of his family, depends upon the goodwill of a tyrant, has the ability to speak freely. What a tragedy that this man cannot speak openly and freely about his true desire. What a sad day in the history of the United States of America.

Our founding principle—our Declaration of Independence—declares, ''we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.'' We, the inheritors of this legacy, must not force people into tyranny.

I appeal to the President and the Attorney General to resolve this in such a manner that Elian's struggle and his mother's tragic death will not have been in vain. Perhaps we, the United States of America, will realize that if we don't, we are making a tragic mistake in the handling of this case. It is not too late, though, to do the right thing for this little boy. I call on the President of the United States and the Attorney General once again, to consider what is in the little boy's best interest.

Mr. DOMENICI. Mr. President, I was listening to Senator MACK. And I really wish all Americans could hear his concerns and message because I don't think the message he is sending today is getting out to people. I really believe most people think this is just a technical issue, it is automatic, it is what ought to happen.

I think what the Senator from Florida shared with us indicates that this is not an ordinary situation. It is very unordinary. Cuba is not an ordinary country. It is a very unordinary country, in the manner and in the ways the Senator from Florida described it, and more.

I thank him for coming here and asking the President and the Attorney General in a senatorial way—he made no threats, and there were no connotations in his voice. He clearly said, I ask that you consider the other side of this coin.

I thank him for that.

Mr. LAUTENBERG. Mr. President, I listened carefully to the Senator from Florida. But I am reminded, it is a pathetic thing. It is pathetic to see this child twisted and turned and seduced, if I may say—something that goes far beyond the capacity of a 6-year-old child to analyze and describe in appropriate terms.

But I say this: My sympathy goes out to the family in Miami that has been attached. But I also know this is a place where we often preach family values, family control, no interference by government, to remind everyone that this is a country of laws. If we subvert the law simply because there is pressure coming from one corner or another, what kind of message does it send to the millions of people who would crowd our shores and want to be here? It would say, well, we discriminate because we have louder voices in one place than we have in another.

Again, I think we have to remember that this country is founded on the principle of being a nation of laws, and one can challenge and go to court.

But to say, no, we are not going to obey the law, I don't think, frankly, does the cause of our country or the cause of this little boy, in the final analysis, any value.

Mr. MACK. Mr. President, there was an interest here, certainly. There are some who have discriminated against one group or another, who have not spoken out for one group and have spoken out for another.

In my career representing the State of Florida and the Senate, I have spoken out for every group looking for honest and fair treatment, whether they be Cuban, whether they be Nicaraguan, or whether they be Haitian. I have done that. I am proud that I have done that. Some of those positions have not been particularly popular in my State. But I have always taken that position.

Again, I think the right thing to do is to ask a very simple question: What is in the boy's best interest?

Mr. LAUTENBERG. In all due respect, I say this to my friend from Florida for whom I have a great deal of respect and admiration. Reunification of families is something we wrestle with here all the time—people pleading to allow a relative to join a family that has been here for years. And we say: No, the law doesn't permit it, the rules don't permit it. So we say: Sorry, we can't do that.

I get lots of pleas in my office—I am sure every Senator does—saying: Let my mother come from country X, Y, or Z, or otherwise, and let us join together.

I say once again, if we forget we are a nation of laws, then all of us—the people in this room and the people throughout the country—ought to be bound by the same rules and the same laws. We cannot make the kind of exception that looks as if it is responding

to particular pressure in a particular moment.

RESOLUTION ON METHAMPHETAMINE CLEAN UP FUNDS

Mr. THOMAS. Mr. President, today I rise in support of Senator GRASSLEY's Sense of the Senate Resolution urging President Clinton to see to it that the Department of Justice reprograms $10,000,000 in recovery funds within the Community Oriented Policing Service (COPS) so the Drug Enforcement Administration (DEA) can continue to reimburse state and local law enforcement officials in the proper removal and disposal of hazardous materials recovered from clandestine methamphetamine laboratories.

Mr. President, Wyoming is one of a number of states that has experienced an astronomic increase in methamphetamine production, trafficking and use. In fact, during fiscal year 1998, of all cases prosecuted by the U.S. Attorney's office in Wyoming, 45% were drug cases and of that nearly 75% were methamphetamine related.

When law enforcement officials bust a methamphetamine laboratory not only do they have to prosecute the individuals involved but they must also dispose of the highly toxic chemicals that were used to produce this illegal drug. It is estimated that it costs between $3,000 and $100,000 for the safe clean up of methamphetamine labs. It is very important to see to it that methamphetamine labs are properly handled because six pounds of toxic waste are produced for every pound of methamphetamine manufactured.

Wyoming's law enforcement officials rely exclusively on the funds that the DEA provides to state and local law enforcement officials for the clean up of methamphetamine labs. Because of this growing problem, the allocated funds the DEA uses to reimburse state and local law enforcement officials ran out last month. As a result, numerous towns and communities across the country are no longer able to rely on the DEA for much needed funding.

Mr. President, it is my hope that President Clinton will see to it that the Justice Department approves this reprogramming of funds so law enforcement officials across the country can continue to fight the growing problem of methamphetamine production.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. DURBIN. Mr. President, I rise today to draw attention to the critical issue of organ and tissue donation, particularly with the upcoming National Organ and Tissue Donor Awareness Week (April 16th-22nd) upon us. Although many of us will be back in our home states next week, we must remember to spread the word about the need for donation whenever we have the chance.

National Organ and Tissue Donor Awareness Week was first designated by Congress in 1983 and proclaimed by the President annually since then to raise awareness of the significant need for organ and tissue donation and to encourage all Americans to share their decision to donate with their families so their wishes can be honored. Last year, for example, the Transplant Recipients International Organization's Chicago chapter reached thousands of people through its donation displays at City Hall and other public buildings. In addition, many groups sponsored donor recognition ceremonies, remembrance services, and other events to honor the generous and caring individuals and families who have given the gift of life.

Today, nearly 70,000 men, women, and children are waiting for an organ transplant and the list is growing longer. Each day about 57 people are given the gift of life through the generosity of organ and tissue donations, but another 16 people on the waiting list die because the need for donations greatly exceeds the supply available. Additionally, the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will also continue to grow in the coming years. All anyone needs to do is this: say yes to organ and tissue donation on a donor card or driver's license and discuss your decision with your family members so they know your wishes. Transplantation does save lives, but only if all of us help as we strive toward a fair, equitable and accountable system of organ and tissue donation and transplantation.

Last session, the Give Thanks, Give Life resolution that I sponsored with my distinguished colleagues, Senator FRIST, Senator DEWINE, Senator KENNEDY and Senator LEVIN and others was passed in the Senate. This legislation, which has the support of numerous national organ and tissue donation organizations, designates Thanksgiving of 2000 as a day for families to discuss organ and tissue donation with each other since the final decision to share the gift of life is almost always made by a loved one's family. This week, I also introduced the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2000, which sets up a new policy stating that all Medicare beneficiaries who have received a transplant and need immunosuppressive drugs to prevent rejection of their transplant will be covered for as long as anti-rejection drugs are needed.

There are many stories that touch the heart on this compelling issue, but I'll share just one. Kelly Therese Nachreiner was a bright, artistic teenager in the class of 2002. At 16, she went with her mother, Mary, to get her temporary driver's license. At that time, Mary pointed out the donation question on the form for her license to Kelly, having no idea how her daughter would respond to this serious issue. Kelly quickly responded, ''Well, of course, Mom, I mean if somebody can live after me . . . if I'm dead why does it matter? Why do I want to keep those organs? If I can save somebody else's life, why wouldn't I?'' Just one month later, her unselfish decision would save the lives of three people after she died as the result of an automobile accident. Kelly not only saved those three lives, she also brought a spotlight to the issue of organ and tissue donation awareness, which can potentially save thousands more.

Mr. President, all of us would want to save somebody else's life if we could. Let us continue to work together throughout National Organ and Tissue Donor Awareness Week and beyond, to promote organ and tissue donation wherever we can.

ANNIVERSARY OF THE COLUMBINE HIGH SCHOOL TRAGEDY

Mr. CAMPBELL. Mr. President, next Thursday, April 20th, marks an important date in the hearts of the families of those killed inside Columbine High School, and for those who survived the horrible events on that infamous day one year ago. Indeed, this day is important for everyone whose lives were touched by those tragic events.

I can think of no greater burden for a parent than to have to bury one of his or her children. That burden is only magnified when a loved one is taken with such unimaginable and unspeakable violence.

A year is not enough time to heal the scars created on that day; not for the families of those taken, not for the children who were spared, not for the community of Littleton, Colorado, and not for our nation.

While the events of that fateful day shall always be with us, so too is the memory of those slain and the strength of spirit they and their families have given to all of us. Like the Columbine flower which returns every Spring from under the darkness of winter, so too has a sense of community blossomed in Littleton and throughout the State of Colorado in response to the horror of that day.

As a step toward healing, many groups, individuals, and entities from both Colorado and our nation have worked to honor those who have died and to memorialize their passing in an appropriate and meaningful manner.

In seems especially fitting that today I recognize with honor the parents and the families of those killed and wounded in the school that day who are working to raise money to replace the library at Columbine High School, the scene of much of the violence that occurred last April 20.

They have, to date, received pledges for nearly all of the estimated $3 million it will take to replace the library at Columbine High School. Other pending pledges could bring them close to the full amount they need to replace this scene of horror with one of hope. This is just one outstanding example of a community pulling together in a grassroots effort to lift itself up free of governmental intervention and regulation. I would encourage every American capable of sharing to help all of the families whose lives were abruptly and forever changed by the events at Columbine in whatever way they can.

Mr. President, there is good and evil present among us in human nature. We never know when we will be faced with either. I pray no family has ever to face the sadness and grief visited on the victims and the families of those in Columbine High School one year ago today. I also pray that peace comes to all of our families through the gentle spirit of all the victims taken from us in Columbine High School, and those who will live with the pain caused that day. That spirit lives on in all of us and has been best described by the students and community of Littleton who proudly proclaim: ''We are Columbine.''

CARHART V. STENBERG

Mr. KERREY. Mr. President, on April 25, 2000 the United States Supreme Court will hear arguments in the Carhart v. Stenberg case. As a lifelong Nebraskan, I have received several requests to take a prominent public position with regard to this case, including a request that I file an amicus brief, also known as a ''friend of the court'' brief in this case. I am honored by these requests, but remain determined not to become officially involved in this case before the Supreme Court. I have come to believe that active involvement in matters before the courts, particularly the U.S. Supreme Court, would be an ineffective use of the power of the Senate office which I hold in trust for all Nebraskans.

However, I do not want my silence and absence from these amicus briefs to be mistaken for something that it is not. Because I have had several opportunities as a Nebraska Senator to debate this issue, and because this landmark case before the Supreme Court affects Nebraskans directly, I feel compelled to explain to Nebraskans my thoughts on this important issue.

On September 24, 1999, the Eighth Circuit Court of Appeals upheld a Nebraska district court decision that a Nebraska statute banning a medical procedure commonly known as ''partial-birth abortion'' is unconstitutional. The appellate court sustained the decision on the grounds that the Nebraska law creates an undue burden on women seeking abortions.

It is my sincere belief that the Eight Circuit's decision should be sustained. In sum, the law adopted by the State of Nebraska (LB 23, June 9, 1997) is too vague to be enforced without placing an undue burden on a woman making this difficult choice. The Supreme Court should uphold the Eighth Circuit's decision because this law bans procedures commonly used for second trimester abortions and will affect any Nebraska doctor who performs either the D&E (dilation and evacuation) or D&X (dilation and extraction) procedure. This statute makes the act of performing legal medical procedures a Class III felony (up to 20 years in jail) and subjects a participating physician to the loss of his or her license.

Each year, five thousand women in Nebraska, with the help and counsel of their loved ones, their doctors and their clergy, face the very difficult decision to end a pregnancy. None of us believe that they make their decision lightly. They are guided by their moral beliefs and by the previous decisions of the Supreme Court giving elected State and Federal officials a legal foundation upon which to effectuate, and in some cases limit, the scope of their choices.

The central problem with the Nebraska law is that legislators made no attempt to abide by previous Court decisions. Called the ''Partial Birth Abortion Ban'' by its sponsors, the bill has been inaccurately characterized as ''banning certain late term abortions.'' In reality, the bill does not concern itself with late term abortions—neither curbing them nor banning them—which the Court gives lawmakers the capacity to do. Instead the bill seeks to ban a medical procedure used to end a pregnancy without reference to when that procedure is used. Moreover, it bans a medical intervention that is very difficult to define with the precision needed under law to give both doctors and those who enforce the law the guidance they need.

Given this uncertainty, the Eighth Circuit Court of Appeals found that LB 23 was unconstitutional. Writing for the majority, former Chief Judge Richard Arnold explained that it created an undue burden on women because, in many instances, it would ban the most common and safest procedure for second-trimester abortions. The Court pointed out that the term ''partial birth abortion'' has ''no fixed medical or legal content'' and that the Nebraska statute is too broad.

Most second and third-term abortions occur in situations where a woman would have preferred, indeed desperately wanted, to carry the baby full term. The doctor made a recommendation based upon a threat to the life and health of the mother if the pregnancy were to continue. A law like Nebraska's would make doctors who perform this procedure liable for prosecution, with penalties that include loss of their license to practice medicine and time in jail. The threat of these penalties could result in physicians choosing not to treat women with a history of high-risk pregnancies.

We are wrong to presume that women no longer die during child birth or abortion. Medical science has reduced but not eliminated the risk associated with either. We must not deny women their ability to freely choose to undergo an abortion, or the access to physician care necessary to ensure their safety.

Freedom of choice in reproductive decision-making is a constitutional guarantee established by this Court with limitations. Nebraska's law fundamentally ignores the limitations allowed and not allowed by the Court's previous decisions. If it is sustained, it will imperil the safety and well-being of women throughout our state. We cannot allow misinformation to obscure the broad consensus in America that women must decide for themselves how best to live their lives. Moreover, it is equally important that no one be denied the safe and appropriate medical treatment necessary to make a reproductive decision which this law would do.

It is my hope that this statement will help Nebraskans better understand my position on this very important matter.

PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I would like to share with my colleagues some recent developments on the pipeline safety legislation I introduced two months ago. I'm pleased to report that in the past week, we've made a lot of progress.

About 10 months have passed since a gasoline pipeline in Bellingham, Washington ruptured—spilling more than 275,000 gallons of gasoline. That pipeline disaster killed three young people, and left thousands of people in my state wondering about the safety of the pipelines near their homes.

We can't undo what happened in Bellingham—it will never be the same. But we can make sure that what happened in Bellingham doesn't happen anywhere else.

There are 2.2 million miles of pipelines running across the country—bringing us the energy we need to fuel our cars and heat our homes. They run near our schools, houses and communities. We have a responsibility to make sure these pipelines are safe. And it is clear that the current laws are not sufficient.

That's why I introduced my pipeline safety bill back in January. Since that time, I have been meeting with the Administration, with Senators, safety officials, citizen groups, and industry representatives.

This week, I spoke at a national conference on pipeline safety here in Washington, D.C. It was hosted by the National Pipeline Reform Coalition, SAFE Bellingham, and the Cascade Columbia Alliance.

I can tell you that people all across the country are following this issue closely, they understand the problem, and they are calling for action.

I want to be clear. We cannot wait any longer—and we can certainly not let this year pass without improving our nation's inadequate pipeline safety laws.

The danger posed by aging, corroded pipelines is not going away. In fact, it's getting worse.

Since 1986, there have been more than 5,700 pipeline accidents, 325 deaths, 1,500 injuries. More than $850 million in environmental damage. On average there is 1 pipeline accident every day, and 6 million hazardous gallons are spilled every year.

In the two months since I introduced my pipeline safety bill, at least 20 states—almost half of the country—have experienced pipeline accidents. Let me repeat that. In just two months, 20 more states have had pipeline accidents.

Just last week there was a major pipeline spill in Maryland. The clock is ticking, and the list of affected communities is growing.

Back home in Washington state, there is a great deal of impatience that Congress has not acted on pipeline safety measures. This editorial by the Bellingham Herald—from April 5th—gives you a good sense of how many of my constituents feel.

It's titled, Wake Up, Pipeline Bill Is On The Way. It's addressed to Congress, and it says, in part:

> Don't know if you had a chance to look at our pipeline bill, but we're sending you a message. We want you to hear us loud and clear.

And later it says:

> * * * even though what happened in Bellingham could happen in any one of your home states, we feel you aren't giving this issue much attention.

As this editorial says—these accidents can happen in any of our states. I don't want another community to go through what the people of Bellingham, Washington have gone through. We can make pipelines safer today.

My bill addresses five key areas of pipeline safety: My bill will expand state authority over pipeline safety. My bill will improve inspection and prevention practices. My bill will invest in new safety technology. My bill will expand the public's right to know about problems with pipelines. Finally, my bill will increase funding to improve pipeline safety by providing funds for new state and federal pipeline safety programs.

I'm proud to say that we are making progress. And I want to share with you some recent developments.

Yesterday, Senator McCAIN announced that he has scheduled a hearing on pipeline safety for May 11, and he has committed to marking up a pipeline safety bill by the end of May. He also introduced his own pipeline safety bill.

As you may recall, in February, I sent a letter to Senator McCAIN asking for a hearing. Last week, I spoke with him in person about it, and he pledged to work with me on this issue. As he told me, ''this is the right thing to do.''

I would like to commend Senator McCAIN for moving the process forward. I would also like to share with the Senate the important work done by the parents of the young people who were killed in the Bellingham explosion, especially Mr. Frank King. On Tuesday, Mr. King met with Senator McCAIN's staff, and in bringing his own personal story to the Senate—he has helped move this legislation forward.

I'm pleased today to become the Democratic sponsor of Senator McCAIN's bill. This bill contains many of the elements of the legislation I introduced back in January. The bill also includes some of the good elements of the Administration's proposal, which was introduced this week.

Senator McCAIN, as chairman of the Commerce Committee, has done a service to our nation and the state of Washington by providing his leadership on this important topic.

During the committee process, I hope we can all work together in a bipartisan manner to make the McCain-Murray bill even more effective at improving pipeline safety. There is still a long way to go, and I look forward to working with Senator McCAIN on this important issue.

Another step forward took place this week, when the Clinton/Gore Administration sent its pipeline safety proposal to Congress. Working with us, the Administration has crafted a proposal which includes many of my priorities: It places a clear value on the importance of safety. It strengthens community ''right to know'' provisions. It improves inspection standards. It invests in research and development for inspection devices. And it increases penalties for safety violations.

This proposal is a good first step, and now we will work to improve it. Clearly, there are some differences on the partnership with states provisions and other areas, and I will be working to strengthen them within the legislative process. I should add that the Administration's bill has been introduced in the Senate by Senators HOLLINGS and SARBANES, and in the House by Representatives SHUSTER, OBERSTAR, FRANKS, and WISE.

I want to commend the Vice President, who learned about this issue when he was in Washington state. He recognized the importance of pipeline safety, and he has been working to prompt the Administration to act quickly. I also appreciate the work Transportation Secretary Rodney Slater has done. Shortly after the explosion, he stationed a pipeline inspector in Washington state.

So clearly we are making some progress, but there is still much more to do. Unfortunately, the Senate leadership has not expressed a lot of interest in pipeline safety.

I recently received a note from the majority leader's office—listing almost 50 bills that he has deemed ''Legislative Calendar Items'' which he hopes to consider prior to the August recess. Pipeline safety was not on his list. Now, I know priority lists are flexible, and I hope we can get a pipeline safety bill through the committee and onto the Senate floor for consideration before August.

We need to pass a pipeline safety bill, and we need to do it now. I again ask my colleagues to stand with the thousands of people who have been adversely affected by pipeline disasters and pass a bill that will make sure no other community has to suffer from another pipeline disaster.

We have a strong pipeline safety bill. We have Administration support. And we have a commitment from the Commerce Committee leadership to pass legislation this year.

This is our chance for safer pipelines, for safer communities, and for peace of mind. We have a bill. It's up to this Congress, this year to make sure this opportunity doesn't pass us by.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 12, 2000, the Federal debt stood at $5,764,655,944,486.86 (Five trillion, seven hundred sixty-four billion, six hundred fifty-five million, nine hundred forty-four thousand, four hundred eighty-six dollars and eighty-six cents).

One year ago, April 12, 1999, the Federal debt stood at $5,663,867,000,000 (Five trillion, six hundred sixty-three billion, eight hundred sixty-seven million).

Five years ago, April 12, 1995, the Federal debt stood at $4,874,101,000,000 (Four trillion, eight hundred seventy-four billion, one hundred one million).

Ten years ago, April 12, 1990, the Federal debt stood at $3,087,071,000,000 (Three trillion, eighty-seven billion, seventy-one million).

Fifteen years ago, April 12, 1985, the Federal debt stood at $1,729,937,000,000 (One trillion, seven hundred twenty-nine billion, nine hundred thirty-seven million) which reflects a debt increase of more than $4 trillion—$4,034,718,944,486.86 (Four trillion, thirty-four billion, seven hundred eighteen million, nine hundred forty-four thousand, four hundred eighty-six dollars

and eighty-six cents) during the past 15 years.

THE OCCASION OF THE BICENTENNIAL OF THE LIBRARY OF CONGRESS

Mr. STEVENS. Mr. President, as Chairman of the Joint Committee on the Library, it is my great pleasure to congratulate the Library of Congress, and Dr. Billington, the Librarian on the occasion of the Library's Bicentennial. The Library is America's oldest Federal cultural institution, and was established on April 24, 1800. It houses the largest and most extensive collection in history, and is one of the nation's assets. Congress is very proud of the Library, and the role it plays in ensuring free public access to information. As we move forward into the new millennium, efforts are underway to enhance public access to the collections of the Library through the National Digital Library.

The Library has planned a wonderful day of activities on Monday, April 24, in honor of Thomas Jefferson's birthday. It was Thomas Jefferson's collection of 6,487 books that first began the Library's collections. The events include the issuance of the first bimetallic commemorative coin, and a postage stamp featuring a color photograph of the interior dome and several of the arched windows in the Jefferson building. At noon there will be a birthday party and concert outside on the East Lawn of the Capitol.

I ask unanimous consent that the following message from the Librarian of Congress, and press announcements of the exhibits and events associated with the Bicentennial of the Library be printed in the RECORD.

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

LIBRARY OF CONGRESS BICENTENNIAL CELEBRATION—A MESSAGE FROM THE LIBRARIAN OF CONGRESS, MARCH 2000

The Library of Congress—America's national library and oldest federal cultural institution—will celebrate its Bicentennial in the year 2000. We want to make our 200th birthday a national celebration of the important role that libraries play in our democratic society. Our goal is to inspire creativity in the century ahead by stimulating greater use of the Library of Congress and libraries across the country.

The centerpiece of this effort is an unprecedented project called ''Local Legacies,'' an attempt to celebrate and share with the nation the grassroots creativity of every part of America. The Library of Congress will ask each Member of Congress to lead an effort to find or create documentation for at least one significant cultural event or tradition that has been important to or representative of your district or state as we reach the end of this century. Selections from each documentation project will be forwarded to the Library and added to the rich collections of our American Folklife Center's Archive of Folk Culture to provide a rich cross section of the grassroots creativity of America that will be preserved and shared with future generations.

We also plan to digitize selections and share them electronically, free of charge over the Internet, through our National Digital Library Program. All participants and each Member of Congress will be credited with helping locate a distinctive contribution from his or her district or state. This is an especially exciting and historic initiative because we hope to receive and celebrate the widest possible range of contributions, including video, sound, print, manuscript and electronic formats.

Several other bicentennial activities embrace the broadest participation of all Americans and encourage an understanding of the creative roles that libraries play in modern society and in social scholarly discourse. Included among them are symposia such as ''Frontiers of the Mind in the 21st Century,'' which brought together distinguished scholars who examined the exciting horizons for knowledge in the century ahead in a symposium held in June and now available on the Library's Web site (www.loc.gov). Poet Laureate Robert Pinsky's ''Favorite Poem'' program will create audio and video archives of Americans of all ages and backgrounds reading their favorite poems. Two commemorative coins and a stamp will be issued in honor of the Library's 200th birthday, April 24, 2000. Also on that day, the Library will launch a new education Web site for families that will complement our widely acclaimed American Memory site for students and teachers. Another special initiative, ''Gifts to the Nation,'' will encourage benefactors to bring rare and important acquisitions to the national collection in the Library of Congress.

I invite you to learn more about our Bicentennial, and I encourage you to participate in the programs and activities marking our 200th birthday. As you reflect on our nation's accomplishments as we near the end of the century, you may recall the Jeffersonian principle upon which the Library of Congress was built—that free access to information and knowledge is one of the cornerstones of democracy.

JAMES H. BILLINGTON,
The Librarian of Congress.

BICENTENNIAL CELEBRATION ANNOUNCED

LIBRARY OF CONGRESS TO OFFER NEW WEB SITE, STAMP, COINS, EXHIBITS AND CONCERT

General Colin Powell, Katharine Graham, Isaac Stern, William Styron, David Copperfield, John Kenneth Galbraith, Jeanne Kirkpatrick, Maurice Sendak, Bobby Short, and Big Bird are among those who will be honored as ''Living Legends'' during a daylong National Bicentennial Birthday Party and Concert celebrating the 200th anniversary of the founding of the Library of Congress on Monday, April 24, beginning at 9:30 a.m. The Library of Congress is America's oldest federal cultural institution and the largest library in the world.

Other events on April 24 include:

First-day ceremonies for a new Library of Congress postage stamp and commemorative coins

Launch of a new Web site for young people and their families

Unveiling of a national public service advertising campaign in partnership with the Ad Council

Free performances and concert celebrating American music, history and culture and recognizing the contribution of the ''Living Legends''

Opening of a major exhibition on Thomas Jefferson and another on ''The Wizard of Oz''

Key press dates prior to April are:

Press Briefing, 10 a.m., Friday, April 14, National Press Club, 529 14th Street NW

Bicentennial press briefing with Librarian of Congress James H. Billington on the Library's efforts to address the digital divide. He will also announce the final details of the April 24 celebration, the new books just published on the Library of Congress, and the full list of the ''Living Legends'' whose creativity the Library is honoring in its Bicentennial year.

Exhibits Preview and Light Lunch, 11 a.m.–1:30 p.m., Thursday, April 20, LJ 119, Thomas Jefferson Building

Members of the press are invited to preview two new exhibitions created for the Library's Bicentennial: ''Thomas Jefferson'' and ''The Wizard of Oz: An American Fairy Tale.''

The Jefferson exhibition includes the display of Jefferson's library. It marks the first time since 1815 that the public will be able to view Jefferson's library, the seed from which the collections of the Library of Congress grew, in his original order. The books have been reassembled after a worldwide search to locate matching volumes, identical to those that were destroyed in a fire in 1851. Numerous additional personal items will be displayed exploring the contradictions and complexities of Jefferson the man, the myth, and the model, including materials relating to the Hemings family, the founding of the United States and the earliest known draft of the Declaration of Independence in Jefferson's own hand.

''The Wizard of Oz: An American Fairy Tale'' brings together approximately 100 items relating to this children's classic, including play scripts, rare books, photographs, costumes, drawings, film clips, dolls, games and toys. A pair of the ruby slippers (size 5B) worn by Judy Garland in the 1939 film will be displayed, along with the scarecrow costume worn by Ray Bolger, the mane and beard worn by Bert Lahr as the Cowardly Lion, a full Munchkin costume and an Emerald City townsman's coat.

Curators will provide press tours of the two exhibitions.

Celebration, All day, Monday, April 24, Thomas Jefferson Building

9:30 a.m.–10:30 a.m.—Great Hall: First day of issue stamp and coin ceremonies. Stamps and coins on sale.

11 a.m.–11:45 a.m.—Visitors' Center: Press Preview. Launch of americaslibrary.gov, a new entertaining Web site for children and their families. New public service advertising campaign unveiled for television, radio and Web.

Noon–2 p.m.—Jefferson Building grounds: Free performances and concert honoring American Voice and Song, featuring:

The Saturday Night live Band
Kevin Locke and Reuben Fasthorse
Ralph Stanley and The Clinch Mountain Boys
Dianne Reeves
Mickey Hart and Bob Weir
Kan Kouran Dancers
Pete Seeger and Tao Rodriguez
Kathy Mattea
Tito Puente
Giovanni Hidalgo
The Army Blues

12:30 p.m.—Photo op, Main stage outside of the Thomas Jefferson Building: Librarian of

Congress James Billington will be joined by ''Living Legends'' and Big Bird and Maria of ''Sesame Street'' in blowing out the candles on a large birthday cake in the shape of the Thomas Jefferson Building.

6:30 p.m.—Great Hall: Remarks by David McCullough and Librarian of Congress James H. Billington and opening reception for ''Thomas Jefferson'' exhibition. By invitation only; open to press to cover.

LIBRARY OF CONGRESS CELEBRATES BICENTENNIAL WITH MAJOR EXHIBITION ON THOMAS JEFFERSON

JEFFERSON'S LIBRARY REASSEMBLED FOR FIRST TIME SINCE 1815

The keystone for the Bicentennial celebrations of the Library of Congress is an exhibition about the Library's very own ''founding father,'' Thomas Jefferson, whose personal library of 6,487 books was the seed from which the nation's library grew. Congress purchased Jefferson's library after its own collections, housed in the U.S. Capitol, were burned by the British in 1814.

That library—the original volumes that came to Washington in carts from Monticello—will be a major feature of the ''Thomas Jefferson'' exhibition. Because of an 1851 fire in the Library, many of those original books had been lost. Spurred by a very generous donation of Jerry and Gene Jones, as a Bicentennial ''Gift to the Nation,'' the Library has been reassembling copies of the same editions of the works that Jefferson held. The reconstituted Jefferson's library should be more than 90 percent complete by April 24.

The display of Jefferson's library as part of this exhibition will be the first time ever that the public will be able to view Jefferson's library. It is also the first time that the volumes have been assembled in one place in the original order that Jefferson himself devised since the collection came to Washington in 1815. Visitors to the exhibition will be able to tell which volumes were owned by Jefferson and sold to Congress in 1815, which were recently identified and pulled from the Library's general collections, which have been recently purchased, and which are still missing.

''Thomas Jefferson'' will be on view in the Northwest Gallery and Pavilion of the Thomas Jefferson Building, 10 First Street S.E., from April 24 through October 31. Hours for the exhibition are 10 a.m. to 5 p.m. Monday–Saturday.

Items from the exhibition are available on the Library's Web site at www.loc.gov, and by April 24 the Library's entire collection of Jefferson Papers (more than 25,000 items) will be accessible on-line.

Thomas Jefferson—founding father, farmer, architect, inventor, slaveholder, book collector, scholar, diplomat and third president of the United States—was a complex figure who contributed immeasurably to the creation of the new republicanism in America. Wherever Anglo-American culture has shaped political and intellectual developments, Jefferson is almost inevitably part of the mix. Drawing on the extraordinary written legacy of Thomas Jefferson that is held in the Library's collections, the exhibition traces Jefferson's development from his earliest days in Virginia to an ever-expanding realm of influence in republican Virginia, the American Revolutionary government, the creation of the American nation, the revolution in individual rights in America and the world, the revolution in France, and the burgeoning republican revolutionary movement throughout the world. Items borrowed from other institutions contribute to the exhibition's attempt to offer viewers a fully rounded portrait of the nation's third president.

The exhibition focuses on the complexities and contradictions of Thomas Jefferson, the man, the myth, the model. He was simultaneously an unquenchable idealist and a third-headed realist. He deplored inequality among men, but owned slaves, supported servitude, and relegated women to a secondary role. He supported freedom of the press until his own foibles and politics became the focus. He was a firm believer in the separation of church and state, but he was often accused of being anti-Christian. He expounded the virtues of public education, ensured that his own daughters were well educated, and founded a public university at Charlottesville, but he assumed that access to higher education would be strictly limited. His life embodies the public and private struggles of life in a democratic republic.

Some 150 items in the eight sections will illustrate and provide a context for the life and character of Thomas Jefferson. The final and ninth section will be the reassembled ''Jefferson Library.'' Visitors to the exhibition will see such items as the only surviving fragment of the earliest known draft of the Declaration of Independence as well as the desk on which he composed the Declaration; Martha Jefferson's thread case; Jefferson's instructions to Lewis and Clark; political cartoons of the day lampooning Jefferson; and the last letter that Thomas Jefferson wrote to the mayor of the city of Washington just 10 days before he died, espousing his vision of the Declaration of Independence and the American nation as signals of the blessings of self-government to an ever-evolving world.

''Life and Labor at Monticello'' examines how Jefferson's family, his era, education, role as plantation master and slaveholder, and his love and use of books influenced his character and the formation of his ideas on individual and institutional rights and limits. Items include:

Thomas Jefferson's Memorandum Book, 1773, where he kept detailed records on his expenditures including the purchase of slaves;

Plantation account books kept by Jefferson's wife and then his granddaughter, recording purchases made from Monticello slaves, especially the Hemings family, for vegetables and fowl from the slave families' own flocks and gardens;

The 1873 memoir by Madison Hemings published in the Pike County (Ohio) Republican, who testified that his mother, Sally Hemings, gave birth to five children ''and Jefferson was the father of them all.'' Historical evidence, both circumstantial and direct, documentary and oral, along with DNA testing in 1998, substantiates Hemings' assertion;

Letters Jefferson exchanged in 1791 with Benjamin Banneker, a free black living in Maryland, in which Jefferson praised Banneker's mathematical accomplishment (''no body wishes more than I do to see such proofs as you exhibit, that nature has given to our black brethren, talents equal to those of the other colors of men * * *'') as well as with Abbé Henri Gregoire in 1809 trying to explain why he asserted the inferiority of African Americans in his Notes on the State of Virginia published in 1785; and

Letter written by Thomas Jefferson to John Adams in 1815 in which he says, ''I cannot live without books, but fewer will suffice where amusement, and not use, is the only future object.''

The exhibition continues by demonstrating the expanding influence of Jefferson on American life and his interest in creating a culture based on republican principles—first in his own state of Virginia, then on the federal scene with his drafting of the Declaration of Independence and his election to the presidency in 1800. On view are:

One of the nation's greatest treasures—Jefferson's ''original Rough draught'' of the Declaration of Independence. The ''Rough draught'' is the final draft presented by Jefferson to his fellow committee members and indicates changes made by John Adams and Benjamin Franklin;

Fragment of the earliest known draft of the Declaration of Independence in Jefferson's hand;

An 1806 document in President Jefferson's hand calling upon Congress to end the practice of importing slaves as soon as permitted by the U.S. Constitution in 1808; and

Notes on the State of Virginia, 1785, the only book ever published by Thomas Jefferson.

''The West'' explores Thomas Jefferson's persistent fascination with the vast part of the continent that lay beyond Virginia—an area he never saw—and his conviction that the new nation had to expand westward in order to survive. A highlight is Jefferson's instructions to the explorers Meriwether Lewis and William Clark before they set out to map and explore the Western territories with their Corps of Discovery in 1803. Visitors can also see a Nicholas King manuscript map documenting the Lewis and Clark expedition that is annotated by Lewis with information from fur traders and Native Americans.

The influence of Jefferson's republican ideas were felt far beyond America, especially in France, his first experience on the world stage beyond America. He became an ardent supporter of the French revolution and often consulted with Lafayette during the drafting of the French Declaration of the Rights of Man. In a July 9, 1789, letter to Jefferson, Lafayette asked him for his ''observations'' on ''my bill of rights'' before presenting it to the National Assembly. On view in the exhibition is a manuscript copy of the French Declaration written in a clerical hand, with emendations in the hand of Thomas Jefferson. Also in the exhibition is the 1789 passport that Thomas Jefferson used upon his return from France, signed by King Louis XVI.

The exhibition concludes with ''Epitaph: Take Care of Me,'' which reviews Jefferson's own evaluation of the meaning of his life and his thoughts about how he would be viewed by history. Key items here are: A sketch and wording for Jefferson's tombstone, in his own hand; A letter explaining his position on slavery, written just six weeks before his death; A letter to Jefferson from his granddaughter, Ellen Randolph Coolidge, despairing of the ''canker of slavery'' that oppresses the Southern states; and A newspaper account of the sale of Jefferson's slaves by his heirs in order to pay off estate debts.

A volume accompanying the exhibition, Thomas Jefferson: Genius of Liberty, includes an introduction by Garry Wills and essays by Jefferson scholars Pauline Maier, Charles A. Miller, Annette Gordon-Reed, Peter S. Onuf and Joseph J. Ellis. Published by Viking Studio, the hardcover volume is highly illustrated with mostly color images and sells for $35. It is available in major bookstores and from the Library's Sales Shops; order with major credit card by calling (202) 707–0204.

COMMEMORATIVE COINS AND STAMP ISSUES FOR THE NATION

The Bicentennial of the Library of Congress presents a unique opportunity for commemorative items. Commemorative coins and a commemorative stamp for the Library's Bicentennial will be issued on April 24, the Library's 200th birthday.

The Citizens Commemorative Coin Advisory Committee recommended enactment of legislation to mint a commemorative coin to honor the Library of Congress's Bicentennial. As one of only two commemorative coins to be issued in 2000, this is an extraordinary honor for the Library. The Library's coin will be the nation's first bimetallic coin (gold and platinum) and the first commemorative with the new millennium date.

The minting of commemorative coins requires passage of legislation by both chambers of the U.S. Congress. The coin bill (H.R. 3790) was passed by the House of Representatives on August 4, 1998, and by the Senate on October 6. President Clinton signed the bill into law as P.L. 105–268 on October 19, 1998. The design of the commemorative coins by sculptors and engravers at the Philadelphia Mint is under way.

The Citizens' Stamp Advisory Committee, a group of independent citizens appointed by the Postmaster General to review the more than 40,000 suggestions for stamp subjects received by the U.S. Postal Service annually, recommended a commemorative stamp for issuance in honor of the Library's birthday. Ethel Kessler, the designer of the breast cancer stamp, designed the Library's Bicentennial commemorative stamp, which features a photograph by Michael Freeman of the interior dome and several of the arched windows in the main Reading Room in the 1897 Thomas Jefferson Building.

The stamp will be issued on April 24, 2000, during a ceremony to be held in the Jefferson Building in Washington. From April 25 through May 31, state and local libraries across the country will hold issuance ceremonies to celebrate the Library's birthday and to applaud the important role of libraries throughout the United States.

How You Can Participate: If your library or other institution would like to sponsor a second-day-issue event, contact Kathy Woodrell in the Bicentennial Program Office at (800) 707–7145 or kwoo@loc.gov.

THE LOCAL LEGACIES

The Local Legacies project is an opportunity for citizens to participate in the Library of Congress's Bicentennial Program. Working through their U.S. senator or representative and with hometown libraries, folklife organizations and other local cultural institutions, Americans everywhere have been participating in an unprecedented effort to document the cultural heritage of communities throughout the nation.

What is a local legacy?

It is a traditional activity or event that merits being documented for future generations. A Local Legacy might include the music, crafts or food customs that represent traditional life. Examples of defining or signature events include a rodeo, powwow, auction, market-day celebration, parade, procession or festival. Local Legacies might also include the artistry of individuals performing traditional music or dance, or working at crafts or trades. From zydeco music to decoy carving, rodeos to dogsled races, parades to food festivals, the Local Legacies project is reaching into every corner of the nation to document America's folk heritage.

More than 1,000 Local Legacies projects, which were selected by members of Congress in every state and the District of Columbia, celebrate the nation's diversity as a source of its strength and vitality. As a whole, the projects will serve as a snapshot of everyday life in America at the turn of the 21st century and will be preserved in the Library's Folklife Center and made available for study by others.

On May 23, the Library of Congress will celebrate these cultural and historical contributions to the Bicentennial with participants and their Congressional representatives. Selections from the Local Legacies projects will be digitized and shared electronically over the Internet at www.loc.gov, where Americans for generations to come will be able to learn about their cultural heritage.

A NEW COLLECTION OF AMERICA'S FAVORITE POEMS

Poet Laureate of the United States Robert Pinsky launched the Favorite Poem Project with poetry readings in New York, Washington, Boston, St. Louis and Los Angeles in April 1998, during National Poetry Month. A part of the Library of Congress Bicentennial celebration, the Project has created audio and video archives of Americans of all ages, backgrounds and walks of life reciting their favorite poems. At the heart of this initiative is Mr. Pinsky's belief that poetry is meant to be read aloud.

''The archives will be a record at the end of the millennium of what we choose and what we do with our voices and faces, when asked to say aloud a poem that we love,'' said Mr. Pinsky, appointed Poet Laureate in 1997 by Librarian of Congress James H. Billington. Mr. Pinsky is serving an unprecedented third term as Poet Laureate.

The two long-term goals of the Favorite Poem Project are to promote the reading and appreciation of poetry and encourage the teaching of poetry in schools nationwide. Collaborating with Mr. Pinsky are the New England Foundation for the Arts, which administers the program, the Library of Congress, which is the home of the Poet Laureate, and Boston University.

The Project aims to record up to 1,000 Americans saying poems that they love. Mr. Pinsky will deliver the first 50 audio and video segments to the Library of Congress as part of a Library-sponsored poetry symposium scheduled for April 3–4, 2000. The audio and video tapes will become a permanent part of the Library's Archive of Recorded Poetry and Literature. ''This will be a gift to the nation's future: an archive that may come to represent, in a form both individual and public, the collective cultural consciousness of the American people at the turn of the century,'' said Mr. Pinsky, a professor of English and creative writing at Boston University.

For information on the Favorite Poem Project, visit the Project's Web site at www.bu.edu/favoritepoem/.

NEW RADIO SERIES TO AIR FOR LIBRARY OF CONGRESS BICENTENNIAL

''Favorite Poets.'' a series of four one-hour programs of American poets interviewed by Grace Cavalieri, will air on public radio during National Poetry Month, April 2000, In Washington, D.C., the series will be heard on WPFW–FM on Sundays at 9 p.m. on April 16 and 23. (Check listings for local dates and times.)

Guests on the series are U.S. Poet Laureate Robert Pinsky, former Poet Laureate Rita Dove, and Pulitzer Prize winners Louise Glück and W.S. Merwin. The poets, recorded at the Library of Congress, honor the Library's Bicentennial celebration on April 24, as well as National Poetry Month.

Each program presents the poets reading their work, a discussion of the writing process, and a portrait of the poet through conversation and interview, with an entertaining look at the personal and poetic lives of each of these literary figures. The poetry archives at the Library are among the largest and most comprehensive in the world.

Grace Cavalieri, host of the series, is a familiar voice on public radio, having presented more than 2,000 poets through her program ''The Poet and the Poem'' on WPFW–FM from 1977 to 1997. She has had 11 books of poetry published, and a number of her plays have been produced throughout the country and Off-Broadway. She has received the Allen Ginsberg Award for Poetry, the Pen Syndicated Prize for Fiction, and the Silver Medal from the Corporation for Public Broadcasting for ''entertainment and innovation in radio.''

''Favorite Poets'' will be distributed nationally via NPR satellite, Interested listeners should contact their local public radio stations for times and dates of airing. The program is a Bicentennial project of the Library of Congress with funding provided by the Madison Council, the Library's private sector advisory group.

For more information on the 200th birthday celebrations of the Library of Congress, call (202) 707–2000 or visit the Library's Web site at www.loc.gov.

NEW BOOK CELEBRATES 200-YEAR HISTORY OF THE LIBRARY OF CONGRESS

America's Library: The Story of the Library of Congress, 1800–2000 by James Conaway will be published in April by the Library of Congress in cooperation with Yale University Press. The publication is one of several planned to celebrate the Library's Bicentennial on April 24, 2000.

The Library was founded in 1800 with the primary mission of serving the research needs of the United States Congress. During the past two centuries the collections have evolved into the largest repository of knowledge in the world and are accessible to all Americans. The Library maintains a collection of nearly 119 million books, maps, manuscripts, photographs, motion pictures, sound recordings and digital materials in some 460 languages.

''In America's Library, James Conaway invites you to learn the story of this great and complex institution, during its two centuries of development, as the men and women within its walls collect, preserve, and make useful the heritage it holds,'' said Librarian of Congress James H. Billington. ''Its collections represent and celebrate the many and varied ways that one generation has informed another.''

This lively account of the Library of Congress is filled with an immense cast of characters ranging from presidents, poets, journalists, and members of Congress to collectors, artists, curators, and eccentrics. The author focuses the Library's 200 year history on the 13 men who have been appointed by presidents to lead the Library of Congress. He investigates how the Librarians' experiences and contributions, as well as the Library's collections, have reflected political and intellectual developments in the United States. Each Librarian confronted great challenges: the entire Library collection was lost when the British burned the Capitol in 1814, and rebuilt a year later with Thomas Jefferson's personal library; in the 1940s, a

backlog of 1.5 million objects waited to be cataloged; the gigantic task of replacing the card catalog with a computerized system was undertaken in the 1980s. In the 1990s, the current Librarian, Dr. Billington, has expanded the reach of the institution nationwide through the National Digital Library Program (www.loc.gov). The Library's widely acclaimed Web site is one of the most heavily used in the federal government.

Yet each Librarian also enjoyed the excitement of acquiring unique treasures—from Walt Whitman's walking stick to the papers of the Wright brothers, from the Civil War photographs of Mathew Brady to the archives of Leonard Bernstein. The thrill of using these collections in the Library's Thomas Jefferson building is conveyed in the book's introduction, ''One Writer's Library,'' by biographer Edmund Morris:

''Those lights, those glowing rectangles and portholes, are windows into the central repository of our nation's cultural intelligence: a cerebellum, a sanctum of free thought forever energized by the spirit of Thomas Jefferson.''

Conaway is the author of eight books, including The Smithsonian: 150 Years of Adventure, Discovery and Wonder, copublished by Smithsonian Books and Alfred A. Knopf in connection with the Smithsonian's 150th anniversary celebration in 1996. He is the former Washington editor of Harper's and has written for many publications: Civilization, The Atlantic Monthly, The New York Times Magazine, National Geographic, and Preservation.

America's Library—a 256-page, hardbound book—is available for $39.95 in major bookstores and from the Library of Congress Sales Shops (Credit card orders: 202–707–0204).

THE WIZARD OF OZ IS SALUTED IN LIBRARY OF CONGRESS BICENTENNIAL EXHIBITION

The ''yellow brick road'' leads to the Library of Congress on April 21 with the opening of an exhibition marking the 100th anniversary of one of America's most beloved stories, The Wonderful Wizard of Oz. The Library's Copyright Office registered this work by L. Frank Baum in 1900, and it has gone on to become one of the most profitable and well-known copyright ever issued.

Since its publication, the book has outsold all other children's books in numerous editions. It has also inspired a long series of sequels, stage plays and musicals, movies and television shows, biographics of Baum, scholarly studies of the significance of the book and film, advertisements, toys, games and all sorts of Oz-related products.

Drawing on the Library's unparalleled collection of books, posters, films, sheet music, manuscripts and sound recordings, ''The Wizard of Oz: An American Fairy Tale'' examines the creation of this timeless American classic and traces its rapid and enduring success and its impact on American popular culture. It can be seen in the South Gallery of the Great Hall of the Thomas Jefferson Building from April 21 through September 23. Hours for the exhibition are 10 a.m. to 5:30 p.m. Monday-Saturday.

Approximately 100 items in a variety of formats will be on view from the Library's collections, including play scripts, rare books, photographs, posters, drawings, manuscripts, maps, sheet music and film, as well as three-dimensional objects such as figurines, dolls, games and toys. The Library will supplement its own large holdings with items borrowed from other museums, libraries and private collectors.

Of particular interest to visitors of the exhibition will be items related to the classic 1939 film ''The Wizard of Oz,'' including a pair of the ruby slippers (size 5B) worn by Judy Garland as Dorothy; the sacrecrow costume worn by Ray Bolger; the mane and beard worn by Bert Lahr as the Cowardly Lion; a Munchkin costume; and an Emerald City townsman's coat. These are supplemented with publicity shots and photographs taken on the set of the film, related sheet music, recordings, magazine advertisements, posters and lobby cards, from the Library's own collections. Clips from other Oz films—from early silents to ''The Wiz''—will be shown on a video kiosk.

L. Frank Baum's ability to make fantastic circumstances seem plausble, combined with illustrator W.W. Denslow's striking color plates and line drawings, produced a volume that was innovative both in style and presentation. The first edition of the book, along with the original copyright application handwritten by Baum, will be on display along with six of the black-and-white Denslow illustrations for the book. Some of Baum's pre-Oz books will be shown, along with a selection of other books set in the ''Land of Oz'' authored by Baum.

Children especially will be fascinated with the selection of Oz-related souvenirs and novelties including plates, figurines, games, greeting cards, Christmas ornaments, music boxes, paper dolls and coloring books.

For nearly 130 years, the Copyright Office in the Library of Congress has served as America's ''national registry for creative works.'' The 1870 law that centralized the copyright function in the Library of Congress—and set up the copyright deposit system that systematically brings two copies of every item registered for copyright to the Library—helped to create the unequaled national collections that form the core of today's Library of Congress.

Through the copyright records, one can trace the career of Frank Baum, America's great fantasist, who lived from 1856 to 1919, beginning with the 1882 copyright registration for Baum's first theatrical venture, Maid of Arran, to the publication of the last book in his Oz series, Glinda of Oz, published in 1920.

NEW BOOK FEATURES THE ARCHITECTURE OF THE LIBRARY'S THOMAS JEFFERSON BUILDING

The Library of Congress: An Architectural Alphabet will be published in April by the Library of Congress in cooperation with Pomegranate Press. The publication is one of several planned to celebrate the Library's Bicentennial on April 24, 2000.

Across the street from the United States Capitol in Washington, D.C., stands the first of the three Library of Congress buildings. The Thomas Jefferson Building, completed in 1897 and named for the president in 1980, is a landmark in the nation's capital as well as one of the country's great architectural treasures.

''At the heart of all our efforts stands the Jefferson Building, a heroic structure that is at once celebratory, inspirational, and educational,'' said Librarian of Congress James H. Billington. ''Few places represent human aspiration in such dramatic fashion.''

The Library of Congress: An Architectural Alphabet opens doors into many of the extraordinary spaces and features that rest within the 600,000 square feet enclosed by the building's historic walls. The book offers an illustrated tour of the Library's art, architecture, and sculpture, created by some 50 artists and artisans. From A (for arch) to Z (for zigzag), it explores the Jefferson Building's unusual architectural details—egg-and-dart molding, helixes, jambs, pilasters, quoins, spandrels, tripods, vaults, and even an X-motif printer's mark. Illustrations and descriptions are joined by a colorful alphabet drawn from the Library's collection of rare books and manuscripts.

Visitors must allot many hours to see all of this landmark's 409,000 cubic feet of granite, 22 million red bricks, 500,000 enameled bricks, 2,165 windows, 15 varieties of marble, untold numbers of classical columns, and millions of items. Compact in a 9-by-9-inch format, the Architectural Alphabet is a wonderful place to start.

The Library of Congress: An Architectural Alphabet—a 64-page, hardbound book, with 29 color photographs—will be available for $17.95 in major bookstores and from the Library of Congress Sales Shops (Credit card orders: 202–707–0204).

GIFTS TO THE NATION

NATIONAL COLLECTIONS, ENDOWED CHAIRS, ENDOWED CURATORSHIPS AND NATIONAL FOCAL POINTS OF SCHOLARSHIP

The Library of Congress occupies a unique place in American civilization. For nearly 200 years, the Library has collected and preserved our national cultural heritage. The collection of nearly 119 million items housed in the Library represents America's ''creative legacy,'' and ranges from books, maps and manuscripts to photographs, motion pictures and music. Copyright deposits have been a major source for the Library's collections, yet the Library has also received a significant portion of its unparalleled collections as special gifts from donors, collectors and Americans who aspire to preserve our national heritage for generations to come.

Without the generosity of such benefactors, the Library would not have the diaries of Orville and Wilbur Wright, the music of George and Ira Gershwin and Leonard Bernstein, the outstanding Stern Collection of Abraham Lincoln materials, the Rosenwald Collection of rare illustrated books from as far back as the 15th century, or its largest manuscript collection—from the NAACP.

The Library has identified additional materials that, because of their significance to American life and learning, belong in the national library, where they will be preserved and made available for future generations of Americans. Gifts to the Nation is an opportunity to support the acquisition of these important cultural legacies.

A very special undertaking is the effort to rebuild the original core of the Library—Thomas Jefferson's vast and diverse personal collection—which he sold to Congress after the British burned the U.S. Capitol, including the Library of Congress, in 1814. Tragically, in 1851, nearly two-thirds of Jefferson's library was destroyed in another Capitol fire. Jefferson believed that there was ''no subject to which a member of Congress may not have the occasion to refer,'' and reconstructing his wide-ranging collection, the scope of which is reflected in the current Library of Congress holdings, will provide new insights into the mind of one of our nation's greatest thinkers and reinforce the Jeffersonian principle upon which the Library of Congress was built—that free access of information and knowledge is one of the cornerstones of democracy.

To enhance the research opportunities at the Library, the Bicentennial celebration also includes giving opportunities for Endowed Chairs, Endowed Curatorships and National Focal Points of Scholarship. Support of these programs will ensure that experts

from diverse fields of study use and write about the Library's collections as well as provide advice on collection policies for future acquisitions.

How You Can Participate: If you would like to support Gifts to the Nation, contact Winston Tabb, Associate Librarian for Library Services, at (202) 707–6240 (wtab@loc.gov), or Norma Baker, Director of the Development Office, at (202) 707–2777.

ADDITIONAL STATEMENTS

HONORING GEORGIA'S VIETNAM VETERANS

• Mr. COVERDELL. Mr. President, as we approach the 25th Anniversary of the end of the Vietnam War, I rise today to pay tribute to those in my home state who answered the call of duty and were part of this great conflict.

The Vietnam War took place over the course of seventeen years, from the first formal American involvement in 1958 to the fall of the South Vietnamese government in 1975. Perhaps no other conflict in American history presented greater challenges to those who fought. A forbidding climate, combined with a tenacious opponent and attempts by some back home to undermine our effort, conspired to present our troops with near-impossible challenges.

My home state has a fine military tradition forged over the last 225 years. This legacy was upheld with honor throughout the Vietnam conflict. All told, Georgia sent 228,000 of its finest men and women to serve during the war. 1,584 were killed in action, and 8,534 were wounded. Twenty-one were held as prisoners of war, and to this day, thirty-nine remain missing in action. Youth from places like Snellville and Americus were thrown into an environment that was both unknown and very deadly. To say they did their duty well and with honor would be an understatement.

To honor its Vietnam veterans, my state dedicated a three-figure statue on Veterans' Day, 1988. In 1997 the Georgia Vietnam Wall was dedicated, listing the names of the 1,584 Georgians who died in the war.

Earlier this year the Georgia General Assembly passed a resolution commending Vietnam veterans and their families for their outstanding service to Georgia, America, southeast Asia, and the world. In addition, the General Assembly recognized that these brave troops did not lose the war, but rather that they simply were not allowed to win, and that their duty was just and honorable. I could not agree more.

Georgians have long recognized that freedom is not free and that we must always honor those who were willing to give their lives for it. As this era in our nation's history fades ever farther into the past, it is our duty to ensure that the people of all ages recognize and honor those who fought for the freedom they enjoy today. More so than winning or losing, the soldiers of the Vietnam war proved through their sweat and blood that we are willing to fight to defend the freedom we cherish and enjoy, no matter what the circumstances.

Mr. President, my state will observe the 25th Anniversary of the end of the Vietnam War on May 5–7, 2000. I encourage all Americans to take time during these dates to honor and remember those who served in Vietnam and the name of freedom.•

INVITING THE NATION TO SAIL BOSTON 2000

• Mr. KERRY. Mr. President, I rise today to extend an invitation to the nation to join Massachusetts and the City of Boston in celebrating the gathering of tall ships for Sail Boston 2000.

The tall ships represent a nautical history that stretches across the globe. The International Sail Training Association, jointly with the American Sail Training Association, is organizing the Tall Ships 2000 Race. I am proud to say that Boston Harbor has been granted the opportunity to be the only official United States Race Port.

Beginning in April 2000, two races will start from Southampton and Genoa, finishing in Cadiz. The second leg will be a transatlantic race to Bermuda, and from there, the fleet heads north to Boston. This journey will replicate the routes taken by mariners and explorers over the last five centuries.

On July 11th, 2000, the Tall Ships will parade into Boston Harbor, and they will be led by the oldest ship in the U.S. Navy; America's Old Ironsides; the U.S.S. *Constitution*. This national treasure was originally built in Boston between 1794 and 1797, and was charged with the task of defending a young American nation. This ship, the oldest commissioned warship in the world, set to sea in 1798, and in July 1999, the U.S.S. *Constitution* operated under her own sail for the first time in 116 years.

This international fleet will be one of the finest gatherings of tall ships. Among the Sail Boston 2000 fleet are historic ships such as: *Mir* of Russia; *Concordia* of Canada; *Juan Sebastian De Elcano* of Spain; *Pogoria* of Poland; and the *Amerigo Vespucci* of Italy.

Massachusetts and the historic Boston Harbor, which offers the perfect setting for this occasion, will open itself up to visitors from around the world, and over six million spectators are expected to visit us and enjoy the festivities. The history that the Tall Ships represent belongs to all of us, and it is my hope that visitors from every state in the nation will take the opportunity to visit Massachusetts and participate in this historic celebration.•

NATIONAL PARK WEEK

• Mr. GRAMS. Mr. President, I come to the floor today to speak for a few minutes about National Park Week and the value of National Parks to our nation's citizens.

As families and individuals throughout our nation know, America's national parks are the envy of the world and considered by many to be our national treasures. In our nation's parks, wildlife flourish, scenic beauty remains abundant, and families escape the pressures of everyday life. Our parks are truly one of our nation's best investments—an investment that will provide generations of Americans with the same recreational and educational opportunities we now enjoy.

President Clinton has designated April 17–23, 2000, as National Park Week. The National Park Service now estimates that over 285 million Americans visit our 378 national parks every year. At each site, visitors find themselves confronted with important moments in our nation's history, wonderful natural scenic sites, and cultural treasures which remind us of our distinguished, and sometimes difficult, past. Our parks, in many ways, are a microcosm of our nation and of ourselves, and they continue to document for future generations those qualities about America which must be preserved for eternity.

In the 105th Congress, I was proud that Congress took a significant step forward in updating the management of our Nation's parks and improving visitor services by passing the ''Vision 2020 National Park System Restoration Act,'' a bill I cosponsored. The Vision 2020 Bill, authored by Senator CRAIG THOMAS of Wyoming, is a commonsense approach to improving both the management and facilities of national parks by bringing everyone to the table and seeking consensus. The passage of the Vision 2020 bill was an important first step toward bringing accountability to park management, addressing the tremendous backlog of park projects, and improving visitor services.

I was also proud to obtain $2 million in last year's appropriations bills for the National Park Service's portion of the Mississippi River National Center in Minnesota's new Science Museum. The exhibit will include information on the importance of the Mississippi River to Minnesota's array of interests. This is a partnership between the Park Service and the Science Museum that will give Minnesotans a greater appreciation for all aspects of recreation and commerce on the Mississippi River.

My home state of Minnesota is home to five units of the National Park Service. They are Voyageurs National Park, which on April 8 celebrated its 25th anniversary, Pipestone National Monument, Grand Portage National Monument, the Mississippi National

River and Recreation Area, and the Saint Croix National Riverway. I've urged Minnesotans to visit these sites during this week and to gain a greater appreciation for opportunities they offer.

Mr. President, our parks remain one of America's most important legacies for future generations and a constant reminder of the progress, splendor, and triumphs of our past.●

PROFESSOR ROBERT KERN

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to Robert Kern, a longtime professor at the University of New Mexico where he is head of the European section of the history department. With a Ph.D. from the University of Chicago, Dr. Kern's studies, teachings, and writings are centered on Iberian history, and the history of labor in various societies. In nearly 35 years of teaching at UNM, he has earned a well-deserved reputation as a thoughtful professor and a distinguished writer.

Believing that teaching is just about the noblest profession anyone can undertake, and coming from a family of teachers myself, I admire more than I can say what Professor Kern has done in this career. As a father, I admire more than I can say the fine job he did raising his sons, one of whom, Josh, worked on my staff for several years. The love, care, and attention Robert Kern gave his boys is reflected in their own lives and I suspect that of all of his achievements in a life well-lived, they are his pride and joy.●

COMMEMORATING THE 20TH ANNIVERSARY OF VIETNAM VETERANS OF AMERICA'S FIRST CHAPTER IN RUTLAND, VERMONT

● Mr. JEFFORDS. Mr. President. Two years ago, I stood before you as the proud sponsor of a resolution commemorating the 20th anniversary of the Vietnam Veterans of America (VVA). Today I am here to honor the 20th anniversary of VVA's first chapter—born and raised in my home town of Rutland, Vermont.

Twenty years ago, Vietnam Veterans were suffering under the wave of anti-Vietnam sentiment that had swept the nation. Little recognition was given to their sacrifices during the war. And in fact, there was even a great deal of official denial about the extent of the price that had been paid by these veterans, both physical and emotional. It would be years before Post-Traumatic Stress Disorder would be a recognized condition for many veterans and years before the Federal Government would admit that use of Agent Orange had left a terrible legacy of continued suffering for our veterans. The founders of the VVA felt that they must have an organization to speak directly to those needs. The outpouring of enthusiasm from the veterans themselves demonstrated the depth of these feelings.

In 1979, during a trip to Vermont, VVA founder Bobby Muller met Don Bodette. Don supported the notion of an organization of and for Vietnam era veterans, but felt that it would only be truly successful if they mobilized locally and established chapters. The power of Don's logic and commitment persuaded Bobby Muller to adopt his model. On April 13, 1980, VVA Chapter One was established in Rutland, Vermont. Taking up the challenge, Don was joined by Jake Jacobsen, Albert and Mary Trombley, Mike Dodge, Dennis Ross and Mark Truhan, to name a few. Today, April 13, 2000, VVA Chapter One has 120 members hailing from 19 states and 3 other countries.

I would like to add my voice to the multitudes both in and outside of Vermont who are celebrating this auspicious anniversary. I join in recognizing the tremendous work done by the VVA, both in Vermont and nationally. As a Vietnam era veteran myself, we all owe a debt of gratitude to VVA Chapter One's farsighted founders and the committed members who have followed their lead. Happy 20th Birthday, Chapter One! May you have many more!●

THE 30TH ANNIVERSARY OF GREEN UP DAY

● Mr. LEAHY. Mr. President, nearly 30 years ago, my predecessor, the late Senator George D. Aiken, rose to report to the Senate on a new Vermont initiative called ''Green Up Day.'' He described an effort, then in its second year, in which thousands of Vermont citizen volunteers of all ages combed the streets, highways, back roads, and village greens to pick up litter and beautify their state.

Another distinguished colleague of mine, Senator Robert Stafford, kept these same Vermonters' thoughts in mind when he courageously led this Senate in the fight to build strong national environmental policies—including Superfund—to protect public health, air, water, and land.

The very first Green Up Day was a simple initiative born on April 18 of 1970—a few days before the first Earth Day. Today it is an annual Vermont tradition. On May 6, 2000, thousands of Vermonters will celebrate the official 30th anniversary of ''Green Up Day'' just as they have for so many years—by picking up trash bags and devoting their day to the beautification and clean up of our Green Mountain State.

Over the years, one organization, Vermont Green Up, has diligently coordinated volunteers and spread the ideas of Green Up Day. Vermont Green Up has sponsored annual poster contests for students, cleaned up several illegal dumps, and helped other states—and even other countries—organize their own ''Green Up'' efforts.

In fact, my own daughter, Alicia, thought so much of Vermont Green Up that she served as their Executive Director for a few years. Alicia had the pleasure of serving in that position with Bob Stafford on the board. She also made sure her father was out picking up trash with her on Green Up Day!

I congratulate Vermont Green Up, the financial sponsors supporting Green Up Day, and the thousands of Green Up Day volunteers. These are the people who continue to make the first Saturday in May an extraordinary day for Vermont's environment. The fact that we are now celebrating the 30th anniversary of Green Up Day is a testament to these Vermonters untiring dedication to the environment of our Green Mountain State.●

CALHOUN COUNTY CELEBRATES CHARACTER EDUCATION AWARENESS WEEK

● Mr. ABRAHAM. Mr. President, I rise today to recognize a very special event taking place next week in the State of Michigan. The city of Battle Creek and the greater Calhoun County are officially recognizing April 17–21, 2000, as Character Education Awareness Week. Character Unlimited, a group which works to raise awareness of the importance of good character and to train others to integrate character development in their organizations and areas of influence, and the Battle Creek Chamber of Commerce are cosponsors of the event.

Four goals have been set for the week: first, to inform the public about character education initiatives throughout Calhoun County; second, to raise awareness and interest in the importance of mentoring and role modeling; third, to address youth about the importance of character based decision making and non-violent conflict resolution; and, finally, to raise community awareness of Character Unlimited and the work of the organization.

Increasingly, the notion of character has found a place in the national dialogue, particularly in this, an election year. What is getting lost in the debate, I feel, is a look at where character comes from, how it is developed within children and adults alike, and the role communities can play in developing character within their youth. Good character is not innate, Mr. President, it requires conscientious education, effort and role-modeling.

While it goes without saying that parents hold the most important role in this process, they are not the only cog in the wheel. Schools, youth organizations, churches, synagogues, temples, civic organizations, even governmental organizations, all of these groups have the opportunity to set

positive examples for children, and in doing so provide them with a clear-cut example of what is right and what is wrong. More than this, though, for they also have the ability to teach them how to appropriately fight for what is right and against what is wrong. This is positive character development, and it is within all of our grasps.

Mr. President, good character in an individual is not automatic, but it is always attainable. What it requires is hard work by many people. The more positive influences our communities are able to have available to children, the more children we will see developing a strong sense of character. Continuing to use basic common sense as a guide, I think it is easy to imagine what kind of a positive effect this will have on our communities.

Mr. President, I am truly excited about what is happening in Calhoun County April 17–21, 2000. I thank Character Unlimited and the Battle Creek Chamber of Commerce for sponsoring Character Education Awareness Week. Also, I would like to recognize Mr. Erv Brinker, Chairman of Character Unlimited, and Ms. Pat Maliszewski, Program Director, whose hard work have been essential in making this event possible. On behalf of the entire United States Senate, I hope that Character Education Awareness Week is a huge success.●

CELEBRATION OF CHOL CHNAM, CAMBODIAN NEW YEAR

● Mr. REED. Mr. President, I rise today to join Cambodian-Americans in celebration of the Cambodian New Year, Chol Chnam, one of the major celebrations of the Cambodian culture. Over the next three days there will be gatherings across the United States to celebrate the beginning of the Year of the Dragon. I take this opportunity to wish all of these people a very happy New Year.

The Cambodian New Year represents more than just a renewal of the calendar and traditional end of the harvest, it is also a celebration of faith. Entry into the New Year, or Maha Sangkrant, is marked by the sounding of a bell. With the sounding, it is believed that the New Angel arrives. Throughout the day people participate in ceremonies and bring food to the Buddhist monks and religious leaders. The second day of celebration, or Vana Bat, is a time to show consideration for others. Gifts are given to parents, grandparents and teachers as a show of respect and charity is offered to the less fortunate. The third day, or Loeng Sak, includes more religious ceremonies and rituals to bring good luck and happiness to families.

In my home state of Rhode Island there are numerous businesses owned by Cambodian-American families, most of them in the capital city Providence. These establishments contribute much to the local economy.

The Cambodian New Year is an appropriate time to remind all Americans why we must support the political and economic stabilization of Cambodia. As the nation continues to recover from three decades of civil conflict, including the atrocities committed by the Khmer Rouge, it is critical that the United States and international community aid the Cambodian people in their efforts to build a lasting democracy.

Therefore, on this day marking the beginning of Chol Chnam, I encourage all U.S. citizens to join in the spirit of this special holiday.●

COMMENDATION FOR DR. JAMES BROWNFOX JONES, ESQ.

● Mr. CAMPBELL. Mr. President, I take this opportunity today to call my colleagues' attention to the extraordinary efforts of Dr. James Brownfox Jones who has made countless contributions to his profession and to the community at large. Recently, Dr. Jones was selected as an inductee in the Washington D.C. Hall of Fame in the area of education. Dr. Jones' selection to the Hall of Fame is a testament to his dependable and consistent standard of excellence as an educator and participant in his community. His career reflects his respect and affection for the young people who are our future leaders. And, his record reflects his predominate concern for the more vulnerable youth in this city.

Dr. Jones has distinguished himself in the District of Columbia as an educator and community activist with the mission of helping young people reach their full potential At the Washington School of Psychiatry, Dr. Jones developed and operated an experimental educational program designed to address the educational needs of ''hard core'' juvenile delinquents. And, as a public school teacher, he developed a unique program for special education students.

With a distinguished career spanning more than 30 years, Dr. Jones assisted the mayor in initiating a wide range of innovative programs for the children and youth of the city. These included a mobile recreation wagon, a hot lunch program, a neighborhood youth corps, and the building of go-kart tracks on lots left vacant by the 1968 riots.

Since 1983, Dr. Jones has designed and operated an Independent Living Program for abused and neglected youth in foster care in the District of Columbia. As part of this program, he has sent over 250 young people to college.

Education is a top priority for this Congress, and for me personally. I have served as a tutor and my wife Linda has dedicated her career to teaching in public schools. Both of us have always been strong supporters of public education. It is with that background that I want to express my support for the work of Dr. Jones and to congratulate him on his selection for the Washington, DC Hall of Fame.

Thank you, Mr. President.●

RECOGNIZING THE HERMANN MONUMENT

● Mr. WELLSTONE. Mr. President, I come to the Senate floor today to recognize the numerous contributions that millions German-Americans have made to the United States, and introduce a resolution to designate the Hermann Monument in New Ulm, Minnesota, a national monument.

German-Americans have been an integral part of American history, shaping our artistic, cultural, military and political foundations. Friedrich Muhlenbert, the first Speaker of the House of Representatives, baseball great Babe Ruth, and artist Oscar Hammerstein are just three out of millions of German-Americans who have contributed to the creation of a diverse American culture. Today, German-Americans compose nearly 25% of the American population, making them the largest ethnic group in the United States. Despite this vast number of German-Americans and the significant impact they have had on all facets of American life, unfortunately there is no nationally recognized symbol honoring German-Americans.

The Hermann Monument provides us with an opportunity as a nation to recognize the contributions of German-Americans, past and present. The monument is a unique copper statue of Hermann the Cheruscan, created in 1889 as a tribute to the struggle and triumph of German immigrants who came to the United States. The Hermann monument has become a symbol of unity and endurance to all American-Germans. It appropriately stands tall over New Ulm, Minnesota, a city where nearly 75 percent of the population is of German heritage.

Designating the Hermann Monument as a National German American Monument will re-enforce the important contributions that millions of German-Americans have made to our nation. It is with this goal that I introduce this resolution, and urge my colleagues to support it.●

EXCELLENCE IN EDUCATION AWARDS PROGRAM

● Mr. ABRAHAM. Mr. President, I rise today to recognize the exceptional work of seventeen students who are being honored on April 18, 2000, at the ''Excellence in Education'' Awards Program. Each year, the Auburn Hills Chamber of Commerce recognizes a group of students whose ability and enthusiasm have not only proved to be

outstanding, but also, I am told, has managed to please their teachers on a daily basis.

The purpose of the event is to provide these students with a job-shadowing experience in the field of their interest. For one day, the students work with local professionals in their chosen field, providing them with an unforgettable, and also inspirational, experience. Over the years, the chosen fields have ranged from medical specialties, to creative and performing arts, to business, to technology, and many more.

Mr. President, I applaud the following seventeen students for their outstanding efforts, and thank the Auburn Hills Chamber of Commerce for not only recognizing them, but encouraging them to continue their enthusiastic approach to education: Jeff Austin, Letrice Hudson, Elias Numan, Bryan Phillips, Heather Zygmontowicz, Tenealle Tenwolde, Collin Lasko, Lyndsay McGarry, Kyle Morrison, Brandon See, Jamiecee Baker, Deitra Officer, Ty Bleuenstein, Monique Bramlett, Cristal Moore, Pakou Ly, and Kenneth Venable. On behalf of the entire United States Senate, I congratulate them on their participation in the ''Excellence in Education'' Awards Program.●

A TRIBUTE TO THE UNIVERSITY OF MINNESOTA WOMEN'S HOCKEY TEAM

● Mr. GRAMS. Mr. President, I proudly rise today to pay tribute to the University of Minnesota women's hockey team on their recent national championship victory. This is truly an accomplishment of which all Minnesotans can be proud.

In only its third season, the Golden Gopher program has become a national powerhouse. In 1998, the Gopher's inaugural year, the team finished fourth in the nation. Last year, they crept closer to the national title with a third-place finish. This season's 32–6–1 record was the best in the nation.

Under the leadership of coach Laura Halldorson, the Gopher women defeated instate rival University of Minnesota-Duluth in the semifinals, 3–2, after being down 2–0. This come-from-behind victory gave the Golden Gophers a berth in the American Women's College Hockey Alliance National Championship game versus top-seeded Brown University.

The March 25 championship game at Boston's Matthews Arena proved to be a tough-fought contest. The Gopher women fell behind by a score of 1–0 in the first period, but once again made a strong comeback. Led by goalie Erica Killewald's 34 stopped shots, in the Gophers held off Brown for a 4–2 victory.

While this incredible season was clearly the result of phenomenal teamwork, there are individual efforts that should be recognized. Gopher goalie Erica Killewald's spectacular performance earned her the tournament MVP honors. Also awarded all-tournament honors were Nadine Muzerall, Winny Brodt and Courtney Kennedy.

As the popularity of women's hockey spreads throughout the nation, Minnesotans have embraced the sport—and their Golden Gophers. Now the program is poised to lead the charge towards greater advancements in women's athletics. I commend the women's dedication and relentless hard work. With only one graduating senior on this year's Gopher squad, I am hopeful for many more national championships.●

WITTMAN FAMILY WINS MILLENNIUM FARM/RANCH FAMILY AWARD

● Mr. CRAPO. Mr. President, I rise today to bring your attention to the recent accomplishment of the Wittman family from my home state of Idaho. Today, they will be receiving the Millennium Farm/Ranch Family Award for agricultural and forestry stewardship. I know you join Idaho and myself in extending to the Wittman family congratulations on this achievement.

The Wittman family has worked their land near Lapwai, Idaho since the early 1920's. They have used that knowledge to give us an on the ground perspective when we have written farm policy. Most recently, their views helped shape the reforms made to the crop insurance program.

Wittman Farms is a fourth-generation family farm operation using sound conservation and stewardship practices. In 1988, the family joined forces with the nearby Valley Boys and Girls Clubs to build ''Camp Wittman,'' a totally solar-powered destination where students and educators can share in a hands-on environmental experience to learn farming practices in the mountain meadow environment of the Palouse.

The Wittman Family has given to our youth, our educators, our local and national governments, and broken ground for more than just the purposes of next year's crop.

In these tough times for farmers, agriculture needs leaders who indeed look to the future while learning from the past. I am proud to honor the Wittman family as Millennium Farm/Ranch Family Award winners and proud to call them fellow Idahoans.

It is indeed my pleasure as an Idaho Senator to honor the Wittman family as agriculture pioneers for Idaho—and to thank them for contributing so much to our next millennium in Agriculture. I know you and my colleagues in the Senate join me in offering our congratulations to the Wittman family.

Thank you, Mr. President.●

TRIBUTE TO DOVEY J. ROUNDTREE

● Mr. WARNER. Mr. President, the American Bar Association Commission on Women in the Profession announced in February the winners of the 2000 Margaret Brent Women Lawyers of Achievement Awards.

Among those worthy recipients was Dovey J. Roundtree, General Counsel for the National Council of Negro Women, whom I have been privileged to know for many years.

As a former law clerk to Federal Circuit Judge Prettyman, then as an Assistant United States Attorney, followed by private practice in the greater metropolitan area of Washington, DC, I came to know and admire the professional achievements of Attorney Roundtree.

She is most deserving of this recognition for her tireless efforts to help others.

The award Mrs. Roundtree has earned is named for the first woman lawyer in America, Margaret Brent. She arrived in the Colonies in 1638, and was involved in 124 court cases over the course of eight years, winning every case. In 1648, she formally demanded the right to vote in the Maryland Assembly, but her petition was denied by the Governor.

These awards were established in 1991 to honor outstanding women lawyers who have achieved professional excellence in their area of specialty and have actively worked to help other women lawyers.

Attorney Roundtree and her work have been admired for more than three decades. She has been a leading civil rights lawyer, an Army veteran, an ordained minister and a resident of Spotsylvania.

She is a founding partner of the Washington, DC, law firm of Roundtree, Knox, Hunter and Parker, and she served for 35 years as General Counsel to the National Council of Negro Women and as special consultant for legal affairs to the African Methodist Episcopal Church.

Mrs. Roundtree attend Howard University Law School on the GI Bill and went on to break legal ground in both civil and criminal law. Her 1955 bus desegregation victory before the Interstate Commerce Commission, Sarah Keys versus Carolina Coach Company, was critically important in the legal battle for civil rights.

She was the first black woman admitted to the Bar Association of the District of Columbia and actively recruited other black women attorneys.

Dovey J. Roundtree is most deserving of this award.●

NATIONAL D.O. DAY

● Ms. COLLINS. Mr. President, today, Thursday, April 13, is National D.O.

Day. I therefore want to take this opportunity to recognize the 45,000 osteopathic physicians (D.O.s) across the country for their contributions to the American healthcare system. For more than a century, D.O.s have made a difference in the lives and health of Americans everywhere. They have treated presidents and Olympic athletes. They have helped to keep children well and have contributed to the fight against AIDS. Today, members of the osteopathic medical profession serve as U.S. Assistant Secretary of Defense for Health Affairs, the chief medical officer for the U.S. Coast Guard, and the Surgeon General of the U.S. Army.

As fully licensed physicians able to prescribe medication and perform surgery, D.O.s are committed to serving the health needs of rural and underserved communities. They make up 15 percent of the total physician population in towns of 10,000 or less. In addition, 64 percent of D.O.s practice in the primary care areas of medicine, fulfilling a need for more primary care physicians in an era marked by the growth of managed care. Their contributions have been particularly important in rural states like Maine.

More than 100 million patient visits are made each year to D.O.s. D.O.s approach their patients as ''whole people.'' They don't just treat a specific illness or injury. D.O.s take into account home and work environments, as well as lifestyle, when assessing overall health. This approach provides Americans with high quality healthcare—patients seen as people, not just an illness or injury.

From the state-of-the-art healthcare facility in a major city to a clinic in a rural Maine community, D.O.s continue to practice the kind of medicine that Andrew Taylor Still envisioned over 100 years ago when he founded the profession.

It was my pleasure to meet today with two representatives of the osteopathic medical profession visiting our Capitol from Maine. The University of New England, College of Osteopathic Medicine (UNECOM), in Biddeford, is the only medical school in my home state. To the more than 400 osteopathic physicians in Maine, the approximately 1,100 graduates of UNECOM, and the 45,000 D.O.s represented by the American Osteopathic Association—congratulations on your contributions to the good health of the American people. I look forward to working with you to further our mutual goal of improving our nation's health care.●

MR. AND MRS. ROBERT VANMETER'S 50TH WEDDING ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today in honor of Mr. and Mrs. Robert VanMeter, who on April 22, 2000, will celebrate their 50th wedding anniversary. The couple was married at a simple ceremony on a Friday evening by a clergyman named Grover W. Cleveland. Since that evening, the two have shared the highs and lows of life together, lending support and comfort to the other whenever there has been need.

Mr. Robert VanMeter served in the 82d Airborne in Italy. He loved his job, and was particularly fond of taking pictures of his jumps. Mrs. JoAnn VanMeter stayed at home, raising their four children. She baked everything from hamburger buns to apple pie. The children never knew what ''store-bought'' bread and pastries were until they were teenagers and Mrs. VanMeter returned to work.

Thirty-nine years ago, Mr. VanMeter completed the house that the couple lives in to this day. It took him two years to build, in part because of his refusal to allow anyone to help him with any part of the process, including the electrical and plumbing.

Mr. and Mrs. VanMeter have five grandchildren, ages 12–25. As they did their own children, they continue to show a patience and loyalty to them. They instill into their grandchildren the same principles they passed to their children: hard work, patience, and a willingness to try new things.

Mr. President, on this special occasion, I congratulate Mr. and Mrs. VanMeter. On behalf of the entire United States Senate, I wish them a happy 50th wedding anniversary, and best of luck in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 2328. An act to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program.

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 3039. An act to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

ENROLLED JOINT RESOLUTION AND BILL SIGNED

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution and bill:

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

H.R. 1658. An act to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The enrolled joint resolution bill was signed subsequently by the President Pro Tempore (Mr. THURMOND).

At 1:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal Year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005.

MEASURE REFERRED

The following bill was read the first and second time by unanimous consent, and referred as indicated:

H.R. 2328. An act to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 1838. An act to assist in the enhancement of the security of Taiwan, and for other purposes.

The following bills were read the first and second times, and placed on the calendar:

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 3039. An act to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 13, 2000, he had presented to the President of the United States, that the following enrolled joint resolution:

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8471. A communication from the Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision to Implement Economic Development Reform Act of 1998–Grant Rate Eligibility; Disaster Assistance Based on High Unemployment; Final Rule''; to the Committee on Environment and Public Works.

EC–8472. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation amending the Toxic Substances Control Act; to the Committee on Environment and Public Works.

EC–8473. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL # 6577–7), received April 10, 2000; to the Committee on Environment and Public Works.

EC–8474. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Connecticut; Plan for Controlling MWC Emissions from Existing MWC Plants'' (FRL # 6577–3), received April 10, 2000; to the Committee on Environment and Public Works.

EC–8475. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Omaha, Nebraska'' (FRL # 6577–1), received April 10, 2000; to the Committee on Environment and Public Works.

EC–8476. A communication from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation amending the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8477. A communication from the Secretary of Transportation, transmitting, pursuant to law, the fiscal year 2001 Performance Plan and the fiscal year 1999 Performance Report; to the Committee on Governmental Affairs.

EC–8478. A communication from the Federal Highway Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Carrier Safety Regulations; Definition of Commercial Motor Vehicle (CMV)1 Requirements for Operators of Small Passenger-Carrying CMVs'' (RIN2126–AA51 (Formerly RIN2125–AE22)), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8479. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2000 Specifications'' (RIN0648–AM49), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8480. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a Closure (Opens Pollock Fishing in the West Yakutat District in the Gulf of Alaska)'', received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8481. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands'', received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8482. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 2000–NM–86 (4–5/4–10)'' (RIN2120–AA64) (2000–0188), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8483. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 2000–NM–86 (4–5/4–10)'' (RIN2120–AA64) (2000–0188), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8484. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757 Series Airplanes; Docket No. 99–NM–125 (11–26/4–10)'' (RIN2120–AA64) (2000–0193), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8485. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200, −200C, −300, and −400 Series Airplanes; Docket No. 99–NM–84 (4–4/4–10)'' (RIN2120–AA64) (2000–0189), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8486. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The New Piper Aircraft, Inc. J–2 Series Airplanes that are Equipped with Wing Lift Struts; Docket No. 99–CE–13 (12/28/99–4/10/00)'' (RIN2120–AA64) (2000–0195), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8487. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F27 Mark 050 Series Airplanes; Docket No. 99–NM–317 (12–13–99/4–10–00)'' (RIN2120–AA64) (2000–0194), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8488. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fairchild Aircraft, Inc. Models SA226–T and SA226–TB, SA226–AT, and SA226–TC Airplanes; Docket No. 99–CE–15 (10–7/4–10)'' (RIN2120–AA64) (2000–0191), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8489. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica; Model EMB–145 Series Airplanes; Docket No. 99–NM–203 (4–4/4–10)'' (RIN2120–AA64) (2000–0190), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8490. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney PW4000 Series Turbofan Engines; Docket No. 97–ANE–55 (7–16/4–10)'' (RIN2120–AA64) (2000–0192), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8491. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Robinson Helicopter Company Model R44 Helicopters; Docket No. 99–SW–08 (4–6/4–10)'' (RIN2120–AA64) (2000–0186), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8492. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments from Cape Falcon to Humbug Mountain, Oregon'', received April 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8493. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Delaware, OH; Docket No. 99–AGL–37 (9–8–99/4–10–00)'' (RIN2120–AA66) (2000–0082), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8494. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (57); Amdt. No. 1984 (4–6/4–10)'' (RIN2120–AA65) (2000–0021), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8495. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (48); Amdt. No. 1985 (4–6/4–10)'' (RIN2120–AA65) (2000–0022), received

April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8496. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Colored Federal Airways; AK; Docket No. 98–AAL–15 (4–4/4–10)'' (RIN2120–AA65) (2000–0083), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8497. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Jet Routes; AK; Docket No. 98–AAL–13 (4–4/4–10)'' (RIN2120–AA65) (2000–0084), received April 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8498. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the report of Selected Acquisition Reports (SARs) for the quarter ended December 31, 1999; to the Committee on Armed Services.

EC–8499. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to Program Acquisition Unit Cost and Average Procurement Unit Cost thresholds which have been exceeded for the Advanced Threat Infrared Countermeasure/Common Missile Warning System program; to the Committee on Armed Services.

EC–8500. A communication from the Secretary of Defense, transmitting, pursuant to law, a report of the determination of the necessity to order the transportation of chemical warfare material from Washington, DC to Pine Bluff Arsenal, AR and Aberdeen Proving Ground, MD; to the Committee on Armed Services.

EC–8501. A communication from the Acting Secretary of the Navy, transmitting, pursuant to law, the report of an award of a contract for depot level repair and maintenance availabilities of surface combatants homeported in Everett, WA; to the Committee on Armed Services.

EC–8502. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report entitled ''The DoD Health Care Benefit: How Does It Compare to FEHBP and Other Plans?'' and a report entitled ''TRICARE/CHAMPUS Behavorial Health Benefit Review''; to the Committee on Armed Services.

EC–8503. A communication from the Office of Disaster Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Liquidation of Collateral, Sale of Disaster Assistance Loans'' (RIN3245–AE54), received April 12, 2000; to the Committee on Small Business.

EC–8504. A communication from the Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Microloan Loan Loss Reserve Fund'' (RIN3245–AE54), received April 12, 2000; to the Committee on Small Business.

EC–8505. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Information Processing Procedures; Obtaining, Submitting, Executing, and Filing of Forms: Change of Address'' (Docket No. 00N–0784), received April 12, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8506. A communication from the Acting Associate Attorney General transmitting, pursuant to law, the 1999 annual report on certain activities pertaining to the Freedom of Information Act; to the Committee on the Judiciary.

EC–8507. A communication from the Inter-American Foundation, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8508. A communication from the Federal Communications Commission, transmitting, pursuant to law, the fiscal year 1999 Annual Performance Report; to the Committee on Governmental Affairs.

EC–8509. A communication from the Office of Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled ''Final Rule on Designation of Electric Rate Schedule Sheets'', received April 12, 2000; to the Committee on Energy and Natural Resources.

EC–8510. A communication from the Energy Information Administration, Department of Energy, transmitting a report entitled ''International Energy Outlook 2000''; to the Committee on Energy and Natural Resources.

EC–8511. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 1999–2000 Crop Natural (Sun-Dried Seedless and Zante Currant Raisins)'' (Docket Number FV00–989–4 IFR), received April 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8512. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Ports Designated for Exportation of Horses; Dayton, OH'' (Docket #99–102–2), received April 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8513. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Johne's Disease in Domestic Animals; Interstate Movement'' (Docket #98–037–2), received April 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8514. A communication from the Office of Regulatory Management and Information to Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; RACT for VOC Sources'' (FRL #6572–8), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8515. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New York: Approval of Carbon Monoxide State Implementation Plan Revision; Removal of the Oxygenated Gasoline Program Final-Region 2'' (FRL #6572–9), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8516. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York; Nitrogen Oxides Budget and Allowance Trading Program'' (FRL #6573–1), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8517. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Format for Materials Being Incorporated by Reference; Approval of Recodification of the Virginia Administrative Code'' (FRL #6562–9), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8518. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Public Notification Rule'' (FRL #6580–2), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8519. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District'' (FRL #6578–6), received April 12, 2000; to the Committee on Environment and Public Works.

EC–8520. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''1999 PCB Questions and Answers Manual-Additions''; to the Committee on Environment and Public Works.

EC–8521. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations''; to the Committee on Environment and Public Works.

EC–8522. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Notice of Storage Tank Emission Reduction Partnership Program''; to the Committee on Environment and Public Works.

EC–8523. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Small Business Compliance Policy''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1778: A bill to provide for equal exchanges of land around the Cascade Reservoir (Rept. No. 106–271).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with amendments:

S. 1946: A bill to amend the National Environmental Education Act to redesignate that Act as the ''John H. Chafee Environmental Education Act'', to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes (Rept. No. 106–272).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 311: A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes (Rept. No. 106–273).

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1452: A bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes (Rept. No. 106–274).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 2412: A bill to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the ''E. Ross Adair Federal Building and United States Courthouse''.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 287: A resolution expressing the sense of the Senate regarding U.S. policy toward Libya.

S. Res. 289: A resolution expressing the sense of the Senate regarding the human rights situation in Cuba.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2058: A bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals.

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2366: A bill to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2367: A bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under the Act.

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 2370: A bill to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse''.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Con. Res. 81: A concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

The following named officer for appointment as Commander, Pacific Area, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. Ernest R. Riutta, 2216

The following named officer for appointment as Vice Commandant, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 47:

To be vice admiral

Vice Adm. Thomas H. Collins, 9096

John Paul Hammerschmidt, of Arkansas, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of four years. (New Position)

Norman Y. Mineta, of California, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of six years. (New Position)

Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2005. (Reappointment)

John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2003. (Reappointment)

Carol Jones Carmody, of Louisiana, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2004.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the Records of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nominations beginning Jay F. Dell and ending Denis J. Fassero, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 19, 1999.

Coast Guard nominations beginning Michael H. Graner and ending Michael R. Seward, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 2000.

Coast Guard nominations beginning Douglas N. Eames and ending Timothy A. Aines, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 2000.

Coast Guard nominations beginning Jennifer L. Adams and ending Gregory D. Zike, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 7, 2000.

By Mr. SMITH for the Committee on Environment and Public Works.

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2005. (Reappointment)

By Mr. WARNER for the Committee on Armed Services.

Madelyn R. Creedon, of Indiana, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration. (New Position)

Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army.

Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness.

By Mr. HELMS for the Committee on Foreign Relations.

Gary A. Barron, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

Thomas G. Weston, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus.

Carey Cavanaugh, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh and New Independent States Regional Conflicts.

Christopher Robert Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Nominee: Christopher R. Hill.

Post: Warsaw.

Contributions, amount, date, donee:

1. Self: zero.
2. Spouse: zero.
3. Children and Spouses: zero.
4. Parents: Mother, Constance Hill, $50, June 1999, Al Gore.
5. Grandparents: deceased.
6. Brothers and Spouses: zero.
7. Sisters and spouses: zero.

Donald Arthur Mahley, of Virginia, a Career Member of the Senior Executive Service, for the rank of Ambassador during his tenure of service as Special Negotiator for Chemical and Biological Arms Control Issues.

Gregory G. Govan, of Virginia, for the rank of Ambassador during his tenure of service as Chief U.S. Delegate to the Joint Consultative Group. (New Position)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably nomination lists which were printed in the RECORD of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning Mattie R. Sharpless and ending Howard R.

Wetzel , which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 24, 2000.

Foreign Service nominations beginning Nancy M. McKay and ending Nancy Morgan Serpa , which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 24, 2000.

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. ASHCROFT (for himself, Mr. BOND, Mr. DEWINE, Mr. WARNER, and Mr. MOYNIHAN):

S. 2416. A bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the ''Harry S. Truman Federal Building''; to the Committee on Environment and Public Works.

By Mr. CRAPO (for himself and Mr. SMITH of New Hampshire):

S. 2417. A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 2418. A bill to prohibit commercial air tour operations over the Black Canyon National Park; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 2419. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself, Ms. MIKULSKI, Ms. COLLINS, and Mr. CLELAND):

S. 2420. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, and Mr. KENNEDY):

S. 2421. A bill 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 Connecticut and Massachusetts; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 2422. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for farm relief and economic development, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 2423. A bill to provide Federal Perkins Loan cancellation for public defenders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX:

S. 2424. A bill to amend the Internal Revenue Code of 1986 to extend and expand the enhanced deduction for charitable contributions of computers to provide greater public access to computers, including access by the poor; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2425. A bill 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; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON:

S. 2426. A bill to suspend temporarily the duty on n-Heptanoic acid; to the Committee on Finance.

By Mr. THOMPSON:

S. 2427. A bill to suspend temporarily the duty on Undecylenic acid; to the Committee on Finance.

By Mr. THOMPSON:

S. 2428. A bill to suspend temporarily the duty on n-Heptaldehyde; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. DODD, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 2429. A bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons; to the Committee on Energy and Natural Resources.

By Mr. LEAHY:

S. 2430. A bill to combat computer hacking through enhanced law enforcement and to protect the privacy and constitutional rights of Americans, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2432. A bill to permit the catcher vessel HAZEL LORRAINE to conduct commercial fishing activities; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2433. A bill to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

By Mr. L. Chafee (for himself, Mr. BRYAN, Mr. THOMPSON, Mr. SARBANES, and Mr. BURNS):

S. 2434. A bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, and Mr. DODD):

S. 2435. A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

By Mr. ABRAHAM:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to repeal the targeted area limitation on the expense deduction for environmental remediation costs and to extend the termination date of such deduction; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself and Mr. BAUCUS) (by request):

S. 2437. A bill 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; to the Committee on Environment and Public Works.

By Mr. MCCAIN (for himself, Mrs. MURRAY, and Mr. GORTON):

S. 2438. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2439. A bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. GORTON, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. BRYAN):

S. 2440. A bill to amend title 49, United States Code, to improve airport security; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself and Mrs. LINCOLN):

S. 2441. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY:

S. 2442. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide long-term, low-interest loans to apple growers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Ms. SNOWE, Mr. REED, and Mrs. MURRAY):

S. 2443. A bill to increase immunization funding and provide for immunization infrastructure and delivery activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. REED):

S. 2444. A bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBB (for himself, Mr. EDWARDS, and Ms. LANDRIEU):

S. 2445. A bill to provide community-based economic development assistance for trade-affected communities; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2446. A bill to amend the Internal Revenue Code of 1986 to provide assistance to homeowners and small businesses to repair Formosan termite damage; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 2447. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. SCHUMER):

S. 2448. A bill to enhance the protections of the Internet and the critical infrastructure of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 2449. A bill to combat trafficking of persons, especially into the sex trade, slavery,

and slavery-like conditions, in the United States and countries around the world through prevention, prosecution, and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

By Mr. HUTCHINSON (for himself and Mr. BROWNBACK):

S. 2450. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2451. A bill to increase criminal penalties for computer crimes, establish a National Commission on Cybersecurity, and for other purposes; to the Committee on the Judiciary.

By Mr. COVERDELL:

S. 2452. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BREAUX, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DURBIN, Mr. DODD, Mr. DOMENICI, Mr. EDWARDS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRIST, Mr. FITZGERALD, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH OF NEW HAMPSHIRE, Mr. SMITH OF OREGON, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, and Mr. WARNER):

S. 2453. A bill to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS (for himself and Mr. BREAUX):

S. 2454. A bill to amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers; to the Committee on Commerce, Science, and Transportation.

By Mr. ASHCROFT:

S.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time United States Senators and Representatives may serve; 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. HUTCHINSON (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. CRAIG, Mr. THOMAS, Mr. FRIST, and Mr. THOMPSON):

S. Res. 291. A resolution expressing the sense of the Senate regarding the reprogramming of funds for the Drug Enforcement Administration for fiscal year 2000 in order to assist State and local efforts to clean up methamphetamine laboratories; to the Committee on Appropriations.

By Mr. CLELAND (for himself, Mrs. BOXER, Mr. BOND, Mr. BAUCUS, Mr. BRYAN, Ms. LANDRIEU, Mr. KERRY, Mr. JEFFORDS, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. ROBB, Mr. COCHRAN, and Mr. DURBIN):

S. Res. 292. A resolution recognizing the 20th century as the ''Century of Women in the United States''; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. LIEBERMAN, Mr. SARBANES, Mr. BRYAN, Mr. TORRICELLI, Mr. EDWARDS, Mr. MOYNIHAN, Mr. KERRY, Mr. BINGAMAN, Mr. GRAHAM, Mr. CLELAND, Mr. REID, Mr. HARKIN, Mrs. LINCOLN, Mr. SCHUMER, Mr. AKAKA, Mr. KENNEDY, Mr. DURBIN, Mr. FEINGOLD, Mr. KERREY, Mr. KOHL, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. DORGAN, Mr. ROBB, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REED, and Mrs. BOXER):

S. Res. 293. A resolution encouraging all residents of the United States to complete their census forms to ensure the most accurate enumeration of the population possible; to the Committee on Governmental Affairs.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. WYDEN, Mr. DODD, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. Con. Res. 104. A concurrent resolution expressing the sense of the Congress regarding the ongoing prosecution of 13 members of Iran's Jewish community; to the Committee on Foreign Relations.

By Mr. ABRAHAM:

S. Con. Res. 105. A concurrent resolution designating April 13, 2000, as a day of remembrance of the victims of the Katyn Forest massacre; to the Committee on the Judiciary.

By Mr. GRAMS (for himself and Mr. WELLSTONE):

S. Con. Res. 106. A concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mr. KERRY, Mr. ROTH, and Mr. BINGAMAN):

S. Con. Res. 107. A concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT (for himself, Mr. BOND, Mr. DEWINE, Mr. WARNER, and Mr. MOYNIHAN):

S. 2416. A bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the ''Harry S. Truman Federal Building''; to the Committee on Environment and Public Works.

LEGISLATION TO RENAME THE STATE DEPARTMENT AFTER PRESIDENT HARRY S. TRUMAN

Mr. ASHCROFT. Mr. President, it is my great privilege to introduce a bill today, along with Senators BOND, WARNER, DEWINE, and MOYNIHAN, that will name the State Department's Headquarters in Washington, D.C., the ''Harry S. Truman Federal Building.'' I truly appreciate the support of these distinguished colleagues and Secretary Albright to see this idea become a reality.

Born in Lamar, Missouri, Harry S. Truman was a farmer, a national guardsman, a World War I veteran, a local postmaster, a road overseer, and a small business owner before turning to politics. Through these experiences, he gained the courage, honesty, and dedication to freedom required of a greater leader. Truman went on to become one of the most influential Presidents of the modern era. His leadership and character, especially in the area of foreign policy, have earned him well-deserved praise and respect throughout the world.

He established the Marshall Plan—creating a politically and economically stable Western Europe. President Truman was instrumental in creating the North Atlantic Treaty Organization which kept Soviet aggression at bay in Western Europe. He worked to contain the further spread of communism in Berlin, Greece, Turkey, and Korea. Clearly, President Truman was the architect of the strategy that won the Cold War and is a prime reason the United States is currently the world's sole superpower.

Mr. President, the State Department should be named after a true leader in foreign policy—and President Harry S. Truman is the clear choice. And through this choice, I hope the United States will continue President Truman's principled foreign policy as seen in his 1949 Presidential Inaugural Address:

> Events have brought our American democracy to new influence and new responsibilities. They will test our courage, our devotion to duty, and our concept of liberty. But I say to all men, what we have achieved in liberty, we will surpass in greater liberty. Steadfast in our faith in the Almighty, we will advance toward a world where man's freedom is secure. To that end we will devote our strength, our resources, and our firmness of resolve. With God's help, the future of mankind will be assured in a world of justice, harmony, and peace.

• Mr. MOYNIHAN. Mr. President, it gives me great pleasure to join my colleagues—Senators ASHCROFT, WARNER, BOND, and DEWINE—in this effort to

name the State Department building after our 33rd President, Harry S. Truman. It could be named for none other.

Harry S. Truman was, perhaps, the most unlikely of the Presidents. A failed haberdasher, as he would say, without a college degree. It seems somewhat paradoxical that this common man, who modeled himself along the lines of the fabled Cincinnatus—returning to the field after rising to meet his country's needs—would leave so much behind.

Put simply, President Truman's foreign affairs accomplishments saved the world from the chaos that followed the destruction of Europe in the Second World War, and enabled the ultimate defeat of totalitarianism. To list a few: the Berlin Airlift, the Marshall Plan, aid to Greece and Turkey, NATO, and the establishment of the United Nations—the vision of his only rival President Woodrow Wilson.

His greatness was not readily accepted while he served, or shortly thereafter. But over time, Harry S. Truman has been reevaluated through such scholarly biographies as those by David McCullough and Alonzo L. Hamby. This son of Independence, Missouri, would surely have rejected the high praise that his name now generates, but he would certainly concur in the appreciation of the enduring success of the policies and institutions he created. McCullough's ''Truman'' contains this reflection:

> I suppose that history will remember my term in office as the years when the Cold War began to overshadow our lives.
>
> I have had hardly a day in office that has not been dominated by this all-embracing struggle. . . . And always in the background there has been the atomic bomb. But when history says that my term of office saw the beginning of the Cold War, it will also say that in those eight years we have set the course that can win it. . . .

Mr. President, few could dispute those sentiments.●

By Mr. CRAPO (for himself and Mr. SMITH of New Hampshire):

S. 2417. A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Environment and Public Works.

WATER POLLUTION PROGRAM ENHANCEMENTS ACT OF 2000

Mr. CRAPO. I am pleased to introduce today, with my colleague Senator SMITH of New Hampshire and Senator GORDON SMITH of Oregon, the ''Water Pollution Program Enhancements Act of 2000'' in response to a fast track rulemaking process undertaken by the Environmental Protection Agency with respect to the total maximum daily load, or TMDL, and National Pollutant Discharge Elimination System, NPDES, permit programs under the Clean Water Act. The concerns over this rule are far too great and EPA is moving far too quickly for Congress to stand aside and allow this regulation to move ahead. My disagreement with the proposed rule is not its basic objective, which is aimed at cleaning up our Nation's waters—but the hurried approach EPA has elected to take, and their refusal to address the very numerous, very real concerns of states, cities, and stakeholders.

Huge strides have been made in cleaning up our nation's waters since the Clean Water Act was passed in 1972, particularly in the area of point source pollutants. But clearly, our work is not finished in trying to make our lakes, rivers and streams ''fishable and swimmable.'' More must be done to improve water quality, and more must especially be done to provide additional resources to address nonpoint source pollution, which, so far, has not received anywhere near the kind of funding that has been focused on discharges from point sources.

In the past month and a half, we have held two hearings on the Environmental Protection Agency's proposed rule with respect to total maximum daily loads and the NPDES permit programs. The same subject has been examined in four other Congressional hearings by three separate committees. What we have collectively learned in these hearings about EPA's proposed rule is nothing short of alarming. States have responded with universal concern to this proposed rule that saddles them with enormous regulatory burdens and exorbitant costs in carrying out their water quality management programs. Not only is this proposed onerous and costly to implement, but States have testified that it is not likely to improve water quality, and, in fact, may have a detrimental effect on States with existing programs that have proven to be successful.

We would prefer not to be introducing this bill today. We have been holding hearings. I have been communicating with EPA—as have dozens of other Members of Congress expressing their grave concern with the proposed rule. We would prefer that Congress be working through these very important and challenging issues in collaboration with EPA. But holding hearings and attempting to work with EPA to resolve issues of concern, or urging them to take a more thoughtful, even-handed approach is no longer a reasonable course of action when the EPA steadfastly continues to insist on fast tracking a rule that has been the subject of such widespread concern and criticism.

When EPA issued this proposed regulation last August, we were all surprised at the boldness of the agency to publish the rule:

During the Congressional recess; and

Provide only a 60-day comment period on such as massive and complex rulemaking.

Not only did the Chairman and Ranking Member of the Environment and Public Works Committee request an extension of the comment period, but Congress was actually forced to enact legislation to compel EPA to listen. The EPA was forced to extend its comment period. EPA received more than 30,000 public comments on the proposed rule, and, as I said earlier, this rule has been the subject of six Congressional hearings.

To date, I do not see any evidence that EPA is listening. As recently as last week, EPA communicated that it had negotiated a 60-day OMB review—what is usually at least a 90-day review on major rulemaking efforts—and that it intends to finalize the rule by June 30.

The intransigence of the EPA is both unexplainable and unacceptable. If EPA is serious about ramming this regulation through by June 30, it is our intention to send them a loud message—Congress insists instead that they take a deep breath with respect to this rule.

The bill Senator SMITH and I are introducing today—the Water Pollution Program Enhancements Act—takes important steps toward achieving additional reductions in water pollution now, and providing the science necessary for better implementation of the TMDL program in the future.

In the hearings I held, witnesses raised three main concerns with respect to the proposed rule. They cited:

States' lack of reliable data for developing their 303(d) list of impaired waters;

The scarce public resources available for addressing nonpoint pollution in particular; and

EPA's overreach of its statutory authority under the Clean Water Act in controlling water quality management programs administered by States.

This bill addresses those three issues without amending current law or regulation.

The Water Pollution Program Enhancement Act authorizes significantly increased funding for sections 106 and 319 under the Clean Water Act. Funding under section 106 would be made available to the States and specifically directed to:

Collect reliable monitoring data;

Improve their lists of impaired waters;

Prepare TMDLs; and

Develop watershed management strategies.

Of the $500 million available for implementation of section 319, $200 million is required to be made available by the States for grants to private landowners to carry out projects that will improve water quality. These funds are specifically being made available to farmers, ranches, family forestland managers and others, to conduct activities on their lands that contribute to cleaning up rivers, lakes and streams.

These significant increases in funding will achieve on-the-ground results

and have a very real effect in improving our nation's water quality.

Second, the bill directs the Environmental Protection Agency to contract with the National Academy of Sciences to prepare a report on:

The quality of the science used to develop and implement TMDLs;

The costs associated with implementing TMDLs; and

The availability of alternative programs or mechanisms to reduce the discharge of pollutants from point sources and nonpoint source pollution.

If there is one message I have heard loud and clear, it is that we lack basic and necessary data about TMDLs and how to implement the TMDL program that achieves the goal of improving water quality, provides States flexibility in administering their programs, and is cost effective. It is irresponsible of EPA to push ahead in finalizing this regulation when we do not have the answers to such basic questions about this program.

Third, the bill provides for innovation and collaboration by establishing a pilot program in which five states are selected to implement a three-year program that examines alternative strategies and incentives to reduce the discharge of pollutants and TMDLs. This pilot program will provide us with valuable information about how we might think outside the box to solve our water quality problems.

Finally, this legislation requires EPA to postpone its rulemaking and review the National Academy of Sciences study before publishing its final rule on the TMDL program. Despite EPA's assertions to the contrary, we know that the proposed rule would have enormous implications for States, cities and stakeholders. It is absolutely critical that we know more about the science of TMDLs before finalizing this rule, and EPA has given Congress no other choice but to compel them to do so. Congress has an obligation to intercede and resolve these issues crucial to the health of our people and our environment.

I urge my colleagues to join me in cleaning up our nation's waters through the reasonable and balanced provisions included in the Water Pollution Program Enhancements Act of 2000.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to introduce today with my colleague from Idaho, Senator MIKE CRAPO, the ''Water Pollution Program Enhancements Act of 2000.'' I believe this bill will significantly improve water quality and, over the long term, reform the way the Environmental Protection Agency and the States implement the Total Maximum Daily Load, TMDL, program for impaired waters.

I emphasize at the outset that I strongly support the goals of the Clean Water Act. I believe all Americans should be able to enjoy clean water to drink, and that our rivers and lakes should be ''fishable'' and ''swimmable.'' And we have made substantial progress over the past 25 years since the Clean Water Act was enacted in cleaning up our nations rivers, lakes and streams. According to EPA, 60–70 percent of our nation's waters are now safe for fishing and swimming. Certainly, there's more work to be done. How we control runoff from agricultural and urban areas, and forests—so-called nonpoint source pollution—is our challenge for the future.

I also support the original concept underlying the TMDL program of helping ensure that water quality standards are met on all of our nation's rivers and streams and lakes. However, I believe that there may be other tools to help us achieve those laudable goals; TMDLs are not the only answer. We should be looking to the States for alternative, innovative solutions, particularly in the area of controlling nonpoint source pollution. And I believe that if we look, we will find that the States have better, more cost effective solutions to improving water quality. Is there a role for the Federal Government in addressing nonpoint source pollution? Absolutely. The Federal Government—EPA—should work in partnership with States and the private sector to achieve our shared goal of fishable and swimmable water.

EPA's approach to solving the nation's remaining water quality issues, however, continues to be based on more ''top-down'' regulations from Washington, D.C.; more confrontration, instead of collaboration; and more interference with State programs. We are taking the step of introducing this legislation today because EPA has made it clear that it plans to expedite the process for finalizing two controversial rules that it proposed last August that would make a number of significant changes to the existing programs to control the discharge of pollutants and to improve water quality. The first rule would significantly expand the requirements for establishing the total amount of pollutants that can be discharged to a waterbody—so-called ''total maximum daily loads.'' The second rule would expand EPA's authority to revoke or reissue state-issued permits under the Clean Water Act to implement the new TMDL requirements. The combined effect of these rules would be to dramatically expand EPA's authority over issues that have traditionally been within the jurisdiction of the States, such as farming, ranching and logging operations, and additionally to give EPA a potential new role in local land management use decisions.

I have serious concerns about the substance of these rules. But I am also deeply troubled by the process that EPA has adopted here. It began last summer when EPA initially proposed the rules. At that time, it stated that it would only accept public comments on the proposed rules for 60 days. Such a short period of time for public review was obviously inadequate given the length of the proposed rules and their complexity. Congress intervened and EPA was ultimately compelled to extend the comment deadline for an additional 90 days.

Even before the comment period had closed, however, EPA indicated that nothing would stop it from pushing the proposed rules through the process as quickly as possible. Over the past month, EPA has announced its plans to issue final rules before the end of June in spite of the fact that it received over 30,000 comments in February, at least 27,000 of which were critical of the rule, and can hardly have had an opportunity to give these comments serious consideration. There have been at least six hearings on the proposed rules in both the House and Senate in which serious concerns were raised about: the legality and practicality of the rules; the lack of reliable science underlying the existing TMDL program, not to mention any proposed expansion; the potential impact on successful State programs; the burdens that an expanded TMDL program would impose on individual landowners and small businesses; and the lack of a completed cost assessment of the proposed rules.

Senator CRAPO has held two hearings so far on EPA's proposed TMDL rules. Through that process, and in many meetings with stakeholders, I have heard about all of the problems with EPA's proposed rules—the lack of science, the overly broad scope, practical problems in implementing the rule, trampling of state programs, and the cost. Let me detail just a few of the comments that I heard.

On the question of the science underlying the TMDL program, GAO recently issued a report, and provided testimony on the basis of the report, that States do not have the data they need to accurately assess the pollution problems in their waters and further, do not have the data they need to develop TMDLs. In his statement to Senator CRAPO's subcommittee, Peter Guerrero noted specifically that the ''ability [of the States] to develop TMDLs is limited by a number of factors. . . . [S]hortages in funding and staff [were cited] as the major limitation to carrying out [the States'] responsibilities, including developing TMDLs. In addition, states reported that they need additional analytical methods and technical assistance to develop TMDLs for the more complex, nonpoint sources of pollution.'' He went on to state that only three states have the data they need to identify nonpoint sources of pollution, and only three States have the majority of the data they need to develop TMDLs for

nonpoint sources. To me, this information from GAO sends a clear signal that TMDLs are not the answer for nonpoint source pollution. The science just isn't there.

We also heard from a variety of businesses and landowners who told us of other substantive problems with EPA's proposed rules. For example, Tom Thomson, a certified Tree Farmer from my home State of New Hampshire and the owner of the Outstanding Northeastern Tree Farm of 1997, testified that EPA's proposal to regulate tree farming as a point source and impose TMDLs would just make it harder to do the job of improving water quality. He explained that through aggressive, private and voluntary stewardship, private woodlot owners all over the country are doing a good job to address water quality issues related to forestry. Compliance rates now approach 90 percent in many of the States where forestry best management practices, BMPs, are in place. Total river and stream miles impaired due to silviculture declined 20 percent just between 1994 and 1996. The number of miles deemed to have ''major impairment'' from silviculture fell 83 percent. In 1996, EPA dropped silviculture from its list of 7 leading sources of river and stream impairment. That same year, silviculture contributed only 7 percent of total stream impairment. In Tom's word's this seems to be a classic case of ''if it ain't broke, don't fix it.'' In this case, it would seem clear that water quality issues related to forestry are being addressed and progress is being made through State BMP programs and other voluntary, non-regulatory measures undertaken by landowners.

To his credit, EPA Assistant Administrator for the Office of Water, Chuck Fox, has recognized that the proposed rule caused confusion and does have many problems. I met with Mr. Fox last week and was pleased to learn from him that EPA has heard at least some of the concerns that were raised and is ready to make some changes to their rule. He indicated that in any final rule, EPA would ''drop threatened waters; allow more flexibility in setting priorities; drop the offset requirements for new pollution; and revise the approach for forest pollution.''

Some of the changes may be significant and that's good news, but as always, ''the devil is in the details.'' I am still concerned that many of the major problems have not been addressed. I also wonder why, if EPA is willing to acknowledge that many of the concepts included in the proposed rule were indeed flawed, it hasn't been willing to withdraw the August draft and reissue a new proposed rule that reflects its current thoughts. Surely doing that and seeking public comment on a revised rule would result in a better, more informed end product. It would almost certainly enhance public confidence in EPA's process. However, EPA has consistently declined to consider this approach.

In my opinion, EPA simply hasn't done the work that must be done to justify and explain the rule to the public. States and the regulated community deserve to have their comments and concerns considered seriously by EPA, as well as to have an opportunity to review and provide comment on the cost assessment in the context of the proposed rule. Now apparently, EPA may be making significant changes that will never have been subject to public comment. In its desire to rush to judgment on a final rule, EPA is effectively neutering the role of public participation in the rulemaking process.

Therefore, Senator CRAPO and I have drafted legislation that will address several of the key problems with EPA's proposed rules and, in addition, defer any further EPA action on the rules until the National Academy of Sciences has conducted a study of the scientific issues underlying the development and implementation of the TMDL program.

Senator CRAPO and I are taking the first step to not only address some of the problems raised by EPA's proposed rules, but also to improve water quality on the ground right now.

Our bill will do three fundamental things. First, it significantly increases federal funding to $750 million for States to implement programs to address nonpoint source pollution, to assess the quality of their rivers and streams, and to collect the data they need to develop better TMDLs. This will represent a significant increase from current funding levels for Fiscal Year 2000 of $155 million for nonpoint source programs under section 106 and section 319 of the Clean Water Act. More money now will enable landowners, businesses, and States to do things now on the ground to improve water quality—things like putting in buffer strips and water retention ponds. With this approach, we won't have to wait 10 or 15 years for EPA to impose new regulatory requirements on landowners after a lengthy and onerous TMDL process.

Second, the bill directs the National Academy of Sciences to conduct a study on the science used to develop TMDLs and make recommendations about how to improve it. The NAS will also evaluate existing State programs to look at what works, particularly for nonpoint sources. Better science will make for better TMDLs.

Third, it includes a pilot program for EPA to compare different State approaches to improving water quality. TMDLs should not be the only tool that we rely on to meet our water quality goals; they may be appropriate and effective for a chemical company, but not for a farmer or woodlot owner. There are better solutions out there, particularly to deal with the problems associated with nonpoint source pollution. For example, States are using their own authority and incentive-based programs under the Safe Drinking Water Act and the farm bill to work together with farmers, ranchers, loggers and their cities to substantially reduce runoff.

The bottom line is that States, public utilities, landowners, and businesses now are spending billions of dollars to improve water quality. If we are going to ask them to spend billions more—and we are—Congress and EPA have a responsibility to make sure that the programs we create are based on good, reliable science, and make the best use of limited resources.

Again, it's not a question of challenging the goals of the Clean Water Act; it's a question of seeking the best way to achieve them.

The bill also includes a provision to defer the finalization of EPA's proposed TMDL and related permit rules. We're serious when we say that we want EPA to base its regulations on good science. And we're serious when we say that we want EPA to respect the role of the States in solving the problem of nonpoint source pollution. That's why the bill provides for the National Academy of Sciences to look into those issues. We believe that EPA also should welcome the NAS Study and look forward to the opportunity to use that Study to improve its rule. Therefore, the bill directs EPA to review the NAS Study and take into consideration the recommendations of the National Academy of Sciences before it finalizes any new TMDL rule. We believe that in the long run, waiting 18 months for the NAS analysis will only improve the rule and increase public confidence in it.

Mr. President, I know our critics will charge that we are undermining the Clean Water Act. They could not be more wrong. This legislation will enhance the Clean Water Act. By seeking better science and increasing needed Federal funding, this bill will strengthen programs on the ground that work—programs that improve water quality and help us achieve the fundamental goals of fishable and swimmable waters.

I commend Senator CRAPO for his leadership on this issue. I believe that in crafting this legislation, he is taking an important step in the right direction. I urge my colleagues to support this bill.

By Mr. CAMPBELL:

S. 2418. A bill to prohibit commercial air tour operations over the Black Canyon National Park; to the Committee on Commerce, Science, and Transportation.

BLACK CANYON OF THE GUNNISON NATIONAL PARK COMMERCIAL OVERFLIGHTS BAN ACT

Mr. CAMPBELL. Mr. President, today I am introducing legislation that

would prohibit commercial tour overflight operators from flying in and over the Black Canyon of the Gunnison National Park. The Black Canyon of the Gunnison National Park, our nation's 55th and newest national park is a breathtaking canyon of diverse magnitude, which is why I worked for over 13 years to get it dedicated as a national park.

I cannot imagine having the many visitors who tour my home state to view Colorado's newest national park enjoying the sound of airplanes or helicopters buzzing overhead while they are trying to listen to the flowing river at the bottom of the canyon. Because of the deep, narrow nature of the canyon, rescue and recovery operations for aircraft that experience problems would be extremely difficult, dangerous and costly.

My bill would amend the FAA reauthorization act of 2000 and would only restrict overflights on the Black Canyon of the Gunnison National Park. I worked with my friend and colleague Senator ALLARD for over five years in support of his effort to get commercial overflights banned over the Rocky Mountain National Park. Similar action by Congress is now necessary for the Black Canyon of the Gunnison.

I believe National Park visitors seek peacefulness when they visit a national park and my legislation would help provide that. We contacted the Superintendent of the Black Canyon of the Gunnison National Park and he informed us that currently no commercial overflights are taking place, but there may have been flights in the past.

My bill would amend already existing law and would not negatively affect the operation of emergency, military and commercial high-level airlines or private planes.

The Denver Post recently published an editorial supporting Congressional action on the issue of aircraft noise, citing how such operations would create noise which would echo terribly off the walls of the Canyon. As a member of the National Park and Historic Preservation Subcommittee, I have confronted these types of issues in the past and know how important it is for the visitors to our national parks to have everlasting and fond memories when they take the time and effort to visit the natural wonders we are blessed with in this country.

I ask unanimous consent that the Denver Post editorial and the bill be printed in the RECORD. And, I ask my colleagues to support this needed legislation.

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

S. 2418

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

SECTION 1. PROHIBITION ON CERTAIN COMMERCIAL AIR TOUR OPERATIONS.

Section 806 of the National Parks Air Tour Management Act of 2000 is amended by inserting ''or the Black Canyon of the Gunnison National Park'' after ''Rocky Mountain National Park''.

KEEP PLANES OUT OF PARKS

April 10—It took five years, but the wonderful quiet over Rocky Mountain National Park has been permanently preserved. However, the state's congressional delegation should take steps to protect other national parks in Colorado from being pestered by the constant drone of low-flying planes and the thunderous whapping of helicopter blades. Of particular concern is the Black Canyon of the Gunnison.

Aircraft noise has become a huge problem in some national parks, such as the Grand Canyon.

So, when a helicopter tour company wanted to start scenic flights over Rocky Mountain National Park in the mid-1990s, Estes Park residents became alarmed.

A temporary ban on commercial flights over the park was put in place, thanks to efforts by then-U.S. Rep. Wayne Allard, a Republican who at the time represented the district that includes Estes Park; then-U.S. Rep. David Skaggs, a Democrat who at the time represented the district that includes Boulder County, where part of the park is located; and then-U.S. Transportation Secretary Federico Peña, a former Denver mayor.

But the ban wasn't really a done deal until this week. Allard, now a U.S. senator, amended the Federal Aviation Administration's authorization bill to include a permanent ban on aircraft tours over Rocky Mountain National Park. U.S. Rep. Bob Schaffer, another Republican who now represents Colorado's Fourth Congressional District, co-sponsored a similar amendment on the House side.

Unfortunately, their work may not yet be finished. In the last several months, some outdoor recreation groups have raised worries that commercial flights could become a problem over the Black Canyon of the Gunnison National Park. That prospect could make it impossible for visitors to enjoy standing on the rim and listening to the Gunnison River roar thousands of feet below. Aircraft noise would echo terribly off the rock walls, and the narrow canyon could present safety problems.

The use of commercial aircraft is justifiable in a few national parks. In Alaska, for example, airplanes are needed to reach parts of Denali National Park, including the main climbing route on Mount McKinley.

But in the national parks in Colorado, commercial tour flights simply aren't appropriate. The state's congressional delegation should continue to work on the issue.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 2419. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' HIGHER EDUCATION OPPORTUNITIES ACT

Mr. JOHNSON. Mr. President, I rise today to introduce the Veterans Higher Education Opportunities Act. I am pleased to be joined by the distinguished Senator COLLINS of Maine in bringing this important issue to the Senate floor today.

The 1944 GI Bill of Rights is one of the most important pieces of legislation ever passed by Congress. No program has been more successful in increasing educational opportunities for our country's veterans while also providing a valuable incentive for the best and brightest to make a career out of military service. This bill has allowed eight million veterans to finish high school and 2.3 million service members to attend college.

Unfortunately, without this update the current GI Bill can no longer deliver these results and fails in its promise to recruits and service members. The legislation that Senator COLLINS and I are introducing today will take an important first step in modernizing the GI Bill.

Over 96% of recruits currently sign up for the Montgomery GI Bill and pay $1,200 out of their first year's pay to guarantee eligibility. But only one-half of these military personnel use any of the current Montgomery GI Bill benefits. This is evidence that the current GI Bill simply does not meet their needs.

GI Bill benefits have not kept pace with increased costs of education. During the 1995–96 school year, the basic benefit paid under the Montgomery GI Bill offset only 36% of average total education costs.

There is wide consensus among national higher education and veterans associations that at a minimum, the GI Bill should pay the costs of attending the average four-year public institution as a commuter student. The current Montgomery GI Bill benefit pays only 55% of that cost.

My legislation creates that benchmark by indexing the GI Bill to the costs of attending the average four-year public institution as a commuter student. For example, those costs for the 1999–2000 academic year were $8,774. The Veterans Higher Education Opportunities Act would thereby require 36 monthly stipends of $975 for a total GI Bill benefit of $35,100. This benchmark cost will be updated annually by the College Board in order for the GI Bill to keep pace.

I am pleased that my legislation has the bipartisan support of Senator COLLINS and the overwhelming support of the Partnership for Veterans' Education. This organization includes over 45 veterans groups and higher education organizations including the VFW, the American Council on Education, the Non Commissioned Officers Association, the National Association of State Universities and Land Grant Colleges, and the Retired Enlisted Association.

Several proposals have been introduced in the House that would address

the shortfalls of the current GI Bill, and I look forward to working with members of the House and my colleagues in the Senate on this important issue.

As the parent of a son who served as a peacekeeper in Bosnia and who is currently deployed in Kosovo, these military ''quality of life'' challenges are particularly apparent to me. Making the GI Bill pay for viable educational opportunity makes as much sense today as it did following World War II. The very modest cost of improving the GI Bill will result in net gains to our military and our society.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2419

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 ''Veterans' Higher Education Opportunities Act of 2000''.

SEC. 2. ANNUAL DETERMINATION OF BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) BASIC BENEFIT.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking ''of $528 (as increased from time to time under subsection (g))'' and inserting ''equal to the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees (as determined under subsection (g))''; and

(2) in subsection (b)(1) by striking ''of $429 (as increased from time to time under subsection (g))'' and inserting ''equal to 75 percent of the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees (as determined under subsection (g))''.

(b) DETERMINATION OF AVERAGE MONTHLY COSTS.—Subsection (g) of that section is amended to read as follows:

''(g)(1) Not later than September 30 each year, the Secretary shall determine the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees for purposes of subsections (a)(1) and (b)(1) for the succeeding fiscal year. The Secretary shall determine such costs utilizing information obtained from the College Board or information provided annually by the College Board in its annual survey of institutions of higher education.

''(2) In determining the costs of tuition and expenses under paragraph (1), the Secretary shall take into account the following:

''(A) Tuition and fees.

''(B) The cost of books and supplies.

''(C) The cost of board.

''(D) Transportation costs.

''(E) Other nonfixed educational expenses.

''(3) A determination made under paragraph (1) in a year shall take effect on October 1 of that year and apply with respect to basic educational assistance allowances payable under this section for the fiscal year beginning in that year.

''(4) Not later than September 30 each year, the Secretary shall publish in the Federal Register the average monthly costs of tuition and expenses as determined under paragraph (1) in that year.

''(5) For purposes of this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

(c) STYLISTIC AMENDMENT.—Subsection (b) of that section is further amended in the matter preceding paragraph (1) by striking ''as provided in the succeeding subsections of this section'' and inserting ''as otherwise provided in this section''.

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2000.

(2) The Secretary of Veterans Affairs shall make the determination required by subsection (g) of section 3015 of title 38, United States Code (as amended by subsection (b) of this section), and such determination shall go into effect, for fiscal year 2001.

Ms. COLLINS. Mr. President, I am delighted to join with my friend and colleague, Senator JOHNSON, in introducing the Veterans' Higher Education Opportunities Act of 2000. This legislation will provide our veterans with expanded educational opportunities at a reasonable cost. Endorsed by the 47-member Partnership for Veterans Education, our legislation provides a new model for today's GI bill that is logical, fair, and worthy of a nation that values both higher education and our veterans.

The original GI bill was enacted in 1944. As a result of this initiative, 7.8 million World War II veterans were able to take advantage of postservice education and training opportunities, including more than 2 million veterans who went on to college. My own father was among those veterans who served bravely in World War II and then came back home to resume his education with assistance from the GI bill.

Since that time, various incarnations of the G.I. Bill have continued to assist millions of veterans in taking advantage of the educational opportunities they put on hold in order to serve their country. New laws were enacted to provide educational assistance to those who served in Korea and Vietnam, as well as to those who served during the period in-between. Since the change to an all-volunteer service, additional adjustments to these programs were made, leading up to the enactment of the Montgomery G.I. Bill in 1985.

The value of the educational benefit assistance provided by the Montgomery G.I. Bill, however, has greatly eroded over time due to inflation and the escalating cost of higher education. Military recruiters indicate that the program's benefits no longer serve as a strong incentive to join the military; nor do they serve as a retention tool valuable enough to persuade men and women to stay in the military and defer the full or part-time pursuit of their higher education until a later date. Perhaps most important, the program is losing its value as an instrument for readjustment into civilian life after military service.

This point really hit home for me when I recently met with representatives of the Maine State Approving Agency (SAA) for Veterans Education Programs. They told me of the ever increasing difficulties that service members are having in using the G.I. Bill's benefits for education and training.

For example, the Maine representatives told me that the majority of today's veterans are married and have children. Yet, the Montgomery G.I. Bill often does not cover the cost of tuition to attend a public institution, let alone the other costs associated with the pursuit of higher education and those required to help support a family.

In fact, in constant dollars, with one exception, the current G.I. Bill provides the lowest level of assistance ever to those who served in the defense of our country. The basic benefit program of the Vietnam Era G.I. Bill provided $493 per month in 1981 to a veteran with a spouse and two children. Twenty years later, a veteran in identical circumstances receives only $43 more, a mere 8% increase over a time period when inflation has nearly doubled, and a dollar buys only half of what it once purchased.

To address these problems, we are offering a modern version of the Montgomery G.I. Bill. This new model establishes a sensible, easily understood benchmark for G.I. Bill benefits. The benchmark sets G.I. Bill benefits at ''the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees.'' This commonsense provision would serve as the foundation upon which future education stipends for all veterans would be based and would set benefits at a level sufficient to provide veterans the education promised to them at recruitment.

The current G.I. Bill now provides nine monthly $536 stipends per year for four years. The total benefit is $19,296. Under the new benchmark established by this legislation, the monthly stipend for this academic year would be $975, producing a new total benefit of $35,100 for the four academic years.

Mr. President, today's G.I. Bill is woefully under-funded and does not provide the financial support necessary for our veterans to meet their educational goals. The legislation that we are proposing would fulfill the promise made to our nation's veterans, help with recruiting and retention of men and women in our military, and reflect current costs of higher education. Now is the time to enact these modest improvements to the basic benefit program of the Montgomery G.I. Bill.

I urge all members of the Senate to join Senator JOHNSON and myself in support of the Veterans' Higher Education Opportunities Act.

By Mr. GRASSLEY (for himself, Ms. MIKULSKI, Ms. COLLINS, and Mr. CLELAND):

S. 2420. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Governmental Affairs.

LONG-TERM CARE SECURITY ACT

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

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

S. 2420

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 ''Long-Term Care Security Act''.

SEC. 2. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 90—LONG-TERM CARE INSURANCE

''Sec.
''9001. Definitions.
''9002. Availability of insurance.
''9003. Contracting authority.
''9004. Financing.
''9005. Preemption.
''9006. Studies, reports, and audits.
''9007. Jurisdiction of courts.
''9008. Administrative functions.
''9009. Cost accounting standards.

"§ 9001. Definitions

For purposes of this chapter:

''(1) EMPLOYEE.—The term 'employee' means—

''(A) an employee as defined by section 8901(1); and

''(B) an individual described in section 2105(e);

but does not include an individual employed by the government of the District of Columbia.

''(2) ANNUITANT.—The term 'annuitant' has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection.

''(3) MEMBER OF THE UNIFORMED SERVICES.—The term 'member of the uniformed services' means a member of the uniformed services, other than a retired member of the uniformed services.

''(4) RETIRED MEMBER OF THE UNIFORMED SERVICES.—The term 'retired member of the uniformed services' means a member or former member of the uniformed services entitled to retired or retainer pay.

''(5) QUALIFIED RELATIVE.—The term 'qualified relative' means each of the following:

''(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

''(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

''(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provided, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

''(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

''(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' refers to an individual described in paragraph (1), (2), (3), (4), or (5).

''(7) QUALIFIED CARRIER.—The term 'qualified carrier' means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(8) STATE.—The term 'State' includes the District of Columbia.

''(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

''(10) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

''(A) except as otherwise provided in this paragraph, the Secretary of Defense;

''(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

''(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

''(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

"§ 9002. Availability of insurance

''(a) IN GENERAL.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

''(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

''(1) the only coverage provided is under qualified long-term care insurance contracts; and

''(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

''(c) DOCUMENTATION REQUIREMENT.—As a condition for obtaining long-term care insurance coverage under this chapter based on one's status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

''(d) UNDERWRITING STANDARDS.—

''(1) DISQUALIFYING CONDITION.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

''(2) SPOUSAL PARITY.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

''(3) GUARANTEED ISSUE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

''(4) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

''(5) HIGHER STANDARDS ALLOWABLE.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

''(e) GUARANTEED RENEWABILITY.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

"§ 9003. Contracting authority

''(a) IN GENERAL.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with 1 or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereinafter in this chapter referred to as a 'master contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Each master contract under this chapter shall contain—

''(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

''(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

''(C) the terms of the enrollment period; and

''(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

''(2) PREMIUMS.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

''(3) NONRENEWABILITY.—Master contracts under this chapter may not be made automatically renewable.

''(c) PAYMENT OF REQUIRED BENEFITS; DISPUTE RESOLUTION.—

''(1) IN GENERAL.—Each master contract under this chapter shall require the carrier to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-

party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

''(2) ELIGIBILITY.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

''(3) OTHER CLAIMS.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(4) RULE OF CONSTRUCTION.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

''(d) DURATION.—

''(1) IN GENERAL.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.

''(2) EXCEPTION.—

''(A) SHORTER DURATION.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting 'ending on the last day of the 7-year period described in paragraph (2)(B)' for 'of 7 years'.

''(B) DEFINITION.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

''(3) CONGRESSIONAL NOTIFICATION.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification, terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

''(4) FULL PORTABILITY.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

''§ 9004. Financing

''(a) IN GENERAL.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) WITHHOLDINGS.—

''(1) IN GENERAL.—The amount necessary to pay the premiums for enrollment may—

''(A) in the case of an employee, be withheld from the pay of such employee;

''(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

''(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the basic pay of such member; and

''(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

''(2) VOLUNTARY WITHHOLDINGS FOR QUALIFIED RELATIVES.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

''(c) DIRECT PAYMENTS.—All amounts withheld under this section shall be paid directly to the carrier.

''(d) OTHER FORMS OF PAYMENT.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

''(e) SEPARATE ACCOUNTING REQUIREMENT.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

''(f) REIMBURSEMENTS.—

''(1) REASONABLE INITIAL COSTS.—

''(A) IN GENERAL.—The Employees' Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

''(B) REIMBURSEMENT REQUIREMENT.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

''(2) SUBSEQUENT COSTS.—

''(A) IN GENERAL.—There is hereby established in the Employees' Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

''(B) REIMBURSEMENT REQUIREMENT.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

''§ 9005. Preemption

''The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

''§ 9006. Studies, reports, and audits

''(a) PROVISIONS RELATING TO CARRIERS.—Each master contract under this chapter shall contain provisions requiring the carrier—

''(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

''(b) PROVISIONS RELATING TO FEDERAL AGENCIES.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

''(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

''§ 9007. Jurisdiction of courts

''The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

''§ 9008. Administrative functions

''(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

''(b) ENROLLMENT PERIODS.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

''(c) CONSULTATION.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual described in paragraph (3) or

(4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

''(d) INFORMED DECISIONMAKING.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

''(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

''(2) Representative examples of the cost of long-term care, and the sufficiency of the benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

''(A) the projected effect of inflation on the value of those benefits; and

''(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

''(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

''(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

''(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

''(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

''(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

''(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

''§ 9009. Cost accounting standards

''The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not apply with respect to a long-term care insurance contract under this chapter.''.

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

''90. Long-Term Care Insurance ... 9001.''.

SEC. 3. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this Act, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of enactment of this Act.

By Mr. CONRAD:

S. 2422. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for farm relief and economic development, and for other purposes; to the Committee on Finance.

FARM RELIEF AND ECONOMIC DEVELOPMENT ACT OF 2000

Mr. CONRAD. Mr. President, I rise today to introduce the Farm Relief and Economic Development Act of 2000. We have farmers who are in the deepest trouble they have been in in 50 years: the lowest prices in 50 years, a series of natural disasters in many parts of the country, and an economic environment in which our major competitors are outgunning us 60 to 1 in agricultural export support, by 10 to 1 in internal support. The result is tens of thousands of farm families are faced with failure unless we respond.

The Department of Agriculture has told us that farm income will drop $8 billion if we fail to act. As part of an overall response, today I am introducing legislation that I term the ''Farm Relief and Economic Development Act of 2000.'' There is no question in my mind that the best action Congress could take on farm policy would be to rewrite the farm bill. But that is unlikely to happen this year.

There are parts of the Internal Revenue Code that create unnecessary problems for farmers that we can address. The essential elements of this bill are provisions to address farm and ranch risk management accounts. This proposal would allow farmers to make contributions to tax-deferred accounts, which would be known as farm and ranch risk management accounts. Those accounts would provide farmers with a valuable new tool for managing money in a way that best benefits each farmer's own operations.

The second key element of this legislation is clarifying the self-employment tax that applies to farm lease income. A farm landlord should be treated no differently than small business operators and other commercial landlords when it comes to cash rent income.

As a result of a 1996 Tax Court decision, the IRS has now expanded the reach of the self-employment tax to include all farm landlords, whether or not they are active participants in the farming activity. My proposal would restore the pre-1996 status quo, turning back this unilateral action by the IRS. My proposal also includes language to clarify the Conservation Reserve Program payments are not subject to the self-employment tax. Again, we have an interpretation by the Internal Revenue Service that we think is badly flawed and ought to be reversed.

This legislation provides capital gains relief on the sale of farm residences and farmland. Farm families frequently cannot take full advantage of the $500,000 capital gains tax exemption that we provide nonfarm residents. That is because the IRS separates the value of a farmer's house from the contiguous land. The value of the home often turns out to be negligible because the IRS often judges homes located far out in the country to have very little value. In fact, it is often the case it has very little in the way of market value when it is detached from the land that surrounds that farmstead. My proposal would allow the exclusion of $500,000 that we currently allow homeowners to be applied to the sale of a farmer's home and up to 160 acres of surrounding farmland.

The next element of my legislation is Aggie bonds. Finding ways to encourage people to start farming is not easy. Aggie bonds are helping by reducing the cost of credit and stimulating investment in agriculture. This proposal would exclude Aggie bonds from the State volume cap. It would not change the loan limit, nor would it affect any additional limitations or qualifications imposed by the 16 States which participate in the program.

My proposal provides capital gains tax relief for farmers leaving farming. The farmer who decides to leave under enormous financial pressure today often finds the IRS waiting with its hand out. When property is sold at auction in order to satisfy debt, the farmers will often realize a very significant capital gain, even though they really have losses because the value of the property has gone up while the debt may have gone up even more dramatically. This proposal would provide a once-in-a-lifetime capital gains exclusion for farmers who decide or are pressured to leave agriculture.

Next, this proposal addresses net operating losses of farmers. My proposal would lengthen the carryback period for net operating losses for farmers to 10 years. Because of the volatility in the income of farmers, we believe it makes sense to allow them a net operating loss over an extended period.

Next, this proposal I am offering today deals with estate valuation. We have the special use valuation, in order to help farmers keep their farms intact. The definitions that trigger the recapture, unfortunately, are too rigid. If the farm can remain a going concern by renting some portion of it to other family members, I believe the family should be able to still enjoy the benefits of special use valuation. My proposal would provide that an heir could rent the family farm to family members for the purpose of farming without triggering the recapture provisions.

Next, my proposal deals with farmer cooperatives. This proposal would provide cooperatives with the same declaratory relief procedures available to other tax-exempt entities when their tax-exempt status is denied.

Finally, my proposal deals with income averaging for farmers and the alternative minimum tax. Because of interaction between the income averaging provisions of the code and the alternative minimum tax, some farmers who elect to take advantage of income

averaging are finding themselves subject to alternative minimum tax. That was never intended. This outcome should be changed so farmers receive the full benefit of income averaging. This proposal would provide that a farmer who elects income averaging would not then face an increase in AMT liability.

With that, Mr. President, I send the bill to the desk and ask for its referral. I hope colleagues will support this legislation.

By Mr. DURBIN:

S. 2423. A bill to provide Federal Perkins Loan cancellation for public defenders; to the Committee on Health, Education, Labor, and Pensions.

FEDERAL PERKINS LOAN CANCELLATION FOR PUBLIC DEFENDERS

● Mr. DURBIN. Mr. President, today I am introducing legislation with Senators FEINSTEIN, DODD, WELLSTONE, and BINGAMAN to include full-time public defense attorneys in the Federal Perkins Loan forgiveness program for law enforcement officers. This amendment will provide parity to public defense attorneys and uphold the goals set forth by the Supreme Court to equalize access to legal resources. Representative TOM CAMPBELL of California will be introducing a similar bill in the House.

Under section 465(a)(2)(F) of the Higher Education Act of 1965, a borrower with a loan made under the Federal Perkins Loan Program is eligible to have the loan canceled for serving full-time as a law enforcement officer or corrections officer in a local, State, or Federal law enforcement or corrections agency. While the rules governing borrower eligibility for law enforcement cancellation have been interpreted by the Department of Education to include prosecuting attorneys, public defenders have been excluded from the loan forgiveness program. This policy must be amended.

Like prosecutors, public defense attorneys play an integral role in our adversarial process. This judicial process is the most effective means of getting at truth and rendering justice. The United States Supreme Court in a series of cases has recognized the importance of the right to counsel in implementing the Sixth Amendment's guarantee of a fair trial and the Fourteenth Amendment's due process clause requiring counsel to be appointed for all persons accused of offenses in which there is a possibility of a jail term being imposed.

Absent adequate counsel for all parties, there is a danger that the outcome may be determined not by who has the most convincing case but by who has the most resources. The Court rightly addressed this possible miscarriage of justice by requiring counsel to be appointed for the accused. Public defenders fill this Court mandated role by representing the interests of criminally accused indigent persons. They give indigent defendants sufficient resources to present an adequate defense, so that the public goal of truth and justice will govern the outcome.

The Department of Education's interpretation of the statute to exclude public defenders from the loan forgiveness program undermines the goals set forth by the Supreme Court to equalize access to legal resources. It creates an obvious disparity of resources between public defenders and prosecutors by encouraging talented individuals to pursue public service as prosecutors but not as defenders. The criminal justice system works best when both sides are adequately represented. The public interest is served when indigent defendants have access to talented defenders. One of the ways to facilitate this goal is by granting loan cancellation benefits to defense attorneys.

Moreover, public defense attorneys meet all the eligibility requirements of the loan forgiveness program as set forth in current federal regulations. They belong to publicly funded public defender agencies and they are sworn officers of the court whose principal responsibilities are unique to the criminal justice system and are essential in the performance of the agencies' primary mission. In addition, like prosecuting attorneys, public defenders are law enforcement officers dedicated to upholding, protecting, and enforcing our laws. Without public defense attorneys, the adversarial process of our criminal justice system could not operate.

I urge my colleagues to join me, Senator FEINSTEIN, Senator DODD, Senator WELLSTONE, Senator BINGAMAN, and Representative CAMPBELL in supporting the goal of equalized access to legal resources, as set forth in the Constitution and elucidated by the Supreme Court, by providing parity to public defenders and allowing them to join prosecutors in receiving loan cancellation benefits.

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

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

S. 2423

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

SECTION 1. FEDERAL PERKINS LOAN CANCELLATION FOR PUBLIC DEFENDERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Education has issued clarifications that prosecuting attorneys are among the class of law enforcement officers eligible for benefits under the Federal Perkins Loan cancellation program.

(2) Like prosecutors, public defenders also meet all the eligibility requirements of the Federal Perkins Loan cancellation program as set forth in Federal regulations.

(3) Public defenders are law enforcement officers who play an integral role in our Nation's adversarial legal process. Public defenders fill the Supreme Court mandated role requiring that counsel be appointed for the accused, by representing the interests of criminally accused indigent persons.

(4) In order to encourage highly qualified attorneys to serve as public defenders, public defenders should be included with prosecutors among the class of law enforcement officers eligible to receive benefits under the Federal Perkins Loan cancellation program.

(b) AMENDMENT.—Section 465(a)(2)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(F)) is amended by inserting '', or as a full-time public defender for service to local, State, or Federal governments (directly or by a contract with a private, nonprofit organization)'' after ''agencies''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) loans made under this part, whether made before, on, or after the date of enactment of this Act; and

(2) service as a public defender that is provided on or after the date of enactment of this Act.

(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.●

By Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. DODD, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 2429. A bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons; to the Committee on Energy and Natural Resources.

WEATHERIZATION IMPROVEMENT ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Weatherization Improvement Act of 2000.

As this past winter has demonstrated, cold temperatures and high fuel costs can result in severe hardship for many of our low-income households, particularly those with children, elderly, and disabled members. Preventative energy efficiency measures are vital to ensure that low-income consumers spend less money keeping their families warm on cold winter nights. It is estimated that investments in Weatherization can save a typical household $193 in annual gas energy costs. While improving energy efficiency through work such as air-sealing and insulation work is an admirable goal, the Weatherization Assistance Program also has become an important tool in addressing the health and safely of our low-income families.

The Weatherization Improvement Act of 2000 seeks to further this commitment. The legislation will amend the average per dwelling unit cost to incorporate intensive costs, such as costs of furnace or cooling replacements, reducing the administrative burden of tracking these costs separately; increase the average cost per home, beginning this year, to $2,500 (up from $2,032 for 1999); and eliminate the statutory requirement that at least 40 percent of funds be spent on materials.

These changes are necessary to improve the effectiveness of the Weatherization, and are long overdue.

Lastly, the legislation repeals the 25 percent state matching requirement for the Weatherization Assistance Program set to begin in FY2001, which was included in the FY2000 Interior Appropriations legislation. While many states, utilities, and private organizations have leveraged large amounts of money in support of the Weatherization Assistance Program, not every state is in the same financial situation. There needs to be national commitment to energy efficiency for low income Americans and affordable housing. This is part of that commitment.

By Mr. LEAHY:

S. 2430. A bill to combat computer hacking through enhanced law enforcement and to protect the privacy and constitutional rights of Americans, and for other purposes; to the Committee on the Judiciary.

INTERNET SECURITY ACT OF 2000

Mr. LEAHY. Mr. President, as we head into the twenty-first century, computer-related crime is one of the greatest challenges facing law enforcement. Many of our critical infrastructures and our government depend upon the reliability and security of complex computer systems. We need to make sure that these essential systems are protected from all forms of attack. The legislation I am introducing today will help law enforcement investigate and prosecute those who jeopardize the integrity of our computer systems and the Internet.

Whether we work in the private sector or in government, we negotiate daily through a variety of security checkpoints designed to protect ourselves from being victimized by crime or targeted by terrorists. For instance, congressional buildings like this one use cement pillars placed at entrances, photo identification cards, metal detectors, x-ray scanners, and security guards to protect the physical space. These security steps and others have become ubiquitous in the private sector as well.

Yet all these physical barriers can be circumvented using the wires that run into every building to support the computers and computer networks that are the mainstay of how we communicate and do business. This plain fact was amply demonstrated by the recent hacker attacks on E-Trade, ZDNet, Datek, Yahoo, eBay, Amazon.com and other Internet sites. These attacks raise serious questions about Internet security—questions that we need to answer to ensure the long-term stability of electronic commerce. More importantly, a well-focused and more malign cyber-attack on computer networks that support telecommunications, transportation, water supply, banking, electrical power and other critical infrastructure systems could wreak havoc on our national economy or even jeopardize our national defense. We have learned that even law enforcement is not immune. Just recently we learned of a denial of service attack successfully perpetrated against a FBI web site, shutting down that site for several hours.

The cybercrime problem is growing. The reports of the CERT Coordination Center (formerly called the ''Computer Emergency Response Team''), which was established in 1988 to help the Internet community detect and resolve computer security incidents, provide chilling statistics on the vulnerabilities of the Internet and the scope of the problem. Over the last decade, the number of reported computer security incidents grew from 6 in 1988 to more than 8,000 in 1999. But that alone does not reveal the scope of the problem. According to CERT's most recent annual report, more than four million computer hosts were affected by the computer security incidents in 1999 alone by damaging computer viruses, with names like ''Melissa,'' ''Chernobyl,'' ''ExploreZip,'' and by the other ways that remote intruders have found to exploit system vulnerabilities. Even before the recent headline-grabbing ''denial-of-service'' attacks, CERT documented that such incidents ''grew at rate around 50% per year'' which was ''greater than the rate of growth of Internet hosts.''

CERT has tracked recent trends in severe hacking incidents on the Internet and made the following observations, First, hacking techniques are getting more sophisticated. That means law enforcement is going to have to get smarter too, and we need to give them the resources to do this. Second, hackers have ''become increasingly difficult to locate and identify.'' These criminals are operating in many different locations and are using techniques that allow them to operate in ''nearly total obscurity.''

We have been aware of the vulnerabilities to terrorist attacks of our computer networks for more than a decade. It became clear to me, when I chaired a series of hearings in 1988 and 1989 by the Subcommittee on Technology and the Law in the Senate Judiciary Committee on the subject of high-tech terrorism and the threat of computer viruses, that merely ''hardening'' our physical space from potential attack would only prompt committed criminals and terrorists to switch tactics and use new technologies to reach vulnerable softer targets, such as our computer systems and other critical infrastructures. The government has a responsibility to work with those in the private sector to assess those vulnerabilities and defend them. That means making sure our law enforcement agencies have the tools they need, but also that the government does not stand in the way of smart technical solutions to defend our computer systems.

Targeting cybercrime with up-to-date criminal laws and tougher law enforcement is only part of the solution. While criminal penalties may deter some computer criminals, these laws usually come into play too late, after the crime has been committed and the injury inflicted. We should keep in mind the adage that the best defense is a good offense. Americans and American firms must be encouraged to take preventive measures to protect their computer information and systems. Just recently, internet providers and companies such as Yahoo! and Amazon.com Inc., and computer hardware companies such a Cisco Systems Inc., proved successful at stemming attacks within hours thereby limiting losses.

That is why, for years, I have advocated and sponsored legislation to encourage the widespread use of strong encryption. Encryption is an important tool in our arsenal to protect the security of our computer information and networks. The Administration made enormous progress earlier this year when it issued new regulations relaxing export controls on strong encryption. Of course, encryption technology cannot be the sole source of protection for our critical computer networks and computer-based infrastructure, but we need to make sure the government is encouraging—and not restraining—the use of strong encryption and other technical solutions to protecting our computer systems.

Congress has responded again and again to help our law enforcement agencies keep up with the challenges of new crimes being executed over computer networks. In 1984, we passed the Computer Fraud and Abuse Act, and its amendments, to criminalize conduct when carried out by means of unauthorized access to a computer. In 1986, we passed the Electronic Communications Privacy Act (ECPA), which I was proud to sponsor, to criminalize tampering with electronic mail systems and remote data processing systems and to protect the privacy of computer users. In the 104th Congress, Senators KYL, GRASSLEY, and I worked together to enact the National Information Infrastructure Protection Act to increase protection under federal criminal law for both government and private computers, and to address an emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless their extortion demands are met.

In this Congress, I have introduced a bill with Senator DEWINE, the Computer Crime Enforcement Act, S. 1314, to set up a $25 million grant program within the U.S. Department of Justice for states to tap for improved education, training, enforcement and prosecution of computer crimes. All 50

states have now enacted tough computer crime control laws. These state laws establish a firm groundwork for electronic commerce and Internet security. Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of training and equipment necessary for effective enforcement of their state computer crime statutes. Our legislation, the Computer Crime Enforcement Act, would help state and local law enforcement join the fight to combat the worsening threats we face from computer crime.

Computer crime is a problem nationwide and in Vermont. I recently released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98% of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement.

My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence. According to my survey, 83% of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52% of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Proper training is critical to ensuring success in the fight against computer crime.

This bill will help our computer crime laws up to date as an important backstop and deterrent. I believe that our current computer crime laws can be enhanced and that the time to act is now. We should pass legislation designed to improve our law enforcement efforts while at the same time protecting the privacy rights of American citizens.

The bill I offer today will make it more efficient for law enforcement to use tools that are already available—such as pen registers and trap and trace devices—to track down computer criminals expeditiously. It will ensure that law enforcement can investigate and prosecute hacker attacks even when perpetrators use foreign-based computers to facilitate their crimes. It will implement criminal forfeiture provisions to ensure that cybercriminals are forced to relinquish the tools of their trade upon conviction. It will also close a current loophole in our wiretap laws that prevents a law enforcement officer from monitoring an innocent-host computer with the consent of the computer's owner and without a wiretap order to track down the source of denial-of-service attacks. Finally, this legislation will assist state and local police departments in their parallel efforts to combat cybercrime, in recognition of the fact that this fight is not just at the federal level.

The key provisions of the bill are:

Jurisdictional and Definitional Changes to the Computer Fraud and Abuse Act: The Computer Fraud and Abuse Act, 18 U.S.C. §1030, is the primary federal criminal statute prohibiting computer frauds and hacking. This bill would amend the statute to clarify the appropriate scope of federal jurisdiction. First, the bill adds a broad definition of ''loss'' to the definitional section. Calculation of loss is important both in determining whether the $5,000 jurisdictional hurdle in the statute is met, and, at sentencing, in calculating the appropriate guideline range and restitution amount.

Second, the bill amends the definition of ''protected computer,'' to expressly include qualified computers even when they are physically located outside of the United States. This clarification will preserve the ability of the United States to assist in international hacking cases. A ''Sense of Congress'' provision specifies that federal jurisdiction is justified by the ''interconnected and interdependent nature of computers used in interstate or foreign commerce.''

Finally, the bill expands the jurisdiction of the United States Secret Service to encompass investigations of all violations of 18 U.S.C. §1030. Prior to the 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate any and all violations of section 1030, pursuant to an agreement between the Secretary of Treasury and the Attorney General. The 1996 amendments, however, concentrated Secret Service jurisdiction on certain specified subsections of section 1030. The current amendment would return full jurisdiction to the Secret Service and would allow the Justice and Treasury Departments to decide on the appropriate work-sharing balance between the two.

Elimination of Mandatory Minimum Sentence for Certain Violations of Computer Fraud and Abuse Act: Currently, a directive to the Sentencing Commission requires that all violations, including misdemeanor violations, of certain provisions of the Computer Fraud and Abuse Act be punished with a term of imprisonment of at least six months. The bill would change this directive to the Sentencing Commission so that no such mandatory minimum would be required.

Additional Criminal Forfeiture Provisions: The bill adds a criminal forfeiture provision to the Computer Fraud and Abuse Act, requiring forfeiture of physical property used in or to facilitate the offense as well as property derived from proceeds of the offense. It also supplements the current forfeiture provision in 18 U.S.C. 2318, which prohibits trafficking in, among other things, counterfeit computer program documentation and packaging, to require the forfeiture of replicators and other devices used in the production of such counterfeit items.

Pen Registers and Trap and Trace Devices: The bill makes it easier for law enforcement to use these investigative techniques in the area of cybercrime, and institutes corresponding privacy protections. On the law enforcement side, the bill gives nationwide effect to pen register and trap and trace orders obtained by Government attorneys, thus obviating the need to obtain identical orders in multiple federal jurisdictions. It also clarifies that such devices can be used on all electronic communication lines, not just telephone lines. On the privacy side, the bill provides for greater judicial review of applications for pen registers and trap and trace devices and institutes a minimization requirement for the use of such devices. The bill also amends the reporting requirements for applications for such devices by specifying the information to be reported.

Denial of Service Investigations: Currently, a person whose computer is accessed by a hacker as a means for the hacker to reach a third computer cannot simply consent to law enforcement monitoring of his computer. Instead, because this person is not technically a party to the communication, law enforcement needs wiretap authorization under Title III to conduct such monitoring. The bill will close this loophole by explicitly permitting such monitoring without a wiretap if prior consent is obtained from the person whose computer is being hacked through and used to send ''harmful interference to a lawfully operating computer system.''

Encryption Reporting: The bill directs the Attorney General to report the number of wiretap orders in which encryption was encountered and whether such encryption precluded law enforcement from obtaining the plaintext of intercepted communications.

State and Local Computer Crime Enforcement: The bill directs the Office of Federal Programs to make grants to assist State and local law enforcement in the investigation and prosecution of computer crime.

Legislation must be balanced to protect our privacy and other constitutional rights. I am a strong proponent

of the Internet and a defender of our constitutional rights to speak freely and to keep private our confidential affairs from either private sector snoops or unreasonable government searches. These principles can be respected at the same time we hold accountable those malicious mischief makers and digital graffiti sprayers, who use computers to damage or destroy the property of others. I have seen Congress react reflexively in the past to address concerns over anti-social behavior on the Internet with legislative proposals that would do more harm than good. A good example of this is the Communications Decency Act, which the Supreme Court declared unconstitutional. We must make sure that our legislative efforts are precisely targeted on stopping destructive acts and that we avoid scattershot proposals that would threaten, rather than foster, electronic commerce and sacrifice, rather than promote, our constitutional rights.

Technology has ushered in a new age filled with unlimited potential for commerce and communications. But the Internet age has also ushered in new challenges for federal, state and local law enforcement officials. Congress and the Administration need to work together to meet these new challenges while preserving the benefits of our new era. The legislation I offer today is a step in that direction.

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

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

S. 2430

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 ''Internet Security Act of 2000''.

SEC. 2. AMENDMENTS TO THE COMPUTER FRAUD AND ABUSE ACT.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)—

(i) by inserting ''(i)'' after ''(A)'' and redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(ii) in subparagraph (A)(iii), as redesignated, by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(B) the conduct described in clause (i), (ii), or (iii) of subparagraph (A)—

''(i) caused loss aggregating at least $5,000 in value during a 1-year period to 1 or more individuals;

''(ii) modified or impaired, or potentially modified or impaired, the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) caused physical injury to any person; or

''(iv) threatened public health or safety;''; and

(B) in paragraph (6), by adding ''or'' at the end;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end; and

(ii) in subparagraph (B), by inserting ''or an attempted offense'' after ''in the case of an offense''; and

(B) by adding at the end the following:

''(4) forfeiture to the United States in accordance with subsection (i) of the interest of the offender in—

''(A) any personal property used or intended to be used to commit or to facilitate the commission of the offense; and

''(B) any property, real or personal, that constitutes or that is derived from proceeds traceable to any violation of this section.'';

(3) in subsection (d)—

(A) by striking ''subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of''; and

(B) by striking ''which shall be entered into by'' and inserting ''between'';

(4) in subsection (e)—

(A) in paragraph (2)(B), by inserting '', including computers located outside the United States'' before the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon;

(C) in paragraph (7), by striking ''and'' at the end;

(D) in paragraph (8), by striking '', that'' and all that follows through ''; and'' and inserting a semicolon;

(E) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(10) the term 'loss' includes—

''(A) the reasonable costs to any victim of—

''(i) responding to the offense;

''(ii) conducting a damage assessment; and

''(iii) restoring the system and data to their condition prior to the offense; and

''(B) any lost revenue or costs incurred by the victim as a result of interruption of service.'';

(5) in subsection (g), by striking ''Damages for violations involving damage as defined in subsection (c)(8)(A)'' and inserting ''losses specified in subsection (a)(5)(B)(i)''; and

(6) by adding at the end the following:

''(i) PROVISIONS GOVERNING FORFEITURE.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsection (c) and subsections (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).''.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) acts that damage or attempt to damage computers used in the delivery of critical infrastructure services such as telecommunications, energy, transportation, banking and financial services, and emergency and government services pose a serious threat to public health and safety and cause or have the potential to cause losses to victims that include costs of responding to offenses, conducting damage assessments, and restoring systems and data to their condition prior to the offense, as well as lost revenue and costs incurred as a result of interruptions of service; and

(2) the Federal Government should have jurisdiction to investigate acts affecting protected computers, as defined in section 1030(e)(2)(B) of title 18, United States Code, as amended by this Act, even if the effects of such acts occur wholly outside the United States, as in such instances a sufficient Federal nexus is conferred through the interconnected and interdependent nature of computers used in interstate or foreign commerce or communication.

SEC. 4. MODIFICATION OF SENTENCING COMMISSION DIRECTIVE.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of paragraph (4) or (5) of section 1030(a) of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 5. FORFEITURE OF DEVICES USED IN COMPUTER SOFTWARE COUNTERFEITING.

Section 2318(d) of title 18, United States Code, is amended by—

(1) inserting ''(1)'' before ''When'';

(2) inserting '', and any replicator or other device or thing used to copy or produce the computer program or other item to which the counterfeit label was affixed, or was intended to be affixed'' before the period; and

(3) by adding at the end the following:

''(2) The forfeiture of property under this section, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).''.

SEC. 6. CONFORMING AMENDMENT.

Section 492 of title 18, United States Code, is amended by striking ''or 1720,'' and inserting '', 1720, or 2318''.

SEC. 7. PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3123 of title 18, United States Code is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ISSUANCE OF ORDER.—

''(1) REQUESTS FROM ATTORNEYS FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court may enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device if the court finds, based on the certification by the attorney for the Government, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. Such order shall apply to any entity providing wire or electronic communication service in the United States whose assistance is necessary to effectuate the order.

''(2) REQUESTS FROM STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS.—Upon an application made under section 3122(a)(2), the court may enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court, if the court finds, based on the certification by the State law enforcement or investigative officer, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by inserting ''authorized under subsection (a)(2)'' after ''in the case of a trap and trace device''; and

(ii) in subparagraph (D), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) shall direct that the use of the pen register or trap and trace device be conducted in such a way as to minimize the recording or decoding of any electronic or

other impulses that are not related to the dialing and signaling information utilized in processing by the service provider upon whom the order is served.''.

SEC. 8. TECHNICAL AMENDMENTS TO PEN REGISTER AND TRAP AND TRACE PROVISIONS.

(a) ISSUANCE OF AN ORDER.—Section 3123 of title 18, United States Code, is amended—

(1) by inserting ''or other facility'' after ''line'' each place that term appears;

(2) by inserting ''or applied'' after ''attached'' each place that term appears;

(3) in subsection (b)(1)(C), by inserting ''or other identifier'' after ''the number''; and

(4) in subsection (d)(2), by striking ''who has been ordered by the court'' and inserting ''who is obligated by the order''.

(b) DEFINITIONS.—Section 3127 of title 18, United States Code is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) the term 'pen register'—

''(A) means a device or process that records or decodes electronic or other impulses that identify the telephone numbers or electronic address dialed or otherwise transmitted by an instrument or facility from which a wire or electronic communication is transmitted and used for purposes of identifying the destination or termination of such communication by the service provider upon which the order is served; and

''(B) does not include any device or process used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device or process by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;''; and

(2) in paragraph (4)—

(A) by inserting ''or process'' after ''means a device'';

(B) by inserting ''or other identifier'' after ''number''; and

(C) by striking ''or device'' and inserting ''or other facility''.

SEC. 9. PEN REGISTER AND TRAP AND TRACE REPORTS.

Section 3126 of title 18, United States Code, is amended by inserting before the period at the end the following: '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order''.

SEC. 10. ENHANCED DENIAL OF SERVICE INVESTIGATIONS.

Section 2511(2)(c) of title 18, United States Code, is amended to read as follows:

''(c)(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire, oral, or electronic communication, if such person is a party to the communication or 1 of the parties to the communication has given prior consent to such interception.

''(ii) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or electronic communication, if—

''(I) the transmission of the wire or electronic communication is causing harmful interference to a lawfully operating computer system;

''(II) any person who is not a provider of service to the public and who is authorized to use the facility from which the wire or electronic communication is to be intercepted has given prior consent to the interception; and

''(III) the interception is conducted only to the extent necessary to identify the source of the harmful interference described in subclause (I).''.

SEC. 11. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(2)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

SEC. 12. STATE AND LOCAL COMPUTER CRIME ENFORCEMENT.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) assist in educating and training State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as penal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement Assistance'' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the total cost of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2000 through 2003.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or units of local government within a State for a grant under this section have been funded, the State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

By Mr. SANTORUM:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Finance.

TELEWORK TAX INCENTIVE ACT

• Mr. SANTORUM. Mr. President, today, I rise to introduce legislation that would help people who ''telework'' or work from home, to receive a tax credit. Teleworkers are people who work a few days a week on-line from

home by using computers and other information technology tools. Nearly 20 million Americans telework today, and according to experts, 40 percent of the nation's jobs are compatible with telework. At one national telecommunications company, nearly 25 percent of its workforce works from home at least one day a week. The company found positive results in the way of fewer days of sick leave, better retention, and higher productivity.

I am introducing the Telework Tax Incentive Act to provide a $500 tax credit for telework. The purpose of my legislation is to provide an incentive to encourage more employers to consider telework for their employees. Telework should be a regular part of the 21st century workplace. The best part of telework is that it improves the quality of life for all. Telework also reduces traffic congestion and air pollution. It reduces gas consumption and our dependency on foreign oil. Telework is good for families—working parents have flexibility to meet everyday demands. Telework provides people with disabilities greater job opportunities. Telework helps fill our nation's labor market shortage. It can also be a good option for retirees choosing to work part-time.

Last fall, a task force on telework initiated by Governor James Gilmore of Virginia made a number of recommendations to increase and promote telework. One recommendation was to establish a tax credit toward the purchase and installation of electronic and computer equipment that allow an employee to telework. For example, the cost of a computer, fax machine, modem, phone, printer, software, copier, and other expenses necessary to enable telework could count toward a tax credit, provided the person worked at home a minimum number of days per year.

My legislation would provide a $500 tax credit ''for expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework.'' An employee must telework a minimum of 75 days per year to qualify for the tax credit. Both the employer and employee are eligible for the tax credit, but the tax credit goes to whomever absorbs the expense for setting up the at-home worksite.

I am pleased to work with Congressman FRANK WOLF who has introduced identical legislation in the House of Representatives, H.R. 3819. A number of groups have already endorsed the Telework Tax Incentive Act including the International Telework Association and Council (ITAC), Covad Communications, National Town Builders Association, Litton Industries, Orbital Sciences Corporation, Consumer Electronic Association, Capnet, BTG Corporation, Electonic Industries Alliance, Telecommunications Industry Association, American Automobile Association Mid-Atlantic, Dimensions International Inc., Capunet, TManage, Science Applications International Corporation, AT&T, Northern Virginia Technology Council, Computer Associates Incorporated, and Dyn Corp.

On October 9, 1999, legislation which I introduced last year in coordination with Representative FRANK WOLF from Virginia was signed into law by the President as part of the annual Department of Transportation appropriations bill for Fiscal Year 2000. S. 1521, the National Telecommuting and Air Quality Act, created a pilot program to study the feasibility of providing incentives for companies to allow their employees to telework in five major metropolitan areas including Philadelphia, Washington, D.C., and Los Angeles. Houston and Chicago have been added as well. I am pleased that the Philadelphia Area Design Team has been progressing well with its responsibility of examining the application of these incentives to the greater Philadelphia metropolitan area. I am excited that this opportunity continues to help to get the word out about the benefits of telecommuting for many employees and employers.

Telecommuting improves air quality by reducing pollutants, provides employees and families flexibility, reduces traffic congestion, and increases productivity and retention rates for businesses while reducing their overhead costs. It's a growing opportunity and option which we should all include in our effort to maintain and improve quality of life issues in Pennsylvania and around the nation. According to statistics available from 1996, the Greater Philadelphia area ranked number 10 in the country for annual person-hours of delay due to traffic congestion. Because of this reality, all options including telecommuting should be pursued to address this challenge.

The 1999 Telework America National Telework Survey, conducted by Joan H. Pratt Associates, found that today's 19.6 million teleworkers typically work 9 days per month at home at home with an average of 3 hours per week during normal business hours. In this study, teleworkers or telecommuters are defined overall as employees or independent contractors who work at least one day per month at home. These research findings impact the bottom line for employers and employees. Teleworkers seek a blend of job-related and personal benefits to enable them to better handle their work and life responsibilities. For employers, savings just from less absenteeism and increased employee retention total more than $10,000 per teleworker per year. Thus an organization with 100 employees, 20 of whom telework, could potentially realize a savings of $200,000 annually, or more, when productivity gains are added.

Work is something you do, not someplace you go. There is nothing magical about strapping ourselves into a car and driving sometimes up to an hour and a half, arriving at a workplace and sitting before a computer, when we can access the same information from a computer in our homes. Wouldn't it be great if we could replace the evening rush hour commute with time spent with the family, or coaching little league or other important quality of life matters?

Mr. President, I urge my colleagues to consider cosponsoring this legislation which promotes telework and helps encourage additional employee choices for the workplace.●

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2432. A bill to permit the catcher vessel *Hazel Lorraine* to conduct commercial fishing activities; to the Committee on Commerce, Science, and Transportation.

ELIGIBILITY OF THE FISHING VESSEL HAZEL LORRAINE UNDER THE AMERICAN FISHERIES ACT

● Mr. SMITH of Oregon. Mr. President, today I am introducing, with my colleague from Oregon, legislation which will correct an oversight in the American Fisheries Act of 1998. Some of my colleagues will recall that the American Fisheries Act was passed as part of the Omnibus Appropriations Act in the closing days of the 105th Congress.

Let me speak briefly first to the American Fisheries Act, or AFA, itself. The AFA was a major revision of management policies for the valuable Bering Sea pollock fishery, raising domestic vessel ownership standards, while bringing greater stability to the pollock fishery by allowing fishers and processors to engage in limited cooperatives. Months of intense negotiations between interested congressional offices and a number of Alaskan and West Coast fishing interests resulted in the compromise that was passed into law.

Oregon certainly does not have as great an interest in the Bering Sea pollock fishery as other states do. Nevertheless, Oregon-based vessels do participate in this and other distant-water fisheries. Many of these vessel owner-operators pioneered the development of the Alaskan pollock fishery during the Americanization of the Exclusive Economic Zone in the 1980s. The American Fisheries Act was supposed to allow these, and other fishing vessels with substantial history, to stay in the fishery while excluding new or speculative entrants. The language used in the AFA to achieve this purpose requires that qualified vessels must have delivered at least 250 metric tons of pollock in 1996, 1997, or an eight month period in 1998, to the shore-based processing plants that compose the ''inshore sector'' of the Bering Sea pollock fishery. Alternatively, the AFA requires vessels

to have delivered at least 250 metric tons of pollock in 1997 and have had at least 75 percent of their catch delivered to the ''offshore sector'' of factory trawlers in order to qualify for that sector of the Bering Sea pollock fishery.

While it was thought that this qualification language in the American Fisheries Act would carry over all vessels with a substantial history in the fishery, this has turned out not to be the case. An Oregon-based vessel named the *Hazel Lorraine*—a vessel with years of Bering Sea pollock landings on record—has found itself locked out of both the inshore and offshore sectors of the Bering Sea pollock fishery due to the way the qualifications are worded in the AFA. On the one hand, the *Hazel Lorraine* does not qualify for the inshore sector. The fact that the then-Tyson Seafood plant in Kodiak was destroyed by a fire in 1997 also impacted the *Hazel Lorraine*'s deliveries during this period. On the other hand, the *Hazel Lorraine* does not qualify for the offshore sector either—also as a direct result of the Tyson fire. In short, the *Hazel Lorraine* does not meet the AFA requirements for either the inshore or offshore sector for Bering Sea pollock despite a substantial record of deliveries in the fishery that stretches back more than fifteen years.

Ironically, the owners of the *Hazel Lorraine* actively supported the American Fisheries Act as it had first been introduced in the 105th Congress. However the bill changed dramatically during a series of backroom negotiations before being tucked into an omnibus appropriations package. The AFA that actually passed the Congress differed substantially from the drafts that had been widely circulated in the fishing industry earlier that year.

Nevertheless, the fact remains that the *Hazel Lorraine* is recognized in the North Pacific as a vessel that can legitimately claim a long history in the Bering Sea pollock fishery. It would be a terrible mistake if the Congress were to allow this vessel to continue to be shut out of its historic fishery. A number of industry leaders and associations, such as United Catcher Boats and the Midwater Trawlers Cooperative, have also recognized this and have stated their support for restoring the right of the *Hazel Lorraine* to fish in this pollock fishery.

Over the course of the past year, Senator WYDEN and I have discussed this issue with our colleagues, and have come to the conclusion that the best course of action is to introduce authorizing legislation that would clearly place the *Hazel Lorraine* among those vessels eligible to participate in the inshore sector of the Bering Sea pollock fishery. This legislation will do just that. I think my colleagues will find that those in the North Pacific fisheries who know the circumstances surrounding the *Hazel Lorraine* will be supportive of this legislation. I look forward to working with members of the Commerce Committee to bring this issue to a resolution during this session of the Congress.

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

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

S. 2432

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

SECTION 1. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of section 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–624)), the catcher vessel HAZEL LORRAINE (United States Official Number 592211) shall be considered to be a vessel that is eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to, catcher vessels that are eligible to harvest that directed fishing allowance under section 208(a) of that Act.●

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2433. A bill to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

RED RIVER NATIONAL WILDLIFE REFUGE ACT

● Ms. LANDRIEU. Mr. President, today I rise, along with the senior Senator from Louisiana, to introduce legislation which would establish the Red River National Wildlife Refuge. Congressman MCCREARY is introducing identical legislation in the House of Representatives. Mr. President, the Red River Valley located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches and Desoto parishes in Louisiana is of critical importance to over 350 species of birds, aquatic life and a wide array of other species associated with river basin ecosystems. It represents a historic migration corridor for migratory birds funneling through the mid-continent from as far north as the Arctic Circle and as far south as South America. The Red River Valley also represents the most degraded watershed in Louisiana. The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State or private wildlife sanctuaries along the Red River north from Alexandria, Louisiana to the Arkansas-Louisiana state boundary. The Red River Valley offers extraordinary recreational, research and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers and nature photographers.

The bill Senator BREAUX and I are introducing today would: restore and preserve native Red River ecosystems; provide habitat for migratory birds; maximize fisheries on the Red River and its tributaries, natural lakes and man-made reservoirs; provide habitat for and population management of native plants and resident animals including restoration of extirpated species; provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife and provide the public with opportunities for hunting, angling, trapping, photographing wildlife, hiking, bird watching and other outdoor recreational and educational activities.

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

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

S. 2433

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 ''Red River National Wildlife Refuge Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The area of Louisiana known as the Red River Valley, located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches, and DeSoto Parishes, is of critical importance to over 350 species of birds (including migratory and resident waterfowl, shore birds, and neotropical migratory birds), aquatic life, and a wide array of other species associated with river basin ecosystems.

(2) The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

(3) The Red River Valley is part of a major continental migration corridor for migratory birds funneling through the mid continent from as far north as the Arctic Circle and as far south as South America.

(4) There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State, or private wildlife sanctuaries along the Red River north of Alexandria, Louisiana.

(5) Completion of the lock and dam system associated with the Red River Waterway project up to Shreveport, Louisiana, has enhanced opportunities for management of fish and wildlife.

(6) The Red River Valley offers extraordinary recreational, research, and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers, and nature photographers.

(7) The Red River Valley is an internationally significant environmental resource that has been neglected and requires active restoration and management to protect and enhance the value of the region as a habitat for fish and wildlife.

SEC. 3. ESTABLISHMENT AND PURPOSES OF REFUGE.

(a) ESTABLISHMENT.—The Secretary shall establish as a national wildlife refuge the lands, waters, and interests therein acquired under section 5, at such time as the Secretary determines that sufficient property has been acquired under that section to constitute an area that can be effectively managed as a national wildlife refuge for the purposes set forth in subsection (b) of this section. The national wildlife refuge so established shall be known as the ''Red River National Wildlife Refuge''.

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

(1) To restore and preserve native Red River ecosystems.

(2) To provide habitat for migratory birds.

(3) To maximize fisheries on the Red River and its tributaries, natural lakes, and manmade reservoirs.

(4) To provide habitat for and population management of native plants and resident animals (including restoration of extirpated species).

(5) To provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife.

(6) To provide the public with opportunities for hunting, angling, trapping, photographing wildlife, hiking, bird watching, and other outdoor recreational and educational activities.

(7) To achieve the purposes under this subsection without violating section 6.

(c) NOTICE OF ESTABLISHMENT.—The Secretary shall publish a notice of the establishment of the Refuge—

(1) in the Federal Register; and

(2) in publications of local circulation in the vicinity of the Refuge.

SEC. 4. ADMINISTRATION OF REFUGE.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 5 in accordance with—

(1) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq) and the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k et seq; commonly known as the Refuge Recreation Act);

(2) the purposes of the Refuge set forth in section 3(b); and

(3) the management plan issued under subsection (b).

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall issue a management plan for the Refuge.

(2) CONTENTS.—The management plan shall include provisions that provide for the following:

(A) Planning and design of trails and access points.

(B) Planning of wildlife and habitat restoration, including reforestation.

(C) Permanent exhibits and facilities and regular educational programs throughout the Refuge.

(3) PUBLIC PARTICIPATION.—

(A) IN GENERAL.—The Secretary shall provide an opportunity for public participation in developing the management plan.

(B) LOCAL VIEWS.—The Secretary shall give special consideration to views by local public and private entities and individuals in developing the management plan.

(c) WILDLIFE INTERPRETATION AND EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall construct, administer, and maintain, at an appropriate site within the Refuge, a wildlife interpretation and education center.

(2) PURPOSES.—The center shall be designed and operated—

(A) to promote environmental education; and

(B) to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

SEC. 5. ACQUISITION OF LANDS, WATERS, AND INTERESTS THEREIN.

(a) IN GENERAL.—The Secretary shall seek to acquire up to 50,000 acres of land, water, or interests therein (including permanent conservation easements or servitudes) within the boundaries designated under subsection (c). All lands, waters, and interests acquired under this subsection shall be part of the Refuge.

(b) METHOD OF ACQUISITION.—The Secretary may acquire an interest in land or water for inclusion in the Refuge only by donation, exchange, or purchase from a willing seller.

(c) DESIGNATION OF BOUNDARIES.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall—

(A) consult with appropriate State and local officials, private conservation organizations, and other interested parties (including the Louisiana Department of Wildlife and Fisheries, the Louisiana Department of Transportation and Development, the Red River Waterway Commission, and the Northwest Louisiana Council of Governments), regarding the designation of appropriate boundaries for the Refuge within the selection area;

(B) designate boundaries of the Refuge that are within the selection area and adequate for fulfilling the purposes of the Refuge set forth in section 3(b); and

(C) prepare a detailed map entitled ''Red River National Wildlife Refuge'' depicting the boundaries of the Refuge designated under subparagraph (B).

(2) SELECTION AREA.—For purposes of this subsection, the selection area consists of Caddo, Bossier, Red River, DeSoto, and Natchitoches Parishes, Louisiana.

(3) AVAILABILITY OF MAP; NOTICE.—The Secretary shall—

(A) keep the map prepared under paragraph (1) on file and available for public inspection at offices of the United States Fish and Wildlife Service of the District of Columbia and Louisiana; and

(B) publish in the Federal Register a notice of that availability.

(d) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries designated under subsection (c) as may be appropriate to achieve the purposes of the Refuge under section 3(b) or to facilitate the acquisition of property for the Refuge.

SEC. 6. CONTINUED PUBLIC SERVICES.

Nothing in this Act shall be construed as prohibiting or preventing, and the Secretary shall not for purposes of the Refuge prohibit or prevent—

(1) the continuation or development of commercial or recreational navigation on the Red River Waterway;

(2) necessary construction, operation, or maintenance activities associated with the Red River Waterway project;

(3) the construction, improvement, or expansion of public port or recreational facilities on the Red River Waterway; or

(4) the construction, improvement, or replacement of railroads or interstate highways within the selection area (designated in section 5(c)(2)), or bridges that cross the Red River.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this Act.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) REFUGE.—The term ''Refuge'' means the Red River National Wildlife Refuge established under section 3.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.●

By Mr. L. CHAFEE (for himself, Mr. BRYAN, Mr. THOMPSON, and Mr. SARBANES):

S. 2434. A bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002; to the Committee on Finance.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP) PRESERVATION ACT OF 2000

● Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senators BRYAN, THOMPSON, and SARBANES in introducing the State Children's Health Insurance Program (SCHIP) Preservation Act of 2000.

This legislation addresses what I believe to be an unintended consequence of the Balanced Budget Act of 1997 (BBA), which created the State Children's Health Insurance Program (SCHIP) to provide health insurance coverage to millions of our nation's uninsured children. Specifically, the BBA called for states to enroll 2.5 million uninsured children in SCHIP within three years of enactment of the bill. According to the Health Care Financing Administration, states enrolled 1.98 million children in SCHIP in 1999. While this represents an increase in states' enrollment efforts, we need to ensure that the federal government is financially committed to this program, and thus to providing health insurance to our nation's children.

SCHIP was designed to allow states to spend each year's allotment over a three-year period; if a state began its program in 1998, it has until the end of 2000 to spend its 1998 allotment. The legislation we are introducing today will extend this year's looming deadline through the end of Fiscal Year 2002, thus allowing states to keep their unexpended SCHIP allotments for up to a total of five years. Many states have had difficulties conducting outreach and enrolling SCHIP-eligible children. We must not penalize states that need more time to identify and enroll children in this important program.

Without this bill, the result—whether intended or unintended—would be a potential reduction of up to $4 billion for children's health programs throughout the country. A reduction of this magnitude would undermine many critical programs that provide quality health coverage to needy children. It may also inhibit the ability of states to provide services for children already

enrolled in SCHIP, as well as encouraging some states to scale back on outreach and enrollment efforts. For example, under current statute, Rhode Island will lose approximately $8 million annually starting in Fiscal Year 2001. This loss will undermine the efforts of the state to target and enroll every child who is eligible for SCHIP in Rhode Island. Reductions in SCHIP allotments to states will mean that SCHIP-eligible children who are not yet enrolled in the program may continue to go without health insurance.

Data from the U.S. Census Bureau shows that the number of children without health insurance increased from 9.8 million children in 1995 to 11.1 million children in 1998. This increase in the uninsured rate occurred in spite of the enactment of SCHIP in 1997. We must not allow this trend to continue. States need to be able to tap into their unexpended SCHIP funds to continue their outreach and enrollment efforts. At a time when our nation's uninsured rate continues to climb above 44 million, it makes little sense to be reducing these much needed SCHIP payments to states that are desperately trying to reach out to and enroll these vulnerable and needy children.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the legislation be printed in the RECORD.

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

S. 2434

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 ''State Children's Health Insurance Program (SCHIP) Preservation Act of 2000''.

SEC. 2. AVAILABILITY OF FISCAL YEAR 1998 AND FISCAL YEAR 1999 ALLOTMENTS UNDER SCHIP.

Notwithstanding subsection (e) of section 2104 of the Social Security Act (42 U.S.C. 1397dd), amounts allotted to a State under that section for each of fiscal years 1998 and 1999 shall remain available through September 30, 2002.●

● Mr. BRYAN. Mr. President, I am very pleased to join Senators LINCOLN CHAFEE, PAUL SARBANES, and FRED THOMPSON as an original cosponsor of the State Children's Health Insurance Program Preservation Act of 2000, and I thank Senator CHAFEE for his leadership on this bill.

This important legislation provides that Federal funds allotted to States under the state children's health insurance program for each of fiscal years 1998 and 1999 will remain available to the states through fiscal year 2002.

The enactment of the 1997 Balanced Budget Act's state children's health insurance program (CHIP was a seminal event in addressing the problem of uninsured children in this nation. The $24 billion funding reflected the seriousness of the national commitment to ensuring children will have access to health care services. It provided my state of Nevada and the nation with an incredible opportunity to address a most stubborn problem—the increasing number of children who have no health care insurance.

States were provided three options to provide child health care services through the federal funding allotments: to expand Medicaid coverage under enhanced Medicaid matching rates; to create or expand separate child health insurance programs; or to use a combination of the two. All options, rightly I believe, require the States to spend some of their own funds as a condition of participating in the program.

The choices states face under the CHIP program reflect the flexibility they wanted to tailor these programs, within federal guidelines, to the specific needs of each state to reduce the number of uninsured children.

Nevada's CHIP program—''Nevada CheckUp''—was approved by HCFA in August 1998 and began operating in October 1998. The program is separate from the Medicaid program, but the two are coordinated in the application process to ensure those children eligible for Medicaid are enrolled in that program. The Nevada CheckUp program covers applicants up to 200% of the federal poverty level, and children up to age 18.

Since its October 1998 beginning, Nevada CheckUp has enrolled over 9,000 children, representing almost 60% of the anticipated total eligible children. But there are approximately 6,000 children in Nevada who thus remain uninsured, who need health care coverage, and who must be found and covered. We can and must do better.

It took the state some time to develop its program, create a state plan, get state and federal approval, hire and train the staff and begin the marketing outreach and enrollment activities. In the one and one-half years the program has been operating, the state has learned what has worked successfully, and what has not worked. They are in the process of developing a new marketing plan, which will allow us to reach more uninsured Nevada children. The new proposal will use more media and broadcast tools to target the low income population.

The CHIP program is still in its infancy, and states are still learning how best to develop programs to provide children with much-needed health insurance. I am hopeful as this program matures, we will see a most successful effort to cover our nation's children, and ensure their health care needs are met into the next century.

Allow the states to keep their federal allotment for an additional two years should provide Nevada, and other States, the opportunity to reach the total number of eligible children, and increase the number of children with health insurance.

I sincerely hope Nevada will find the means to make its full match, so our state can draw 100 percent of its available federal funds. Wise use of these Federal funds, with a continued commitment to our children, and with a 100-percent effort by our state will get the job done. Our children simply deserve no less than a fully-funded effort.●

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, and Mr. DODD):

S. 2435. A bill to amend part B of title IV of the Social Security Act to crate a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT

Ms. SNOWE. Mr. President, I rise today to introduce the ''Child Protection/Alcohol and Drug Partnership Act.'' I am pleased to be joined by my good friends, Senators ROCKEFELLER, DEWINE, and DODD on this exciting new proposal. Mr. President, this bill is an enormously important piece of legislation. It provides the means for states to support some of our most vulnerable families—families who are struggling with alcohol and drug abuse, and the children who are being raised in these abusive homes.

It is obvious, both anecdotally and statistically, that child welfare is significantly impacted by parental substance abuse. And it makes a lot of sense to fund state programs to address these two issues in tandem. The real question in designing and supporting child welfare programs is how can we—public policy makers, government officials, welfare agencies—honestly expect to improve child welfare without appropriately and adequately addressing the root problems affecting these children's lives?

We know that substance abuse is the primary ingredient in child abuse and neglect. Most studies find that between one-third and two-thirds—and some say as high as 80 percent to 90 percent—of children in the child welfare system come from families where parental substance abuse is a contributing factor.

The Child Protection/Alcohol and Drug Partnership Act of 2000 creates a new five-year $1.9 billion state block grant program to address the connection between substance abuse and child welfare. Payments would be made to promote joint activities among federal, state, and local public child welfare and alcohol and drug prevention and

treatment agencies. Our underlying belief, and the point of this bill, is to encourage existing agencies to work together to keep children safe.

HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. These grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they will work together to provide services for this unique population. The program is designed to increase the capacity of both the child welfare and alcohol and drug systems to comprehensively address the needs of these families to improve child safety, family stability, and permanence, and to promote recovery from alcohol and drug problems.

Statistics paint an unhappy picture for children of substance abusing parents: a 1998 report by the National Committee to Prevent Child Abuse found that 36 states reported that parental substance abuse and poverty are the top two problems exhibited by families reported for child maltreatment. And a 1997 survey conducted by the Child Welfare League of America found that at least 52 percent of placements into out-of-home care were due in part to parental substance abuse.

Children whose parents abuse alcohol and other drugs are almost three times likelier to be abused and more than four times likelier to be neglected than children of parents who are not substance abusers. Children in alcohol-abusing families were nearly four times more likely to be maltreated overall, almost five times more likely to be physically neglected, and 10 times more likely to be emotionally neglected than children in families without alcohol problems.

A 1994 study published in the American Journal of Public Health found that children prenatally exposed to substances have been found to be two to three times more likely to be abused than non-exposed children. And as many as 80 percent of prenatally drug exposed infants will come to the attention of child welfare before their first birthday. Abused and neglected children under age six face the risk of more severe damage than older children because their brains and neurological systems are still developing.

Unfortunately, child welfare agencies estimate that only a third of the 67 percent of the parents who need drug or alcohol prevention and treatment services actually get help today.

Mr. President, this bill is about preventing problems. Senators ROCKEFELLER, DEWINE, DODD, and I know that what is most important here is the safety and well-being of America's children. We expect much of our youth because they are the future of our nation. In turn, we must be willing to give them the support they need to learn and grow, so that they can lead healthy and productive lives.

In 1997 Congress passed the Adoption and Safe Families Act, authored by the late Senator John CHAFEE. The 1997 Adoption law promotes safety, stability, and permanence for all abused and neglected children and requires timely decision-making in all proceedings to determine whether children can safely return home, or whether they should be moved to permanent, adoptive homes. Specifically, the law requires a State to ensure that services are provided to the families of children who are at risk, so that children can remain safely with their families or return home after being in foster care.

The bill we are introducing today identifies a very specific area in which families and children need services—substance abuse. And it will ensure that states have the funding necessary to provide services as required under the Adoption and Safe Families Act.

I encourage my colleagues to take a serious look at our bill, to think seriously about the future for kids in their states, and to work with us in passing this very important piece of legislation. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2435

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 ''Child Protection/Alcohol and Drug Partnership Act of 2000''.

SEC. 2. CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIPS FOR CHILDREN.

Part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) is amended by adding at the end the following:

"Subpart 3—Child Protection/Alcohol and Drug Partnerships For Children

"SEC. 440. DEFINITIONS.

''In this subpart:

''(1) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native Organization' means any organized group of Alaska Natives eligible to operate a Federal program under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or such group's designee.

''(2) ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—The term 'administrative costs' means the costs for the general administration of administrative activities, including contract costs and all overhead costs.

''(B) EXCLUSION.—Such term does not include the direct costs of providing services and costs related to case management, training, technical assistance, evaluation, establishment, and operation of information systems, and such other similar costs that are also an integral part of service delivery.

''(3) ELIGIBLE STATE.—The term 'eligible State' means a State that submits a joint application from the State agencies that—

''(A) includes a plan that meets the requirements of section 442; and

''(B) is approved by the Secretary for a 5-year period after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration.

''(4) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, Nation or other organized group or community of Indians, including any Alaska Native Organization, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(5) STATE.—

''(A) IN GENERAL.—The term 'State' means each of the 50 States, the District of Columbia, and the territories described in subparagraph (B).

''(B) TERRITORIES.—

''(i) IN GENERAL.—The territories described in this subparagraph are Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

''(ii) AUTHORITY TO MODIFY REQUIREMENTS.—The Secretary may modify the requirements of this subpart with respect to a territory described in clause (i) to the extent necessary to allow such a territory to conduct activities through funds provided under a grant made under this subpart.

''(6) STATE AGENCIES.—The term 'State agencies' means the State child welfare agency and the unit of State government responsible for the administration of the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.).

''(7) TRIBAL ORGANIZATION.—The term 'tribal organization' means the recognized governing body of an Indian tribe.

"SEC. 441. GRANTS TO PROMOTE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIPS FOR CHILDREN.

''(a) AUTHORITY TO AWARD GRANTS.—The Secretary may award grants to eligible States and directly to Indian tribes in accordance with the requirements of this subpart for the purpose of promoting joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies (and among child welfare and alcohol and drug abuse prevention and treatment agencies that are providing services to children in Indian tribes) that focus on families with alcohol or drug abuse problems who come to the attention of the child welfare system and are designed to—

''(1) increase the capacity of both the child welfare system and the alcohol and drug abuse prevention and treatment system to address comprehensively and in a timely manner the needs of such families to improve child safety, family stability, and permanence; and

''(2) promote recovery from alcohol and drug abuse problems.

''(b) NOTIFICATION.—Not later than 60 days after the date a joint application is submitted by the State agencies or an application is submitted by an Indian tribe, the Secretary shall notify a State or Indian tribe that the application has been approved or disapproved.

"SEC. 442. PLAN REQUIREMENTS.

''(a) CONTENTS.—Subject to subsection (c), the plan shall contain the following:

''(1) A detailed description of how the State agencies will work jointly to implement a range of activities to meet the alcohol and drug abuse prevention and treatment needs of families who come to the attention

of the child welfare system and to promote child safety, permanence, and family stability.

''(2) An assurance that the heads of the State agencies shall jointly administer the grant program funded under this subpart and a description of how they will do so.

''(3) A description of the nature and extent of the problem of alcohol and drug abuse among families who come to the attention of the child welfare system in the State, and of any plans being implemented to further identify and assess the extent of the problem.

''(4) A description of any joint activities already being undertaken by the State agencies in the State on behalf of families with alcohol and drug abuse problems who come to the attention of the child welfare system (including any existing data on the impact of such joint activities) such as activities relating to—

''(A) the appropriate screening and assessment of cases;

''(B) consultation on cases involving alcohol and drug abuse;

''(C) arrangements for addressing confidentiality and sharing of information;

''(D) cross training of staff;

''(E) co-location of services;

''(F) support for comprehensive treatment programs for parents and their children; and

''(G) establishing priority of child welfare families for assessment or treatment.

''(5)(A) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the 5-year funding cycle and the goals to be achieved during such funding cycle. The activities and goals shall be designed to improve the capacity of the State agencies to work jointly to improve child safety, family stability, and permanence for children whose families come to the attention of the child welfare system and to promote their parents' recovery from alcohol and drug abuse.

''(B) The description shall include a statement as to why the State agencies chose the specified activities and goals.

''(6) A description as to whether and how the joint activities described in paragraph (5), and other related activities funded with Federal funds, will address some or all of the following practices and procedures:

''(A) Practices and procedures designed to appropriately—

''(i) identify alcohol and drug treatment needs;

''(ii) assess such needs;

''(iii) assess risks to the safety of a child and the need for permanency with respect to the placement of a child;

''(iv) enroll families in appropriate services and treatment in their communities; and

''(v) regularly assess the progress of families receiving such treatment.

''(B) Practices and procedures designed to provide comprehensive and timely individualized alcohol and drug abuse prevention and treatment services for families who come to the attention of the child welfare system that include a range of options that are available, accessible, and appropriate, and that may include the following components:

''(i) Preventive and early intervention services for children of parents with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, and that recognize the mental, emotional, and developmental problems the children may experience.

''(ii) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

''(iii) Comprehensive home-based, outpatient, and residential treatment options.

''(iv) After-care support (both formal and informal) for families in recovery that promotes child safety and family stability.

''(v) Services and supports that focus on parents, parents with their children, parents' children, other family members, and parent-child interaction.

''(C) Elimination of existing barriers to treatment and to child safety and permanence, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.

''(D) Effective engagement and retention strategies.

''(E) Pre-service and in-service joint training of management and staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and, where appropriate, judges and other court staff, to—

''(i) increase such individuals' awareness and understanding of alcohol and drug abuse and related child abuse and neglect;

''(ii) more accurately identify and screen alcohol and drug abuse and child abuse in families;

''(iii) improve assessment skills of both child abuse and alcohol and drug abuse staff, including skills to assess risk to children's safety;

''(iv) increase staff knowledge of the services and resources that are available in such individuals' communities and appropriate for such families; and

''(v) increase awareness of the importance of permanence for children and the timelines for decisionmaking regarding permanence in the child welfare system.

''(F) Progress in enhancing the abilities of the State agencies to improve the data systems of such agencies in order to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches and activities are most effective.

''(G) Evaluation strategies to demonstrate the effectiveness of treatment and identify the aspects of treatment that have the greatest impact on families in different circumstances.

''(H) Training and technical assistance to increase the capacity within the State to carry out 1 or more of the activities described in this paragraph or related activities that are designed to expand prevention and treatment services for, and staff training to assist families with alcohol and drug abuse problems who come to the attention of the child welfare system.

''(7) A description of the jurisdictions in the State (including whether such jurisdictions are urban, suburban, or rural) where the joint activities will be provided, and the plans for expanding such activities to other parts of the State during the 5-year funding cycle.

''(8) A description of the methods to be used in measuring progress toward the goals identified under paragraph (5), including how the State agencies will jointly measure their performance in accordance with section 445, and how remaining barriers to meeting the needs of families with alcohol or drug abuse problems who come to the attention of the child welfare system will be assessed.

''(9) A description of what input was obtained in the development of the plan and the joint application from each of the following groups of individuals, and the manner in which each will continue to be involved in the proposed joint activities:

''(A) Staff who provide alcohol and drug abuse prevention and treatment and related services to families who come to the attention of the child welfare system.

''(B) Advocates for children and parents who come to the attention of the child welfare and alcohol and drug abuse prevention and treatment systems.

''(C) Consumers of both child welfare and alcohol and drug abuse prevention and treatment services.

''(D) Direct service staff and supervisors from public and private child welfare and alcohol and drug abuse prevention and treatment agencies.

''(E) Judges and court staff.

''(F) Representatives of the State agencies and private providers providing health, mental health, domestic violence, housing, education, and employment services.

''(G) A representative of the State agency in charge of administering the temporary assistance to needy families program funded under part A of this title.

''(10) An assurance of the coordination, to the extent feasible and appropriate, of the activities funded under a grant made under this subpart with the services or benefits provided under other Federal or federally assisted programs that serve families with alcohol and drug abuse problems who come to the attention of the child welfare system, including health, mental health, domestic violence, housing, and employment programs, the temporary assistance to needy families program funded under part A of this title, other child welfare and alcohol and drug abuse prevention and treatment programs, and the courts.

''(11) An assurance that not more than 10 percent of expenditures under the plan for any fiscal year shall be for administrative costs.

''(12) An assurance that alcohol and drug treatment services provided at least in part with funds provided under a grant made under this subpart shall be licensed, certified, or otherwise approved by the appropriate State alcohol and drug abuse agencies, or in the case of an Indian tribe, by a State alcohol and drug abuse agency, the Indian Health Service, or other designated licensing agency.

''(13) An assurance that Federal funds provided to the State under a grant made under this subpart will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan that assist families with alcohol and drug abuse problems who come to the attention of the child welfare system.

''(b) AMENDMENTS.—

''(1) IN GENERAL.—An eligible State or Indian tribe may amend, in whole or in part, its plan at any time through transmittal of a plan amendment.

''(2) 60-DAY APPROVAL DEADLINE.—A plan amendment is considered approved unless the Secretary notifies an eligible State or Indian tribe in writing, within 60 days after receipt of the amendment, that the amendment is disapproved (and the reasons for disapproval) or that specified additional information is needed.

''(c) REQUIREMENTS FOR APPLICATIONS BY INDIAN TRIBES.—

''(1) IN GENERAL.—In order to be eligible for a grant made under this subpart, an Indian tribe shall—

''(A) submit a plan to the Secretary that describes—

''(i) the activities the tribe will undertake with both child welfare and alcohol and drug agencies that serve the tribe's children to

address the needs of families who come to the attention of the child welfare agencies and have alcohol and drug problems; and

''(ii) whether and how such activities address any of the practice and policy areas in subsection (a)(6); and

''(B) subject to paragraph (2), meet the other requirements of subsection (a) unless, with respect to a specific requirement of such subsection, the Secretary determines that it would be inappropriate to apply such requirement to an Indian tribe, taking into account the resources, needs, and other circumstances of the Indian tribe.

''(2) ADMINISTRATIVE COSTS; USE OF FEDERAL FUNDS.—Paragraphs (11) and (13) of subsection (a) shall not apply to a plan submitted by an Indian tribe. The indirect cost rate agreement in effect for an Indian tribe shall apply with respect to administrative costs under the tribe's plan.

''(3) AUTHORITY FOR INTERTRIBAL CONSORTIUM.—The participating Indian tribes of an intertribal consortium may develop and submit a single plan that meets the applicable requirements of subsection (a) (as so determined by the Secretary) and paragraph (1) of this subsection.

''SEC. 443. APPROPRIATION OF FUNDS.

''(a) APPROPRIATIONS.—For the purpose of providing allotments to eligible States and Indian tribes under this subpart and research and training under subsection (b)(3), there is appropriated out of any money in the Treasury not otherwise appropriated—

''(1) for fiscal year 2001, $200,000,000;

''(2) for fiscal year 2002, $275,000,000;

''(3) for fiscal year 2003, $375,000,000;

''(4) for fiscal year 2004, $475,000,000; and

''(5) for fiscal year 2005, $575,000,000.

''(b) RESERVATION OF FUNDS.—With respect to a fiscal year:

''(1) TERRITORIES.—The Secretary shall reserve 2 percent of the amount appropriated under subsection (a) for such fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

''(2) INDIAN TRIBES.—The Secretary shall reserve not less than 3 nor more than 5 percent of the amount appropriated under subsection (a) for such fiscal year for direct payments to Indian tribes and Indian tribal organizations for activities intended to increase the capacity of the Indian tribes and tribal organizations to expand treatment, services, and training to assist families with alcohol and drug abuse problems who come to the attention of the child welfare agencies.

''(3) RESEARCH AND TRAINING.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall reserve 1 percent of the amount appropriated under subsection (a) for such fiscal year for practice-based research on the effectiveness of various approaches for the screening, assessment, engagement, treatment, retention, and monitoring of families with alcohol and drug abuse problems who come to the attention of the child welfare system, and for training of staff in such areas and shall ensure that a portion of such amount is used for research on the effectiveness of these approaches for Indian children and for the training of staff serving children from the Indian tribes.

''(B) DETERMINATION OF USE OF FUNDS.—Funds reserved under subparagraph (A) may only be used to carry out a research agenda that addresses the areas described in such subparagraph and that is established by the Secretary, together with the Assistant Secretary for the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services Administration, with input from public and private nonprofit providers, consumers, representatives of Indian tribes, and advocates, as well as others with expertise in research in such areas.

''SEC. 444. PAYMENTS TO ELIGIBLE STATES AND INDIAN TRIBES.

''(a) AMOUNT OF GRANT.—

''(1) ELIGIBLE STATES OTHER THAN TERRITORIES.—

''(A) IN GENERAL.—From the amount appropriated under subsection (a) of section 443 for a fiscal year, after the reservation of funds required under subsection (b) of that section for the fiscal year and subject to subparagraphs (B) and (C), the Secretary shall pay to each eligible State (after the Secretary has determined that the State has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such amount for such fiscal year as the number of children under the age of 18 that reside in the eligible State bears to the total number of children under the age of 18 who reside in all such eligible States for such fiscal year.

''(B) MINIMUM ALLOTMENT.—In no case shall the amount of a payment to an eligible State for a fiscal year be less than an amount equal to 0.5 percent of the amount appropriated under subsection (a) of section 443 for the fiscal year, after the reservation of funds required under subsection (b) of that section.

''(C) PRO RATA REDUCTIONS.—The Secretary shall make pro rata reductions in the amounts of the allotments determined under subparagraph (A) for a fiscal year to the extent necessary to comply with subparagraph (B).

''(2) TERRITORIES.—From the amounts reserved under section 443(b)(1) for a fiscal year, the Secretary shall pay to each territory described in section 440(5)(B) with an approved plan that meets the requirements of section 442 (after the Secretary has determined that the territory has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such amount for such fiscal year as the number of children under the age of 18 that reside in the territory bears to the total number of children under the age of 18 who reside in all such territories for such fiscal year.

''(3) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—From the amount reserved under section 443(b)(2) for a fiscal year, the Secretary shall pay to each Indian tribe with an approved plan that meets the requirements of section 442(c) (after the Secretary has determined that the Indian tribe has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such reserved amount for such fiscal year as the number of children under the age of 18 in the Indian tribe bears to the total number of children under the age of 18 in all Indian tribes with plans so approved for such fiscal year, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary. For purposes of making the allocations required under the preceding sentence, an Indian tribe may submit data and other information that it has on the number of Indian children under the age of 18 for consideration by the Secretary.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—In order to receive a grant under this subpart for a fiscal year, an eligible State or Indian tribe shall provide through non-Federal contributions the applicable percentage determined under paragraph (2) for such fiscal year of the costs of conducting activities funded in whole or in part with funds provided under the grant. Such contributions shall be paid jointly by the State agencies, in the case of an eligible State, or by an Indian tribe.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage for an eligible State or Indian tribe for a fiscal year is—

''(A) 15 percent, in the case of fiscal years 2001 and 2002;

''(B) 20 percent, in the case of fiscal years 2003 and 2004; and

''(C) 25 percent, in the case of fiscal year 2005.

''(3) SOURCE OF MATCH.—

''(A) ELIGIBLE STATES.—The non-Federal contributions required of an eligible State under this subsection may be in cash or in kind, fairly evaluated, including plant, equipment, or services. The contributions may be made directly or through donations from public or private entities. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining whether an eligible State has provided the applicable percentage of such contributions for a fiscal year.

''(B) INDIAN TRIBES.—With respect to an Indian tribe, such contributions may be made in cash, through donated funds, through nonpublic third party in kind contributions, or from Federal funds received under any of the following provisions of law:

''(i) The Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

''(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

''(iii) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(4) WAIVER.—

''(A) ELIGIBLE STATES.—In the case of an eligible State, the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration, may modify the applicable percentage determined under paragraph (2) for matching funds if the Secretary determines that economic conditions in the eligible State justify making such modification.

''(B) INDIAN TRIBES.—In the case of an Indian tribe, the Secretary may modify the applicable percentage determined under such paragraph if the Secretary determines that it would be inappropriate to apply to the Indian tribe, taking into the resources and needs of the tribe and the amount of funds the tribe would receive under a grant made under this section.

''(c) USE OF FUNDS.—Funds provided under a grant made under this subpart may only be used to carry out activities specified in the plan, as approved by the Secretary.

''(d) DEADLINE FOR REQUEST FOR PAYMENT.—An eligible State or Indian tribe shall apply to be paid funds under a grant made under this subpart not later than the beginning of the fourth quarter of a fiscal year or such funds shall be reallotted under subsection (f).

''(e) CARRYOVER OF FUNDS.—Funds paid to an eligible State or Indian tribe under a grant made under this subpart for a fiscal year may be expended in that fiscal year or the succeeding fiscal year.

''(f) REALLOTMENT OF FUNDS.—

''(1) ELIGIBLE STATES.—In the case of an eligible State that does not apply for funds allotted to the eligible State under a grant made under this subpart for a fiscal year

within the time provided under subsection (d), or that does not expend such funds during the time provided under subsection (e), the funds which the eligible State would have been entitled to for such fiscal year shall be reallotted to 1 or more other eligible States on the basis of each such State's relative need for additional payments, as determined by the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration.

''(2) INDIAN TRIBES.—In the case of an Indian tribe that does not expend funds allotted to the tribe during the time provided under subsection (e), the funds to which the Indian tribe would have been entitled to for such fiscal year shall be reallotted to the remaining Indian tribes that are implementing approved plans in amounts that are proportional to the percentage of Indian children under the age of 18 in each such tribe.

''SEC. 445. PERFORMANCE ACCOUNTABILITY; REPORTS AND EVALUATIONS.

''(a) PERFORMANCE MEASUREMENT.—

''(1) ESTABLISHMENT OF INDICATORS.—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration, Chief Executive Officers of a State or Territory, State legislators, State and local public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the services, and advocates for children and parents who come to the attention of the child welfare system, shall, within 12 months of the date of enactment of the Child Protection/Alcohol and Drug Partnership Act of 2000, establish indicators that will be used to assess periodically the performance of eligible States and Indian tribes in using grant funds provided under this subpart to promote child safety, permanence, and well-being and recovery in families who come to the attention of the child welfare system.

''(2) COORDINATION.—The indicators established under paragraph (1) shall be based on and coordinated with the performance outcomes established for the child welfare system pursuant to section 203(b) of the Adoption and Safe Families Act of 1997 and the performance measures developed under subpart II of part B of title XIX of the Public Health Service Act (relating to the substance abuse prevention and treatment block grant).

''(3) PURPOSE.—The indicators will be used to measure periodically the progress made by the State agencies and by child welfare and alcohol and drug abuse prevention and treatment agencies serving children in Indian tribes in the activities that such agencies jointly engage in with such grant funds. An eligible State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

''(4) ILLUSTRATIVE EXAMPLES.—The indicators developed should address the range of activities that eligible States and Indian tribes have the option of engaging in with such grant funds. Examples of the types of progress to be measured in the different areas of activity include the following:

''(A) Improving the screening and assessment of families who come to the attention of the child welfare system with alcohol and drug problems, so such families can be promptly referred for appropriate treatment when necessary.

''(B) Increasing the availability of comprehensive and timely individualized treatment for families with alcohol and drug problems who come to the attention of the child welfare system.

''(C) Increasing the number or proportion of families who, when they come to the attention of the child welfare system with alcohol and drug problems, promptly enter appropriate treatment.

''(D) Increasing the engagement and retention in treatment of families with alcohol and drug problems who come to the attention of the child welfare system.

''(E) Decreasing the number of children who re-enter foster care after being returned to families who had alcohol or drug problems when the children entered foster care.

''(F) Increasing the number or proportion of staff in both the public child welfare and alcohol and drug abuse prevention and treatment agencies who have received training on the needs of families that come to the attention of the child welfare and alcohol and drug abuse prevention and treatment systems for help, and the help that can be provided to such families.

''(G) Increasing the proportion of parents who complete treatment for alcohol or drug abuse and show improvement in their preemployment or employment status.

''(5) DETERMINATION OF PROGRESS.—

''(A) INITIAL REPORT.—Not later than the end of the first fiscal year in which funds are received under a grant made under this subpart, the State agencies in each eligible State that receives such funds, and the Indian tribes that receive such funds, shall submit to the Secretary a report on the activities carried out during the fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the activities conducted with such funds and of any changes in the use of such funds that are planned for the succeeding fiscal year.

''(B) USE OF INDICATORS.—As soon as possible after the establishment of indicators under paragraph (1), the State agencies and Indian tribes shall conduct evaluations, directly or under contract, of their progress with respect to such indicators that are directly related to activities the eligible State or Indian tribe is engaging in with such grant funds and include information on the evaluation in the reports to the Secretary required under subparagraphs (C) and (D). After the third year in which such activities are conducted, an eligible State or Indian tribe shall include in the evaluation at least some indicators that address improvements in treatment for families with alcohol and drug problems who come to the attention of the child welfare system.

''(C) SUBSEQUENT REPORTS.—After the initial report is submitted under subparagraph (A), an eligible State or Indian tribe shall submit to the Secretary, not later than June 30 of each fiscal year thereafter in which the State or tribe carries out activities with grant funds provided under this subpart, a report on the application of the indicators established under paragraph (1) to such activities. The reports shall include an explanation regarding why the specific indicators used were chosen, how such indicators are expected to impact a child's safety, permanence, well-being, and parental recovery, and the results (as of the date of submission of the report) of the evaluation conducted under subparagraph (B).

''(D) FINAL REPORT.—Not later than September 30, 2005, each eligible State and Indian tribe with an approved plan under this part shall submit a final report on the evaluations conducted under subparagraph (B) and the progress made in achieving the goals specified in the plan of the State or Indian tribe.

''(E) FAILURE TO REPORT.—

''(i) IN GENERAL.—Subject to clause (ii), an eligible State or Indian tribe that fails to submit the reports required under this paragraph or to conduct the evaluation required under subparagraph (B) shall not be eligible to receive grant funds provided under this subpart for the fiscal year following the fiscal year in which such State or Indian tribe failed to submit such report or conduct such evaluation.

''(ii) CORRECTIVE ACTION.—An eligible State or Indian tribe to which clause (i) applies may, notwithstanding such clause, receive grant funds under this subpart for a succeeding fiscal year if prior to September 30 of the fiscal year in which such failure occurred, the State agencies of the eligible State, or the Indian tribe, submit to the Secretary a plan to monitor and evaluate in a timely manner the activities conducted with such funds, and such plan is approved in a timely manner by the Secretary, after consultation with the Administration for Children and Families and the Substance Abuse and Mental Health Services Administration.

''(b) SECRETARIAL REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORTS.—On the basis of reports submitted under subsection (a), the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration, shall report annually, beginning on October 1, 2002, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the joint activities conducted with funds provided under grants made under this subpart, the indicators that have been established, and the progress that has been made in addressing the needs of families with alcohol and drug abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.

''(2) EVALUATIONS.—Not later than 6 months after the end of each 5-year funding cycle under this subpart, the Secretary shall submit a report to the committees described in paragraph (1) that summarizes the results of the evaluations conducted by eligible States and Indian tribes under subsection (a)(5)(B), as reported by such States and Indian tribes in accordance with subparagraphs (C) and (D) of subsection (a)(5). The Secretary shall include in the report required under this paragraph recommendations for further legislative or administrative actions that are designed to assist children and families with alcohol and drug abuse problems who come to the attention of the child welfare system.''.

Mr. ROCKEFELLER. Mr. President, today I am here to talk about our Nation's most vulnerable children—those innocent kids who are in the child protection system because they have been abused or neglected by parents, many of whom have drug or alcohol problems. Over 500,000 children are in foster care nationwide and 3,000 children are in West Virginia. Each one deserves a safe, permanent home according to the

fundamental guidelines set by the 1997 Adoption and Safe Families Act.

National statistics range between 40 percent and 80 percent of families in the child welfare system struggling with alcohol or drug abuse, or both. One recent survey noted that 67 percent of the parents involved in child abuse or neglect cases needed alcohol or drug treatment, but only one-third of those parents got the appropriate treatment or services to deal with their addiction. In my own state of West Virginia, over half of the children placed in foster care have families with alcohol or drug abuse problems, and we know even more children are at risk of neglect, but are not in foster care yet because of their parent's substance abuse problems.

Another sad, stunning statistic is that children with open child welfare cases whose parents have substance abuse problems are younger than other children in foster care, and they are more likely to be the victims of severe and chronic neglect. Once such children are placed in foster care, they tend to stay in care longer than other children.

I believe the only way to achieve the critical goals of a safe, healthy, and permanent home for every child is to tackle the problem of alcohol and drug abuse among parents. What happens to parents who abuse alcohol or drugs ultimately will decide that child's fate. To help the child, we must address the addiction of their parents.

The issue of alcohol and drug abuse is difficult. Part of the 1997 Adoption and Safe Families Act required the Department of Health and Human Services (HHS) to study this problem within the child welfare system. This important report, Blending Perspectives and Building Common Ground, outlines our challenges. There is a lack of appropriate treatment and services, especially services designed to meet the needs of parents in the child protection system. Unfortunately, there is poor communication and collaboration between alcohol and drug abuse agencies and child protection agencies. Issues such as confidentiality, different definitions of who ''the client'' is, and different time frames for decisions make collaboration harder. For example, under the 1997 Adoption and Safe Families Act, state agencies and courts are expected to consider termination of parental rights if a child has been in foster care for 15 of 22 months. Treatment programs designed for single clients have different timeframes.

To address the challenge, we must find new ways to encourage these two independent systems to work together on behalf of parents with an alcohol or drug problem and their children. In addition to treating the patient's addiction, we must also provide for the needs of their child.

Therefore, we need to create incentives for both agencies to consider the total picture—What are the child's needs? What are the parent's needs? How can we effectively serve both, and meet the fundamental goals of the Adoption Law that every child deserves a safe, healthy, permanent home.

The HHS report sets five priorities. First, it calls for building collaborative working relationships among agencies. It stresses that addiction is a treatable disease, but access to timely, comprehensive substance abuse treatment services is key. Keeping clients in treatment is crucial, but serving parents is harder because services must also be available to their children. As mentioned, children of abusing parents need special services. The final priority in the HHS study is for research and more information on the interaction between substance abuse and child maltreatment.

Today, I am proud to join with my colleagues, Senator SNOWE, DEWINE, and DODD to introduce legislation to address this troubling issue. We have worked for months with state officials, child advocates and officials in the substance abuse community to develop the Child Protection/Alcohol and Drug Partnership Act of 2000. This bill builds on the foundation of the Adoption and Safe Families Act of 1997—fundamental goals of making a child's safety, health, and permanency paramount.

To accomplish these bold goals, we need to be bold by investing in partnerships that will respond to the needs and priorities outlined in the comprehensive HHS study. I believe a new program and a new approach are essential. A new system is needed to address the special concerns of this unique population—parents with alcohol and drug problems who neglect their children. A program designed to serve a single male with drug problems doesn't respond to the needs of a mother and her child.

To be effective, we must link child protection workers with those involved in alcohol and drug treatment programs. Forging new partnerships takes time—and it takes money. That is why our legislation invests $1.9 billion over 5 years to combat the problems of drugs and alcohol abuse in families in the child welfare system.

I understand this is a large sum, but alcohol and drug abuse is a huge problem. Before reacting to the cost of the bill, consider what the costs are if we do nothing.

If we do not invest in alcohol and drug abuse prevention and treatment for such families, children will be neglected or abused. Young children will be placed in foster care, at a wide range of costs, and they will linger there longer than other children without family substance abuse problems.

In 1997, the House Ways and Means Subcommittee received testimony from Professor Richard Barth who noted that many newborns in substance abuse cases already had siblings placed in foster care. Barth estimated that if only one-third of the mothers with substance abuse problems got successful, early treatment upon the birth of their first child, instead of waiting until later, many years of foster care placements could be prevented and millions of dollars could be saved.

Our bill is designed to tackle this tough issue so agencies do not wait too long to help vulnerable children. Our bill will promote innovative approaches that serve both parents and children. It will offer funding for screening and assessment to enhance prevention. It will support outreach to families and retention so that parents stay in treatment. It can support joint training, and educate alcohol and drug counselors about the special needs of children and the importance of a safe, permanent home. It can support outpatient services or residential treatment. It allows investments in aftercare to keep families and children safe.

If we do invest in such specialized alcohol and drug treatment programs for families, we can achieve two things. For many families, I hope, treatment will be successful and children will return to a safe and stable home. But for others, we will have tried, and learned the important lesson that some children need an alternate place—some children need adoption. Under the Adoption and Safe Families Act, courts cannot move forward on adoption until appropriate services have been provided to families. That is the law, and we must follow it. Therefore, to move some children towards adoption, services must be tried for their families.

We want a responsible approach that will include accountability. It requires annual reports to assess how much progress is made each and every year. Reports should measure success in treating parents, but equally important will be measures of children's safety and family stability.

Over the years, we have worked on child welfare issues in a positive, bipartisan manner. I am proud to continue the bipartisan approach as we grapple with such tough controversial issues as alcohol and drug abuse among parents in the child welfare system.

Mr. President, I ask unanimous consent that a fact sheet and section-by-section analysis of the bill be printed in the RECORD.

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

SECTION-BY-SECTION—CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT OF 2000

(A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies)

GRANTS TO PROMOTE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP FOR CHILDREN

In an effort to improve child safety, family stability, and permanence, as well as promote recovery from alcohol and drug abuse problems, the Secretary may award grants to eligible States and Indian tribes to foster programs for families who are known to the child welfare system to have alcohol and drug abuse problems. The Secretary shall notify States and Indian tribes of approval or denial not later than 60 days after submission.

STATE PLAN REQUIREMENTS

In order to meet the prevention and treatment needs of families with alcohol and drug abuse problems in the child welfare system and to promote child safety, permanence, and family stability, State agencies will jointly work together, creating a plan to identify the extent of the drug and alcohol abuse problem.

Creation of plan.—State agencies will provide data on appropriate screening and assessment of cases, consultation on cases involving alcohol and drug abuse, arrangements for addressing confidentiality and sharing of information, cross training of staff, co-location of services, support for comprehensive treatment for parents and their children, and priority of child welfare families for assessment or treatment.

Identify activities.—A description of the activities and goals to be implemented under the five-year funding cycle should be identified, such as: identify and assess alcohol and drug treatment needs, identify risks to children's safety and the need for permanency, enroll families in appropriate services and treatment in their communities, and regularly assess the progress of families receiving such treatment.

Implement prevention and treatment services.—States and Indian tribes should implement individualized alcohol and drug abuse prevention and treatment services that are available, accessible, and appropriate that include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, as well as recognizing the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

(C) Comprehensive home-based, our-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery.

(E) Services and programs that promote parent-child interaction.

Sharing information among agencies.—Agencies should eliminate existing barriers to treatment and to child safety and permanence by sharing information among agencies and learning from the various treatment protocols of other agencies such as:

(A) Creating effective engagement and retention strategies.

(B) Encouraging joint training of child welfare staff and alcohol and drug abuse prevention agencies, and judges and court staff to increase awareness and understanding of drug abuse and related child abuse and neglect and more accurately identify abuse in families, increase staff knowledge of the services and resources that are available in the communities, and increase awareness of permanence for children and the urgency for time lines in making these decisions.

(C) Improving data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(D) Evaluation strategies to identify the effectiveness of treatment that has the greatest impact on families in different circumstances.

(E) Training and technical assistance to increase the State's capacity to perform the above activities.

Plan descriptions and assurances.—States and Indian tribes should create a plan that includes the following descriptions and assurances:

(A) A description of the jurisdictions in the State whether urban, suburban, or rural, and the State's plan to expand activities over the 5-year funding cycle to other parts of the State.

(B) A description of the way in which the State agency will measure progress, including how the agency will jointly conduct an evaluation of the results of the activities.

(C) A description of the input obtained from staff of State agencies, advocates, consumers of prevention and treatment services, line staff from public and private child welfare and drug abuse agencies, judges and court staff, representatives of health, mental health, domestic violence, housing and employment services, as well as a representative of the State agency in charge of administering the temporary assistance to needy families program (TANF).

(D) An assurance of coordination with other services provided under other Federal or federally assisted programs including health, mental health, domestic violence, housing, employment programs, TANF, and other child welfare and alcohol and drug abuse programs and the courts.

(E) An assurance that not more than 10% of expenditures under the State plan for any fiscal year shall be for administrative costs. However, Indian tribes will be exempt from this limitation and instead may use the indirect cost rate agreement in effect for the tribe.

(F) An assurance from States that Federal funds provided will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan. However, Indian tribes will be exempt from this provision.

Amendments.—A State or Indian tribe may amend its plan, in whole or in part at any time through a plan amendment. The amendment should be submitted to the Secretary not later than 30 days after the date of any changes of activities. Approval from the Secretary shall be presumed unless the State has been notified of disapproval within 60 days after receipt.

Special Application to Indian tribes.—The Indian tribe must submit a plan to the Secretary that describes the activities it will undertake with both the child welfare and alcohol and drug agencies that serve its children to address the needs of families who come to the attention of the child welfare agency who have alcohol and drug problems. The Indian tribe must also meet other applicable requirements, unless the Secretary determines that it would be inappropriate based on the tribe's resources, needs, and other circumstances.

APPROPRIATION OF FUNDS

Appropriations.—A total of 1.9 billion dollars will be appropriated to eligible States and Indian tribes at the progression rate of:

(1) for fiscal year 2001, $200,000,000;
(2) for fiscal year 2002, $275,000,000;
(3) for fiscal year 2003, $375,000,000;
(4) for fiscal year 2004, $475,000,000; and
(5) for fiscal year 2005, $575,000,000.

Territories.—The Secretary of HHS shall reserve 2% of the amount appropriated each fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands. In addition, the Secretary shall reserve from 3 to 5 percent of the amount appropriated for direct payment to Indian tribes.

Research and Training.—The Secretary shall reserve 1% of the appropriated amount for each fiscal year for practice-based research on the effectiveness of various approaches for screening, assessment, engagement, treatment, retention, and monitoring of families and training of staff in such areas. In addition, the Secretary will also ensure that a portion of these funds are used for research on the effectiveness of these approaches for Indian children and the training of staff.

Determination of use of funds.—Funds may only be used to carry out a specific research agenda established by the Secretary, together with the Assistant Secretary of the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services Administration with input from public and private nonprofit providers, consumers, representatives of the Indian tribes and advocates.

PAYMENTS TO STATES

Amount of grant to State and territories.—Each eligible State will receive an amount based on the number of children under the age of 18 that reside in that State. There will be a small state minimum of .05% to ensure that all States are eligible for sufficient funding to establish a program.

Amount of grant to Indian tribes or tribal organizations.—Indian tribes shall be eligible for a set aside of 3% to 5%. This amount will be distributed based on the population of children under 18 in the tribe.

State matching requirement.—States shall provide, through non-Federal contributions, the following applicable percentages for a given fiscal year:

(A) for fiscal years 2001 and 2002, 15% match;

(B) for fiscal years 2003 and 2004, 20% match; and

(C) for fiscal year 2005, 25% match.

Source of match.—The non-Federal contributions required of States may be in cash or in-kind, including plant equipment or services made directly from donations from public or private entities. Amounts received from the Federal Government may not be included in the applicable percentage of contributions for a given fiscal year. However, Indian tribes may use three Federal sources of matching funds: Indian Child Welfare Act funds, Indian Self-Determination and Education Assistance Act funds, and Community Block Grant funds.

Waiver.—The Secretary may modify matching funds if it is determined that extraordinary economic conditions in the State justify the waiver. Indians tribes' matching funds may also be modified if the Secretary determines that it would be inappropriate based on the resources and needs of the tribe.

Use of Funds and Deadline for Request of Payment.—Funds may only be used to carry out activities specified in the plan, as approved by the Secretary. Each State or Indian tribe shall apply to be paid funds not later than the beginning of the fourth quarter of a fiscal year or they will be reallotted.

Carryover and Reallotment of funds.—Funds paid to an eligible State or Indian tribe may be used in that fiscal year or the succeeding fiscal year. If a State does not apply for funds allotted within the time provided, the funds will be reallocated to one or more eligible States on the basis of the needs of that individual state. In the cases of Indian tribes, funds will be reallotted to remaining tribes that are implementing approved plans.

PERFORMANCE MEASUREMENT

Establishment of Indicators.—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration within HHS, and with state and local government, public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the services, and advocates for these children and parents will establish indicators within 12 months of the enactment of this law which will be used to assess the performance of States and Indian tribes. A State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

Illustrative Examples.—Indicators of activities to be measured include:

(A) Improve screening and assessment of families;

(B) Increase availability of comprehensive individualized treatment;

(C) Increase the number/proportion of families who enter treatment promptly;

(D) Increase engagement and retention;

(E) Decrease the number of children who re-enter foster care after being returned to families who had alcohol or drug problems;

(F) Increase number/proportion of staff trained; and

(G) Increase the proportion of parents who complete treatment and show improvement in their employment status.

Reports.—The child welfare and alcohol and drug abuse and treatment agencies in each eligible state, and the Indian tribes that receive funds shall submit no later than the end of the first fiscal year, a report to the Secretary describing activities carried out, and any changes in the use of the funds planned for the succeeding fiscal year. After the first report is submitted, a State or Indian tribe must submit to the Secretary annually, by the end of the third quarter in the fiscal year, a report on the application of the indicators to its activities, an explanation of why these indicators were chosen, and the results of the evaluation to date. After the third year of the grant all of the States must include indicators that address improvements in treatment. A final report on evaluation and the progress made must be submitted to the Secretary not later than the end of each five year funding cycle of the grant.

Penalty.—States or Indian tribes that fail to report on the indicators will not be eligible for grant funds for the fiscal year following the one in which it failed to report, unless a plan for improving their ability to monitor and evaluate their activities is submitted to the Secretary and then approved in a timely manner.

Secretarial reports and evaluations.—Beginning October 1, 2002, the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, and the Administrator of the Substance Abuse and Mental Health Services Administration, shall report annually, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the joint activities, indicators, and progress made with families.

Evaluations.—Not later than six months after the end of each 5 year funding cycle, the Secretary shall submit a report to the above committees, the results of the evaluations as well as recommendations for further legislative actions.

FACT SHEET

The Child Protection/Alcohol and Drug Partnership Act of 2000 is a bill to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies to improve child safety, family stability, and permanence for children in families with drug and alcohol problems, as well as promote recovery from drug and alcohol problems.

Child welfare agencies estimate that only a third of the 67% of the parents who need drug or alcohol prevention and treatment services actually get help today. This bill builds on the foundation of the Adoption and Safe Families Act of 1997 which requires States to focus on a child's need for safety, health and permanence. The bill creates new funding for alcohol and drug treatment and other activities that will serve the special needs of these families to either provide treatment for parents with alcohol and drug abuse problems so that a child can safely return to their family or to promote timely decisions and fulfill the requirement of the 1997 Adoption Act to provide services prior to adoption.

GRANTS TO PROMOTE CHILD PROTECTION/ ALCOHOL AND DRUG PARTNERSHIPS

In an effort to improve child safety, family stability, and permanence as well as promote recovery from alcohol and drug abuse problems, HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. Such grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they can together provide necessary services for this unique population.

These grants will help build new partnerships to provide alcohol and drug abuse prevention and treatment services that are timely, available, accessible, and appropriate and include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug problems that combine alcohol and drug prevention services with mental health and domestic violence services, and recognize the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for families at risk of alcohol and drug problems.

(C) Comprehensive home-based, out-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery that promote child safety and family stability.

(E) Services and supports that promote positive parent-child interaction.

FORGING NEW PARTNERSHIPS

GAO and HHS studies indicate that the existing programs for alcohol and drug treatment do not effectively service families in the child protection system. Therefore, this new grant program will help eliminate barriers to treatment and to child safety and permanence by encouraging agencies build partnerships and conduct joint activities including:

(A) Promote appropriate screening and assessment of alcohol and drug problems.

(B) Create effective engagement and retention strategies that get families into timely treatment.

(C) Encourage joint training for staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and judges and other court personnel to increase understanding of alcohol and drug problems related to child abuse and neglect and to more accurately identify alcohol and drug abuse in families. Such training increases staff knowledge of the appropriate resources that are available in the communities, and increases awareness of the importance of permanence for children and the urgency for expedited time lines in making these decisions.

(D) Improve data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(E) Evaluate strategies to identify the effectiveness of treatment and those parts of the treatment that have the greatest impact on families in different circumstances.

NEW, TARGETED INVESTMENTS

A total of $1.9 billion will be available to eligible States with funding of $200 million in the first year expanding to $575 million by the last year. The amount of funding will be based on the State's number of children under 18, with a small State minimum to ensure that every State gets a fair share. Indian tribes will have a 3%-5% set aside. State child welfare and alcohol and drug agencies shall have a modest matching requirement for funding beginning with a 15% match and gradually increasing to 25%. The Secretary has discretion to waive the State match in cases of hardship.

ACCOUNTABILITY AND PERFORMANCE MEASUREMENT

To ensure accountability, HHS and the related State agencies must establish indicators within 12 months of the enactment of this law which will be used to assess the State's progress under this program. Annual reports by the States must be submitted to HHS. Any state that fails to submit its report will lose its funding for the next year, until it comes into compliance. HHS must issue an annual report to Congress on the progress of the Child Protection/Alcohol and Drug Partnership grants.

By Mr. ABRAHAM:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to repeal the targeted area limitation on the expense deduction for environmental remediation costs and to extend the termination date of such deduction; to the Committee on Finance.

BROWNFIELD CLEANUP COST RECOVERY ACT

• Mr. ABRAHAM. Mr. President, I rise today to introduce the Brownfield Cleanup Cost Recovery Act. This legislation would repeal the targeted area limitation on the expense deduction for environmental remediation costs and

extend the termination date of such deduction to 2004.

Mr. President, the Environmental Protection Agency's brownfields program is designed to help communities restore less seriously contaminated sites that have the potential for economic development. Brownfields are defined as abandoned, idled, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

In general, costs incurred for new buildings or for permanent improvements to increase the value of a property must be capitalized—the cost must be deducted over a period of years. Some expenses, such as repairs, are currently deductible—deductible in the year in which the cost is incurred. This is also called expensing. It is a considerable financial advantage to be able to fully deduct an expense in one year rather than over many. The brownfields tax provision would include environmental remediation costs as allowable costs for expensing. This would create the financial incentive needed to bring companies in to remediate brownfields.

Prior to the passage of the Taxpayer Relief Act of 1997, the tax code discouraged the remediation of environmentally damaged property. In 1996, I introduced legislation to eliminate this bias. This legislation ultimately was included as part of the Taxpayer Relief Act of 1997, which is now law. However, the incentive expires at the end of this year. As part of the Taxpayer Refund and Relief Act of 1999, Congress passed provisions expanding upon this important community development legislation. This bill contains the same provisions that were included in the Taxpayer Refund and Relief Act of 1999, which Congress passed, but President Clinton vetoed.

In addition, Mr. President, current law limits expensing of brownfield sites to those sites within ''targeted'' areas—defined as being a renewal community under section 198. This bill would eliminate the ''targeted area'' limitation, allowing for increased remediation in all areas, not just federal designated zones.

Mr. President, encouraging community renewal has long been a very important issue to me. In 1995, my first year as a Senator, I joined with Senators LIEBERMAN, SANTORUM, DEWINE and Moseley-Braun, to introduce the Enhanced Enterprise Zones Act, to stimulate job creation and residential growth in America's most distressed rural and urban communities. More recently, Senator LIEBERMAN and I introduced the American Community Renewal Act. The ACRA would provide benefits to 100 distressed communities around the country, including tax benefits designed to attract businesses and employers to Renewal Zones. It is my hope that this bill will become law this year.

In my opinion, Mr. President, brownfield remediation is a crucial component of any policy for community renewal if that policy is to be successful. The provisions provided in this legislation will make such remediation more likely and more common. Therefore, I urge my colleagues to give it their strong support.●

By Mr. SMITH of New Hampshire (for himself and Mr. BAUCUS):

S. 2437. A bill 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; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 2000

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

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

S. 2437

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.—

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2000''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Comprehensive Everglades restoration plan.
Sec. 4. Watershed and river basin assessments.
Sec. 5. Brownfields Revitalization Program.
Sec. 6. Tribal Partnership Program.
Sec. 7. Ability to pay.
Sec. 8. Property Protection Program.
Sec. 9. National Recreation Reservation Service.
Sec. 10. Operation and maintenance of hydroelectric facilities.
Sec. 11. Interagency and international support.
Sec. 12. Reburial and transfer authority.
Sec. 13. Amendment to Rivers and Harbors Act.
Sec. 14. Structural flood control cost-sharing.
Sec. 15. Calfed Bay Delta Program assistance.
Sec. 16. Project de-authorizations.
Sec. 17. Floodplain management requirements.
Sec. 18. Transfer of project lands.
Sec. 19. Puget Sound and Adjacent waters restoration.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

SEC. 3. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), any modification to the project authorized by law, or modified by the Comprehensive Everglades Restoration Plan.

(2) SOUTH FLORIDA ECOSYSTEM.—The term ''South Florida ecosystem'' means the area consisting of the lands and waters within the boundary, existing on July 1, 1999, of the South Florida Water Management District, including the Everglades ecosystem, the Florida Keys, Biscayne Bay, Florida Bay, and other contiguous near-shore coastal waters of South Florida.

(3) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—The term ''Comprehensive Everglades Restoration Plan'' means the plan contained in the ''Final Feasibility Report and Programmatic Environmental Impact Statement,'' April 1999, as transmitted to the Congress by the July 1, 1999, letter of the Assistant Secretary of the Army for Civil Works pursuant to Section 528 of the Water Resources Development Act of 1996 (110 Stat. 3767).

(4) NATURAL SYSTEM.—The term ''natural system'' means all Federally or state managed lands and waters within the South Florida ecosystem, including the water conservation areas, Everglades National Park, Big Cypress National Preserve, and other federally or state designated conservation lands, and other lands that create or contribute to habitat supporting native flora and fauna.

(b) FINDINGS.—The Congress finds that:

(1) The Everglades is an American treasure. In its natural state, the South Florida ecosystem was connected by the flow of fresh water from the Kissimmee River to Lake Okeechobee—south through vast freshwater marshes known as the Everglades—to Florida Bay, and on to the coral reefs of the Florida Keys. The South Florida ecosystem covers approximately 18,000 square miles and once included a unique and biologically productive region, supporting vast colonies of wading birds, a mixture of temperate and tropical plant and animal species, and teeming coastal fisheries and North America's only barrier coral reef. The South Florida ecosystem is endangered as a result of adverse changes in the quantity, distribution, and timing of flows and degradation of water quality. The Everglades alone has been reduced in size by approximately 50 percent. Restoration of this nationally and internationally recognized ecosystem, including America's Everglades, is in the Nation's interest.

(2) The Central and Southern Florida Project plays an important role in the economy of south Florida by providing flood protection and water supply to agriculture and the residents of south Florida and providing water to the water conservation areas, Everglades National Park and other natural areas for the purpose of preserving fish and wildlife resources. The population of the region is expected to continue to grow, further straining the ability of the existing Central and Southern Florida Project to meet the needs of the natural system and the people of south Florida.

(3) Modifications to the Central and Southern Florida Project are needed to restore, preserve, and protect the South Florida ecosystem, including the Everglades, while continuing to provide for the water related needs of the region, including flood protection and other objectives served by the Project.

(4) The Comprehensive Everglades Restoration Plan is a scientifically and economically sound plan that modifies the Central

and Southern Florida Project to restore, preserve and protect the South Florida ecosystem. By storing most of the water currently discharged to the Atlantic Ocean and Gulf of Mexico, ensuring the quality of water discharged into the South Florida ecosystem from project features, and removing internal levees and canals in the Everglades, the Comprehensive Everglades Restoration Plan provides the roadmap for the recovery of a healthy, sustainable ecosystem as well as providing for the other water-related needs of the region, including flood protection, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(5) The comprehensive, system-wide nature of the Comprehensive Everglades Restoration Plan and the linkage of the elements of the plan to each other must be preserved not only during the over 25-year period that will be necessary for its implementation, but for as long as the project remains authorized. Implementation must proceed in a programmatic manner using the principles of adaptive assessment as outlined in the Comprehensive Everglades Restoration Plan.

(6) The Comprehensive Everglades Restoration Plan contains a number of components that will benefit Everglades National Park, Biscayne National Park, Florida Keys National Marine Sanctuary, Big Cypress National Preserve, Ten Thousand Islands National Wildlife Refuge, and Loxahatchee National Wildlife Refuge by significantly improving the quantity, quality, timing, and distribution of waste delivered to these Federal areas. Improved water deliveries will also provide benefits to federally-listed threatened and endangered species.

(7) The Congress, the Federal government, and the State of Florida have, in prior legislation, recognized the need to restore, preserve, and protect the South Florida ecosystem, These on-going efforts are important to the success of the Comprehensive Everglades Restoration Plan. Since the creation of the South Florida Ecosystem Restoration Task Force in 1993, the Federal government has been working in partnership with tribal, state, and local governments, the private sector, and individual citizens to accomplish restoration of the South Florida ecosystem. It is important for the long-term restoration of this ecosystem that these efforts, including the South Florida Ecosystem Restoration Task Force, be continued and strengthened. The state, with its financial responsibilities for project implementation and capabilities in the planning, design, construction, and operation of the Comprehensive Everglades Restoration Plan, must be a full partner with the Federal government.

(c) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) IN GENERAL.—Congress hereby approves the Comprehensive Everglades Restoration Plan to modify the Central and Southern Florida Project to restore, preserve, and protect the South Florida ecosystem. These changes are necessary in order to ensure that the Central and Southern Florida Project as amended provides for the improvement and protection of water quality in, and the reduction of the loss of fresh water from, the South Florida ecosystem, as well as providing for the water related needs of the region, including flood protection, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—Those projects included in the Comprehensive Everglades Restoration Plan and specified in paragraphs (B) and (C) are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions described in the Central and Southern Florida Project: Comprehensive Review Study Report of the Chief of Engineers dated June 22, 1999.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(1) Caloosahatchee River (C–43) Basin ASR ($6,000,000);

(2) Lake Belt In-Ground Reservoir Technology ($23,000,000);

(3) L–31N Seepage Management (10,000,000); and,

(4) Wastewater Reuse Technology ($30,000,000).

(C) OTHER PROJECTS.—The following projects are authorized at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000. Prior to implementation of projects (1) through (10), the Secretary shall review and approve a Project Implementation Report prepared in accordance with subsection (g).

(1) C–44 Basin Storage Reservoir ($112,562,000);

(2) Everglades Agricultural Area Storage Reservoirs—Phase I ($233,408,000);

(3) Site 1 Impoundment ($38,535,000);

(4) Water Conservation Areas 3A/3B Levee Seepage Management ($100,335,000);

(5) C–11 Impoundment and Stormwater Treatment Area ($124,837,000);

(6) C–9 Impoundment and Stormwater Treatment Area ($89,146,000);

(7) Taylor Creek/Nubbin Slough Storage and Treatment Area ($104,027,000);

(8) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3 ($26,946,000);

(9) North New River Improvements ($77,087,000);

(10) C–111 Spreader Canal ($94,035,000); and

(11) Adaptive Assessment and Monitoring Program (10 years) ($100,000,000).

(d) ADDITIONAL PROGRAM AUTHORITY.—In order to expedite implementation of the Comprehensive Everglades Restoration Plan, the Secretary is authorized to implement modifications to the Central and Southern Florida Project that are consistent with the Comprehensive Everglades Restoration Plan and that will produce independent and substantial restoration, preservation, or protection benefits to the South Florida ecosystem; provided that the total Federal cost of each project accomplished under this authority shall not exceed $35,000,000; and provided further that the total Federal cost of all the projects accomplished under this authority shall not exceed $250,000,000. Prior to implementation of any project authorized under this subsection, the Secretary shall review and approve a Project Implementation Report prepared in accordance with subsection (g).

(e) AUTHORIZATION OF FUTURE PROJECT FEATURES.—Except for those projects authorized in subsections (c) and (d), all future projects included in the Comprehensive Everglades Restoration Plan shall require a specific authorization of Congress. Prior to authorization, the Secretary shall transmit such projects to Congress along with a Project Implementation Report prepared in accordance with subsection (g). Further, such projects, if authorized, shall be implemented pursuant to subsection (i) of this section.

(f) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of implementing projects authorized under subsections (c), (d), and (e) shall be 50 percent. The non-Federal sponsor shall be responsible for all lands, easements, rights-of-way, and relocations and shall be afforded credit toward the non-Federal share in accordance with paragraph (3)(A). The non-Federal sponsor may accept Federal funding for the purchase of the necessary lands, easements, rights-of-way or relocations, provided that such assistance is credited toward the Federal share of the cost of the project.

(2) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996, the non-Federal sponsor shall be responsible for sixty percent of the operation, maintenance, repair, replacement, and rehabilitation cost of activities authorized under this section.

(3) CREDIT AND REIMBURSEMENT.—

(A) LANDS.—Regardless of the date of acquisition, the value of lands or interests in land acquired by non-Federal interests for any activity required in this section shall be included in the total cost of the activity and credited against the non-Federal share of the cost of the activity. Such value shall be determined by the Secretary.

(B) WORK.—The Secretary may provide credit, including in-kind credit, to or reimburse the non-Federal project sponsor for the reasonable cost of any work performed in connection with a study or activity necessary for the implementation of the Comprehensive Everglades Restoration Plan if the Secretary determines that the work is necessary and the credit or reimbursement is granted for work completed during the period of design or implementation pursuant to an agreement between the Secretary and the non-Federal sponsor that prescribes the terms and conditions of the credit or reimbursement.

(C) AUDITS.—Credit or reimbursement for land or work granted under this subsection shall be subject to audit by the Secretary.

(g) EVALUATION OF PROJECT FEATURES.—

(1) IN GENERAL.—Prior to implementation of project features authorized in subsection (c)(2)(C)(1) through (c)(2)(C)(10) and subsection (d), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment, complete Project Implementation Reports to address the project(s) cost effectiveness, engineering feasibility, and potential environmental impacts, including National Environmental Policy Act compliance. The Secretary shall coordinate with appropriate Federal, tribal, state and local governments during the development of such reports and shall identify any additional water that will be made available for the natural system, existing legal users, and other water related needs of the region. Further, such reports shall ensure that each project feature is consistent with the programmatic regulations issued pursuant to subsection (i).

(2) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law regarding economic justification, in carrying out activities authorized in accordance with subsections (c), (d), and (e), the Secretary may determine that activities are justified by the environmental benefits derived by the South Florida ecosystem in general and the Everglades and Florida Bay in particular; and shall not need further economic justification if the Secretary determines that the activities are cost effective.

(h) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—

(1) IN GENERAL.—Socially and economically disadvantaged individuals and communities make up a large portion of the South Florida ecosystem and have legitimate interests in the implementation of the Comprehensive Everglades Restoration Plan. Further, such groups have not, in some cases, been given the opportunity to understand and participate fully in the development of water resources projects. As provided in this subsection, the Secretary shall ensure that impacts on socially and economically disadvantaged individuals are considered during the implementation of the Comprehensive Everglades Restoration Plan and that such individuals have opportunities to review and comment on its implementation.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632).

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

(3) PROGRAM FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The Secretary shall establish a program to ensure that socially and economically disadvantaged individuals within the South Florida ecosystem are informed of the Comprehensive Everglades Restoration Plan, given the opportunity to review and comment on each project feature, provided opportunities to participate as a small business concern contractor, and given opportunities for employment or internships in emerging industry sectors.

(4) CONTRACTS TO BUSINESSES OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The Secretary shall establish a goal that not less than 10 percent of the amounts made available for construction of projects authorized pursuant to subsections (c), (d) and (e), shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals within the South Florida ecosystem.

(i) ASSURING PROJECT BENEFITS.—

(1) IN GENERAL.—The primary and overarching purpose of the Comprehensive Everglades Restoration Plan is to restore, preserve and protect the natural system within the South Florida ecosystem. The Comprehensive Everglades Restoration Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem, while providing for other water-related needs of the region, including water supply and flood protection. The Central and Southern Florida Project, as amended by the Comprehensive Everglades Restoration Plan, shall be implemented in a manner that ensures that the benefits to the natural system and the human environment, including the proper quantity, quality, timing and distribution of water, are achieved and maintained for as long as the Central and Southern Florida Project remains authorized. When implemented fully, the approximately 68 features of the Comprehensive Everglades Restoration Plan will result in modifications to the existing Central and Southern Florida Project works that shall provide the water necessary to restore, preserve and protect the natural system while providing for other water related needs of the region. The Secretary shall ensure that both the natural system and the human environment receive the benefits intended when such modifications to the Central and Southern Florida project are made pursuant to the Comprehensive Everglades Restoration Plan and previous Acts of Congress.

(2) DEDICATION AND MANAGEMENT OF WATER—

(A) IN GENERAL.—Consistent with subsection (i)(2)(B), the Secretary shall dedicate and manage the water made available from the Central and Southern Florida Project features authorized, constructed, and operated in accordance with previous Acts of Congress and this Act authorizing the implementation of features of the Comprehensive Everglades Restoration Plan, for the temporal and spatial needs of the natural system. The needs of the natural system and the human environment shall be defined in terms of quality, quantity, timing and distribution of water. In developing the regulations that provide for the dedication and management of water for the natural system in accordance with this subsection, the Secretary shall incorporate rainfall driven operational criteria and annual fluctuations in rainfall.

(B) PROGRAMMATIC REGULATIONS.—The Secretary shall, after notice and opportunity for public comment and with the concurrence of the Secretary of the Interior, and in consultation with the Secretary of Commerce, the Administrator of the Environmental Protection Agency and the Governor of the State of Florida, issue programmatic regulations identifying the amount of water to be dedicated and managed for the natural system from the Central and Southern Florida Project features authorized, constructed, and operated in accordance with previous acts of Congress and this Act through the implementation of the Comprehensive Everglades Restoration Plan features. Such regulations shall be completed within two years of the date of enactment of this Act. These regulations shall ensure that the natural system and the human environment receive the benefits intended, including benefits for the restoration, preservation, and protection of the natural system, as the Comprehensive Everglades Restoration Plan is implemented and incorporated into the Central and Southern Florida Project for as long as the project remains authorized. Nothing in this Act shall prevent the State of Florida from reserving water for environmental uses under the 1972 Florida Water Resources Act to the extent consistent with this section.

(C) PROJECT SPECIFIC REGULATIONS.—The Secretary, after notice and opportunity for public comment, and in consultation with the Secretary of the Interior, Secretary of Commerce, the Administrator of the Environmental Protection Agency, other Federal agencies, and the State of Florida shall develop project feature specific regulations to ensure that the benefits anticipated from each feature of the Comprehensive Everglades Restoration Plan are achieved and maintained as long as the project remains authorized. Each such regulation shall be consistent with the programmatic regulations issued pursuant to subsection (i)(2)(B), be based on the best available science, and ensure that the quantity, quality, timing, and distribution of water for the natural system and the human environment anticipated in the Comprehensive Plan for each project feature is achieved and maintained.

(3) EXISTING WATER USES.—The Secretary shall ensure that the implementation of the Comprehensive Everglades Restoration Plan, including physical or operational modifications to the Central and Southern Florida Project, does not cause substantial adverse impacts on existing legal water uses, including annual water deliveries to Everglades National Park, water for the preservation of fish and wildlife in the natural system, and other legal uses as of the date of enactment of this Act. The Secretary shall not eliminate existing legal sources of water supply, including those for agricultural water supply, water for Everglades National Park and the preservation of fish and wildlife, until new sources of water supply of comparable quantity and quality are available to replace the water to be lost from existing sources. Existing authorized levels of flood protection will be maintained.

(j) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Department of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce and the State of Florida, shall jointly submit to Congress a report on the implementation of the Comprehensive Everglades Restoration Plan. Such reports shall be completed no less than every five years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report, and the work anticipated over the next five-year period. In addition, each report shall include the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed features of the Comprehensive Everglades Restoration Plan are being operated in a manner that is consistent with the programmatic regulations established under subsection (i)(2)(B).

SEC. 4. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of Public Law 99–662 [100 stat. 4164] is amended by—

(a) striking ''**STUDY OF WATER RESOURCES NEEDS OF RIVER BASINS AND REGIONS.**'' and all that follows, and

(b) inserting in lieu thereof:

''WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary is authorized to assess the water resources needs of river basins and watersheds of the United States. Such assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watersheds protection, water supply, and drought preparedness.

''(b) CONSULTATION.—The Secretary shall consult with Federal, Tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting such assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, Tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

''(c) COST SHARING REQUIREMENTS.—The non-Federal share of the cost of an assessment conducted under this section shall be

25 percent of the cost of such assessment. The non-Federal sponsor may provide the non-Federal cost-sharing requirement through the provision cash or services, materials, supplies, or other in-kind services. In no event shall such credit exceed the non-Federal required share of costs for the assessment.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''

SEC. 5. BROWNFIELDS REVITALIZATION PROGRAM

(a) GENERAL.—The Secretary shall, in consultation with the Environmental Protection Agency and other appropriate agencies, carry out a program to provide assistance to non-Federal interests in the remediation and restoration of abandoned or idled industrial and commercial sites where such assistance will improve the quality, conservation, and sustainable use of the Nation's streams, rivers, lakes, wetlands, and floodplains. Assistance may be in the form of site characterizations, planning, design, and construction projects. To the maximum extent practicable, projects implemented by the Secretary under this section will be done in cooperation and coordination with other Federal, Tribal, State, and local efforts to maximize resources available for the remediation, restoration, and redevelopment of brownfield sites.

(b) JUSTIFICATION FOR ASSISTANCE.—Notwithstanding any economic justification provision or requirement of section 209 of the Flood Control Act of 1970 [42 U.S.C. 1962–2] or economic justification provision of any other law, the Secretary may determine that the assistance projects authorized by subsection (a),

(1) is justified by the public health and safety, and environmental benefits; and

(2) shall not need further economic justification if the Secretary determines that the assistance is cost effective.

(c) COST SHARING.—

(1) IN GENERAL.—Prior to implementing any assistance project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest, which shall require the non-Federal interest to: (a) pay 50 percent of the total costs of the assistance project; (b) acquire and place in public ownership for so long as is necessary to implement and complete the assistance project any lands, easements, rights-of-way, and relocations necessary for implementation and completion of the assistance project; (c) pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the assistance project; and (d) hold and save harmless the United States free from claims or damages due to implementation of the assistance project, except for the negligence of the Government or its contractors.

(2) CREDIT.—The non-Federal interest shall receive credit for the value of any lands, easements, rights-of-way, and relocations provided for implementation and completion of such assistance project. The Secretary also may afford credit to a non-Federal interest for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the assistance project. In no event shall such credit exceed the 50 percent non-Federal cost-sharing requirement.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law.

(e) PROJECT COST LIMITATION.—Not more than $5,000,000 in Army Civil Works Appropriations funds may be allotted under this section at any single site.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriate to carry out this section $25,000,000 for each fiscal year from 2002 through 2005.

(g) PROGRAM EVALUATION.—Not later than December 31, 2005, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that discusses the program's performance objectives and evaluates is effectiveness in achieving them, along with any recommendations concerning continuation of the program.

SEC. 6. TRIBAL PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary is authorized, in cooperation with Federally recognized Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country, as defined in 18 U.S.C. 1151, or in proximity to Alaska native villages. Studies conducted under this authority may address, but are not limited to, projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources.

(b) CONSULTATION AND COORDINATION.—the Secretary shall consult with the Secretary of the Interior on studies conducted under this section in recognition of the unique role of the Secretary of the Interior regarding trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities. the Secretary shall integrate Army Civil Works activities with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects to Indian tribes, and shall consider existing authorities and programs of the Department of the Interior and other Federal agencies in any recommendations regarding implementation of project studied under this section.

(c) ABILITY TO PAY.—Any cost-sharing agreement for a study under this section shall be subject to the ability of a non-Federal interest to pay. The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(d) CREDITS.—For such studies conducted under this section, the Secretary may afford credit to the tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other-in-kind consideration will facilitate completion of the project. In no event shall such credit exceed the tribe's required share of costs for the study.

(e) AUTHRORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) of this section $5,000,000 for each fiscal year, for fiscal years 2002 through 2006. Not more than $1,000,000 in Army Civil Works appropriations may be allotted under this section for any one tribe.

(f) DEFINITION.—For the purposes of this section the term ''Indian tribes'' means any tribe, band, nation, or other organized group of community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 7. ABILITY TO PAY.

Section 103(m) of Public Law 99–662 (33 U.S.C. 2213(m), as amended) is amended by:

(1) Deleting subsection ''(1)'' in its entirety and inserting in lieu thereof the following language:

''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study or for construction of an environmental protection and restoration or flood control project, or for construction of an agricultural water supply project, shall be subject to the ability of a non-Federal interest to pay.''

(2) Deleting subsection ''(2)'' in its entirety and inserting in lieu thereof the following language:

''(2) CRITERIA AND PROCEDURES.—the ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures be developed, within 18 months after such date of enactment to reflect the requirements of paragraph (3) of section 202(b) of the Water Resources Development Act of 1996 [110 STAT. 3674].''

(3) adding the word ''and'' at the end of subsection (3)(A)(ii)

(4) Deleting subsection (3)(B) in its entirety.

(5) Deleting subsection (3)(C) in its entirety and inserting in lieu thereof the following language:

''(B) may consider additional criteria relating to the non-Federal interest's financial ability to carry out is cost-sharing responsibilities, or relating to additional assistance that may be available for other Federal or State sources.''

SEC. 8. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 annually to carry out this section.

SEC. 9. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding Section 611 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105–277), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and-fund the Department of the Army's share of those activities required for implementing, operating, and maintaining the Service.

SEC. 10. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of Public Law 101–640 (33 U.S.C. 2321) is amended by inserting the following language immediately after the phrase ''commercial activities'': ''where such activities require specialized training related to hydroelectric power generation. These activities would be subject to the labor standards provisions in the Service Contract Act, 41. U.S.C. 351, and to the extent applicable,

the Davis-Bacon Act, 40 U.S.C., Sections 276(a)–7.''

SEC. 11. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234 of Public Law 104–303 (33 U.S.C. 2323a) is amended—

(1) in subsection (d) by deleting ''$1,000,000'' and inserting $2,000,000.

SEC. 12. REBURIAL AND TRANSFER AUTHORITY.

(a) IN GENERAL.—

(1) REBURIAL.—The Secretary is authorized, in consultation with the appropriate Indian tribes, to identify and set aside areas at civil works projects managed by the Secretary that may be used to reinter Native American remains that have been discovered on project lands, and which have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation and in consent with the lineal descendant or the respective Indian tribe, is authorized to recover and rebury the remains at such sites at full Federal expense.

(2) TRANSFER AUTHORITY.—Notwithstanding any provision of law, the Secretary is authorized to transfer to the Indian tribe the land identified by the Secretary in subsection (1) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary of the Army determines is necessary to carry out the authorized project purpose.

(b) DEFINITION.—For the purposes of this section the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 13. AMENDMENT TO RIVERS AND HARBORS ACT.

33 U.S.C. 401 is amended by adding the following language at the end of the last sentence: ''The approval required by this section of the location and plans, or any modification of plans, for any dam or dike, applies only to any dam or dike that would completely span a waterway currently used to transport interstate or foreign commerce, in a manner that actual, existing interstate or foreign commerce could be adversely affected. Any other dam or dike proposed to be built in any other navigable water of the United States shall be regulated as a structure under 33 U.S.C. 403, and shall not require approval under this section.''

SEC. 14. STRUCTURAL FLOOD CONTROL COST-SHARING.

(a) Section 103(a) of the Water Resources Development Act of 1986 [100 Stat. 4084–4085] is amended by—

(1) striking ''35'' whenever it appears in paragraph (2) and inserting ''50 in lieu thereof;

(2) deleting the word ''MINIMUM'' in paragraph (2);

(3) adding the following language to paragraph (2) immediately after the last sentence in that paragraph: The non-Federal share under paragraph (1) shall not exceed 50 percent of the cost of the project assigned to flood control. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.'', and

(4) deleting paragraph (3) and (4) in their entirety.

(b) APPLICABILITY.—The amendment made by this section shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of enactment of this Act.

SEC. 15. CALFED BAY-DELTA PROGRAM ASSISTANCE.

(a) IN GENERAL.—The Secretary is authorized to participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay Delta Program, and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Army Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay Delta Program as provided for in subsection (a) of this section, the Secretary is authorized to accept and expend funds from other Federal agencies and from non-Federal public, private and non-profit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay Delta Program and may enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and non-profit entities in carrying out these projects and activities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army to carry out activities under this section $5,000,000 for fiscal years from 2002 through 2005.

(d) DEFINITION.—For purposes of this section, the area covered by the CALFED Bay Delta Program is defined as the San Francisco Bay, Sacramento-San Joaquin Delta Estuary and its watershed (Bay-Delta Estuary) as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate (Club Fed).

SEC. 16. PROJECT DE-AUTHORIZATIONS.

Section 33 U.S.C. 579a is deleted in its entirety and the following language inserted in lieu thereof:

''PROJECT DE-AUTHORIZATIONS

''(a) PROJECTS NEVER UNDER CONSTRUCTION.—

''(1) The Secretary shall transmit annually to Congress a list of projects and separable elements of projects that have been authorized for construction, but for which no appropriations have been obligated for construction of the project or separable element during the four consecutive fiscal years preceding the transmittal of such list.

''(2) Any water resources project authorized for construction, and any separable element of such a project, shall be de-authorized after the last day of the 7-year period beginning on the date of the project or separable element's most recent authorization or reauthorization unless funds have been obligated for construction of the project or separable element.

''(b) PROJECTS WHERE CONSTRUCTION HAS BEEN SUSPENDED.—

''(1) The Secretary shall transmit annually to Congress a list of projects and separable elements of projects that have been authorized for construction, and for which funds have been obligated in the past for construction of the project or separable element, but for which no appropriations have been obligated for construction of the project or separable element during the two consecutive fiscal years preceding the transmittal of such list.

''(2) Any water resources project, and any separable element of such a project, for which funds have been obligated in the past for construction of the project or separable element, shall be de-authorized if appropriations specifically identified for construction of the project or separable element (either in Statute or in the accompanying legislative report language) have not been obligated for construction of the project or separable element during any five subsequent consecutive fiscal years.

''(c) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (a) and (b), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element would be located.

''(d) FINAL DE-AUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects or separable elements de-authorized under subsections (a) and (b).

''(e) DEFINITIONS.—For purposes of this section, for non-structural flood control projects, the phrase 'construction of the project or separable element' means the acquisition of lands, easements and rights-of-way primarily to relocate structures, or the performance of physical work under a construction contract for other non-structural measures. For environmental protection and restoration projects, it means the acquisition of lands, easements and rights-of-way primarily to facilitate the restoration of wetlands or similar habitats, or the performance of physical work under a construction contract to modify existing project facilities or to construct new environmental protection and restoration measures. For all other water resources projects, it means the performance of physical work under a construction contract. In no case shall the term ''physical work under a construction contract'', as used in this subsection, include activities related to project planning, engineering and design, relocation, or the acquisition of lands, easements, and rights-of-way.

''(f) EFFECTIVE DATE OF PROVISIONS.—Subsections (a)(2) and (b)(2) shall become effective three years after the date of enactment of this Act.''

SEC. 17. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) Section 402 of the Water Resources Development Act of 1986 [100 Stat. 4133] is amended by—

(1) in subsection (c)(1) by deleting ''Within 6 months after the date of the enactment of this subsection, the'' and inserting ''The'';

(2) by inserting ''that non-Federal interests shall adopt and enforce'' after the word ''policies'' in the second sentence in subsection (c)(1); and

(3) by inserting at the end of subsection (c)(1) ''Such guidelines shall also require non-Federal interests to take measures to preserve the level of flood protection provided by the project for which subsection (a) applies.''

(b) APPLICABILITY.—The amendment made by this section shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of enactment of this Act.

SEC. 18. STUDY OF TRANSFER OF PROJECT LANDS.

''(a) IN GENERAL.—

''(1) STUDY OF TRANSFER.—The Secretary is authorized to conduct a feasibility study in cooperation with the Secretary of the Interior, the state of * * * and with the affected

Indian tribes, for the transfer to the Secretary of Interior the land described in subsection (b) to be held in trust for the benefit of the respective Indian tribes.

''(b) LANDS TO BE STUDIED.—The land authorized to be studied for transfer is land that—

(1) was acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program; and

(2) is located within the external boundaries of the reservations of the Three Affiliated Tribes of the Fort Berthold Reservation, N.D., the Standing Rock Sioux Tribe of North and South Dakota, the Crow Creek Sioux Tribe of the Crow Creek Reservation, SD, the Yankton Sioux Tribe of South Dakota, and the Flandreau Santee Sioux Tribe of South Dakota.

''(c) DEFINITION.—For the purposes of this section the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 *et seq.*] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 19. PUGET SOUND AND ADJACENT WATERS RESTORATION.

''(a) IN GENERAL.—The Secretary is authorized to participate in Critical Restoration Projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

''(b) DEFINITION.—''Critical Restoration Projects'' are those projects that will produce, consistent with existing Federal programs, projects and activities, immediate and substantial restoration, preservation and ecosystem protection benefits.

''(c) PROJECT SELECTION.—The Secretary, with the concurrence of the Secretaries of the Interior and Commerce, and in consultation with other appropriate Federal, Tribal, State, and local agencies, may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d–5b) and this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under this section $10,000,000.

''(e) PROJECT COST LIMITATION.—Not more than $2,500,000 in Army Civil Works appropriations Federal funds may be allocated to carrying out any one project under this section.

''(c) COST SHARING.—

''(1) IN GENERAL.—Prior to implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest, which shall require the non-Federal interest to: (a) pay 35 percent of the total costs of the project; (b) acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project; (c) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and (d) hold and save harmless the United States free from claims or damages due to implementation of the assistance project, except for the negligence of the Government or its contractors.

(2) CREDIT.—The non-Federal interest shall receive credit for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided for implementation and completion of such assistance project. The non-Federal interest may provide up to 50 percent of the non-Federal cost-sharing requirement through the provision of services, materials, supplies, or other in-kind services.●

By Mr. MCCAIN (for himself, Mrs. MURRAY, and Mr. GORTON):

S. 2438. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE KING AND TSIORVAS PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. MCCAIN. Mr. President, today I am introducing the King and Tsiorvas Pipeline Safety Improvement Act of 2000. This bill proposes to reauthorize the Pipeline Safety Act, which expires at the end of this fiscal year (FY), through fiscal year 2003. It is intended to strengthen and improve both federal and state pipeline safety efforts and heighten public awareness of pipeline safety. I am pleased to be joined in sponsoring this bill by Senator MURRAY and Senator GORTON.

Many of these issues came to the forefront as a result of a tragic accident that occurred in Bellingham, Washington, last June 10, 1999. An underground hazardous liquid pipeline ruptured and 277,000 gallons of gasoline leaked into a creek. Two 10-year-old boys, Wade King and Stephen Tsiorvas, had been playing by the creek into which the gasoline flowed. The gasoline was accidently ignited and a massive fire ensued. Both boys died as a result of their injuries. Another young man, Liam Wood, was fishing at the creek the same day. He was overcome by the gasoline fumes, slipped into unconsciousness, and subsequently drowned.

Mr. President, in addition to these needless deaths, the pipeline accident caused destructive fires and environmental damage for miles. Since the June accident, many concerned individuals have come forward and dedicated themselves to finding ways to improve and strengthen the Department of Transportation pipeline safety program. The Senators from Washington State have introduced one bill. Other pipeline safety measures have been introduced in the House. Yesterday, the Administration submitted its own pipeline safety reauthorization proposal. These bills contain many provisions I believe merit Congressional consideration and some of those provisions are included in the legislation I am introducing today.

It is my intention, as Chairman of the Senate Committee on Commerce, Science, and Transportation, to chair a full Committee hearing on Pipeline Safety in the near future. I hope to report a reauthorization measure to the full Senate before the Memorial Day Recess. In that effort, I will be seeking input from public safety advocates, the National Transportation Safety Board, the DOT-Inspector General, the Department of Transportation, industry and others interested in promoting pipeline safety.

Mr. President, currently the Office of Pipeline Safety (OPS) within the Research and Special Programs Administration (RSPA) oversees the transportation of about 65 percent of the petroleum and most of the natural gas transported in the United States. OPS regulates the day-to-day safety of 2,000 gas pipeline operators with more than 1.9 million miles of pipeline, as well as more than 200 hazardous liquid operators and 165,000 miles of pipelines. Given the immense array of pipelines that traverse our nation, reauthorization of the pipeline safety program is, quite simply, critical to public safety.

The safety record of pipeline transportation is generally quite good. However, accidents do occur and when they occur, they can be devastating, as was the case last June.

Last month, the Senate Commerce Committee held a field hearing on this accident in Bellingham, Washington, and the Committee, as I mentioned, is committed to moving a reauthorization bill through the legislative process as soon as possible. We must act to help improve pipeline safety and prevent tragedies like that which occurred in Bellingham.

The bill I am introducing includes a number of provisions intended to strengthen and improve pipeline safety. It also is designed to increase State oversight authority and facilitate greater public information sharing at the local community level.

Two areas that warrant DOT's immediate attention, in my view, concern safety recommendations that have already been issued by the National Transportation Safety Board (NTSB) and the Inspector General (IG). The Department's responsiveness to NTSB pipeline safety recommendations for years has been poor at best. While current law requires the Secretary to respond to NTSB recommendations within 90 days from receipt, there are no similar requirements at RSPA. The problem is serious, Mr. President. I am aware of one case in particular where a NTSB recommendation sat at DOT's pipeline office for more than 900 days before even a letter so much as acknowledging receipt was sent. Such blatant disregard for the important work of the NTSB is intolerable. Therefore, this legislation statutorily requires RSPA and OPS to respond to each pipeline safety recommendation it receives from the NTSB and to provide a detailed report on what action it plans to initiate to adopt the recommendation.

In addition, the bill would require the Department to implement the recommendations made last month by the IG to further improve pipeline safety. The DOT IG found several glaring safety gaps at OPS and it is incumbent upon us all to do all we can to insure that the Department affirmatively acts on these critical problems.

The bill would also address the issue of training of pipeline operators. A number of safety interests, including the NTSB, have long emphasized the need to improve operator training. In recognition that a one-size-fits-all approach on this issue is not feasible due to the far different operating and maintenance requirements governing pipeline operations, this bill would require each operator to submit a training plan to the Secretary keyed to his or her particular operation. The Secretary would be expected to review the plans and work with operators to ensure a consistent safety level is maintained. The bill also directs the Secretary to issue regulations to ensure periodic inspections of pipelines and provides authority to the Secretary to shut down operations which are determined to pose an imminent hazard.

Another critical component of this reauthorization bill focuses on increased public education efforts, enhanced emergency response preparedness, and community right to know. It also includes provisions to increase state oversight of pipeline safety concerns. While some may prefer to reduce the federal role over pipeline safety and substantially increase the authority of State regulation, I believe such an approach would be short-sighted. While the concept of preemption by states may seem an attractive solution for some pipeline safety concerns, it is not the best approach. After all, pipelines play a vital role in both interstate and international commerce. A mishmash of state laws regarding the construction, maintenance, training, and operation of pipelines would certainly hamper commerce and would likely not improve safety. In fact, accident records show that more than 70 percent of pipeline transportation injuries and fatalities have occurred on intrastate lines, pipelines under the direct responsibility of the States.

Recently, the U.S. Courts have upheld the need for consistent standards in interstate and international commerce. However, in the Courts ruling, they did not restrict the right of the states to take action altogether. In fact, states already have considerable power to regulate pipelines and promote safety through the Federal/State Partnership program. Additionally, the states ability to promulgate laws regarding ''one call'' can do more to prevent accidents than any other action. States already play an important role and my bill would build on that role and permit the states to join the Secretary in efforts to oversee interstate pipeline transportation and promote emergency preparedness and accident prevention.

The bill also addresses the need to improve data collection and analysis. For more than 25 years, the NTSB has identified major deficiencies and recommended changes to RSPA's pipeline accident data collection process. This bill would ensure RSPA take the action necessary to address these identified problems and improve its data collection and use.

In addition, the bill calls attention to the critical role of innovative technology in promoting safety. Specifically, the bill directs the Secretary to focus the department's research and development programs to address technology that can detect pipe material defects and alternative pipeline inspection and monitory technologies that cannot accommodate current technologies. Finally, the bill would increase funding to carry out pipeline safety and state grant programs through fiscal year 2003.

Mr. President, I urge my colleagues attention to this important safety issue and look forward to bringing a reauthorization bill to the full Senate for consideration in the near future.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2439. A bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; to the Committee on Energy and Natural Resources.

SOUTHEASTERN ALASKA INTERTIE SYSTEM

• Mr. MURKOWSKI. Mr. President, today I am introducing a bill with my colleague, Senator TED STEVENS, to provide a tremendously important authorization for an electrical intertie for an isolated region of my State of Alaska. As many of my colleagues know, Alaska has many unique problems. We are over twice the size of Texas, with fewer miles of paved roads than the District of Columbia. Most of our communities are unconnected. The results of this are stark for those in unconnected communities, and have significant impacts on their lives. Energy costs and reliance upon fossil fuels for power generation are just some of these impacts.

The vast majority of these towns and villages pay very high energy costs. In some instances, these costs exceed 38 cents per kilowatt hour. This makes the cost of living almost unbearable for many local residents. For example, the village of Kake, Alaska pays 38 cents per kilowatt hour and has 38 percent unemployment. Unlike in the rest of the country, when unemployment strikes a particular unconnected community in Alaska, the option to drive to employment in a neighboring community does not exist. One either stays in a devastated community or sells one's home in a market of sellers under duress. With electrical rates running three times and above those in most of the U.S., few will invest in these communities.

Mr. President, I refer Members to the latest study of economic situation in Southeast Alaska. The report deals with the economic impact of declining timber harvests in Southeast Alaska. This is not intended to restart the debate over that issue. That is for another forum. However, what the report vividly describes is the drastic decline in the economy of this region. In the last decade, known by most of the country as the greatest boom in the century, Southeast Alaska has lost 2900 jobs and over $100 million in payroll. Many of these communities have suffered losses in population. For example, the Wrangell/Petersburg area has suffered a 13 percent loss in wage and salary income; my hometown of Ketchikan suffered a similar 12 percent loss. Personal income is down from 5 to 11 percent in the region generally. The problem for Southeast Alaska is that it has no viable option for a replacement industry.

In other areas of the country, such as the Pacific Northwest, alternative employment such as high tech companies in Oregon and Washington have replaced honorable livelihoods in resource-based industries. There has been no comparable replacement industry for Southeast Alaska. There are a number of reasons, but the biggest reason is lack of affordable power for most communities.

Mr. President, in the Pacific Northwest, power costs are reasonable and the Bonneville Power Administration has an efficient and modern distribution system. In the lower 48 generally, every village and town is connected by power grid to the rest of the nation. That is not the case in Southeast Alaska. This lack of connection exacerbates the situation.

However, what can be done is to interconnect the region. By doing this, the existing and potential clean energy sources can be maximized and the power can be managed between communities and other users. Right now, one hydroelectric facility, Lake Tyee has tremendous excess capacity to bring clean and cheaper energy to many villages. This has been proven in a study conducted by the Southeast Conference. The Southeast Conference is the group of Mayors representing communities throughout Southeast Alaska. This study, entitled the Southeast Alaska Electrical Intertie System Plan, outlines the regional grid which this bill authorizes.

Mr. President, let me be clear, this is only an authorization. The bill provides no obligation to the Federal government to be involved in the construction of this intertie system whatsoever.

The bill also does not authorize nor does it contemplate that the federal government will exercise any ownership or management responsibility over this system. In fact, the Southeast communities which have asked me to introduce this bill seek to manage this project themselves.

It simply provides an authorization for the Congress to assist the communities in assemblying funding for the project. There is ample precedent for this. In fact, this very process was used successfully in Arizona and Utah with the Central Arizona and Central Utah projects. The era of the federal government constructing, owning and operating new power generation facilities has passed. However, the federal government can provide valuable assistance to a group of communities which seek to get their region back on the road to economic recovery. This is a good bill because it encourages local self reliance.

Mr. President, an intertie can do so much to assist this region. Right now, we have a series of isolated communities which cannot even work with each other on power issues. Each must provide its own generation and transmission facilities. And almost all of these facilities use diesel oil-fired generation because that is the only type of self-contained transmission facility which these communities can afford. Instead with an intertie, these generators can be put in mothballs and used only for isolated emergency backup. The intertie will provide reliable and clean sources of energy for all these communities.

I am informed by the communities that they intend to form a state chartered regional power authority to manage this Intertie. It will have no federal budgetary obligation. Additionally, the intertie will help the environment by shifting these small villages from their diesel generation and pointing them towards clean, renewable fuel sources. All of these facilities will be subject to all federal, state, and local laws including environmental laws. Just to make sure that this is clear, I have included a specific provision in the bill that reaffirms that this simple authorization will not affect, change, or alter any obligations under federal laws such as the National Environmental Policy Act (NEPA). All of the facilities will be subject to normal permitting.

There will undoubtedly be environmental studies required for the different components. For example, part of phase 1 of the Intertie includes the Swan Lake-Lake Tyee project which will connect my hometown of Ketchikan to its neighbors to the north, Wrangell and Petersburg. The permits for this project are already in place and were issued by the Forest Service as a result of a laborious 2 year NEPA study. The Forest Service issued a full Environmental Impact Statement which resulted in a favorable record of decision. No corners were cut and the project was approved by the Forest Service and permits issued. This bill will have no effect on that process. Any other phases will have to undergo close scrutiny, although I am convinced that connecting communities together using renewable hydropower will be much better environmentally than continued reliance on transporting, storing and burning high-priced diesel.

Mr. President, Alaska was not even a state when the major transmission systems were built in this country in the 1930's, 1940's and 1950's. Until World War II compelled the heroic construction of the Alcan Highway. Alaska was not even connected by road to the rest of the country. Alaska was never even considered as a candidate for the construction of a transmission system. Alaska's economic development is in its infancy even today. A project like the Southeast Regional Intertie is necessary to give that region of Alaska the opportunity to recover from the economic disaster outlined in the McDowell report. It is my intention to have this bill considered by my committee soon and I hope to report it favorably to the Senate floor in the near future.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. GORTON, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. BRYAN):

S. 2440. A bill to amend title 49, United States Code, to improve airport security; to the Committee on Commerce, Science, and Transportation.

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mrs. HUTCHISON. Mr. President, I rise today to introduce the Aviation Security Improvement Act of 2000. I would like to recognize the efforts of Commerce Committee Chairman MCCAIN and Aviation Subcommittee Chairman GORTON who have agreed to cosponsor this legislation. I am also joined by Senators INOUYE, ROCKEFELLER, and BRYAN in this effort to improve the security of the flying public.

Approximately 500 million passengers will pass through U.S. airports this year. Protecting their safety in an incredible challenge to the men and women of the aviation industry. The Federal Government, through the Federal Aviation Administration and Industry together, must do everything within our power to protect the public from the menace of terrorism and other security threats.

In 1996, soon after the tragedy of TWA flight 800, I proposed new requirements to improve security at the nation's airports. Congress adopted these requirements as part of the Federal Aviation Reauthorization Act of 1996. This legislation tried to improve the hiring process and enhance the professionalism of airport security screeners. The act also directed the FAA to upgrade security technology with regard to baggage screening and explosive detection.

In my view, the FAA has been slow to implement these vital security improvements. The FAA does not plan to finalize the regulation to improve training requirements for screeners and certification for screening companies until May 2001. Five years is too long to wait. Technology upgrades have also been slow in coming, even though the upgraded technology is readily available. The traveling public should not have to wait yet another year before these improvements are implemented.

The FAA must modernize its procedure for background checks of prospective security-related employees. An FAA background check currently takes 90 days. That is too long. Under current procedures, the FAA is required to perform these checks only when an applicant has a gap in employment history of 12 months or longer, or if preliminary investigation reveals discrepancies in an applicant's resume. But 43% of violent felons serve an average of only seven months. This gap should be closed.

My legislation, the Airport Security Improvement Act, would direct FAA to require criminal background checks for all applicants for positions with security responsibilities, including security screeners. The bill will also require that these checks be performed expeditiously.

My legislation also directs FAA to improve training requirements for security screeners by September 30 of this year. FAA should require a minimum of 40 hours of classroom instruction and 40 hours of practical on-the-job training before an individual is deemed qualified to provide security screening services. This standard would be a substantial increase over the 8 hours of classroom training currently required for most screening positions in the U.S. The 40 hour requirement is the prevailing standard in most of the industrialized world.

Finally, my bill would require FAA to work with air carriers and airport operators to strengthen procedures to eliminate unauthorized access to aircraft. Employees who fail to follow access procedures should be suspended or terminated. I understand that FAA is currently working on improving access standards. I hope this bill will encourage them to do so in a timely fashion.

We are privileged to have with us today a distinguished panel of witnesses who are well-versed in the area of airport security. I want to welcome them to the hearing and I am looking forward to their testimony.

Mr. MCCAIN. Mr. President, I am an original cosponsor of Senator HUTCHISON's bill to improve aviation security. Our colleague from Texas brings unique expertise to this issue as

a former member of the National Transportation Safety Board. I want to thank her for her diligence in this area over the past several years as a member of the Commerce Committee Aviation Subcommittee.

Among other things, the Airport Security Improvement Act of 2000 would make pre-employment criminal background checks mandatory for all baggage screeners at airports, not just those who have significant gaps in their employment histories. It would require screeners to undergo extensive training requirements, since U.S. training standards fall far short of European standards. The legislation would also seek tighter enforcement against unauthorized access to airport secure areas.

I cannot overemphasize the importance of adequate training and competency checks for the folks who check airline baggage for weapons and bombs. The turnover rate among this workforce is as high as 400 percent at one of the busiest airports in the country! The work is hard, and the pay is low. Obviously, this legislation does not establish minimum pay for security screeners. By asking their employers to invest more substantially in training, however, we hope that they will also work to ensure a more stable and competent workforce.

Several aviation security experts appeared before the Aviation Subcommittee at a hearing last week. They raised additional areas of concern that I expect to address as this bill proceeds through the legislative process. For instance, government and industry officials alike agree that the list of ''disqualifying'' crimes that are uncovered in background checks needs to be expanded. Most of us find it surprising that an individual convicted of assault with a deadly weapon, burglary, larceny, or possession of drugs would not be disqualified from employment as an airport baggage screener.

Fortunately, this bill is not drafted in response to loss of life resulting from a terrorist incident. Even so, it is clear that even our most elementary security safeguards may be inadequate, as evidenced by the loaded gun that a passenger recently discovered in an airplane lavatory during flight.

I look forward to working with Senator HUTCHISON, as well as experts in both government and industry circles, to make sure that any legislative proposal targets resources in the most effective manner. By and large, security at U.S. airports is good, and airport and airline efforts clearly have a deterrent effect. What is also clear, however, is that we cannot relax our efforts as airline travel grows, and weapons technologies become more sophisticated.

By Mr. BOND (for himself and Mrs. LINCOLN):

S. 2441. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

FISHABLE WATERS ACT

• Mr. BOND. Mr. President, I rise today to introduce the Fishable Waters Act with my colleague from Arkansas, Senator LINCOLN. This is consensus legislation from a uniquely diverse spectrum of interests to establish a comprehensive, voluntary, incentive-based, locally-led program to improve and restore our fisheries.

Put simply, this legislation enables local stakeholders to get together to design water quality projects in their own areas that will be eligible for some $350 million federal assistance to implement for the benefit of our fisheries and water quality. It does not change any existing provisions, regulatory or otherwise, of the Clean Water Act.

The Fishable Waters Act compliments existing clean water programs that are designed to encourage, rather than coerce the participation of landowners. This legislation will work because it will empower people at the local level who have a stake in its success and who will have hands-on involvement in its implementation.

It is supported by members of the Fishable Waters Coalition which includes the American Sportfishing Association, Trout Unlimited, the Izaak Walton League of America, the National Corn Growers Association, the National Council of Farmer Cooperatives, the Bass Anglers Sportsman Society, the American Fisheries Society, the International Association of Fish and Wildlife Agencies, and the Pacific Rivers Council. These groups have labored quietly but with great determination for several years to produce this consensus proposal to build on the success of the Clean Water Act.

As my colleagues understand, it is at great peril that anyone in this town undertakes to address clean water-related issues but the need is too great and this approach too practical to not embrace it, introduce it, and work to achieve the wide-spread support it merits.

A companion bill is being introduced by Congressman JOHN TANNER in the House. That measure is being cosponsored by Representatives ROY BLUNT, JOHN DINGELL, NANCY JOHNSON, CHARLES STENHOLM, SHERWOOD BOEHLERT, WAYNE GILCHREST, PAT DANNER, PHIL ENGLISH, CHRISTOPHER JOHN and JIM SAXTON.

Joining us yesterday for the kickoff were representatives of the Fisable Waters Coalition and a special guest, a fishing enthusiast who some may know otherwise as a top-ranked U.S. golfer, David Duval. ''Why am I here? I like to fish. I've done it as long as I can remember,'' Duval said. ''I want my kids to be able to have healthy habitats for fish. I want my grandkids and my great-grandkids to be able to do what I enjoy so much, and I think this could make a big difference.''

This bipartisan and consensus legislation is intended to capture opportunities to build on the success of the Clean Water Act. It enables local stakeholders to get together with farmers who own 70 percent of our nation's land to design local water quality projects that will be eligible for some $350 million in federal assistance for the benefit of our fisheries and water quality.

Instead of Washington saying, ''you do this and you pay for it'' and instead of Washington saying, ''you do this but we'll help you pay for it'', this legislation lets local citizens design projects that can be eligible for federal assistance. For farmers, the idea of protecting land for future generations is not an abstract notion because the farmers in my State know that good stewardship is good for them and their families. Their challenge is that while they feed this nation and provide some $50 billion in exports, they do not have the ability to pass additional costs onto consumers like corporations do. For the 2 million people who farm to provide environmental benefits for themselves and the rest of the nation's 270 million people, they need partners because they cannot afford to do it by themselves. This legislation recognizes that reality.

While one can expect a great deal of controversy surrounding any comprehensive Clean Water effort, the consensus that has built around this approach is cause for great optimism that this legislation will be the vehicle to make significant additional progress in improving water quality.

I congratulate members of the Coalition for producing and supporting this consensus legislation and I look forward to working with Senator LINCOLN and my other Senate colleagues to move this legislation forward.

I ask unanimous consent to have printed in the RECORD a one-page summary of the bill.

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

FISHABLE WATERS ACT BILL SUMMARY IN BRIEF

PURPOSE

This legislation begins with the premise that while great progress has been made in improving water quality under the Clean Water Act, more opportunities remain. The particular emphasis on this legislation is on opportunities to address fisheries habitat and water quality needs.

The findings include that it shall be the policy of the United States to protect, restore, and enhance fisheries habitat and related uses through voluntary watershed planning at the state and local level that leads to sound fisheries conservation on an overall watershed basis.

To carry out this objective, a new section is added to the Clean Water Act.

PROGRAM

The legislation authorizes the establishment of voluntary and local Watershed Councils to consider the best available science to plan and implement a program to protect and restore fisheries habitat with the consent of affected landowners.

Each comprehensive plan must consider the following elements: characterization of the watershed in terms of fisheries habitat; objectives both near- and long-term; ongoing factors affecting habitat and access; specific projects that need to be undertaken to improve fisheries habitat; and any necessary incentives, financial or otherwise, to facilitate implementation of best management practices to better deal with non-point source pollution including sediments impairing waterways.

Projects and measures that can be implemented or strengthened with the consent of affected landowners to improve fisheries habitat including stream side vegetation, instream modifications and structures, modifications to flood control measures and structures that would improve the connection of rivers to low-lying backwaters, oxbows, and tributary mouths.

With the consent of affected landowners, those projects, initiatives, and restoration measures identified in the approved plan become eligible for funding through a Fisheries Habitat Account.

Funds from the Fisheries Habitat Account may be used to provide up to 15 percent for the non-federal matching requirement under including the following conservation programs: The Wetlands Reserve Program; The Environmental Quality Incentives Program; The National Estuary Program; The Emergency Conservation Program; The Farmland Protection Program; The Conservation Reserve Program; The Wildlife Habitat Incentives Program; The North American Wetlands Conservation Program; The Federal Aid in Sportfish Restoration Program; The Flood Hazard Mitigation and Riverine Ecosystem Restoration Program; The Environmental Management Program; and The Missouri and Middle Mississippi Enhancement Project.

The Secretary of the Interior is authorized to develop an urban waters revitalization program ($25m/yr) to improve fisheries and related recreational activities in urban waters with priority given to funding projects located in and benefitting low-income or economically depressed areas.

$250 million is authorized annually through Agriculture for the planning and implementation of projects contained in approved plans.

States with approved programs may, if they choose, transfer up to 20 percent of the funds provided to each state through the Clean Water Act's $200 million Section 319 non-point source program to implement planned projects.

Up to $25 million is authorized annually through Interior for measures to restrict livestock assess to streams and provide alternative watering opportunities and $50 million is authorized annually to provide, with the cooperation of landowners, minimum instream flows and water quantities.●

Mrs. LINCOLN. Mr. President, I rise today to join my colleague from Missouri, KIT BOND, in introducing the Fishable Waters Act. This bill is aimed at restoring and maintaining clean water in our Nation's rivers, lakes, and streams. This bill will provide funding for programs with a proven track record of conserving land, cleaning up the environment, and promoting clean and fishable waters. This legislation takes the right approach to reducing non-point source pollution. It's voluntary. It's incentive-based. And if encourages public-private partnerships.

Our State Motto, ''The Natural State,'' reflects our dedication to preserving the unique natural landscape that is Arkansas. We have towering mountains, rolling foothills, an expansive Delta, countless pristine rivers and lakes, and a multitude of timber varieties across our state. From expansive evergreen forests in the South, to the nation's largest bottomland hardwood forest in the East, as well as one of this nation's largest remaining hardwood forests across the Northern one-half of the state, Arkansas has one of the most diverse ecosystems in the United States. Most streams and rivers in Arkansas originate or run through our timberlands and are sources for water supplies, prime recreation, and countless other uses. We also have numerous outdoor recreational opportunities and it is vital that we take steps to protect the environment.

This bill utilizes current programs within the U.S. Department of Agriculture that have a proven track record of reducing non-point sources of pollution and promoting clean and fishable water through voluntary conservation measures. Existing USDA programs like the Wetlands Reserve Program, the Environmental Quality Incentives Program, Conservation Reserve Program, and Wildlife Habitat Incentives Program, assist farmers in taking steps towards preserving a quality environment.

CRP and WRP are so popular with farmers, that they will likely reach their authorized enrollment cap by the end of 2001. Mr. President, farmers wouldn't flock to these programs unless there was an inherent desire to ensure that they conserved and preserved our Nation's water resources.

Arkansas ranks third in the number of enrolled acres in USDA's Wetlands Reserve Program because our farmers have recognized the vital role that wetlands play in preserving a sound ecology.

WRP is so popular in AR that we have over 200 currently pending applications that we cannot fill because of lack of funding. That's over 200 farmers that want to voluntarily conserve wetland areas around rivers, lakes, and streams. We need to fill that void in funding for these beneficial programs. This bill will help farmers in Arkansas and across the nation to voluntarily conserve sensitive land areas and provide buffer strips for runoff areas.

Farmers make their living from the soil and water. They have a vested interest in ensuring that these resources are protected. I don't believe that our nation's farmers have been given enough credit for their efforts to preserve a sound environment.

As many of you know, farming has a special place in my heart because I was raised in a seventh generation farm family. I know first hand that farmers want to protect the viability of their land so they can pass it on to the next generation. This bill is about more than agriculture though. It strikes the right balance between our agricultural industry and another pastime that I feel very strongly about, hunting and fishing.

Over the years many people have been surprised when they learn that I am an avid outdoorsman. I grew up in the South where hunting and fishing are not just hobbies, they're a way of life. My father never differentiated between taking his son or daughters hunting or fishing, it was just assumed that we would all take part. For this, I will be forever grateful because I truly enjoy the outdoors, and the time I spent hunting and fishing is a big part of who I am today.

We are blessed in Arkansas to have such bountiful outdoor opportunities. For these opportunities to continue to exist we must take steps to ensure that our nation's waters are protected. Trout in Arkansas' Little Red River and mallards in the riverbottoms of the Mississippi Delta both share a common need of clean water. And that is what we are ultimately striving for with this legislation: an effective, voluntary, incentive based plan to provide funding for programs that promote clean water.

Mr. President, I want to again stress the importance of voluntary programs.

We cannot expect to have success by using a heavy-handed approach to regulate our farmers, ranchers, and foresters into environmental compliance. Trying to force people into a permitting program to reduce the potential for non-profit runoff may actually discourage responsible environmental practices.

I agree with the EPA's objective of cleaning up our nation's impaired rivers, lakes, and streams, but firmly believe that a permitting program is not the best solution to the problem of maintaining clean water. Placing another unnecessary layer of regulation upon our nation's local foresters will only slow down the process of responsible farming and forestry and the implementation of voluntary Best Management Practices.

Mr. President, this legislation takes the right approach to clean and fishable waters. It's voluntary. It's incentive-based. And it encourages public-private partnerships to clean up our Nation's rivers, lakes, and streams.

I encourage my colleagues to join us in the fight for clean and fishable waters.

By Mrs. MURRAY:

S. 2442. A bill to amend the Consolidated Farm and Rural Development

Act to authorize the Secretary of Agriculture to provide long-term, low-interest loans to apple growers; to the Committee on Agriculture, Nutrition, and Forestry.

APPLE ORCHARD DIVERSIFICATION ACT

• Mrs. MURRAY. Mr. President, I rise today to introduce the Apple Orchard Diversification Act of 2000.

Mr. President, I am proud that Washington state produces more apples than any other state in the nation. The apple industry is an independent group. It has made Washington state and U.S. apples and apple products popular in many corners of the world. In the mid-1990s, growers were doing well, markets were opening and expanding, and the future looked bright.

But in 1998 and 1999, the bottom fell out from under them. Low prices and weather-related disasters devastated apple producers, and growers of hundreds of other commodities nationwide. In northeastern and mid-Atlantic states, fruit and vegetable growers were hit hard by freezing temperatures and drought. In the Pacific Northwest, some growers were hurt by bad weather.

But the biggest problem is low prices. These low prices are caused by the Asian financial crisis; by market access problems; by below-cost apple juice concentrate dumping by China; by record world-wide production and oversupply; and other factors.

The results are devastating, especially in my home state of Washington. Nationwide, the industry lost an estimated $300 million on the 1998 crop. In Okanogan County in Washington state, some organizations have estimated that 90 percent of apple growers will not recover their 1999 expenses. Okanogan County already experiences high unemployment. It cannot afford a long-term, depressed farm economy. The county declared an economic disaster and urged the state to do the same. Meanwhile, other counties, especially in north central Washington, are trying to respond to this disaster. Many growers will go out of business. Others will not be able to get commercial lending this year.

The Administration and members of this Congress are working to resolve some of the issues facing the industry and rural communities.

Last year, Congress passed a large disaster relief package for agriculture. I supported this package because it kept many producers above water for another year. However, like many of my colleagues, I was frustrated this package did not do more for specialty crop producers. Congress provided $1.2 billion in crop loss assistance. Specialty crop producers, including apple growers, were eligible to receive assistance to address weather-related disasters, and some growers did. But, in states like Washington, the aid package did too little.

Fortunately, action is occurring on the most important issue facing the apple industry. Earlier this month, the U.S. Department of Commerce levied anti-dumping duties of 51.74 percent on the majority of imports of below-cost apple juice concentrate from China. The Administration's preliminary anti-dumping duty ruling in November 1999 helped our producers by raising the price of both juice apples and concentrate. By May 22, the U.S. International Trade Commission will make its final injury ruling. If an injury determination is made, the Administration will implement anti-dumping duties at the levels prescribed by the Commerce Department.

Our second victory was to address pest control in abandoned orchards. During my trip to central Washington last August, I heard from community leaders that this was a real problem.

Low prices have caused many producers to abandon their orchards, and some of these orchards became infested. Infested orchards impact the operations of other producers and create potential trade problems. In response, counties tore out trees and sprayed orchards. But last year, funds in many counties were running low.

USDA holds defaulted loans on some of these abandoned orchards. Last year, I urged the agency to take responsibility for pest control on those properties. The Farm Service Agency in Washington state created a strategy for reimbursing counties for pest control In October 1999, I wrote to Secretary Glickman to urge him to approve FSA's reimbursement strategy. Shortly thereafter, USDA implemented this initiative so counties could continue to control pests.

The third victory for apple and specialty crop producers may come soon, when President Clinton signs risk management reform legislation into law. The bill passed by the Senate would make major changes to federal crop insurance policy to ensure that all producers, including specialty crop growers, will have access to more viable risk management products.

But more needs to be done. My highest priorities for agriculture remain investing in research, expanding trade, and providing a safety net when economic and natural disasters strike.

Last November, I introduced S. 1983, the Agricultural Market Access and Development Act. My bill would authorize the Secretary of Agriculture to spend up to $200 million—but not less than the current $90 million—for the Market Access Program. And it would set a floor of $35 million for spending on the Foreign Market Development ''Cooperator'' Program. Senators CRAIG, BOXER, FEINSTEIN, GORDON SMITH, GORTON, WYDEN, CLELAND, and COVERDELL have all cosponsored this legislation, and I appreciate their support.

The USDA Foreign Agricultural Service has reported that in 1999 we experienced our first agricultural trade deficit with the European Union. We imported $7.7 billion of EU agricultural products and exported $6.8 billion. Our competitors have increased market promotion spending by 35 percent, or $1 billion, over the past three years. Our spending, however, has decreased one percent.

Agricultural exports are key to maintaining a reasonable trade balance. Other nations have invested in market development, and it's worked. We need to enhance our trade programs to give our producers a more level playing field and a fighting chance.

Besides expanding trade, we must strengthen the safety net for producers. We should not go back to our old Federal farm policies. Our program commodity growers do not want that, and our specialty crop producers do not want a new, permanent relationship with the federal government.

But I believe this farm crisis has taught us that we need flexible tools available for all producers when economic or natural disasters strike. For some commodities this may mean counter-cyclical payments. Or it may mean a variety of flexible loans that meet the needs of all producers or specific commodities. As we debate the next farm bill, we should give USDA flexibility, within fiscally-responsible guidelines, to respond to crises in agriculture.

Today, I am introducing legislation to create a one-time Apple Orchard Diversification Program. I have heard from growers that they could very much use a loan program to diversify their orchards into more commercially-viable varieties. Many of our producers invested heavily in Red and Golden Delicious apples, which are the varieties hardest hit by the economic crisis. We need a mechanism to allow these growers to diversify their orchards.

My bill would do just that. It would authorize USDA to provide up to $75 million in long-term, low-interest loans to apple producers. The loans could be used by producers to purchase trees for converting existing apply orchards into more profitable apple varieties.

My bill waives much of the regulatory process. USDA has been overwhelmed with managing disaster programs, and that has delayed relief. Instead, my bill bill requires USDA to conduct a stakeholder process, which would include three hearings around the country. The industry would help develop the program, and address issues such as income and acreage qualifications for growers who receive loans, and parameters on payments, acreage and varietal stock quality.

The concept of orchard diversification was born when Under Secretary

Gus Schumacher visited Quincy, Washington, in July 1999. The Under Secretary has spent a great deal of time in apply producing regions around the country. Mr. Schumacher has been criticized by some elected officials and individuals for holding the listening session in Washington state. But I appreciate, and I know many of our family farmers appreciate, his interest in these issues.

In conclusion, my grandfather moved to the Tri-Cities in the early 1990s to work for Welch's. As a young child, I remember many trips to central Washington at harvest time to visit my grandmother, who remained in the area after my grandfather's death. To this day, the smell of fresh picked peaches and apples remind me of my childhood. To my Dad, it meant much more; it meant how his family put food on the table and paid the mortgage. We grew up understanding how important family-run orchards were to our state's economy.

As I raised my own family, I always made sure we had a fruit tree in our yard. I wanted to remind myself of my years growing up and also to show my kids what a resource we have in our state. I could not imagine discussing Washington's economy without a box of apples being part of the picture. I want to make sure it stays that way for many generations to come.

Mr. President, I urge my colleagues to cosponsor and help pass this important legislation.●

By Mr. DURBIN (for himself, Mr. REED, and Mrs. MURRAY):

S. 2443. A bill to increase immunization funding and provide for immunization infrastructure and delivery activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. REED):

S. 2444. A bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

THE STATE IMMUNIZATION FUNDING AND INFRASTRUCTURE ACT OF 2000 AND COMPREHENSIVE INSURANCE COVERAGE OF CHILDHOOD IMMUNIZATION ACT OF 2000

Mr. DURBIN. Mr. President, as National Immunization Week approaches, I rise today to introduce legislation addressing childhood immunizations. National Immunization Week (April 17–21) recognizes one of the most powerful health care and public health achievements in this century. Remarkable advances in the science of vaccine development and widespread immunization efforts have led to a substantial reduction in the incidence of infectious disease. Today, vaccination coverage is at record high levels. Smallpox has been eradicated; polio has been eliminated from the Western Hemisphere; and measles and Hib invasive disease, the leading cause of childhood meningitis and postnatal retardation, have been reduced to record lows.

The two bills I introduce today build on these successes. One proposal, ''The State Immunization Funding and Infrastructure Act of 2000,'' ensures that state and local health departments are adequately funded to continue successful efforts to immunize children and improve their ability to reach pockets of underimmunized populations. The other, ''The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000,'' requires all health plans to cover recommended childhood and adolescent immunizations.

In spite of our successes, we must remain vigilant. Every day, nearly 11,000 infants are born and each baby will need up to 19 doses of vaccine by age two. New vaccines continue to enter the market. Although a significant proportion of the general population may be fully immunized at a given time, coverage rates in the United States are uneven and life-threatening disease outbreaks do occur. In fact, in many of the Nation's urban and rural areas, rates are unacceptably low and are actually declining.

Unfortunately, one of the areas most in need of attention is in my own home State of Illinois. Childhood immunization coverage rates in Chicago have dropped each year since 1996 when they peaked at 76 percent. The most recent National Immunization Survey indicates that Chicago's coverage rate is now 66.7 percent—one of the lowest rates in the United States. Coverage rates for African American children in Chicago are the worst in the Nation.

It is notable, however, that during this same period when Chicago has struggled to improve vaccination rates, Federal financial assistance to state and local health departments for immunization outreach activities has been significantly reduced. In 1999, Chicago received a 38 percent reduction in Federal funds for the operation of their immunization program. In 2000, Chicago suffered another 37.5 percent reduction. The State of Illinois suffered a 58 percent reduction in 1999 and a further 16 percent reduction in the year 2000. And the story in my State is not that different from other areas of the country. Federal support for vaccine delivery activities has declined by more than 30 percent since 1995.

Purchasing vaccines is not enough. The Section 317 immunization program administered by the Centers for Disease Control and Prevention provides grants to state and local public health departments for ''operations and infrastructure'' activities. These grants are a critical source of support, indeed the sole source of Federal support, for essential efforts to get children immunized. They fund immunization registries, provider education programs, outreach initiatives to parents, outbreak control, and linkages with other public health and welfare services. These grants get the vaccine from the warehouse to our children.

The State Immunization Funding And Infrastructure Act of 2000 authorizes an increase in Federal support for Section 317 grants to states by $75 million for a total of $214 in FY2001. This restores funding to the levels States and localities received in the mid-1990's and will help to stabilize many of the key functions that have been cut back in the face of steep funding reductions. In the past few years, many states have already had to reduce clinic hours, cancel contracts with providers, suspend registry development and implementation, limit outreach efforts and discontinue performance monitoring. The bill also provides a $20 million increase over last year's funding level ($10 million over the President's budget) for vaccine purchase. This will ensure that States are able to purchase adequate amounts of all currently licensed and recommended vaccines.

The other proposal I am introducing today, The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000, will require that all health plans cover all immunizations in accordance with the most recent version of the Recommended Childhood Immunization Schedule issued by the Centers for Disease Control and Prevention. These vaccinations must be provided without deductibles, coinsurance or other cost-sharing for all children and adolescents under the age of 19.

I was shocked to learn that, according to a recent survey of employer-sponsored health plans conducted by William M. Mercer, Inc. and Partnership for Prevention, one out of five employer-sponsored plans do not cover childhood immunizations and one out of four fail to cover adolescent immunizations. Not only is this a significant gap in our health system, but it is simply financially illogical. Childhood and adolescent immunizations have been proven to save money. They decrease the direct medical costs due to vaccine-preventable illnesses and reduce the time parents spend off the job, tending sick children.

I invite my colleagues to join me in these efforts to maintain and improve our nation's national immunization record and to ensure that all areas of the country and all populations benefit from the advances we have made over the last century. Despite remarkable progress, many challenges still face the U.S. vaccine delivery system. Approximately one million children are still not adequately immunized. Our infrastructure must be capable of successfully implementing an increasingly complex vaccination schedule. Pockets

of underserved children still leave us vulnerable to deadly disease outbreaks.

By Mr. ROBB (for himself, Mr. EDWARDS, and Ms. LANDRIEU):

S. 2445. A bill to provide community-based economic development assistance for trade-affected communities; to the Committee on Finance.

ASSISTANCE DEVELOPMENT FOR COMMUNITIES ACT

Mr. ROBB. Mr. President, I'm pleased to introduce the Assistance in Development to Communities Act. This bill addressed the importance—and need—for community-based, economic development to assist areas in trade-related, economic transitions.

Despite the increased globalization of our economy, many communities nationwide are still one-company or one-industry towns. If that company or industry is adversely affected by trade, the entire community faces economic strain. When these communities lose a major employer or industry, they sadly also lose something far more valuable—they lose their way of life, and too often their strong sense of community.

Currently, when an individual loses a job because of the effects of trade, the federal government provides Trade Adjustment Assistance or NAFTA-Trade Adjustment Assistance to help with income support and worker retraining. But what good is that training without jobs?

While we continue to open new avenues of free trade, the federal government has an obligation to help trade affected communities attract good jobs. Unfortunately, prospective employers don't automatically appear on the community's doorstep. Workers have mortgages, car payments, health concerns, family obligations and ties to the community, so relocation isn't always feasible. Local officials must find a way to lure industries to the area. Yet, they are caught in vicious cycle—employers are reluctant to move to economically depressed areas, but without jobs, communities will never recover.

This is an on-going reality in the Martinsville/Henry County region of Virginia. In January, I spoke with local officials about the steady stream of job losses they've endured, including the loss of the number two employer in Martinsville. They've faced double-digit unemployment—something that's virtually unheard of in this strong economy. They told me they need help.

This legislation is borne from their ideas. The AID to Communities bill give local communities the resources they need to implement their own ideas for attracting new employers—quickly and easily. It does this by providing an automatic, one-time grant to help affected communities formulate an economic development plan. This grant, up to $100,000, gives communities the resources they need to develop a long-term plan to readjust their economic base. Once that plan has been developed, the AID to Communities bill establishes a second, competitive grant program to help affected areas implement their plans. These grants can be used in a variety of ways, from expanding commercial infrastructure to establishing small business incubators.

My bill also offers two incentives to attract prospective employers. The first incentive would expand the Work Opportunity Tax Credit (WOTC) to provide employers with a tax credit if they hire someone who lives in an affected community and has lost a job due to trade. My bill would also make explicit that the New Markets Tax Credit, which provides incentives for private sector investment and capital access in certain areas, is available for trade-affected communities.

Finally, the bill makes the federal government a better partner be creating a one-stop, easily accessible clearinghouse of economic development information. This clearinghouse would provide access to cross-agency economic development tools, such as grants or low-interest loans, for affected communities so local officials don't have to hunt through each federal agency for the information they need.

Our neighbors in places like Martinsville/Henry County, Virginia are eager to enjoy the economic prosperity that the rest of the country enjoys, yet has so far eluded them. The AID to Communities bill is one way to help. I look forward to working with my colleagues to ensure that this bill becomes law and that the people of Martinsville/Henry County, and in so many other small towns across America, get the help we owe them.

By Ms. LANDRIEU:

S. 2446. A bill to amend the Internal Revenue Code of 1986 to provide assistance to homeowners and small businesses to repair Formosan termite damage; to the Committee on Finance.

FORMOSAN TERMITE TAX CREDIT

Ms. LANDRIEU. Mr. President, I rise today to bring to the attention of the Senate a plague that has been afflicted upon our country—formosan termites. Clearly, any termite is bad news for home and building owners, but the formosan termite is especially a problem. This aggressive termite species is becoming even more prevalent than native termite species in some areas. While native species generally feed on dead trees and processed wood, formosan termites have an unbelievably horrific appetite with a diet that consists of anything that contains wood fiber including homes, buildings and live trees as well as crops and plants. Believe it or not, formosan termites can even penetrate plaster, plastic and asphalt to get to a new food source.

Coptotermes formosanus (otherwise known as the formosan termite), have invaded port cities in the United States and are spreading rapidly across the rest of the country. Right now this exotic species is wrecking their special brand of havoc in 14 states including California, Arizona, New Mexico, Texas, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, and Hawaii with their map of destruction growing wider daily. Experts have estimated that it costs Americans an astonishing $1 billion each year to repair the harm, with each new case costing homeowners an average of $20,000.

Since the formosan termites was first brought to the United States it has spread like a plague through the Southeast. The infestation is most severe in New Orleans, where these pests have caused more damage than, ''tornadoes, hurricanes, and floods combined'' and the total annual cost of termite damage and treatment is estimated at $217,000,000. In areas like the famed historic French Quarter, where close-packed houses share common walls, entire city blocks must be treated—a procedure that is costly and complicated. Outside the Quarter, officials fear that infestation may have hit as many as one-third of the beloved live oaks that shade historic thoroughfares such as St. Charles Avenue. A voracious blind creature that eats history—it sounds like something from a science-fiction nightmare, but it's real.

Unfortunately, the only explanation for how this pest came to exist in the United States is that it was introduced from east Asia in the 1940s through the mishandling of U.S. military cargo and troops returning home from World War II—I believe that since the government caused the damage, the government should do something to relieve the burden.

The bill I am introducing today seeks to provide the victims of Formosan Termites with some much needed relief. Under current law, small business owners are allowed to deduct the cost to repair Formosan Termite damage as a capital loss under IRS code Section 165. For some reason, individual homeowners have been denied this same right, although they can deduct the cost to repair damages caused by disasters which are defined as casualty losses, such as flood and fire. My bill simply changes the definition of casualty loss to include Formosan Termites so that homeowners are allowed the same deduction that business owners are already getting.

This measure also seeks to make low interest loans financed by the issuance of ''qualified'' private activity tax exempt bonds more accessible for homeowners and small businesses seeking to repair the expensive damage which was inflicted upon their homes by formosan

termite damage. It does this by expanding current mortgage revenue bond provisions to permit homeowners to receive up to a $25,000 home improvement loan to repair this damage and also allows small businesses and landlords to use issue revenue bonds to finance loans for this same purpose. As an added incentive, as long as the proceeds are used to purchase tax exempt bonds to finance the repair of Formosan Termite damage, banks will be allowed to deduct the interest payments on these loans.

Obviously this legislation will not solve all of the problems formosan termites have caused. However, I do believe it is a good first step towards alleviating the burden these pests bring upon homeowners across the country. I urge everyone to join with me and give the victims of this plague a little relief. Thank you.

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

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

S. 2446

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

SECTION 1. DEDUCTION FOR INDIVIDUALS FOR LOSSES CAUSED BY FORMOSAN TERMITE DAMAGE.

(a) INCLUSION OF FORMOSAN TERMITE DAMAGE AS CASUALTY LOSS.—Section 165(c)(3) of the Internal Revenue Code of 1986 (relating to limitation of deduction of losses of individuals) is amended by inserting ''Formosan termite damage,'' after ''shipwreck,''.

(b) CONFORMING AMENDMENT.—Section 165(h)(3) of the Internal Revenue Code of 1986 (defining personal casualty gain) is amended by inserting ''Formosan termite damage,'' after ''shipwreck,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 2. PROCEEDS OF MORTGAGE REVENUE BONDS ALLOWED FOR LOANS TO HOMEOWNERS TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) EXCEPTION FROM INCOME REQUIREMENTS.—Section 143(f) of the Internal Revenue Code of 1986 (relating to income requirements) is amended by adding at the end the following new paragraph:

''(7) EXCEPTION FOR QUALIFIED HOME IMPROVEMENT LOANS.—Paragraph (1) shall not apply with respect to any qualified home improvement loan used for the repair of Formosan termite damage.''.

(b) AMOUNTS UP TO $10,000 USED FOR TERMITE REPAIR NOT INCLUDED IN CALCULATING LIMIT FOR HOME IMPROVEMENT LOAN.—Paragraph (4) of section 143(k) of the Internal Revenue Code of 1986 (defining qualified home improvement loan) is amended by adding at the end the following flush sentence: ''In calculating the $15,000 amount, any amount up to $10,000 used for the repair of Formosan termite damage shall not be taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 3. PROCEEDS OF SMALL ISSUE BONDS ALLOWED FOR LOANS TO LANDLORDS AND SMALL BUSINESSES TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) of the Internal Revenue Code of 1986 (relating to bonds to finance manufacturing facilities and farm property) is amended by striking ''or'' at the end of clause (i), by striking the period and inserting '', or'' at the end of clause (ii), and by adding at the end the following new clause:

''(iii) any Formosan termite damage repair loan.''.

(b) DEFINITION OF FORMOSAN TERMITE DAMAGE REPAIR LOAN.—Section 144(a)(12) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) FORMOSAN TERMITE DAMAGE REPAIR LOAN.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'Formosan termite damage repair loan' means the financing of repairs on or in connection with residential rental property or property used by a small business by the owner thereof, for damage caused by Formosan termites.

''(ii) SMALL BUSINESSES COVERED.—The term 'small business' means, for any taxable year, any corporation or partnership if the entity meets the $5,000,000 gross receipts test of section 448(c) for the prior taxable year.''.

(c) AMOUNTS USED IN FORMOSAN TERMITE REPAIR NOT INCLUDED IN CALCULATING LIMIT ON AMOUNT OF BOND.—Clause (i) of section 144(a)(4)(C) of the Internal Revenue Code of 1986 (relating to certain capital expenditures not taken into account) is amended by inserting ''Formosan termite damage,'' after ''storm,''.

(d) CONFORMING AMENDMENT.—The heading in section 144(a)(12)(B) of the Internal Revenue Code of 1986 is amended by striking ''AND FARM PROPERTY'' and inserting ''FARM PROPERTY, AND FORMOSAN TERMITE REPAIR''.

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 4. EXCEPTION FROM VOLUME CAP FOR PRIVATE ACTIVITY BONDS USED TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) EXCEPTION FROM VOLUME CAP.—Section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a comma, and by adding after paragraph (4) the following new paragraphs:

''(5) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans for the repair of Formosan termite damage, and

''(6) any qualified small issue bond if 95 percent or more of the net proceeds of the bond are to be used to provide Formosan termite damage repair loans (as defined in section 144(a)(12)(D)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 5. EXEMPTION OF CERTAIN BONDS USED TO REPAIR FORMOSAN TERMITE DAMAGE FROM RESTRICTIONS ON DEDUCTION BY FINANCIAL INSTITUTIONS FOR INTEREST.

(a) IN GENERAL.—Clause (ii) of section 265(b)(3)(B) of the Internal Revenue Code of 1986 (defining qualified tax-exempt obligations) is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (IV), and by inserting after subclause (I) the following new subclauses:

''(II) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans for the repair of Formosan termite damage,

''(III) any qualified small issue bond if 95 percent or more of the net proceeds of the bond are to be used to provide Formosan termite damage repair loans (as defined in section 144(a)(12)(D)), or''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

By Mr. WELLSTONE (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 2447. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields; to the Committee on Agriculture, Nutrition, and Forestry.

TELEWORK ACT OF 2000

Mr. WELLSTONE. Mr. President, I rise today on behalf of myself and Senators DASCHLE and BAUCUS to introduce the Rural Telework Act of 2000, a bill that is designed to make information technology (IT) industries a part of diverse, sustainable rural economies while helping IT employers find skilled workers. The goal of this bill is to link unemployed and underemployed individuals in rural areas and on Indian reservations with jobs in the IT industry through telework.

We are in the midst of an information revolution which has the potential to be every bit as significant to our society and economy as the industrial revolution two hundred years ago. But in recent months there has been much discussion of the ''digital divide,'' the idea that one America is not able to take advantage of the promise of new technologies to change the way we learn, live, and work while the other America speeds forward into the 21st Century. As advanced telecommunications and informaiton technology become the new engines of our economy, it is critical that all no communities are left behind.

Many rural communities and Indian reservations are already facing severe unemployment underemployment, and population loss due to a lack of economic opportunities. A study last year by the Center for Rural Affairs reports that widespread poverty exists in agriculturally based counties in a six-state region including Minnesota. Over one-third of households in farm counties have annual income less than $15,000 and, in every year from 1988 to 1997, earnings in farm counties significantly trailed other counties. Unemployment on many Indian reservations exceed 50% and remote locations make traditional industries uncertain agents for economic development.

There are troubles ahead for the new economy as well: the information technology industry reports that it faces a dramatic shortage of skilled workers. The Minnesota Department of Economic Security projects that over the next decade, almost 8,800 workers will be needed each year to fill position openings in specific IT occupations. Approximately 1,000 students graduate each year from IT-related post-secondary programs in Minnesota, not anywhere near enough to fill the demand, according to this same state agency. This shortage is reflected nation wide, with industry projecting shortfalls of several hundred of thousand IT workers per year in coming years.

Rural workers need jobs. High tech employers need workers. This legislation would create models of how to bring these communities together to find a common solution to these separate challenges.

The Rural Telework Act of 2000 would authorize the Department of Agriculture to make competitive grants to qualified organizations to implement five year projects to train, connect, and broker employment in the private sector, through telework, a population of rural workers in their community. A grant recipient would be designated as a National Center for Distance Working. The National Centers for Distance Working, located in rural areas, are intended to be locally developed and implemented national models of how telework relationships can meet the needs of rural communities for new economic opportunities and the need of IT intensive industries for new workers.

Mr. President, telework is a new term that may be unfamiliar to colleagues so I want to take a moment to explain what it is. According to the International Telework Association and Council (ITAC), telework is defined as using information and communications technologies to perform work away from the traditional work site typically used by the employer. For example, a person who works at home and transmits his or her work product back to the office via a modem is a teleworker, also known as a telecommuter; as is someone who works from a telework center, which is a place where many teleworkers work from—often for different companies.

The nature of IT jobs allow them to be performed away from a traditional work site. As long as workers have the required training, and a means of performing work activities over a distance—through the use of advanced telecommunications—there is no reason that skilled IT jobs cannot be filled from rural communities.

Because it essentially allows distance to be erased, telework is a promising tool for rural development and for making rural and reservation economies sustainable. Very soon, a firm located in another city, another state or even another country need not be viewed as a distant opportunity for rural residents, but as a potential employer only as far away as a home computer or telework center. Likewise, telework arrangements allow employers to draw from a national labor pool without the hassles and cost associated with relocation.

Many businesses and organizations are already using telework or telecommuting as a tool to reduce travel and commuting times and to accommodate the needs and schedules of employees. Many metropolitan communities with high concentrations of IT industries are already looking to telework as a means of addressing urban and suburban ills such as housing shortages, traffic congestion, and pollution.

However, the IT industry does not currently view rural America as a potential source of skilled employees. Nor do many rural communities know how to turn IT industries into a viable source of good jobs to revitalize local economies. Moreover, many rural community leaders fear that providing IT job skills to rural residents—when there are no opportunities for using those skills in the community—will lead to further population losses as retrained workers seek opportunities in metropolitan areas. At the same time, management of off-site employees requires new practices to be developed by employers and in some cases, dramatic paradigm shifts. Rural areas and Indian reservations are in danger of being left behind by a revolution which actually holds the most promise for those communities which are the most distant. IT employers risk missing a pool of potential employees with a strong work ethic.

Establishment of a National Center for Distance Working in a rural community or Indian reservation will give that community access to federal resources to implement a locally designed proposal to employ rural residents in IT jobs through telework relationships, linking prospective employers with rural residents. Successful National Centers for Distance Work would be locally developed and implemented national models for how telework can be used as a tool for rural development.

The Department of Agriculture's Rural Utility Service (RUS) would administer the program which would have a $11 million annual authorization level. At least $10 million of authorized funds would be used for the purpose of making competitive grants to establish National Centers for Distance Working.

Grant money made available under the program would be highly flexible, and would need to be leveraged with private, local and state resources. For example, they could be used to provide or enhance the quality of: IT skills training and education, technology and telecommunications, promotion of teleworking, brokering employment for rural IT workers, and other necessary elements to establish IT work opportunities in that rural community.

The funds are not intended to duplicate existing federal training and connectivity programs. Nor is it intended that Centers use these funds to supplant existing telecommunications providers who offer appropriate services to make telework a reality in rural communities. Rather, the federal investment is targeted to augment these existing sources of funding and allow rural communities to fill in the gaps in existing public and private resources and services. Prospective grant recipients would need to form partnerships with local, state, and private entities, including potential employers.

The grants made available under this program would not be sufficient to cover the full cost of training, connecting, and employing rural workers, but are intended to be ''seed money'' leveraged with dollars from other sources. Grant recipients would be required to match the funds provided under this program with funds from non-federal sources.

Finally, up to $1 million of the $11 million could be used by RUS to make grants for the purpose of promoting the development of teleworking in rural areas by making grants to entities to conduct research on economics, operational, social, and policy issues related to teleworking in rural areas, including the development of best practices for businesses that employ teleworkers.

The necessary vision of how to make telework a reality already exists in some employers and in some rural communities. In Sebeka, Minnesota—a town with a population of little more than 600 people—a small firm called Cross Consulting was founded. That company employs over 20 people through a contract with Northwest Airlines to provide do programming on Northwest's mainframe computers. These people are rural teleworkers. The new economy is not leaving Sebeka behind and we need to incubate that kind of innovation in rural areas and Indian reservations across the country.

Mr. President, for many jobs, in many industries, telework may be the future of work. It may also be the future of diverse, sustainable rural economies. This legislation offers an early opportunity to invest in local innovation to harness this potential.

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

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

S. 2447

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 ''Rural Telework Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) many rural communities and Indian reservations have not benefited from the historic economic expansion in recent years, and high levels of unemployment and underemployment persist in the rural communities and reservations;

(2) many economic opportunities, especially in information technology fields, are located away from many rural communities and reservations;

(3) the United States has a significant and growing need for skilled information technology workers;

(4) unemployed and underemployed rural employees represent a potential workforce to fill information technology jobs;

(5) teleworking allows rural employees to perform skill intensive information technology jobs from their communities for firms located outside rural communities; and

(6) employing a rural teleworkforce in information technology fields will require—

(A) employers that are willing to hire rural residents or contract for work to be performed in rural communities;

(B) recruitment and training of rural residents appropriate for work in information technology fields;

(C) means of connecting employers with employees through advanced telecommunications services; and

(D) innovative approaches and collaborative models to create rural technology business opportunities and facilitate the employment of rural individuals.

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

(1) to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working in rural areas to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields;

(2) to promote teleworking arrangements, small electronic business development, and creation of information technology jobs in rural areas for the purpose of creating sustainable economic opportunities in rural communities;

(3) to promote the practice of teleworking to information technology jobs among rural, urban, and suburban residents, Indian tribes, job training and workforce development providers, educators, and employers;

(4) to meet the needs of information technology and other industries for skilled employees by accelerating the training and hiring of rural employees to fill existing and future jobs from rural communities and Indian reservations;

(5) to promote teleworking and small electronic business as sustainable income sources for rural communities and Indian tribes; and

(6) to study, collect information, and develop best practices for rural teleworking employment practices.

SEC. 3. NATIONAL CENTERS FOR DISTANCE WORKING PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

"SEC. 376. NATIONAL CENTERS FOR DISTANCE WORKING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CENTER.—The term 'Center' means a National Center for Distance Working established under subsection (b) that receives a grant under this section.

''(2) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means a nonprofit entity, an educational institution, a tribal government, or any other organization that meets the requirements of this section and such other requirements as are established by the Secretary.

''(3) INFORMATION TECHNOLOGY.—The term 'information technology' means any equipment, or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

''(4) RURAL AREA.—The terms 'rural' and 'rural area' have the meaning given the terms in section 381A.

''(5) SECRETARY.—The term 'Secretary' means the Secretary, acting through the Administrator of the Rural Utility Service.

''(6) TELEWORKING.—The term 'teleworking' means the use of telecommunications to perform work functions over a distance and to reduce or eliminate the need to perform work at a traditional worksite.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a National Centers for Distance Working Program under which the Secretary shall make competitive grants to eligible organizations to pay the Federal share of the cost of establishing National Centers for Distance Working in rural areas to conduct projects in accordance with subsection (c).

''(2) ELIGIBLE ORGANIZATION.—The Secretary shall establish criteria that an organization must meet to be eligible to receive a grant under this section.

''(c) PROJECTS.—A Center shall use a grant received under this section to conduct a 5-year project—

''(1) to provide training, referral, assessment, and employment-related services and assistance to individuals in rural communities and Indian tribes to support the use of teleworking in information technology fields, including services and assistance related to high technology training, telecommunications infrastructure, capital equipment, job placement services, and other means of promoting teleworking;

''(2) to identify skills that are needed by the business community and that will enable trainees to secure employment after the completion of training;

''(3) to recruit employers for rural individuals and residents of Indian reservations;

''(4) to provide for high-speed communications between the individuals in the targeted rural community or reservation and employers that carry out information technology work that is suitable for teleworking;

''(5) to provide for access to or ownership of the facilities, hardware, software, and other equipment necessary to perform information technology jobs; and

''(6) to perform such other functions as the Secretary considers appropriate.

''(d) ELIGIBILITY CRITERIA.—

''(1) APPLICATION AND PLAN.—As a condition of receiving a grant under this section for use with respect to a rural area, an organization shall submit to the Secretary, and obtain the approval of the Secretary of, an application and 5-year plan for the use of the grant to carry out a project described in subsection (c), including a description of—

''(A) the businesses and employers that will provide employment opportunities in the rural area;

''(B) fundraising strategies;

''(C) training and training delivery methods to be employed;

''(D) the rural community of individuals to be targeted to receive assistance;

''(E) any support from State and local governments and other non-Federal sources; and

''(F) outreach activities to be carried out to reach potential information technology employers.

''(2) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—As a condition of receiving a grant under this section, an organization shall agree to obtain, after the application of the organization has been approved and notice of award has been issued, contributions from non-Federal sources that are equal to—

''(i) during each of the first, second, and third years of a project, 1 non-Federal dollar for each 2 Federal dollars provided under the grant; and

''(ii) during each of the fourth and fifth years of the project, 1 non-Federal dollar for each Federal dollar provided under the grant.

''(B) INDIAN TRIBES.—Notwithstanding subparagraph (A), an Indian tribe may use Federal funds made available to the tribe for self-governance to pay the non-Federal contributions required under subparagraph (A).

''(C) FORM.—The non-Federal contributions required under subparagraph (A) may be in the form of in-kind contributions, including office equipment, office space, and services.

''(e) SELECTION CRITERIA.—

''(1) IN GENERAL.—The Secretary shall—

''(A) establish criteria for the selection of eligible organizations to receive grants under this section; and

''(B) evaluate, rank, and select eligible organizations on the basis of the selection criteria.

''(2) FACTORS.—The selection criteria established under paragraph (1) shall include—

''(A) the experience of the eligible organization in conducting programs or ongoing efforts designed to improve or upgrade the skills of rural employees or members of Indian tribes;

''(B) the ability of the eligible organization to initiate a project within a minimum period of time;

''(C) the ability and experience of the eligible organization in providing training to rural individuals who are economically disadvantaged or who face significant barriers to employment;

''(D) the ability and experience of the eligible organization in conducting information technology skill training;

''(E) the degree to which the eligible organization has entered into partnerships or contracts with local, tribal, and State governments, community-based organizations, and prospective employers to provide training, employment, and supportive services;

''(F) the ability and experience of the eligible organization in providing job placement for rural employees with employers that are suitable for teleworking;

''(G) the computer and telecommunications equipment that the eligible organization has or expects to possess or use under contract on initiation of the project; and

''(H) the means the applicant proposes, such as high-speed Internet access, to allow communication between rural employees and employers.

''(3) PUBLICATION.—The Secretary shall—

''(A) publish the selection criteria established under this subsection in the Federal Register; and

''(B) include a description of the selection criteria in any solicitation for applications for grants made by the Secretary.

''(f) STUDIES OF TELEWORKING.—

''(1) IN GENERAL.—To promote the development of teleworking in rural areas, the Secretary may make grants to entities to conduct research on economic, operational, social, and policy issues relating to teleworking in rural areas, including the development of best practices for businesses that employ teleworkers.

''(2) LIMITATION.—The Secretary shall use not more than $1,000,000 of funds made available for a fiscal year under subsection (g) to carry out this subsection.

''(g) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $11,000,000 for each fiscal year.''.

By Mr. BROWNBACK:

S. 2449. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, prosecution, and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

THE INTERNATIONAL ANTI-TRAFFICKING ACT OF 2000

Mr. BROWNBACK. Mr. President, today, I am introducing legislation entitled the International Anti-Trafficking Act of 2000 which combats the insidious practice of trafficking of persons worldwide.

As we begin the 21st Century, the degrading institution of slavery continues throughout the world. Sex trafficking is a modern day form of slavery, and it is the largest manifestation of slavery in the world today.

Every year, approximately 1 million women and children are forced into the sex trade against their will, internationally. They are usually transported across international borders so as to ''shake'' local authorities, leaving the victims defenseless in a foreign country, virtually held hostage in a strange land. It is estimated that at least 50,000 women and children are brought into the United States annually, for this purpose. The numbers are staggering, and growing rapidly. Some report that over 30 million women and children have been enslaved in this manner since the 1970's. I believe this is one of the most shocking and rampant human rights abuses worldwide.

One of two methods, fraud or force, is used to obtain victims. The most common method, ''fraud,'' is used with villagers in under-developed areas. Typically the ''buyer'' promises the parents that he is taking their young daughter to the city to become a nanny or domestic servant, giving the parents a few hundred dollars as a ''down payment'' for the future money she will earn for the family. Then the girl is transported across international borders, deposited in a brothel and forced into the trade, until she is no longer useful (becoming sick with AIDS). She is held against her will under the rationale that she must ''work off'' her debt which was paid to the parents, which typically takes several years. The second method used for obtaining victims is ''force'' which is used in the cities, where a girl is physically abducted, beaten, and held against her will, sometimes in chains. The routes are specific and definable, and include Burma to Thailand, Eastern Europe to the Middle East, and Nepal to India, among numerous other routes, through which victims of this practice are channeled.

Presently, no comprehensive legislation has been adopted, yet, which holistically challenges the practice of trafficking and assists the victims. I am introducing this legislation, the International Anti-Trafficking Act of 2000, today as a companion to the legislation introduced by Congressman CHRIS SMITH and Congressman SAM GEJDENSON, known as the Trafficking Victims Protection Act of 2000 (H.R. 3244). Senator WELLSTONE has also introduced legislation which closely mirrors the Smith-Gejdenson bill. Our primary difference is the methods for enforcement. Unless the President implements one of the broad waivers granted to him in this legislation, non-humanitarian, non-trade foreign assistance (listed under the Foreign Assistance Act of 1961) to countries will be suspended if countries fail to meet the minimum standard to stop the flow of traffickers in their own countries. Please note that there is an extremely broad national interest waiver provision granted to the President which allows him to exempt any and all programs, as well as an additional waiver which allows the President to guard against any adverse effect on vulnerable victims of trafficking, including women and children.

This bill presents a comprehensive scheme to ''penalize the full range of offenses'' involved in elaborate trafficking networks. It also provides a doorway of freedom for those who are presently enslaved throughout the world and promotes their recovery in civil society. Some of the provisions include: establishment of an Interagency Task Force to Monitor and Combat Trafficking, enhanced reporting by the State Department on this practice, protection and assistance for victims of trafficking, changes in immigration status allowing victims to stay to testify in prosecutions, strengthens prosecution and punishment of traffickers, among other provisions.

In short, we believe it's time to challenge this evil slavery practice known as trafficking, and I believe this legislation is a first step to gaining freedom for those who are presently bound.

By Mr. COVERDELL:

S. 2452. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

READING DEFICIT ELIMINATION ACT OF 2000

Mr. COVERDELL. Mr. President, America has a reading deficit! According to the National Adult Literacy Survey (NALS), 41 million adults are unable to perform even the simplest literacy tasks. The most recent National Assessment of Educational Progress (NAEP) conducted in 1998 continues to show that almost 70 percent of 4th grade students cannot read at a proficient level. Even worse, 40 percent of those 4th graders could not read at even a basic level for their grade.

In short, Mr. President, unless we treat this situation as the national emergency that it is—and soon—the next decade will see an astonishing 70 percent of our 4th grade students joining the ranks of those 41 million American adults who are unable to perform simple literacy tasks.

The ability to read the English language with fluency and comprehension is essential if individuals, old and young, are to reach their full potential in any field of endeavor. As the saying goes, ''reading is fundamental.''

And the statistics bear that out as well. Workers who lack a high school diploma earn a mean monthly income of $452, compared to $1,829 for those with a bachelor's degree. Forty three percent of people with the lowest literacy skills live in poverty, 17 percent receive food stamps, and 70 percent have no job or a part-time job.

And make no mistake that the nation itself and not just individuals will suffer. If our children are not taught to read, who will man our high tech defenses or fill the high tech jobs in America's future?

Compounding these astounding statistics, Mr. President, the 1998 NAEP also found that minority students on average continue to lag far behind in reading proficiency, even though many of them are in Title I programs of the Elementary and Secondary Education Act or participated in Head Start programs.

Clearly, throwing taxpayer money at the problem does not work. Our children's reading scores continue to decline or remain stagnant, even though Congress has spent more than $120 million over the past 30 years for academic enrichment programs under Title I and other federal efforts ostensibly with the primary purpose of improving reading skills among disadvantaged children.

It should also be pointed out that more than half of the students being placed in the special learning disabilities category of our Special Education programs are there in large part because they have not learned to read. The national cost of special education at the federal, state, and local levels now exceeds $60 billion each year. The National Institute for Child Health and Human Development says that 90–95 percent of these students could learn to read and be returned to their regular classrooms if they were given instruction using scientifically based reading principles. This would result in over $12 billion in savings nationwide every year by eliminating the need for special education for these children.

In response to these disturbing national statistics concerning the inability of so many children to read, I worked with Representative BILL GOODLING—Chairman of the Education Committee in the House of Representatives—to develop the Reading Deficit Elimination Act of 2000, which I am introducing today.

By providing funds for teacher training, textbook and curriculum purchases, student assessments, teacher bonuses, and tuition assistance grants to parents, this legislation offers the States a helping hand in teaching students nationwide to read. Unlike the unfunded mandates that have failed in the past, this legislation will give states and communities funds to institute reading instruction based on years of federally sponsored research, giving them the ability and the flexibility to help our children succeed.

The National Reading Panel—requested by Congress and created by the National Institute of Child Health and Human Development—released its report just this morning on scientifically-based reading instruction and research in a hearing of the Senate's Labor/HHS Appropriations Subcommittee chaired by Senator COCHRAN.

The report clearly articulates the most effective approaches to teaching children to read, the status of the research on reading, reading instruction practices that are ready to be used by teachers in classrooms around the country, and a plan to rapidly disseminate the findings to teachers and parents. The report also constitutes the most comprehensive review of existing reading research to be undertaken in American education history. Panel members identified more than 100,000 research studies completed since 1966, developed and submitted them to rigorous criteria for their review.

A major finding of the report was that systematic phonics instruction is one of the necessary components of a total reading program. Similarly, the NRP also found that the sequence of reading instruction that obtains maximum benefits for students should include instruction in phonemic awareness, systematic phonics, reading fluency, spelling, writing and reading comprehension strategies. We must use the knowledge of reading skills and the principles for teaching reading skills gained from these studies from the government and the private sector to reduce the number of individuals and students who cannot read.

The programs and provisions in the Reading Deficit Elimination Act of 2000 are based on these finding by the National Reading Panel.

Mr. President, Frederick Douglass, arguably the most influential African American of the nineteenth century said, ''Once you learn to read, you will be forever free.'' Douglass knew the importance of freedom, and he knew the importance of literacy. The ability to read the English language with fluency and comprehension is essential if individuals are to reach their full potential in any endeavor. Again, as the saying goes: ''Reading is fundamental.'' No one should be left behind because they can't read. We must not limit the success of the next generation by allowing them to continue down the path of illiteracy. We must teach them to read and give them this fundamental tool they need to succeed in life as well as in school.

By Mr. BURNS (for himself and Mr. BREAUX):

S. 2454. A bill to amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers; to the Committee on Commerce, Science, and Transportation.

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

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

S. 2454

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

SECTION 1. PROVISION OF DIGITAL DATA SERVICES BY LOW-POWER TELEVISION STATIONS.

Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) LPTV PROVISION OF DIGITAL DATA SERVICES.—

''(1) IN GENERAL.—A low-power television station may utilize its authorized spectrum to provide digital data services to the public by subscription.

''(2) NOTICE REQUIRED.—Before providing such services under paragraph (1), a low-power television station shall provide notice to the Commission in such form and at such time as the Commission may require.

''(3) PROTECTION FROM INTERFERENCE.—The Commission may not authorize any new service, television broadcast station, or modification of any existing authority that would result in the displacement of, or predicted interference with, a low-power television station providing such services.

''(4) PROTECTION OF TELEVISION SIGNALS.—The Commission shall prevent interference with television signal reception from low-power television stations providing such services.

''(5) DIGITAL DATA SERVICE DEFINED.—In this subsection, the term 'digital data service' includes—

''(A) digitally-based interactive broadcast service; and

''(B) wireless Internet access, without regard to whether such access is—

''(i) provided on a one-way or a two-way basis;

''(ii) portable or fixed; or

''(iii) connected to the Internet via a band allocated to Interactive Video and Data Service, and

without regard to the technology employed in delivering such service, including the delivery of such service via multiple transmitters at multiple locations.''.

By Mr. BROWNBACK (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BREAUX, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DURBIN, Mr. DODD, Mr. DOMENICI, Mr. EDWARDS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRIST, Mr. FITZGERALD, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, and Mr. WARNER):

S. 2453. A bill to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL FOR POPE JOHN PAUL II

Mr. BROWNBACK. Mr. President, I rise today to introduce legislation awarding the Congressional Gold Medal to Pope John Paul II.

Mr. President, Pope John Paul II is the most recognized person in the world, having personally visited tens of millions, in almost every continent and country. He has been one of the greatest pastoral leaders of this century, fearlessly guiding the Catholic Church

into the new millennium. Due to his tremendous faith and leadership he was elected bishop at a very early age, and elected to the papacy on October 16, 1978, at the age of 58.

Though many people see the Pope as an important statesman, diplomat, and political figure, Pope John Paul II is much more than that. As spiritual leader to the world's 1 billion Catholics, the Pope has commenced a great dialog with modern culture, one that transcends the boundaries of political or economic ideology.

As have his predecessors of happy memory, he stands boldly as an ever vigilant sign of contradiction to a culture that is darkened by the clouds of death. In the face of this mounting storm, he has tirelessly proclaimed the need for a culture of life.

In what is now one of the Pope's most famous encyclicals, and the one which he regards to be the most significant of this pontificate, Evangelium Vitae (the Gospel of Life), he argues powerfully for an increased respect for all human life:

> Thirty years later, taking up the words of the Council and with the same forcefulness I repeat that condemnation in the name of the whole Church, certain that I am interpreting the genuine sentiment of every upright conscience: ''Whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia, or willful self-destruction, whatever violates the integrity of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself; whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where people are treated as mere instruments of gain rather than as free and responsible persons; all these things and others like them are infamies indeed. They poison human society, and they do more harm to those who practice them than to those who suffer from the injury. Moreover, they are a supreme dishonor to the Creator.''

That is from the Pope's Evangelium.

Mr. President, the urgency of this message—the Pope's message—becomes more acute by the day; particularly at the beginning of the new millennium.

The Pope, having witnessed firsthand the brutal inhumanity of Nazi and Communist regimes, understands, in a way few of us can appreciate, the true dignity of each and every human being. He is a crusader against the offenses against human dignity that have transpired in the 20th century. More than any other single person this century, Pope John Paul II has worked to protect the rights of each individual.

As well, John Paul II has addressed almost every major question posed by the modern mind at the turn of the millennium.

As noted by the biographer of the Pope, George Weigel, the Pope has provided answers to the questions and desires facing today's world: The human yearning for the sacred, the meaning of freedom, the quest for a new world order, the nature of good and evil, the moral challenge of prosperity, and the imperative of human solidarity in the emerging global civilization. Through his teaching, the Pope has brought the timeless principles of truth contained in the gospel into active conversation with contemporary life and thought. The Pope has started a peaceful dialogue between ideas of the modern world and the age-old truths contained in the Gospel message.

One of the gospel messages emphasized by the Pope is the need for forgiveness and reconciliation with God, and with our sisters and brothers. A week before his historic personal pilgrimage to the Holy Land the Pope asked forgiveness from God on behalf of Christians who were inactive, or who were not active enough in opposing the forces of evil that have ravaged humanity during the past century.

This apology preceded his recent personal pilgrimage to the Holy Land; a pilgrimage in which the Pope opened up yet another dialog—this time with the people of the Middle East—a region ripped apart by centuries old conflict, bitterness, and war. Again, in the Holy Land, he empathized with those who suffered under the tyranny of the Nazi regime. The Pope highlighted during his trip, and he has on other occasions, his deep compassion for those who suffered under the brutality of Hitler's Germany and their genocidal war.

In the midst of the conflict in the Holy Land, the Pope again shone through as a beacon of light and peace as he proclaimed yet again to the people of the Middle East and the World, the universal calls to holiness.

As the New York Times so eloquently noted after the Pope's visit to Jerusalem's Yad Vashem:

> John Paul has done more than any modern pope to end the estrangement between Catholics and Jews. He was the first pope to pray in a synagogue, the first to acknowledge the failure of individual Catholics to deter the Holocaust and the first to call anti-Semitism a sin ''against God and man.''
>
> There is a valedictory quality to the Pope's actions and travels as the church approaches its third millennium. He seems determined to trace the birth of Christianity in this epochal year, to right the wrongs of the church and to bring a spirit of conciliation to the Middle East. Not long ago he went to Egypt and visited Mount Sinai, where Moses received God's law. This week he stood atop Mount Nebo in Jordan and looked across the Promised Land. He prayed in silence near the places where Jesus was born and baptized. Most people as infirm as John Paul would not dare make such strenuous trips. But he seems to be a man on a mission, and the world is better for it.

That was from the New York Times.

He is indeed a man on a mission. His message was peacefully conveyed in the Middle East to peoples with whom he has obvious deep religious differences. His serenity in the midst of such turmoil, as well as his obvious love for all people should be a model for us all as we encounter people in our daily life with whom we radically disagree, or with whom we have had a difficult relationship.

His epoch journey to the Holy Land will be remembered by history. And, I have no doubt that his presence there will leave a lasting impression, and I hope that it will work to bring about true peace as well.

His trip to the Middle East is just one particular example. The Pope's dialog with the modern era has taken him across the world, and has brought the Church into active conversation with people that many in the modern world have chosen to either forget or to ignore. It is a dialog that is ultimately a challenge to the people of the United States as well.

For example, his trip to Cuba initiated a dialog between politically opposed forces both here in America and in Cuba.

Also, Pope John Paul II's recent call to forgive the debt incurred by Third World countries during the past century, was and is, a challenge to the industrialized nations of the world to join hands in an effort to begin lifting the forgotten people of heavily indebted countries into the next millennium by providing some of the economic relief that they need. This is the challenge presented to those in industrialized countries, to remember and to help those who are less fortunate.

The legislation I just introduced has been cosponsored by 66 of my Senate colleagues, and I am hopeful that we can pass this legislation quickly in order to honor so great a man who has done such great things.

By Mr. ASHCROFT:

S.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time United States Senators and Representatives may serve; to the Committee on the Judiciary.

AMENDMENT TO CONSTITUTION OF THE UNITED STATES TO ALLOW STATES TO LIMIT THE PERIOD OF TIME UNITED STATES SENATORS AND REPRESENTATIVES MAY SERVE

Mr. ASHCROFT. Mr. President, I rise today to introduce a joint resolution proposing a constitutional amendment regarding Congressional term limits and the ability of States to set term limits for members of the United States Congress. Mr. President, I would like to summarize the history of this proposed constitutional amendment.

On November 29, 1994, the Clinton administration argued before the Supreme Court of the United States that States should not have the right to limit congressional terms. Thus, the executive branch has spoken against the right of the states and of the people to limit the number of terms individuals may serve in the U.S. Congress.

On May 23rd, 1995, in *U.S. Term Limits* v. *Thorton* (514 U.S. 779), the Supreme Court denied the people the right to limit congressional terms. Before the court ruling, 23 states, including my home state of Missouri, had some limit on the number of terms members of Congress could serve.

In a 5–4 decision, the Court invalidated measures which represented over five years of work and were supported by 25 million voters. These voters wanted nothing more than to rein in congressional power, restore competitive elections, and create a Congress that looked, and legislated, like America.

Both the executive branch, through the Clinton administration, and the judicial branch, have spoken against the right of States and of the people to limit the terms of individuals who represent them in Congress.

There has been limited debate on terms limits in this Congress. In 1995, the House of Representatives fell well short of the two-thirds majority required to forward to the people a constitutional amendment on term limits. Of the 290-vote margin required for a constitutional amendment, they mustered only 227 votes. What would normally be a significant majority vote in the House, was clearly not enough to ensure that States would have the opportunity to vote on a constitutional amendment permitting term limits.

One hope for the overwhelming number of people in this country who endorse term limits is for Congress to extend them the opportunity to amend the Constitution in a way that would allow individual States to limit the terms members of Congress may serve. More than 3 out of 4 people in the United States endorse the concept of term limits. They have watched individuals come to Washington and spend time here, captivated by the Beltway logic, the spending habits and the power that exists in this city. The people of America know that the talent pool in America is substantial and there are many who ought to have the opportunity to serve in Congress. Furthermore, they know that term limits would ensure that individuals who go to Washington return someday to live under the very laws that they enact.

In January of 1995, Senator THOMPSON and I introduced a constitutional amendment that would have limited members of Congress to three terms in the House and two terms in the Senate. As a result of its defeat and of the administration's refusal to recognize the will of the people, in May of 1995, I introduced S.J. Res. 36, a different kind of constitutional amendment. This amendment simply would give States the explicit right to limit congressional terms. It would not mandate that any State limit the nature or extent of the terms of the individuals who represent it in the Congress. Instead, it would give the States, if they chose to do so, the right to limit the members' terms who represent that State. I am reintroducing that amendment today.

In the Thornton case, Justice Thomas wrote, ''Where the Constitution is silent it raises no bar to action by the States or the people.'' I believe he is correct. This is the concept embodied in the often forgotten Tenth Amendment that would not cede all power to the federal government, only to have it doled back to us where the federal government thinks it appropriate. This proposed amendment is offered to rectify that situation.

The people of this Republic should have the opportunity to limit the terms of those who serve them in Congress. In light of the fact that the administration has argued against term limits, the executive branch is not going to support term limits, and because the judicial branch has ruled conclusively now that the States have no constitutional authority to act in this area, it is up to those of us in Congress to give the people the opportunity to be heard on this issue.

We must, at least, give them the opportunity to vote on that right by sending to them this joint resolution on the right of States and individuals to limit members' terms who serve the States and the districts of those States in the U.S. Congress.

It is a profoundly important expression of our confidence in the people of this country to extend to them the right to be involved in making this judgment. I submit this joint resolution today in the hopes that democracy will continue to flourish as people have greater opportunities to be involved.

ADDITIONAL COSPONSORS

S. 311

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 386

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 577

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1519

At the request of Mr. BAYH, the names of the Senator from Illinois (Mr. DURBIN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1519, a bill to amend the Internal Revenue Code of 1986 to provide that certain educational benefits provided by an employer to children of employees shall be from gross income as a scholarship.

S. 1600

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1600, a bill to amend the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined benefit plan by the adoption of a plan amendment reducing future accruals under the plan.

S. 1691

At the request of Mr. INHOFE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1691, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to

streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1880

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1880, a bill to amend the Public Health Service Act to improve the health of minority individuals.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from North Carolina (Mr. EDWARDS), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2033

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2033, a bill to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

S. 2071

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. 2246

At the request of Mr. BOND, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2246, a bill to amend the Internal Revenue code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory.

S. 2254

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2254, a bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

S. 2311

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Virginia (Mr. ROBB), the Senator from Washington (Mrs. MURRAY), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

At the request of Mr. JEFFORDS, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2311, supra.

S. 2330

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2341

At the request of Mr. GREGG, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2409

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2409, a bill to provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from Tennessee

(Mr. FRIST), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr. VOINOVICH), the Senator from North Carolina (Mr. EDWARDS), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

SENATE CONCURRENT RESOLUTION 104—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE ONGOING PROSECUTION OF 13 MEMBERS OF IRAN'S JEWISH COMMUNITY

Mr. SCHUMER. (for himself, Mr. BROWNBACK, Mr. WYDEN, Mr. DODD, Mr. LIEBERMAN, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 104

Whereas on the eve of the Jewish holiday of Passover in 1999, 13 Jews, including community and religious leaders in the cities of Shiraz and Isfahan, were arrested by the authorities of the Islamic Republic of Iran and accused of spying for the United States and Israel;

Whereas no evidence has been brought forth to substantiate these arrests, and no formal charges have been lodged after more than a year of consideration;

Whereas the Secretary of State has identified the case of the 13 Jews in Shiraz as ''one of the barometers of U.S.-Iran relations'';

Whereas countless nations have expressed their concern for these individuals and especially their human rights under the rule of law;

Whereas Iran must show signs of respecting human rights as a prerequisite for improving its relationship with the United States; and

Whereas President Khatami was elected on a platform of moderation and reform: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Clinton Administration should—

(1) condemn, in the strongest possible terms, the arrest and continued prosecution of the 13 Iranian Jews;

(2) demand that these fabricated charges be dropped immediately and individuals released forthwith; and

(3) ensure that Iran's treatment of this case is a benchmark for determining the nature of current and future United States-Iran relations.

Mr. SCHUMER. Mr. President, I rise on the eve of the trial of 13 Iranian Jews charged with spying on behalf of the United States and Israel to ask my colleagues to support a Concurrent Resolution urging President Clinton to do everything possible to ensure that the accused men receive a fair and open trial. As it stands right now, the Revolutionary Court judge has made a mockery of any pretense that the men will receive a fair hearing. Ten of the 13 have, for nearly a year, been denied their legal right to choose their own lawyers, and have only recently been appointed lawyers by the judge in the case—just days before the trial was set to begin. Furthermore, the trial is scheduled to be closed to any outside observers or media.

These facts do not bode well for the accused. However, I believe that strong pressure from the United States will help convince the Iranian government that should these men experience anything less than a fair outcome in this preposterous case, Teheran would face serious consequences.

The 13 Iranian Jews, mostly community and religious leaders in the cities of Shiraz and Isfahan, were arrested one year ago by the Iranian authorities and accused of spying. No evidence has been brought forth to substantiate the arrests. Indeed, how could it be? Jews in Iran are prohibited from holding any positions that would grant them access to state secrets.

What I find most troubling is that the United States recently presented Iran with goodwill overtures, such as lifting restrictions on many Iranian imports and easing travel restrictions between our two countries, but we receive no assurances that these gestures would be reciprocated in any way. In fact, Iran has continued to display nothing but hostility and contempt for the United States and everything for which we stand. At a minimum, Iran must show signs of respecting human rights as a prerequisite for our improving relations with them. In fact, Secretary of State Albright has identified the case of the 13 Jews in Iran as ''one of the barometers of United States-Iran relations.'' I urge the President to make perfectly clear to Iran that the stakes in this trial are exceedingly high, and need to be taken very seriously.

Now, much has been made of President Mohammad Khatami's popular reform movement, and there is significant optimism that a kinder, gentler Iran is slowly emerging from the darkness of a 20-year hardline clerical dictatorship. Indeed, Khatami has received a huge mandate from the people of Iran over the past four years. However, Iran must fully understand that normalized relations with the United States is only a pipedream if persecution such as that enacted upon the 13 Jews accused of spying goes unchallenged. If it does not, then what kind of reform movement are we really witnessing?

Colleagues, I strongly urge you to join me in co-sponsoring this Resolution to send a message to the President that he must use all his resources to convince President Khatami that a farcical trial leading to a pre-ordained outcome would send US-Iran relations back to ground zero.

SENATE CONCURRENT RESOLUTION 105—DESIGNATING APRIL 13, 2000, AS A DAY OF REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

Mr. ABRAHAM submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 105

Whereas 60 years ago, the Katyn Forest crime was committed, resulting in the death of 21,000 Polish military officers of all armed services, and justice and administration personnel;

Whereas, on the occasion of 60th anniversary of the Katyn crime, the Lower Chamber of the Polish Parliament (Sejm) will pay homage to all those murdered—the ''best sons of the nation'', those who had not given in to Soviet ideology and physical pressure, and remained loyal to the Republic of Poland and the values they were taught to uphold;

Whereas Congress joins the Sejm in condemning all forms of genocide, murder, deportation, and violation of human rights;

Whereas Congress joins the Sejm in its appreciation to all scholars, researchers, and writers, especially those under Soviet domination, who had the courage to tell the truth about the Katyn crime;

Whereas Congress acknowledges with gratitude the Sejm's recognition of the pioneering work of Congress and the House of Representatives for the establishment in 1951 of a Select Committee to conduct an investigation of the Katyn crime;

Whereas Congress is pleased to join the Sejm in thanking those citizens of Russia who, guided by their sense of honor and dignity, contributed to the disclosure of the basic Katyn crime and the confirming, related documents; and

Whereas Congress continues to recognize the importance of remembering the victims of communism as when it passed H.R. 3000 in 1993 calling for a Victims of Communism Memorial, and commends the work of the Victims of Communism Memorial Foundation in working toward this objective: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress joins the Polish Sejm in designating April 13, 2000, as a day of remembrance to the victims of the Katyn Massacre that occurred 60 years ago and urges citizens of the United States to join their Polish counterparts in learning about and understanding what happened in the Katyn Forest.

• Mr. ABRAHAM. Mr. President, I rise to submit a concurrent resolution commemorating the sixtieth anniversary of the Katyn Forest massacre. For too long, Mr. President, too much of the world has been silent concerning this horrible crime against humanity, committed by the forces of communism. Through this resolution we may join with the Polish people in reminding

the world of the horrors suffered by that nation's people at the hands of Soviet forces.

Now that the forces of Soviet communism have been defeated, Mr. President, it is too easy to forget those whose suffering has never been properly recognized. And few suffered as did the Poles. This proud nation, so often torn apart by opposing forces through the centuries, had once again achieved independence after World War I. The infamous Hitler/Stalin pact put an end to that independence, splitting the Polish nation in half, with each half being enslaved to a separate totalitarian dictatorship.

The horrors visited upon the Polish people by Hitler's Nazi regime are well known, they are rightly commemorated in monuments and declarations. But the victims of Soviet communism in Poland have not had their story told. For the sake of humanity and freedom around the globe, that story must be told. This resolution is a beginning to that process. It is a first step in telling the world the full, awful truth of what was done to real people in the name of an abstract, unreal vision of Soviet humanity.

Sixty years ago, 21,000 Polish military officers, justice and administration personnel were slaughtered in the Katyn Forest. Today the Lower House of the Polish Parliament, the Sejm, is paying homage to these murdered patriots. These ''best sons of the nation,'' as the Sejm calls them, those who refused to give in to Soviet ideology and physical intimidation, remained loyal to the Republic of Poland, and to the values of freedom, faith and nation, to which that Republic was dedicated. They paid for their patriotism with their lives.

For too long, Mr. President, the awful story of this massacre has been kept from the light of day. As we pay tribute to the patriots slain in the Katyn Forest, it is only right that we pay tribute to the brave citizens of the then-Soviet Union who risked their own lives and freedom in helping disclose the events we mark today. We also should be grateful to those who, after the fall of Soviet communism, have obeyed their own sense of honor in contributing to the confirmation and documentation of this crime.

Now the full story of the Katyn Forest can be told. It is my hope that this story will be told throughout the United States, Europe and the rest of the world as a reminder of the inhumanities perpetrated by those enthralled to the ideology of communism. By telling this story, we can help open the hearts and minds of people everywhere to the dangers of armed ideologies. The U.S. Congress itself has recognized the importance of remembering the victims of communism. That is why, in 1993, we passed a Resolution calling for a Victims of Communism Memorial and commending the work of the Victims of Communism Memorial Foundation for its work toward that objective.

Mr. President, it is my hope that this resolution can serve to bring us closer to our brethren in Poland and to people around the world who love freedom. The price paid by the Polish people for their liberty is one for which all of us owe them a great debt of gratitude and respect. The blood of martyrs was spilled in the Katyn Forest. Martyrs to freedom and humanity. We have a duty, in my view, to pay tribute to the sacrifice they made for us all.●

SENATE CONCURRENT RESOLUTION 106—RECOGNIZING THE HERMANN MONUMENT AND HERMANN HEIGHTS PARK IN NEW ULM, MINNESOTA, AS A NATIONAL SYMBOL OF THE CONTRIBUTIONS OF AMERICANS OF GERMAN HERITAGE

Mr. GRAMS (for himself and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 106

Whereas there are currently more than 57,900,000 individuals of German heritage residing in the United States, who comprise nearly 25 percent of the population of the United States and are therefore the largest ethnic group in the United States;

Whereas those of German heritage are not descendants of only 1 political entity, but of all German-speaking areas;

Whereas Americans of German heritage have made countless contributions to American culture, arts, and industry, the American military, and American government;

Whereas there is no nationally recognized tangible symbol dedicated to German Americans and their positive contributions to the United States;

Whereas the story of Hermann the Cheruscan parallels that of the American Founding Fathers, because he was a freedom fighter who united ancient German tribes in order to shed the yoke of Roman tyranny and preserve freedom for the territory of present-day Germany;

Whereas the Hermann Monument located in Hermann Heights Park in New Ulm, Minnesota, was dedicated in 1897 to honor the spirit of freedom and was later dedicated to all German immigrants who settled in New Ulm and elsewhere in the United States; and

Whereas the Hermann Monument has been recognized as a site of special historical significance by the United States Government, by inclusion on the National Register of Historic Places: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, is recognized by Congress as a national symbol of the contributions of Americans of German heritage.

Mr. GRAMS. Mr. President, I come to the floor today to submit a concurrent resolution designating Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as national symbols of the contributions of Americans of German Heritage. I would like to thank Congressman DAVID MINGE and the other members of the Minnesota Congressional Delegation for introducing a similar resolution in the House of Representatives.

Mr. President, I'd be surprised if anyone in this chamber has heard of Hermann Monument, but I would like to take a few minutes to explain its significance to the City of New Ulm, the State of Minnesota, and Americans of German Heritage across the United States.

The Hermann Monument was erected in 1889 as a tribute to German immigrants to the United States. It honors Hermann the Cheruscan, who forged the creation of a united Germany by defeating three Roman Legions who had occupied the area now known as Germany. Hermann remains a symbol of German history, culture, dedication, and perseverance.

The Hermann Monument, made of copper sheeting riveted to a steel interior frame, was dedicated in New Ulm, Minnesota, on September 25, 1897. It stands 102 feet tall and is the second largest copper statue in the United States, behind only the Statue of Liberty. The Hermann monument remains the only memorial in the United States dedicated to German heritage and the contributions to American culture, arts, industry, and government.

I believe it's also important to note that there are now almost 58,000,000 individuals of German heritage living in the United States, comprising nearly 25 percent of our nation's population. That number makes German-Americans the largest ethnic group in the United States. In Minnesota, the number doubles to roughly 50 percent of Minnesotans being of German heritage.

Today, however, the Hermann Monument faces a serious threat from over 100 years of rain, wind, heat, humidity, hail and other challenges that have rendered the monument in need of restoration. Thankfully, the people of New Ulm have formed the Hermann Monument Renovation Project to raise the roughly $1.75 million needed to restore the monument and construct an Interpretive Center at its base.

Mr. President, the legislation Senator WELLSTONE and I are introducing provides no funding for the restoration of the Hermann Monument. In fact, the Resolution costs the Federal Government nothing. Instead, our Resolution simply recognizes the Hermann Monument as a national symbol of the contributions of German Americans and gives the restoration project a boost in the arm. Our Resolution is a way for every member of the Senate to recognize the contributions of German Americans across the country. It doesn't preclude another such designation in the United States nor does it designate the Hermann Monument as the only National symbol for German Americans.

Mr. President, I hope my colleagues will join me, Senator WELLSTONE, the Minnesota Congressional Delegation, the Society of German-American Studies, the Steuben Society of America, the City of New Ulm, and the people of Minnesota in supporting this Resolution recognizing the contributions of German Americans and the national significance of New Ulm's Hermann Monument.

SENATE CONCURRENT RESOLUTION 107—EXPRESSING THE SENSE OF THE CONGRESS CONCERNING SUPPORT FOR THE SIXTH NONPROLIFERATION TREATY REVIEW CONFERENCE

Mr. AKAKA (for himself, Mr. BAUCUS, Mr. KERRY, Mr. ROTH, and Mr. BINGAMAN) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 107

Whereas the Treaty on the Nonproliferation of Nuclear Weapons (in this concurrent resolution referred to as the ''Treaty'') entered into force 30 years ago on March 5, 1970;

Whereas the original 43 signatories have increased to 187 parties;

Whereas in 1995 the signatories agreed to extend the Treaty indefinitely;

Whereas the Treaty institutionalizes the commitment of the nonnuclear weapons states not to acquire nuclear weapons;

Whereas the United States, the United Kingdom, France, the Russian Federation, and China have committed themselves to a reduction of nuclear weapons;

Whereas the testing of nuclear weapons in South Asia by two of the five countries in the world that have not adhered to the Treaty is cause for renewed attention to the dangers of nuclear proliferation; and

Whereas the Sixth Nonproliferation Treaty Review Conference will take place in New York from April 24 to May 19, 2000: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) reaffirms its support for the objectives of the Treaty on the Nonproliferation of Nuclear Weapons and expresses support for taking all appropriate measures to strengthen the Treaty and attain its objectives;

(2) expresses support for strengthening the international inspection system operated by the International Atomic Energy Agency and for the new Additional Safeguards Protocol to the International Atomic Energy Agency Safeguards Agreement that the International Atomic Energy Agency is negotiating with each adhered to the Treaty; and

(3) calls on all parties participating in the Review Conference to make a good faith effort to ensure the success of the Conference.

• Mr. AKAKA. Mr. President, I rise today to submit a Concurrent Resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

The Sixth Nonproliferation Treaty Review Conference will begin on April 24th in New York City. For the first time since the member parties agreed five years ago to a permanent extension to this important arms control agreement, states will be meeting to discuss additional efforts to strengthen the treaty.

Thirty years ago, this treaty entered into force with 43 signatories. The number of parties to the agreement has increased to 187. Only four states—India, Pakistan, Israel, and Cuba—are not members.

At the time of the last review conference in 1995, members agreed to hold review meetings every five years to assess progress in implementing efforts to attain the treaty's objectives.

The resolution that I am introducing today, along with Senators BAUCUS, KERRY, ROTH and BINGAMAN, reaffirms Congressional support for the objectives of the Nonproliferation Treaty (NPT) and calls on all parties participating in the review conference to make a good faith effort to ensure the conference's success. A similar resolution is being introduced in the House of Representatives.

Many states have called into question American commitment to the control of nuclear weapons because of the Senate vote last year on the Comprehensive Test Ban Treaty and because of fears that the American development of a national missile and theater missile defense systems are efforts to negate the Anti Ballistic Missile Treaty (ABM).

I believe that Congressional support for the NPT and for other workable arms control agreements that achieve serious reductions in weapons of mass destruction is as strong as ever. The Congress will be looking very closely at this conference for reassurance that the other parties to the NPT, most especially the other nuclear weapons states such as China and Russia, share an equal commitment to attaining the objectives of the NPT.

There have been suggestions that states will attempt to disrupt the conference by walking out or by proposing resolutions critical of the United States and other states. Such efforts will damage the treaty and give satisfaction only to those countries, such as Iraq and Iran, who still appear to desire nuclear weapons.

Our resolution also expresses support for strengthening the international verification system operated by the International Atomic Energy Agency (IAEA). When the NPT was negotiated in 1970, the IAEA safeguards system was designated as its global verification mechanism. IAEA inspectors review the nuclear programs of all non-nuclear weapon members and, while the five legally recognized nuclear weapons states—Britain, France, China, Russia, United States—are not obligated to permit inspections, in practice IAEA has some access to their facilities.

The Gulf War revealed inadequacies in the IAEA safeguard system. The discovery of Iraq's secret nuclear program demonstrated the need for additional IAEA powers of information collection and inspection. Efforts are now underway to develop a Strengthened Safeguards system of which a critical part will be a new inspection protocol providing IAEA inspectors additional authority to collect more information about a wider range of activities. This new information and access will be critical to detecting states, such as Iraq and Iran, who may try to develop secretly a nuclear weapon.

There is no greater threat to America's security than the proliferation of weapons of mass destruction. The Nonproliferation Treaty and the role of the IAEA are essential parts of our efforts to prevent nuclear catastrophe. I urge my colleagues to join in supporting this resolution and ensuring its speedy consideration.•

SENATE RESOLUTION 291—EXPRESSING THE SENSE OF THE SENATE REGARDING THE REPROGRAMMING OF FUNDS FOR THE DRUG ENFORCEMENT ADMINISTRATION FOR FISCAL YEAR 2000 IN ORDER TO ASSIST STATE AND LOCAL EFFORTS TO CLEAN UP METHAMPHETAMINE LABORATORIES

Mr. HUTCHINSON (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. CRAIG, Mr. THOMAS, Mr. FRIST, and Mr. THOMPSON) submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 291

Whereas the participation of the Drug Enforcement Administration in the seizures of methamphetamine laboratories has increased drastically since 1994;

Whereas in 1994, the Drug Enforcement Administration participated in the seizure of only 306 clandestine laboratories, 86 percent of which were methamphetamine laboratories;

Whereas in 1999, a total of 6,325 methamphetamine and amphetamine laboratories were seized in the United States, and the Drug Enforcement Administration participated in 1,948 of those seizures;

Whereas the Drug Enforcement Administration and State and local law enforcement agencies spend millions of dollars every year cleaning up the pollutants and toxins created and left behind by operators of clandestine methamphetamine and amphetamine laboratories;

Whereas methamphetamine manufacturing poses serious dangers to human life and the environment;

Whereas the chemicals and substances used in methamphetamine manufacturing are unstable, volatile, and highly combustible, and the smallest amounts of such chemicals, when mixed improperly, can cause explosions and fire;

Whereas most clandestine methamphetamine and amphetamine laboratories are situated in residences, motels, trailers, and vans, thereby increasing the danger posed by such explosions and fire;

Whereas for every pound of methamphetamine that is produced, more than five

pounds of toxic waste is produced and left behind;

Whereas the Drug Enforcement Administration has been assisting State and local law enforcement agencies in cleaning up methamphetamine laboratory sites;

Whereas State and local agencies lack the financial ability, equipment, and training to cleanup these sites, and therefore rely predominately, if not entirely, on the Drug Enforcement Administration to clean up methamphetamine laboratories;

Whereas the funds appropriated to the Drug Enforcement Administration for fiscal year 2000 for the cleanup of State and local methamphetamine laboratories were exhausted in March 2000, though the number of methamphetamine laboratories has continued to increase dramatically;

Whereas the exhaustion of Drug Enforcement Administration funds to assist State and local methamphetamine laboratory cleanup efforts results in a great increase in the risk of harm to State and local law enforcement officers, the public, and the environment; and

Whereas it is imperative that sufficient funding be provided to the Drug Enforcement Administration for methamphetamine laboratory cleanup, and the Department of Justice has suggested that $10,000,000 be reprogrammed in its budget for this purpose: Now, therefore, be it

Resolved, That it is the sense of the Senate that of the funds appropriated or otherwise made available for the Department of Justice for fiscal year 2000, $10,000,000 should be reprogrammed for the Drug Enforcement Administration in order to permit the Drug Enforcement Administration to assist State and local efforts to clean up methamphetamine laboratories in fiscal year 2000.

Mr. HUTCHINSON. Mr. President, I rise today with Senators GRASSLEY, HATCH, CRAIG, THOMAS, and FRIST to submit a resolution which states that it is the Sense of the Senate that $10 million should be immediately reprogrammed within the United States Department of Justice's (DOJ) budget to allow the Drug Enforcement Administration (DEA) to support the cleanup of State and local methamphetamine laboratories in Fiscal Year 2000. I do so with a sense of urgency as my home State of Arkansas has suffered a terrible and great increase in the production, distribution, and use of methamphetamine and is desperately in need of federal assistance to bear the financial burden inherent in the cleanup of methamphetamine laboratories.

In March, Governor Huckabee informed me that the DEA had exhausted all of the funding available to cleanup State and local methamphetamine labs and that the State of Arkansas was paying over $7,500 a day despite the much-appreciated efforts undertaken by ENSCO, an El Dorado, Arkansas company, to dispose of methamphetamine labs at no cost to the State. As the costs associated with the cleanup of a single lab range anywhere from $3,000 to $100,000 and average about $5,000 and, with over 200 labs seized to date, Arkansas will seize over 800 labs this year, it is imperative that funding be provided to the DEA so that it may continue to assist in State and local methamphetamine lab cleanups.

On March 28, 2000, Senators GRASSLEY, KYL, CRAIG, ASHCROFT, and I asked United States Attorney General Reno to identify $10 million in funding within the DOJ's budget which could be reprogrammed to provide the DEA with the monies necessary for it to administer the cleanup of labs seized by State and local law enforcement agencies. I was greatly encouraged and highly appreciative when she quickly responded by requesting that $10 million in Community Orientated Policing Service (COPS) recovery funds be reprogrammed. Despite an April 3, 2000, letter from Senators INHOFE, CRAIG, THOMAS, THOMPSON, FRIST, ASHCROFT, HATCH, ENZI, and I supporting this request, the Office of Management and Budget (OMB) has informed me that a determination has not been made. While I appreciate the fact that Director Lew and the OMB continue to look for this critical funding, I ask them to put aside politics and act quickly to meet this need.

This Resolution is intended to make it clear to this Administration that the United States Congress is serious about solving this problem. I implore the President to take a firm stand against methamphetamine and establish an effective policy to address this exponentially increasing problem. I am firmly convinced that we can solve this problem with Congressional support and Presidential leadership. Accordingly, I ask my colleagues to take the first step toward a solution by joining me in supporting this Resolution.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator HUTCHINSON in sponsoring this resolution. We have been working closely together to find a solution to this growing problem. Unfortunately it seems the White House fails to grasp the urgency.

Mr. President, the DEA, who has for several years reimbursed state and local law enforcement agencies for the costs they have incurred in cleaning up drug laboratories, has run out of cleanup money. This has happened at a time when the number of these labs are growing rapidly, and springing up in towns and counties where there has never been a problem in the past. Iowa alone has a stack of over $83,000 in outstanding lab cleanup bills, and this amount continues to grow. Last year, Iowa received over $1.3 million in reimbursement, and at the current pace this total is expected to be higher this year.

Four weeks ago, Mr. President, Mr. HUTCHINSON, Mr. KYL, and I wrote the appropriations committee to alert them to this problem. Our offices were aware of this impending problem, and wanted to insure that no one was taken by surprise so there could be a quick resolution. Two weeks ago, we were joined by Mr. CRAIG and Mr. ASHCROFT in a letter to the Attorney General, encouraging her to work with the Appropriators in reprogramming funds to cover this shortfall.

I am pleased to say that within days we had been informed that a reprogramming request had been sent to the White House Budget Office for their approval. The request would allow for the use of returned COPS funds—money that was not going to be spent otherwise—to be used to clean up these environmental hazzards. I want to emphasize that this source was identified by the Justice Department, not by Congress. And I want to applaud their swift action to solve the problem, and not play politics.

But then, OMB happened. It did nothing. The problem mounts, and OMB sits. That is why Senator HUTCHINSON and I are offering this Sense of the Senate. We hope to encourage timely action—not more sitting on bureaucratic thumbs. I urge my colleagues to join us.

SENATE RESOLUTION 292—RECOGNIZING THE 20TH CENTURY AS THE ''CENTURY OF WOMEN IN THE UNITED STATES''

Mr. CLELAND (for himself, Mrs. BOXER, Mr. BOND, Mr. BAUCUS, Mr. BRYAN, Ms. LANDRIEU, Mr. KERRY, Mr. JEFFORDS, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. ROBB, Mr. COCHRAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas women made unparalleled strides during the 20th century in education, professions, legal rights, politics, military service, religion, sports, and self-reliance;

Whereas at the dawn of the 20th century, most women in the United States were denied the right to vote;

Whereas the Women's Suffrage movement, the largest grassroots political movement in the Nation's history, involved about 2,000,000 women and took more than 70 years of petitions, referenda, speeches, national and State campaigns, demonstrations, arrests, and hunger strikes;

Whereas women won the right to vote throughout the United States with the ratification of the 19th amendment to the Constitution of the United States in 1920, and by the end of the century, women were voting in larger numbers than men in some national elections;

Whereas women represent an increasing share of people being awarded college and postgraduate degrees;

Whereas women are increasingly owning their own businesses and working to narrow the gap in earnings between women and men, and in 1999 women earned 73 cents for every dollar earned by men in contrast to the 57 cents they received in 1973;

Whereas during the 20th century, women served their country proudly and capably in the armed services, including duty in both World Wars, Korea, Vietnam, Panama, Libya, the Persian Gulf, Bosnia, Kosovo, and

all major contingencies including in warfighting roles;

Whereas in World War I, women were only allowed to serve in the Army as nurses, and with over 30,000 women serving in World War I, approximately 10,000 women served as volunteers overseas, with no rank and no benefits;

Whereas women now serve in all ranks, in all branches of the armed services, as pilots, intelligence specialists, drill instructors, specialists, and technicians, soldiers, airmen, and marines on the battlefields, and as sailors aboard Navy and Coast Guard ships at sea;

Whereas women were once denied the right to enter the national academies for military service or to compete to become astronauts or combat pilots, in 1976 Congress passed, and President Ford signed into law, legislation authorizing the admission of women into the military service academies;

Whereas women are now excelling in military academies and emerging as part of the military leadership of the future, and have served with distinction as members of combat squadrons and as commanders and members of the space shuttle crew;

Whereas the 20th century saw women in new roles as justices on the United States Supreme Court, members of the President's Executive Cabinet, United States Senators and Representatives, and women's services have become invaluable in appointed and volunteer positions and as Federal legislators, State and local legislators, Governors, judges, Cabinet officers, county commissioners, mayors, city council members, directors of Federal, State and local agencies;

Whereas women have become prominent figures in amateur and professional sports highlighted in 1999 with the United States Women's Soccer Team winning the World Cup in a stunning victory; and

Whereas women can look back at the opportunities created during the 20th century and look ahead toward even greater accomplishments in the 21st century: Now, therefore, be it

Resolved, That the Senate—

(1) commends the accomplishments and unfailing spirit of women in the 20th century; and

(2) recognizes the 20th century as the ''Century of Women in the United States''.

• Mr. CLELAND. Mr. President, I rise today to submit a resolution recognizing the 20th century as the ''Century of Women in the United States.'' I would like to thank Georgia State Representative Hinson Mosley for introducing a similar resolution in the Georgia General Assembly recognizing the tremendous accomplishments of women in Georgia and in the United States during the 20th century and for sharing his resolution with me. Representative Mosley's exceptional resolution passed the Georgia House of Representatives by a vote of 120–0 and the Georgia Senate on a vote of 51 to 0.

Like Representative Mosley's resolution, my proposal recognizes that as we enter the 21st century, it is essential that we note the vast opportunities available to today's women that were not available to women entering the 20th century. Women made unprecedented strides in civil rights, careers, religion, education and military service. Although we must keep in mind the challenges that women in our society continue to face and the work that women and men must yet accomplish, let us celebrate the victories won by women in the past 100 years.

I, along with Senators BOXER, BOND, BAUCUS, BRYAN, DURBIN, LANDRIEU, MIKULSKI, MURRAY, LINCOLN, KERRY, JEFFORDS, FEINSTEIN, ROBB and COCHRAN urge my colleagues to support this resolution and recognize the 20th century as the ''Century of Women in the United States.''•

SENATE RESOLUTION 293—ENCOURAGING ALL RESIDENTS OF THE UNITED STATES TO COMPLETE THEIR CENSUS FORMS TO ENSURE THE MOST ACCURATE ENUMERATION OF THE POPULATION POSSIBLE

Mr. DASCHLE (for himself, Mr. LIEBERMAN, Mr. SARBANES, Mr. BRYAN, Mr. TORRICELLI, Mr. EDWARDS, Mr. MOYNIHAN, Mr. KERRY, Mr. BINGAMAN, Mr. GRAHAM, Mr. CLELAND, Mr. REID, Mr. HARKIN, Mrs. LINCOLN, Mr. SCHUMER, Mr. AKAKA, Mr. KENNEDY, Mr. DURBIN, Mr. FEINGOLD, Mr. KERREY, Mr. KOHL, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. DORGAN, Mr. ROBB, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REED, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 293

Whereas the Constitution requires an actual enumeration of the population every 10 years;

Whereas Federal, State, and local governments, as well as charities and other groups serving Americans, use information gathered by the census to distribute hundreds of billions of dollars for programs from education to employment, housing to transportation, and rural development to urban empowerment;

Whereas inaccurate or incomplete census data would make it impossible for this aid to be distributed appropriately or fairly and would prevent critically needed funding from finding its way to the appropriate recipients;

Whereas inaccurate or incomplete census data would also throw into doubt the ability to correctly apportion representation in Congress or equitably redraw voting district lines within the States, raising questions about whether the one-person-one-vote rights of Americans are being appropriately guarded;

Whereas the privacy of all data collected by the Bureau of the Census is guaranteed absolute confidentiality for 72 years from the public and all other government agencies; and

Whereas the Bureau of the Census cannot conduct its constitutional or legal duties and Americans cannot be assured of the integrity of the census results, and therefore the equity of all of the manifold decisions that rely upon census numbers, without the fullest possible participation from the public: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the civic duty of Americans to assist in ensuring the most accurate census possible; and

(2) all residents of the United States should complete their census forms.

Mr. DASCHLE. Mr. President, today Senator LIEBERMAN and I, along with a group of our colleagues, are introducing a resolution emphasizing to all Americans the importance of accurately and completely filling out their census forms. It is my hope that all members of the Senate will cosponsor this important resolution to support the Census Bureau as it carries out the role that the Constitution and Congress have directed it to take.

I continue to be concerned with the statements of some elected officials urging Americans not to respond to some of the questions on their census forms. These statements are reckless and irresponsible.

First, every question on the census form is required by the Constitution or by law. All of these questions were reviewed by Congress before the census began, and received virtually no comment at that time. Second, an accurate census is absolutely critical to meet the needs of the public. Local, state and federal aid programs all depend upon an accurate census count to properly distribute funding for roads, schools and health care. Disaster response agencies like the Federal Emergency Management Agency use census data to prepare for and respond to hurricanes, tornadoes and other natural disasters. Finally, accurate information about population is absolutely essential to fairly distribute congressional seats to ensure that all Americans have equal representation in Congress.

Any effort to encourage Americans not to complete their census questionnaire will only hinder our ability to allow every community to live up to its potential, and provide its citizens with the roads, hospitals and schools they need.

As you know, last week the Senate approved an amendment stating that no American should be prosecuted for failing to fill out his or her census form. This resolution was distracting and unnecessary. No American is—or for years has been—prosecuted for failing to complete a census form.

The Census Bureau needs to know that it has the full support of the Congress as it carries out its vital task. This resolution makes clear just how important the bureau's task is, and the need for every American to comply with the law and complete the census form. I urge all my colleagues to give it their support.

AMENDMENTS SUBMITTED

CRIME VICTIMS ASSISTANCE ACT

LEAHY (AND OTHERS) AMENDMENT NO. 3097

(Referred to the Committee on Foreign Relations.)

Mr. LEAHY (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. KERRY, Mr. HARKIN, Mrs. MURRAY, Mr. FEINGOLD, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill (S. 934) to enhance rights and protections for victims of crime; as follows:

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

SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Crime Victims Assistance Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—VICTIM RIGHTS

Sec. 101. Right to notice and to be heard concerning detention.
Sec. 102. Right to a speedy trial.
Sec. 103. Right to notice and to be heard concerning plea.
Sec. 104. Enhanced participatory rights at trial.
Sec. 105. Right to notice and to be heard concerning sentence.
Sec. 106. Right to notice and to be heard concerning sentence adjustment.
Sec. 107. Right to notice of release or escape.
Sec. 108. Right to notice and to be heard concerning Executive clemency.
Sec. 109. Remedies for noncompliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to establish ombudsman programs for crime victims.
Sec. 202. Amendments to Victims of Crime Act of 1984.
Sec. 203. Increased training for law enforcement officers and court personnel to respond to the needs of crime victims.
Sec. 204. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.
Sec. 205. Pilot program to study effectiveness of restorative justice approach on behalf of victims of crime.
Sec. 206. Compensation and assistance to victims of terrorist acts, mass violence, or international terrorism.

TITLE I—VICTIM RIGHTS

SEC. 101. RIGHT TO NOTICE AND TO BE HEARD CONCERNING DETENTION.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (g)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) the views of the victim; and''; and

(2) by adding at the end the following:

''(k) NOTICE AND RIGHT TO BE HEARD.—

''(1) IN GENERAL.—Subject to paragraph (2), with respect to each hearing under subsection (f)—

''(A) before the hearing, the Government shall make reasonable efforts to notify the victim of—

''(i) the date and time of the hearing; and

''(ii) the right of the victim to be heard on the issue of detention; and

''(B) at the hearing, the court shall inquire of the Government whether the victim wishes to be heard on the issue of detention and, if so, shall afford the victim such an opportunity.

''(2) EXCEPTIONS.—The requirements of paragraph (1) shall not apply to any case in which the Government or the court reasonably believes—

''(A) available evidence raises a significant expectation of physical violence or other retaliation by the victim against the defendant; or

''(B) identification of the defendant by the victim is a fact in dispute, and no means of verification has been attempted.''.

(c) VICTIM DEFINED.—Section 3156(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the term 'victim'—

''(A) means an individual harmed as a result of a commission of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault; and

''(B) includes—

''(i) in the case of a victim who is less than 18 years of age or incompetent, the parent or legal guardian of the victim;

''(ii) in the case of a victim who is deceased or incapacitated, 1 or more family members designated by the court; and

''(iii) any other person appointed by the court to represent the victim.''.

SEC. 102. RIGHT TO A SPEEDY TRIAL.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (or the family of a victim who is deceased or incapacitated) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. RIGHT TO NOTICE AND TO BE HEARD CONCERNING PLEA.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivision (h) as subdivision (i); and

(2) by inserting after subdivision (g) the following:

''(h) RIGHTS OF VICTIMS.—

''(1) VICTIM DEFINED.—In this subdivision, the term 'victim' means an individual harmed as a result of a commission of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, and also includes—

''(A) in the case of a victim who is less than 18 years of age or incompetent, the parent or legal guardian of the victim;

''(B) in the case of a victim who is deceased or incapacitated, 1 or more family members designated by the court; and

''(C) any other person appointed by the court to represent the victim.

''(2) NOTICE.—The Government, before a proceeding at which a plea of guilty or nolo contendere is entered, shall make reasonable efforts to notify the victim of—

''(A) the date and time of the proceeding;

''(B) the elements of the proposed plea or plea agreement;

''(C) the right of the victim to attend the proceeding; and

''(D) the right of the victim to address the court personally, through counsel, or in writing on the issue of the proposed plea or plea agreement.

''(3) OPPORTUNITY TO BE HEARD.—The court, before accepting a plea of guilty or nolo contendere, shall afford the victim an opportunity to be heard, personally, through counsel, or in writing, on the proposed plea or plea agreement.

''(4) EXCEPTIONS.—Notwithstanding any other provision of this subdivision—

''(A) in any case in which a victim is a defendant in the same or a related case, or in which the Government certifies to the court under seal that affording such victim any right provided under this rule will jeopardize an ongoing investigation, the victim shall not have such right;

''(B) a victim who, at the time of a proceeding at which a plea of guilty or nolo contendere is entered, is incarcerated in any Federal, State, or local correctional or detention facility, shall not have the right to appear in person, but, subject to subparagraph (A), shall be afforded a reasonable opportunity to present views or participate by alternate means; and

''(C) in any case involving more than 15 victims, the court, after consultation with the Government and the victims, may appoint a number of victims to represent the interests of the victims, except that all victims shall retain the right to submit a written statement under paragraph (2).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days

after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENT TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended by adding at the end the following:

''(d) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to any victim viewing proceedings pursuant to section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued thereunder.''.

(b) AMENDMENT TO VICTIMS' RIGHTS AND RESTITUTION ACT OF 1990.—Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses.''; and

(2) in paragraph (5), by striking ''attorney'' and inserting ''the attorney''.

SEC. 105. RIGHT TO NOTICE AND TO BE HEARD CONCERNING SENTENCE.

(a) ENHANCED NOTICE AND CONSIDERATION OF VICTIMS' VIEWS.—

(1) IMPOSITION OF SENTENCE.—Section 3553(a) of title 18, United States Code, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

''(7) the views of any victims of the offense, if such views are presented to the court; and''.

(2) ISSUANCE AND ENFORCEMENT OF ORDER OF RESTITUTION.—Section 3664(d)(2)(A) of title 18, United States Code is amended—

(A) by redesignating clauses (v) and (vi) as clauses (vii) and (viii) respectively; and

(B) by inserting after clause (iv) the following:

''(v) the opportunity of the victim to attend the sentencing hearing;

''(vi) the opportunity of the victim, personally or through counsel, to make a statement or present any information to the court in relation to the sentence;''.

(b) ENHANCED PARTICIPATORY RIGHTS.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (b)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(B) by inserting after paragraph (3) the following:

''(4) NOTICE TO VICTIM.—The probation officer must, before submitting the presentence report, provide notice to the victim as provided by section 3664(d)(2)(A) of title 18, United States Code.''; and

(C) in paragraph (5), as redesignated—

(i) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) any victim impact statement submitted by a victim to the probation officer;'';

(2) in subdivision (c)(3), by striking subparagraph (E) and inserting the following:

''(E) afford the victim, personally or through counsel, an opportunity to make a statement or present any information in relation to the sentence, including information concerning the extent and scope of the victim's injury or loss, and the impact of the offense on the victim or the family of the victim, except that the court may reasonably limit the number of victims permitted to address the court if the number is so large that affording each victim such right would result in cumulative victim impact information or would unreasonably prolong the sentencing process.''; and

(3) in subdivision (f)(1)—

(A) by striking ''the right of allocution under subdivision (c)(3)(E)'' and inserting ''the notice and participatory rights under subdivisions (b)(4) and (c)(3)(E)''; and

(B) by striking ''if such person or persons are present at the sentencing hearing, regardless of whether the victim is present;''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE AND TO BE HEARD CONCERNING SENTENCE ADJUSTMENT.

(a) IN GENERAL.—Rule 32.1(a) of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

''(3) NOTICE TO VICTIM.—At any hearing pursuant to paragraph (2) involving 1 or more persons who have been convicted of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make reasonable efforts to notify the victim of the offense (and the victim of any new charges giving rise to the hearing), of—

''(A) the date and time of the hearing; and

''(B) the right of the victim to attend the hearing and to address the court regarding whether the terms or conditions of probation or supervised release should be modified.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to ensure that reasonable efforts are made to notify victims of violent offenses of any revocation hearing held pursuant to Rule 32.1(a)(2), and to afford such victims an opportunity to participate.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 107. RIGHT TO NOTICE OF RELEASE OR ESCAPE.

(a) IN GENERAL.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''§ 3627. Notice to victims of release or escape of defendants

''(a) IN GENERAL.—The Bureau of Prisons shall ensure that reasonable notice is provided to each victim of an offense for which

a person is in custody pursuant to this subchapter—

''(1) not less than 30 days before the release of such person under section 3624, assignment of such person to pre-release custody under section 3624(c), or transfer of such person under section 3623;

''(2) not less than 10 days before the temporary release of such person under section 3622;

''(3) not later than 12 hours after discovery that such person has escaped;

''(4) not later than 12 hours after the return to custody of such person after an escape; and

''(5) at such other times as may be reasonable before any other form of release of such person as may occur.

''(b) APPLICABILITY.—This section applies to any escape, work release, furlough, or any other form of release from a psychiatric institution or other facility that provides mental or other health services to persons in the custody of the Bureau of Prisons.

''(c) VICTIM CONTACT INFORMATION.—It shall be the responsibility of a victim to notify the Bureau of Prisons, by means of a form to be provided by the Attorney General, of any change in the mailing address of the victim, or other means of contacting the victim, while the defendant is in the custody of the Bureau of Prisons. The Bureau of Prisons shall ensure the confidentiality of any information relating to a victim.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''3627. Notice to victims of release or escape of defendants.''.

SEC. 108. RIGHT TO NOTICE AND TO BE HEARD CONCERNING EXECUTIVE CLEMENCY.

(a) NOTIFICATION.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding after section 3627, as added by section 107, the following:

''§ 3628. Notice to victims concerning grant of executive clemency

''(a) DEFINITIONS.—In this section—

''(1) the term 'executive clemency'—

''(A) means any exercise by the President of the power to grant reprieves and pardons under clause 1 of section 2 of article II of the Constitution of the United States; and

''(B) includes any pardon, reprieve, commutation of sentence, or remission of fine; and

''(2) the term 'victim' has the same meaning given that term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

''(b) NOTICE OF GRANT OF EXECUTIVE CLEMENCY.—

''(1) If a petition for executive clemency is granted, the Attorney General shall make reasonable efforts to notify any victim of any offense that is the subject of the grant of executive clemency that such grant has been made as soon as practicable after that grant is made.

''(2) If a grant of executive clemency will result in the release of any person from custody, notice under paragraph (1) shall be prior to that release from custody, if practicable.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''3628. Notice to victims concerning grant of executive clemency.''.

(c) REPORTING REQUIREMENTS.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on executive clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of a petition for executive clemency, and whether such victim submitted a statement concerning the petition.

(d) SENSE OF THE SENATE CONCERNING THE RIGHT OF VICTIMS TO NOTICE AND TO BE HEARD CONCERNING EXECUTIVE CLEMENCY.—It is the Sense of the Senate that—

(1) victims of a crime should be notified about any petition for executive clemency filed by the perpetrators of that crime and provided an opportunity to submit a statement concerning the petition to the President; and

(2) the Attorney General should promulgate regulations or internal guidelines to ensure that such notification and opportunity to submit a statement are provided.

SEC. 109. REMEDIES FOR NONCOMPLIANCE.

(a) GENERAL LIMITATION.—Any failure to comply with any amendment made by this title shall not give rise to a claim for damages, or any other action against the United States, or any employee of the United States, any court official or officer of the court, or an entity contracting with the United States, or any action seeking a rehearing or other reconsideration of action taken in connection with a defendant.

(b) REGULATIONS TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Notwithstanding subsection (a), not later than 1 year after the date of enactment of this Act, the Attorney General of the United States and the Chairman of the United States Parole Commission shall promulgate regulations to implement and enforce the amendments made by this title.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice (including employees of the United States Parole Commission) who willfully or repeatedly violate the amendments made by this title, or willfully or repeatedly refuse or fail to comply with provisions of Federal law pertaining to the treatment of victims of crime;

(B) include an administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of the amendments made by this title;

(C) provide that a complainant is prohibited from recovering monetary damages against the United States, or any employee of the United States, either in his official or personal capacity; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN PROGRAMS FOR CRIME VICTIMS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Victims of Crime.

(2) OFFICE.—The term ''Office'' means the Office for Victims of Crime.

(3) QUALIFIED PRIVATE ENTITY.—The term ''qualified private entity'' means a private entity that meets such requirements as the Attorney General, acting through the Director, may establish.

(4) QUALIFIED UNIT OF STATE OR LOCAL GOVERNMENT.—The term ''local government'' means a unit of a State or local government, including a State court, that meets such requirements as the Attorney General, acting through the Director, may establish.

(5) VOICE CENTERS.—The term ''VOICE Centers'' means the Victim Ombudsman Information Centers established under the program under subsection (b).

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs to establish and operate Victim Ombudsman Information Centers in each of the following States:

(A) Iowa.

(B) Massachusetts.

(C) Maryland.

(D) Vermont.

(E) Virginia.

(F) Washington.

(G) Wisconsin.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a qualified private entity or unit of State or local government to conduct a pilot program referred to in paragraph (1). Under the agreement, the Attorney General, acting through the Director, shall provide for a grant to assist the qualified private entity or unit of State or local government in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the VOICE Center shall be established in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a VOICE Center under this section (including the applicable reporting duties under subsection (c) and the terms of the agreement) each VOICE Center shall operate independently of the Office.

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a VOICE Center.

(c) OBJECTIVES.—

(1) MISSION.—The mission of each VOICE Center established under a pilot program under this section shall be to assist a victim of a Federal or State crime to ensure that the victim—

(A) is fully apprised of the rights of that victim under applicable Federal or State law; and

(B) is provided the opportunity to participate in the criminal justice process to the fullest extent of the law.

(2) DUTIES.—The duties of a VOICE Center shall include—

(A) providing information to victims of Federal or State crime regarding the right of those victims to participate in the criminal justice process (including information concerning any right that exists under applicable Federal or State law);

(B) identifying and responding to situations in which the rights of victims of crime under applicable Federal or State law may have been violated;

(C) attempting to facilitate compliance with Federal or State law referred to in subparagraph (B);

(D) educating police, prosecutors, Federal and State judges, officers of the court, and employees of jails and prisons concerning the rights of victims under applicable Federal or State law; and

(E) taking measures that are necessary to ensure that victims of crime are treated with fairness, dignity, and compassion throughout the criminal justice process.

(d) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Office may provide technical assistance to each VOICE Center.

(2) ANNUAL REPORT.—Each qualified private entity or qualified unit of State or local government that carries out a pilot program to establish and operate a VOICE Center under this section shall prepare and submit to the Director, not later than 1 year after the VOICE Center is established, and annually thereafter, a report that—

(A) describes in detail the activities of the VOICE Center during the preceding year; and

(B) outlines a strategic plan for the year following the year covered under subparagraph (A).

(e) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) GAO STUDY.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Comptroller General of the United States shall conduct a review of each pilot program carried out under this section to determine the effectiveness of the VOICE Center that is the subject of the pilot program in carrying out the mission and duties described in subsection (c).

(2) OTHER STUDIES.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Attorney General, acting through the Director, shall enter into an agreement with 1 or more private entities that meet such requirements that the Attorney General, acting through the Director, may establish, to study the effectiveness of each VOICE Center established by a pilot program under this section in carrying out the mission and duties described in subsection (c).

(f) TERMINATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a pilot program established under this section shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) RENEWAL.—If the Attorney General determines that any of the pilot programs established under this section should be renewed for an additional period, the Attorney General may renew that pilot program for a period not to exceed 2 years.

(g) FUNDING.—Notwithstanding any other provision of law, an aggregate amount not to exceed $5,000,000 of the amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act''), may be used by the Director to make grants under subsection (b).

SEC. 202. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any gifts, bequests, or donations from private entities or individuals.''; and

(2) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking ''48.5'' and inserting ''47.5'';

(ii) in subparagraph (B), by striking ''48.5'' and inserting ''47.5''; and

(iii) in subparagraph (C), by striking ''3'' and inserting ''5'';

(B) in paragraph (5), by adding at the end the following:

''(C) Any State that receives supplemental funding to respond to incidents or terrorism or mass violence under this section shall be required to return to the Crime Victims Fund for deposit in the reserve fund, amounts subrogated to the State as a result of third-party payments to victims.''.

(b) CRIME VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended—

(1) in subsection (a)—

(A) in each of paragraphs (1) and (2), by striking ''40'' and inserting ''60''; and

(B) in paragraph (3)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by inserting ''and evaluation'' after ''administration''; and

(2) in subsection (b)—

(A) in paragraph (7), by inserting ''because the identity of the offender was not determined beyond a reasonable doubt in a criminal trial, because criminal charges were not brought against the offender, or'' after ''deny compensation to any victim'';

(B) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10); and

(C) by inserting after paragraph (7) the following:

''(8) such program does not discriminate against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case.''.

(c) CRIME VICTIM ASSISTANCE.—Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subsection (b)(3), by striking ''5'' and inserting ''10'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''or enter into cooperative agreements'' after ''make grants'';

(ii) by striking subparagraph (A) and inserting the following:

''(A) for demonstration projects, evaluation, training, and technical assistance services to eligible organizations;'';

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) training and technical assistance that address the significance of and effective delivery strategies for providing long-term psychological care.''; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''; and

(3) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) the term 'State' includes—

''(A) the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

''(B) for purposes of a subgrant under subsection (a)(1) or a grant or cooperative agreement under subsection (c)(1), the United States Virgin Islands and any agency of the Government of the District of Columbia or the Federal Government performing law enforcement functions in and on behalf of the District of Columbia.'';

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(E) public awareness and education and crime prevention activities that promote, and are conducted in conjunction with, the provision of victim assistance; and

''(F) for purposes of an award under subsection (c)(1)(A), preparation, publication, and distribution of informational materials and resources for victims of crime and crime victims organizations.'';

(C) by striking paragraph (4) and inserting the following:

''(4) the term 'crisis intervention services' means counseling and emotional support including mental health counseling, provided as a result of crisis situations for individuals, couples, or family members following and related to the occurrence of crime;'';

(D) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(6) for purposes of an award under subsection (c)(1), the term 'eligible organization' includes any—

''(A) national or State organization with a commitment to developing, implementing, evaluating, or enforcing victims' rights and the delivery of services;

''(B) State agency or unit of local government;

''(C) State court;

''(D) tribal organization;

''(E) organization—

''(i) described in section 501(c) of the Internal Revenue Code of 1986; and

''(ii) exempt from taxation under section 501(a) of such Code; or

''(F) other entity that the Director determines to be appropriate.''.

SEC. 203. INCREASED TRAINING FOR LAW ENFORCEMENT OFFICERS AND COURT PERSONNEL TO RESPOND TO THE NEEDS OF CRIME VICTIMS.

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act'') may be used by the Office for Victims of Crime to make grants to States, State courts, units of local government, and qualified private entities, to provide training and information to prosecutors, judges, law enforcement officers, probation officers, and other officers and employees of Federal and State courts to assist them in responding effectively to the needs of victims of crime.

SEC. 204. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

(a) IN GENERAL.—Subtitle A of title XXIII of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2077) is amended by adding at the end the following:

"SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office for Victims of Crime of the Department of Justice such sums as may be necessary for grants to Federal, State, and local prosecutors' offices and law enforcement agencies, Federal and State courts, county jails, Federal and State correctional institutions, and qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue.

''(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

(b) VIOLENT CRIME REDUCTION TRUST FUND.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amended—

(1) in the first paragraph designated as paragraph (15) (relating to the definition of the term ''Federal law enforcement program''), by striking ''and'' at the end;

(2) in the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program''), by striking the period at the end and inserting ''; and''; and

(3) by inserting after the first paragraph designated as paragraph (16) (relating to the definition of the term ''Federal law enforcement program'') the following:

''(17) section 230103.''.

SEC. 205. PILOT PROGRAM TO STUDY EFFECTIVENESS OF RESTORATIVE JUSTICE APPROACH ON BEHALF OF VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act'') and amounts available in the Crime Victims Fund (42 U.S.C. 10601 et seq.), may be used by the Office for Victims of Crime to make grants to States, State courts, units of local government, and qualified private entities for the establishment of pilot programs that implement balanced and restorative justice models.

(b) DEFINITION OF BALANCED AND RESTORATIVE JUSTICE MODEL.—In this section, the term ''balanced and restorative justice model'' means an approach to criminal justice that promotes the maximum degree of involvement by a victim, offender, and the community served by a criminal justice system by allowing the criminal justice system and related criminal justice agencies to improve the capacity of the system and agencies to—

(1) protect the community served by the system and agencies; and

(2) ensure accountability of the offender and the system.

SEC. 206. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORIST ACTS, MASS VIOLENCE, OR INTERNATIONAL TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORIST ACTS OR MASS VIOLENCE.

''(a) IN GENERAL.—The Director may make supplemental grants as provided in section 1402(d)(5)—

''(1) to States, which shall be used for eligible crime victim compensation and assistance programs for the benefit of victims; and

''(2) to victim service organizations and to agencies (including Federal, State, and local governments and foreign governments) and organizations that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

''(A) emergency relief (including assistance and crisis response) and other related victim services;

''(B) emergency response training and technical assistance; and

''(C) ongoing assistance including during any investigation and prosecution.

''(b) VICTIM DEFINED.—

''(1) IN GENERAL.—In this section, the term 'victim' means a person who has suffered direct physical or emotional injury or death as a result of a terrorist act or mass violence occurring on or after December 21, 1988.

''(2) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation or assistance under this section on behalf of the victim.

''(3) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation or assistance under this section, either directly or on behalf of a victim.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

(b) INCREASE CAP ON EMERGENCY RESERVE FUND AND ALLOW FOR TRANSFER OF UNOBLIGATED FUNDS TO THE EMERGENCY RESERVE FUND.—

(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking ''$50,000,000'' and inserting ''$100,000,000''.

(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C 10601(e)) is amended by striking ''in excess of $500,000'' and all that follows through ''than $500,000'' and inserting ''shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums''.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

"SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Nationals of the United States and officers and employees of the Federal Government may suffer physical and emotional injury or death as a result of international terrorism.

''(2) The United States has an obligation to assist nationals of the United States if, through no fault of their own, they are targeted by terrorists as symbols of the United States.

''(3) Officers and employees of the United States who are not nationals of the United States may serve as a surrogate for the United States and may be targeted by international terrorists. Depending upon the nature of the duties of such an officer or employee, and the location of service of that officer or employee, the officer or employee may be placed in circumstances of greater vulnerability than other individuals who are not nationals of the United States.

''(4) Even if international terrorism is not directed clearly or exclusively at the United States, the status of an individual as a national of the United States or as an officer or employee of the Federal Government may contribute to some extent to the targeting of that individual by terrorists.

''(5) To provide fair compensation to these victims of international terrorism, Congress should assist these victims with the typical expenses of victimization and the extraordinary expenses associated with victimization abroad.

''(b) DEFINITIONS.—In this section:

''(1) INTERNATIONAL TERRORISM.—The term 'international terrorism' has the meaning given the term in section 2331 of title 18, United States Code.

''(2) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(3) VICTIM.—

''(A) IN GENERAL.—The term 'victim' means a person who—

''(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988; and

''(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the Federal Government.

''(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the assistance under this section on behalf of the victim.

''(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any assistance under this section, either directly or on behalf of a victim.

''(c) AWARD OF COMPENSATION.—The Director may carry out a program as provided in section 1402(d)(5)(B) to provide assistance to victims of international terrorism to compensate them for expenses associated with that victimization.

''(d) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

''(1) an explanation of the procedures for filing and processing of applications for assistance;

''(2) a description of the procedures and policies instituted to promote public awareness about the program;

''(3) a complete statistical analysis of the victims assisted under the program, including—

''(A) the number of applications for assistance submitted;

''(B) the number of applications approved and the amount of each award;

''(C) the number of applications denied and the reasons for the denial;

''(D) the average length of time to process an application for assistance; and

''(E) the number of applications for assistance pending and the estimated future liability of the program; and

''(4) an analysis of future program needs and suggested program improvements.''.

(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting '', to provide assistance to victims of international terrorism under the program under section 1404C,'' after ''section 1404B''.

Mr. LEAHY. Mr. President, this week marks the 20th anniversary of our observance of National Crime Victims' Rights Week. This is a week that we set aside each year to honor and commemorate the victims of crime and those who serve them. It is appropriate to take this time to discuss the unmet needs of victims in our Nation's criminal justice system.

Tremendous strides have been made in these past 20 years toward ensuring better and more comprehensive rights and services for victims of crime. Today, there are over 30,000 laws nationwide that define and protect victims' rights, as well as over 10,000 national, State, and local organizations that provide assistance to people who have been hurt by crime. This is substantial progress, but there is still more to be done.

My involvement with crime victims' rights began more than three decades ago when I served as State's Attorney for Chittenden County, Vermont, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime and domestic violence, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. During the last two decades, Congress has passed several bills to this end. These bills have included:

The Victims and Witness Protection Act of 1982;

The Victims of Crime Act of 1984;

The Victims' Rights and Restitution Act of 1990;

The Violence Against Women Act of 1994;

The Mandatory Victims' Restitution Act of 1996;

The Justice for Victims of Terrorism Act of 1996;

The Victim Rights Clarification Act of 1997;

The Crime Victims with Disabilities Awareness Act of 1998; and

The Torture Victims Relief Act of 1998.

It is because of my continuing commitment to protecting the rights of victims that I joined with Senator KENNEDY to introduce the Crime Victims Assistance Act, S. 934, and its predecessor in the 105th Congress. This legislation offers full-scale reform of Federal rules and Federal law to establish stronger rights and protections for victims of Federal crime. This legislation further proposes to assist victims of State crime through the infusion of additional resources to make the criminal justice system more supporting of crime victims. In addition, this legislation would improve the capacity of the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad.

The Crime Victims Assistance Act would improve the lot of victims throughout the country. Unfortunately, it appears that in this Congress, as in the last, we will not take the simple and important step of enacting this legislation. Instead, the Judiciary Committee has focused on proposals to amend the United States Constitution. Such action is ill-advised and a constitutional amendment is unnecessary. I regret that for the last several years the pace of crime victim legislation has slowed dramatically. I have grave reservations about proceeding first to amend the Constitution and only then to design and enact the legislation that could help crime victims. To help victims we must act on legislation like the Crime Victims Assistance Act and we should be doing so without further delay.

While the Crime Victims Assistance Act is central to a package of victim assistance legislation, it does not stand alone. There is so much that we could be doing to help victims, none of which requires an amendment to the Constitution. If we truly want to help victims we should, for example, re-authorize the Violence Against Women Act. A bill to reauthorize those programs has been pending without action for too long. It contains over $3.7 billion dollars in funding over five years, funding that primarily goes to State and local programs that desperately need assistance.

Just yesterday, the Office of Justice Programs announced that Women Helping Battered Women in Burlington, Vermont, will be receiving $249,043 under the Rural Domestic Violence and Child Victimization Enforcement Program—a VAWA program that I initiated. Earlier this month, the Vermont Center for Crime Victim Services received an award of $799,534 under the same program. This program, and other VAWA programs, meet the true and immediate needs of victims in every State. By contrast, the proposed constitutional amendment is a political gimmick, which promises much but fails to define real rights or provide real remedies or assistance.

We must also do more for victims of hate crimes by passing the Hate Crimes Prevention Act. This legislation amends the Federal hate crimes statute to make it easier for federal law enforcement officials to investigate and prosecute cases of racial and religious violence. It also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability. The Senate approved this legislation last summer as part of the Commerce-Justice-State appropriations bill, but it was dropped before final passage. We should pass it now, without further delay.

With a simple majority of both Houses of Congress we can pass the Crime Victims Assistance Act, which should have been enacted three years ago; we can re-authorize the Violence Against Women Act; we can pass the Hate Crimes Prevention Act. These laws can make a difference today in the lives of crime victims throughout the country. There would be no need to achieve super-majorities in both Houses of Congress, no need to await ratification efforts among the States and no need to go through the ensuing process of enacting implementing legislation.

I regret that we did not do more for victims last year or the year before. Over the course of that time, I have noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered.

I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

I want to take this opportunity to commend all those who work so hard every day to assist victims of crime and to prevent others from becoming victims of crime. That is something I try to do every year and, in particular, during Crime Victims Rights Week. In preparing to do so again this year I was disappointed to see that no other Senator has yet recognized Crime Victims Rights week.

On behalf of Senators KENNEDY, SARBANES, KERRY, HARKIN, MURRAY, FEINGOLD, and ROBB, I am today filing a substitute amendment to our bill. In spite of the Judiciary Committee's lack of attention to these matters, we have continued to work on them, think about them and to improve the bill. I

ask unanimous consent that a copy of the substitute amendment and a section-by-section summary be printed in the RECORD.

Mr. KENNEDY. Mr. President, I support greater recognition of the rights of victims of crime. Clearly, they deserve enforceable rights that are guaranteed by law. But, just as clearly, these rights can be achieved without amending the Constitution. The Constitution is the foundation of our democracy, and it reflects the enduring principles of our country. The framers deliberately made it difficult to amend because it was never intended to be used for normal legislative purposes.

We have a responsibility to assure victims of crime that their rights in the criminal justice system will not be ignored. That is why my colleagues and I are re-introducing the Crime Victims Assistance Act.

Our bill clearly defines the rights of victims, and it establishes an effective means to implement and enforce these rights. It does so without taking the drastic and unnecessary step of amending the Constitution. Acting through legislation allows us to act quickly to give victims the rights to which they are entitled. It also allows us to react quickly to changing circumstances. By contrast, the proponents of a constitutional amendment are asking victims to wait, possibly for years, before any of the provisions in the amendment are adopted, much less implemented.

Our bill provides enhanced protections to victims of federal crimes. It assures victims a greater voice in the prosecution of the criminals who injured them and their families. It gives victims the right to be notified and heard on detention and plea agreements, the right to be notified and heard at probation revocation hearings, the right to be notified of the escape or release of a criminal from prison, and the right to a speedy trial and prompt disposition, free from unreasonable delay. In addition, our bill enhances victims' rights to obtain restitution, to be notified and heard at sentencing, and to be present at trial.

The rights established by our bill will fill the existing gaps in federal criminal law and will be a major step toward ensuring that victims of crime receive appropriate and sensitive treatment. Our bill will achieve these goals in a way that does not interfere with the efforts of the States to protect victims in ways appropriate to each State's unique needs.

Our bill also contains measures to ensure that victims receive the counseling, information, and assistance they need in order to participate in the criminal justice process to the maximum extent possible. It creates and funds additional federal victim assistance personnel. It authorizes the use of funds to establish effective pilot programs. It provides funds for increased training of state and local law enforcement agencies and court personnel, to enable them to respond effectively to the needs of victims and to notify them of important dates and developments. Our bill also establishes ombudsman programs to ensure that victims are given unbiased information about navigating the criminal justice process. To make all of these improvements possible, the proposed statute also improves federal financial support for victim assistance and compensation.

There is no need to amend the constitution to achieve these important goals. In my view, when it is not necessary to amend the constitution to achieve a particular goal, it is necessary not to amend it. That is why I ask my colleagues to establish effective and enforceable rights for victims of crime by supporting the Crime Victims Assistance Act.

Mr. FEINGOLD. Mr. President, I was pleased to join Senators LEAHY and KENNEDY as a sponsor of the Crime Victims Assistance Act, and I endorse this modified version of the bill. This is an important bill designed to give substantial, enforceable rights to the victims of federal crimes to participate fully in the various criminal justice proceedings arising out of their cases.

I understand that the sponsors of the constitutional amendment concerning the rights of victims of crime, often referred to as the Victims' Rights Amendment or VRA, will bring the amendment to the Senate floor in the near future. I have the utmost concern for the victims of crime, and I want to see them supported as much as possible in the law as they deal with the consequences of the crime committed against them. But I oppose the amendment.

The main reason for my opposition is that I do not think it is necessary to amend our great governing document, the Constitution of the United States, to provide the protection that victims of crime seek and deserve. We have a responsibility to deal with these issues through legislation before turning to the constitutional amendment process. That process is long and uncertain and its results are much less easier to fix than a statute if we have left something undone that should have been done.

The statutory alternative developed by Senators LEAHY and KENNEDY, which I expect will be offered as an amendment to the VRA when it comes to the floor, will truly serve the interests of victims in a much more direct and effective way than would a constitutional amendment. And we can enact it this year, getting relief and protections to victims of crime immediately that will not be available to them until some uncertain date under the constitutional amendment.

So I am pleased to join in this effort, and I look forward to working with my colleagues to try to convince the Senate that this is the best way to support the interests of victims of violent crime.

JOHN H. CHAFEE ENVIRONMENTAL EDUCATION ACT OF 1999

INHOFE AMENDMENT NO. 3098

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill (S. 1946) to amend the National Environmental Education Act to redesignate that Act as the ''John H. Chafee Environmental Education Act,'' to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes; as follows:

In section 7(f) of the John H. Chafee Environmental Education Act (as amended by section 4(a)), strike paragraph (2) and insert the following:

''(2) MEMBERSHIP.—The Panel shall consist of 5 members, appointed by the Administrator from among persons recommended by the National Environmental Education Advisory Council.

In section 6(1) of the bill, strike subparagraph (C) and insert the following:

(C) by striking the last sentence;

In section 11(b)(1) of the John H. Chafee Environmental Education Act (as amended by section 8(a)(2))—

(1) in subparagraph (C)—

(A) strike ''40 percent'' and insert ''38 percent''; and

(B) strike ''and'' at the end;

(2) in subparagraph (D), strike the period at the end and insert ''; and''; and

(3) add at the end the following:

''(E) not more than 2 percent shall be used to administer and make grants under the teachers' awards program under section 8(b).

PALACE OF THE GOVERNORS EXPANSION ACT

DOMENICI AMENDMENT NO. 3099

Mr. SESSIONS (for Mr. DOMENICI) proposed an amendment to the bill (S. 1727) to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Palace of the Governors Annex Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New

Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term ''Office'' means the State Office of Cultural Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

NRC FAIRNESS IN FUNDING ACT OF 1999

SMITH AMENDMENTS NOS. 3100–3101

Mr. SESSIONS (for Mr. SMITH of New Hampshire) proposed two amendments to the bill (S. 1627) to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes; as follows:

AMENDMENT NO. 3100

Beginning on page 5, strike line 2 and all that follows through page 7, line 22, and insert the following:

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 20, 2005''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or certificate holder'' after ''licensee''; and

(B) by striking paragraph (2) and inserting the following:

''(2) AGGREGATE AMOUNT OF CHARGES.—

''(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

''(i) amounts collected under subsection (b) during the fiscal year; and

''(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

''(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

''(i) 98 percent for fiscal year 2001;

''(ii) 96 percent for fiscal year 2002;

''(iii) 94 percent for fiscal year 2003;

''(iv) 92 percent for fiscal year 2004; and

''(v) 88 percent for fiscal year 2005.''.

AMENDMENT NO. 3101

On page 7, strike line 23 and insert the following:

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 4, 2000 at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States

Forest Service's use of current and proposed stewardship contracting procedures, including authorities under section 347 of the FY 1999 omnibus appropriations act, and whether these procedures assist or could be improved to assist forest management activities to meet goals of ecosystem management, restoration, and employment opportunities on public lands.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224–2878.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 10, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning. This hearing was originally scheduled for April 13, 2000 at 2:30.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey or Bill Eby at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 13, 2000, at 10:00 a.m., in open session to review the Department of Defense Anthrax Vaccine Immunization Program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 13, 2000, to conduct a hearing on Structure of Securities Markets.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 13, 2000, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 13, 2000, at 2:30 p.m. on S. 1361—Natural Disaster Protection and Insurance Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 13 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1284, the Electric Consumer Choice Act; S. 1273, the Federal Power Act Amendments of 1999; s. 1369, the Clean Energy Act of 1999; S. 2071, Electric Reliability 2000 Act; and S. 2098, the Electric Power Market Competition and Reliability Act.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 13, at 9:15 a.m. to consider pending business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 13, 2000 at 2:30 p.m. to hold a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on protecting pension assets during the session of the Senate on Thursday, April 13, 2000, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 13, 2000, at 9:30 a.m. in SD226.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Forests and Public Land Management Subcommittee of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 13, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed regulations governing National Forest Planning.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Immigration be authorized to meet to conduct a hearing on Thursday, April 13, 2000, at 2:00 p.m., in Dirksen 226.

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

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you, Mr. President. I want to speak for about 5 or 6 minutes on a bill I am introducing.

What does my colleague from Louisiana have in mind?

Ms. LANDRIEU. Mr. President, if my colleague will yield, I wanted to speak for about 2 minutes. If Senator BYRD would allow both of us to go forward before he begins his remarks, I would be happy to yield.

Mr. BROWNBACK. Mr. President, I would be happy to yield to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank Senator BROWNBACK.

THE HAGUE CONVENTION ON INTERNATIONAL ADOPTION

Ms. LANDRIEU. Mr. President, I make note tonight of a very significant event which occurred today in the Capitol. We were able to pass legislation from the Foreign Relations Committee, under the leadership of the chairman of that committee, Chairman JESSE HELMS, The Hague Convention on International Adoption.

The reason I mention it particularly tonight is that we will be taking up this implementation legislation when we return—hopefully, soon after we return. Then we will be considering a very important treaty under the same title.

There are many hundreds of leaders in Washington today from the Joint Council on International Children's Services and with the National Council for Adoption who have worked literally for years to bring us to this point.

I also commend our partners in the House, Congressman DELAHUNT from Massachusetts, Congressman BURR, and Congressman GEJDENSON from Connecticut who worked very hard on this who were terrific leaders.

Sixty-six countries participated in this ground-breaking document. There were 37 signatories, and to date 29 countries have ratified. I particularly mention Mexico and Romania as two of the earliest countries.

Since the United States receives more children in this country through adoption than all other countries combined, and since we pride ourselves on being a leader in this particular area, I think it is very significant that we step forward, pass this legislation, and ratify this treaty.

In closing, let me say it is so significant because many Senators from both sides of the aisle have worked for so many years to promote adoption in a very positive way to say basically that every child deserves a home. If their biological family is split apart or broken up by death, or disease, or tragedy, neglect, or abuse, it is our responsibility as a society to make sure those children are cared for permanently by someone who is capable of nurturing and loving.

The significance of this treaty is that now we express, in an international way, that that child should then go to their family and then to the community at large, but if no place can be found, surely there is a home somewhere on this planet for these children. There are many orphans and there are many children in limbo caught within systems in the United States and elsewhere.

I thank my colleagues and I thank Senator HELMS for his great leadership. I look forward to taking up this issue when we return because there was great committee work done and a lot of work for many years was put into this. I am convinced that millions of children now all over the world will be able to find a home and families will be able to find children once this legislation is implemented and carried out.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you very much. I thank my colleague from West Virginia for allowing me to speak for a few minutes.

THE MAJORITY LEADER, TRENT LOTT

Mr. BROWNBACK. Mr. President, I want to recognize the majority leader, Senator TRENT LOTT, for his great work in getting the marriage penalty bill brought up to the point where, right after we get back, I am hopeful, we will be able to vote on this piece of legislation and get it passed.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2449 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ORGAN TRANSPLANT LEGISLATION

Mr. SPECTER. Mr. President, I have a very brief colloquy with the distinguished Senator from Vermont from the Committee on Labor, Health, Education and Pensions. It had been anticipated there would be a unanimous consent request to move forward on legislation on organ transplants which came out of the Labor Committee yesterday on a unanimous vote. I had been deeply involved in that matter when the issue came before the conference on the appropriations bill for Labor, Health and Human Services, and Education. We had crafted, after a great deal of controversy, a resolution where the Secretary of Health and Human Services came especially to an evening session and we worked out what I thought were the final details on the settlement.

But as I think George Shultz said, nothing is ever settled in Washington and the matter has seen a new birth. The issue came before the Labor Committee and they have crafted a new proposal. I had intended to object. It now appears that others will object and the matter will not come forward.

I thought it useful to have a colloquy with Senator JEFFORDS where I would not raise an objection on his assurance that out of the conference the bill of the Labor Committee would not be watered down any more. That is a minimal consideration for fairness in organ transplants. In my judgment, no bill would be better than any bill which is less than the one which is out of committee.

My own personal view is that the compromise crafted in my subcommittee on appropriations on that bill is a superior approach, but I did see the wave moving toward what happened in the Labor Committee yesterday. Therefore, I will not raise an objection on the assurance from the chairman that that bill will not be reduced, modified, or weakened in any way in conference.

Mr. JEFFORDS. I thank the Senator for his statement. We had an incredibly good breakthrough in negotiations, which is why I can reassure the Senator of my belief that we don't have to worry about it being changed, with the administration about 3 o'clock the morning before last, after long negotiations, and we came to a resolution which at least I know my critics in Vermont and everyone I know has agreed is a wonderful resolution of the problem. I am hopeful we will also be able to get the holds from the other side of the aisle removed expeditiously so this can be passed.

I thank the Senator because he was a leader in this field, and the bill he brought out of the appropriations process was certainly one which was taken into consideration and utilized in the final resolution.

With Senator KENNEDY and Senator FRIST agreeing to it, with the administration, I think we have, for the first time, a real hope this very difficult area of organ transplants and how they will be utilized may have a permanent solution—at least a solution for a foreseeable length of time. A lot of it is due to the efforts of the Senator, and I appreciate it.

Mr. SPECTER. I thank my colleague from Vermont for that statement. I want to be sure I have his commitment he will not bring back a conference report to this floor which would water down in any way the bill which came out of his committee yesterday.

Mr. JEFFORDS. I give the Senator those assurances.

Mr. SPECTER. I thank my friend from Vermont, and I thank my colleague from West Virginia, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

THE LAST BUDGET RESOLUTION MANAGED BY SENATOR LAUTENBERG

Mr. BYRD. Mr. President, the conference report on the budget resolution for fiscal year 2001 has been adopted. I note that this will be the last budget resolution to be managed by my good friend from New Jersey, Senator LAUTENBERG. Senator LAUTENBERG joined the Budget Committee in 1985, 2 years after he was first elected to the Senate. Since that time, he has become an expert on the Federal budget process. He has worked hard. He has been diligent in his business.

The Bible says:

> Seest thou a man diligent in his business? he shall stand before kings.

FRANK LAUTENBERG has been diligent in his business. His mastery of Federal budget matters was aided, to a great degree, by his earlier mastery of business matters in the private sector. FRANK LAUTENBERG was one of the founding partners of a company called Automatic Data Processing. That company now employs 37,000 employees and has a market capitalization in excess of $31 billion. Just prior to being elected to the Senate, FRANK LAUTENBERG served as both chairman and chief executive officer of that company. As a businessman, he developed an uncanny ability to perform mathematical calculations in his mind. As such, his staff on the Budget Committee is usually playing catchup, as Senator LAUTENBERG restates budgetary issues in percentage terms.

The people of New Jersey, and, indeed, the people of the United States, have benefited greatly from the business expertise that FRANK LAUTENBERG

has brought to the U.S. Senate and especially to his assignment as the ranking member of the Senate Budget Committee. FRANK LAUTENBERG rose to the position of ranking member in 1997, following the retirement of Senator James Exon of Nebraska. Throughout Senator LAUTENBERG's service on the Budget Committee, he has been an extraordinarily able and outspoken advocate of funding for our Nation's children, for the environment, and for transportation.

In addition to serving on the Senate Budget Committee, Senator LAUTENBERG also serves on the Appropriations Committee, where he is ranking member of the very important Subcommittee on Transportation on which I serve. In that regard, Senator LAUTENBERG is eminently well versed in both the budget and appropriations processes.

So I commend Senator LAUTENBERG for his very able service to the Senate and to the Nation in his capacity as ranking member of the Senate Budget Committee. We will miss not only his contributions but also his good humor in future budget debates.

Mr. President:

It isn't enough to say in our hearts
That we like a man for his ways;
It isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

If a man does a work that you really admire,
Don't leave a kind word unsaid.
In fear to do so might make him vain
And cause him to lose his head.
But reach out your hand and tell him, "Well done."
And see how his gratitude swells.
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

So I say to FRANK LAUTENBERG: Well done.

EASTER—A TIME OF REBIRTH

Mr. BYRD. Mr. President, when many people contemplate Easter, thoughts of chocolate bunnies, Easter egg hunts, and family gatherings come to mind. Little girls dream of a new frilly lace-bedecked frock, shiny new patent leather shoes, and a festive bonnet adorned with ribbons and flowers to top it all off. It is hard not to feel an excitement in the air as the daylight hours increase, the winter coats are put away, and the sweet smell of the season's first roses fill the air. The landscape is freshly decorated with a pallet of azaleas, tulips, jonquils, and pink and white flowers of the dogwood. Overnight, it seems, the silhouettes of the tree branches disappear, replaced by the first green buds of spring. Neighbors, who seemed almost strangers during the long dark winter, suddenly greet you from their front porches, and passersby out for an afternoon stroll stop to offer that much-needed gardening advice, or they admire your latest planting. The first aroma of charcoal fills the air as grills are fired up after a long rest. Children play outside after dinner, trying to squeeze in every bit of the daylight into their playtime. Everything seems new, everything seems exciting, everything seems reborn. But during this season of rebirth, how many stop to ponder the true meaning of this most holiest of seasons of the Christian calendar?

Easter, Jesus' resurrection from the dead, was the key belief of the earliest Christians. In fact, that truly miraculous event has made an imprint on other religions and inspired to thought and deed individuals who do not practice the Christian faith. Mohandas K. Gandhi said simply and eloquently:

Jesus, a man who was completely innocent, offered himself as a sacrifice for the good of others, including his enemies, and became the ransom of the world. It was a perfect act.

The Bible says a great deal about Easter, that central mystery of the Christian faith. That Jesus was crucified and miraculously raised from the dead is hard for many to accept. It was hard for the early Christians to comprehend also, but the faith in the risen Christ spread like a wildfire on a dry and windy summer day!

Easter arrives late this year, on April 23, almost as late as it can possibly be. It is celebrated on a Sunday on varying dates between March 22 and April 25, and is, therefore, called a movable feast. Easter embodies many pre-Christian traditions. The origin of its name is unknown; however, many scholars have accepted the derivation proposed by the 8th-century English scholar St. Bede—that it probably comes from Eastre, the Anglo-Saxon name of a Teutonic goddess of spring and fertility, whose festival was celebrated on the day of the vernal equinox. The Easter rabbit, a symbol of fertility, and colored Easter eggs, originally painted with bright colors to represent the sunlight of spring, and used in egg-rolling contests, are traditions that have survived. According to the New Testament, Christ was crucified on the eve of Passover and soon rose from the dead. The Easter festival commemorated Christ's resurrection. Over time, there were serious differences between the early Christians over the date of the Easter festival. Those of Jewish origin celebrated Easter immediately after Passover, which fell on the evening of the full moon. Therefore, Easter, from year to year, fell on different days of the week. Christians of Gentile origin, on the other hand, wished to commemorate the resurrection on Sunday, the first day of the week. It was on the same day of the week each year, but fell on different dates from year to year. In 325 A.D. Roman Emperor Constantine the Great, who, early in his reign, issued a document allowing Christians to practice their religion within the empire, convoked the Council of Nicaea. The council unanimously ruled that the Easter festival should be celebrated throughout the Christian world on the first Sunday after the full moon following the vernal equinox.

At Easter, we receive again God's greatest gift of love: Jesus. Spring is a time to remember that gift. Death and resurrection are entwined not only in the death and resurrection of our Lord, but also in spring's final struggle with winter's strong grasp. There is a struggle in both dying and in birth and it is logical to think that something must be born in order to die. However, from Jesus' words in John's Gospel, Chapter 12, verses 23 and 24, as Jesus foresees his own death, the Bible tells us something different—it tells us that something must die in order to be born. Jesus says:

The hour is come, that the Son of man should be glorified. Verily, verily, I say unto you, Except a corn of wheat fall into the ground and die, it abideth alone, but if it die, it bringeth forth much fruit.

Easter is the time of year that finds many churches overflowing. Parking attendants direct traffic caused by the overflow of cars on this special day. Pews are packed tight. Extra chairs line the aisles, and much of this crowd only sees the inside of a church once a year, and Easter is the day. It is nice to see new faces. Those who attend church every Sunday look around at all the new faces, hoping they will become familiar, and struggle to find their regular seats. The struggle is worth it, however, because some of these same people will come back and join with the community that has worshiped together all year. They will become members of a church family like those who have risen in the darkness to watch the youth group tell the Easter story at sunrise—there is nothing like it, telling it at sunrise—or who are praising God with their voices in the choir, or who cooked the pancake breakfast for Palm Sunday, or who decorated the Sanctuary with Easter Lilies. Perhaps they will be like those who teach the children the meaning of God's love and grace in Sunday school classes. They will find a church home. They will find God. They will be awakened. They will be reborn!

During our lives, we all experience the loss of a loved one. Have you ever thought about the resurrection story in a way that brought you comfort in your time of grief? A little boy recently lost his grandfather, and one day, when he was remembering his grandfather, he said to his mother, "Mom, Easter will be extra special this year. We will have two reasons to celebrate! Granddad and Jesus have both risen!" If a 6-year-old can understand

the beauty of the Easter story on this level, think of the hope that this celebration can bring to others who are grieving. I talked with one of my constituents on yesterday who lost his wife. I said: Come Eastertime, your wife knows your grief. She knows about your sorrow. And the beauty of the story is, you can see her again. Every year at this time I remember my beloved grandson, Michael, who died in a tragic accident in 1982. I know that he is in a better place, and my faith in the Lord carries me through my sorrow. I can visualize Michael stepping out of the tomb with Christ, and I know that he, too, is ''alive.'' Hear these words of Trappist monk Henri Nouwen:

> Easter does not make death less painful or our own grief less heavy. It does not make the loss less real, but Easter makes us see and feel that death is part of a much greater and much deeper event, the fullness of which we cannot comprehend, but which we know is a life-bringing event.

He goes on to say:

> The best way I can express to you the meaning death receives in the light of the resurrection of Jesus is to say that the love that causes us so much grief and makes us feel so fully the absurdity of death is stronger than death itself. Love is stronger than death. The same love that makes us mourn and protest against death will now free us to live in hope.

So, Mr. President, let Easter be the time to remember that the tomb is empty, that those who have passed before us have been reborn and will live eternal life. Let us rejoice at this miracle and the miracle of God's love. As we hide Easter eggs for our children, our grandchildren, or even our great grandchildren, and help them search through the green and purple Easter grass for the last sticky marshmallow chick and a handful of jelly beans, let us not forget the gift that God gave us. As Jesus said in the third chapter of the Gospel of John, verse 16:

> For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.

These are powerful words, and they are often used as words of persuasion, to bring others to Christ. God gave His only begotten Son . . . for us! What a powerful love that is!

While the Senate is in recess and the schools are closed for ''spring break,'' I hope that those who are listening will take this time to recall this miracle of Easter. I continue to believe that the warp and woof of this great Nation are the deeply rooted religious beliefs of its people. Our religious beliefs, though diverse, our common faith in the Creator, remind all of us to look for the greater good, the higher, better part of ourselves and of others. The lessons differ, but the message is the same. Let us love one another. The resurrection of Jesus is the basis for the Christian belief that not only Jesus, but all Christians, will triumph over death. In closing, I recall the words of William Jennings Bryan and his thoughts concerning Proof of Immortality:

> If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will He leave neglected in the earth the soul of man, made in the image of his Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come? If matter, mute and inanimate, though changed by the forces of nature into a multitude of forms, can never be destroyed, will the imperial spirit of man suffer annihilation when it has paid a brief visit like a royal guest to this tenement of clay? No, I am sure that He who, notwithstanding His apparent prodigality, created nothing without a purpose, and wasted not a single atom in all His creation, has made provision for a future life in which man's universal longing for immortality will find its realization. I am as sure that we live again as I am sure that we live today.

Mr. President, let us celebrate these words of hope this Easter season. The tomb is empty and the soul of man will never, never die.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INDEPENDENT COUNSEL ROBERT RAY

Mr. LEVIN. Mr. President, I rise tonight to speak in support of the remarks that were made earlier today by the distinguished Senator from Nevada, Mr. REID. Senator REID spoke eloquently about the need for Robert Ray, the independent counsel who assumed duties when Kenneth Starr resigned, to bring that investigation of the President to a close.

The report earlier this week in the Washington Post that Mr. Ray is increasing his budget and his staff in contemplation of a possible indictment of the President after the President leaves office is chilling. Senator REID is right to remind Mr. Ray that this is the United States and not a country such as the old Soviet Union where the abuse of the administration of law was used as a political weapon.

Mr. Ray apparently justifies the continuation of his office and his consideration of an indictment of the President because of his commitment to the principle that no one is above the law.

Certainly in this country that principle is fundamental. That was the theory behind establishing the independent counsel law in the first place. But that principle has two other equally important applications. One is that it means Mr. Ray himself is not above the law; and, two, while it is imperative that top Government officials be treated no better than private citizens, it is equally important that they should also be treated no worse.

The independent counsel law requires that the independent counsel operate as a normal U.S. attorney and that the independent counsel comply with the policies and practices of the Department of Justice.

We require this in the law because we do not want our top Government officials to be treated worse than a private citizen. Yes, we want to make sure our top Government officials do not get preferential treatment, but equally important, we do not want them to be treated unfairly either.

Mr. Ray projects he is going to spend an additional $3.5 million in the next 6 months sifting through the evidence to determine whether or not he should indict the President for perjury in a civil case.

Do any of us think that a U.S. attorney would spend 2 years and tens of millions of dollars investigating a possible perjury charge in a civil suit to begin with? Does anyone think a U.S. attorney would then ask for or receive six new attorneys, additional investigators and contractors, and an additional $3.5 million of taxpayers' money on top of the 40 staff people and above the $52 million that the office had already spent to investigate?

The facts in the Lewinsky case have been sliced and diced and parsed and sifted through over and over again. They have been brutally revealed and thoroughly reviewed detail by detail.

If Mr. Ray is not to be above the law himself, and if he is to abide by the principle he claims to hold dear, then he should do what a U.S. attorney would do in a case like this involving a private citizen—bring it to a close.

The purpose of the independent counsel law is to fairly investigate top Government officials so they are treated no better and no worse than a private citizen. It is, instead, being used to pillory.

Nineteen months ago, Mr. Ray's predecessor, Kenneth Starr—surely a dogged independent counsel—represented to Congress that he was going to end the investigation ''soon.'' That was Mr. Starr's word, ''soon.''

Mr. Starr represented the following to the House of Representatives on September 11, 1998:

> All phases of the investigation are now nearing completion. This Office will soon make final decisions about what steps to take, if any, with respect to the other information it has gathered.

Those were Mr. Starr's words 19 months ago when he made the representation to the Congress of the

United States and the people of the United States that his office would soon make final decisions about what steps to take, if any.

Mr. Ray's statement, as reported in the Washington Post, that this is still an open investigation and that he wants six new attorneys and $3.5 million more belies Mr. Starr's formal representation to the Congress and to the people. In commenting on Mr. Ray's latest statements, Pulitzer Prize winning columnist Maureen Dowd noted that even Javert, the driven policeman in the book ''Les Miserables,'' who was singularly focused on capturing Jean Valjean ''jumped into the Seine at some point.''

I am not urging Mr. Ray to jump into the Potomac. I am saying—and I am confident that this is the opinion of the majority of the people in our country—that Mr. Ray needs to bring this investigation to a close and to do it now.

The Lewinsky matter is over. The Paula Jones case is over. They were traumatic times for the country. The public has suffered. The President has been punished. It is time to move on. To extend this investigation with new attorneys and more money and more time is to punish the country. The country doesn't deserve it.

Mr. President, I ask unanimous consent that today's editorial from the New York Times entitled ''Reining in Robert Ray'' and today's op-ed piece from the Washington Post by Richard Cohen entitled ''Independent Counsel Overkill'' be printed in the RECORD.

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

[From the New York Times, Apr. 13, 2000]

REINING IN ROBERT RAY

There are worrying signs that Robert Ray, the career prosecutor who succeeded Kenneth Starr as independent counsel investigating President Clinton, shares his clumsy predecessor's problem in winding up an investigation. Mr. Ray at this point should have a concise two-point agenda—to deliver a report summing up the findings of his office, and then go home. Instead he is beefing up his staff. Moreover, he makes it no secret that he is actively considering indicting Mr. Clinton after he leaves office in connection with the same issues that were argued at the impeachment trial last year.

In other words, Mr. Ray intends to drag out his mandate nine more months. ''It is an open investigation,'' he told The Washington Post this week. ''There is a principle to be vindicated, and that principle is that no person is above the law, even the president of the United States.''

Mr. Ray is right about that principle, and we have consistently favored vigorous inquires into the president's personal and campaign finances and his truthfulness under oath.

But respect for the rule of law does not require a suspension of reasonable prosecutorial discretion.

It would be a disservice to the Constitution to set a new precedent of indicting former presidents over offenses adjudicated in the context of impeachment that received an adequate and punishing airing in the Senate trial. Responding to the new stirrings in the independent counsel's office, Vice President Gore said yesterday that Mr. Clinton had no intention of pardoning himself should he be indicted while president, or accepting a pardon from his successor. That is laudable, if true. Yet the possibility of criminal charges against the president should not be on the table at this late date. The nation has moved on, and once he has completed his overdue reports, so should Mr. Ray.

[From the Washington Post, Apr. 13, 2000]

INDEPENDENT COUNSEL OVERKILL

(By Richard Cohen)

Something happens to an ordinary man when he becomes an independent counsel. His chest must swell, his biceps must bulge and he probably cannot pass a phone booth without feeling the urge to change his clothes. Such a man is Robert W. Ray, the successor to Ken Starr, who earlier this week told The Post he just might indict Bill Clinton after the president leaves office. Stay in that phone booth, Bob.

Ray's warning is backed by a reconstitution of the office. Six new lawyers have been hired. A new investigator has been brought on board. An FBI agent has been detailed to the staff, and Ray plans to spend even more money in the next six months than he has in the last—for a total of $6.6 million. From what he says and the way he has been acting, it seems Ray might put the cuffs on Clinton just as the new president says, ''So help me God.''

Why? ''There is a principle to be vindicated,'' he told The Post's David Vise, ''and that principle is that no person is above the law, even the president of the United States.'' This, of course, is the sort of thing you find chiseled over courthouse doors, contradicted only by what transpires in the courthouse itself. Some people are above the law. The envelope, please.

The first is Richard Nixon. Guilty of obstruction of justice, of using our very government to cover up his crimes and lying so often about so much that I don't think he spoke the truth for his entire last year in office, he nonetheless was given a deal: resign the presidency and you will not be indicted. Just to make the deal sweeter, Gerald Ford, his successor, pardoned him.

Next comes Spiro T. Agnew, Nixon's first vice president. A more mendacious fellow never occupied that office. He extorted. He accepted bribes. He lied. Yet he too was allowed to resign his office, pay a wee fine—and go his merry way. An ordinary man would have gone to jail. Agnew too was above the law.

These are not happy facts, but they are true nevertheless. They reflect a coming to terms with reality that, in the end, persuaded prosecutors to abandon their plans to seek indictments. The stakes were greater than the fate of a single man and, besides, some felt Nixon and Agnew had been punished enough. They were ruined men.

The reality is that Clinton, too, has already paid a penalty. He is only the second president to be impeached and he has undergone the most mortifying and virtually molecular examination of his private life. To most Americans, the matter must seem closed. It sure seemed that way to Richard Posner, the federal judge whose wisdom was recently enlisted in a vain attempt to settle the government's case against Microsoft.

Posner is the author of a book about the Clinton investigation, ''An Affair of State,'' for which he was criticized by Ronald Dworkin, a New York University law professor who is as eminent on the left as Posner is on the right. Dworkin wrote recently in the New York Review of Books that as a sitting judge, Posner should never have written about an ''impending'' case.

Nonsense, replied Posner in the current issue. ''A prosecution of President Clinton, while conceivable as a theoretical possibility, is not imminent and in fact will almost certainly never happen.'' He even restated it by saying, ''Almost no issue of policy has a smaller probability of someday becoming a legal case.'' Clearly, Robert Ray has not read Posner.

But he should. We all know Clinton lied. We all believe he perjured himself, and I, for one, do not excuse him for any of it. A president, of all people, should not lie under oath. Still, it has all been played out, talked to death in the House and Senate, yakked to smithereens on television and bound for posterity by Ken Starr.

Ray can indict Clinton anywhere he has a grand jury. But Washington's the town where the president works, where he lives and where he was deposed. If there was a crime, Washington's the crime scene. A trial there would mean a jury pool drawn from a majority black city where, in most neighborhoods, no one has seen a Republican since the Garfield administration. But no matter where he was tried, it likely would be by people who feel that a person who lies about sex, while technically wrong, is guilty only of committing common sense. A conviction is out of the question.

Give it up Bob. Your best way of serving the country is to close down your office, lock the door and put Clinton behind you.

Much of the country already has.

ONE YEAR OF COLUMBINE

Mr. LEVIN. Mr. President, one week from today, we will memorialize the worst school shooting tragedy in our nation's history. The very mention of Columbine High School strikes a nerve with the American public. It reminds us of a horrendous scene of children, screaming and running from their assailants, while SWAT-teams descended on to their otherwise calm neighborhood. On April 20, this year the nation will remember, but for the students of Columbine, those few hours of April 20, 1999 are replayed over and over again every day in their minds.

The survivors of Columbine revisit the massacre daily. They are reminded of that day by the fragments of ammunition in their bodies, or the scars cut deep in to their skin. When they see trenchcoats, they shudder, when they hear or smell fireworks, they get flashbacks. At such young ages, they have endured unimaginable physical and emotional pain. They have been poked and prodded by nurses, physicians, surgeons, physical, occupational and recreational therapists, and clinical psychologists. Some of them have found peace, others are still angry and frightened. A few can not tell their stories but many can tell them over and over again.

For Columbine-survivor Valeen Schnurr, ''The nights are always the

worst.'' Valeen is in college now, but Columbine is still very much with her. She writes, ''Inevitably, I find my thoughts drifting into nightmares, terrifying images of the library at Columbine High School on April 20, 1999. The sound of students screaming as explosives and gunshots echo through the school; the burning pain of the bullets penetrating my body; the sound of my own voice professing my faith in God; seeing my hands fill with my own blood; and my friend Lauren Townsend lying lifeless beside me as I try to wake her.''

''In the mornings when I look in the mirror, the scars I see on my arms and upper body always remind me that it's not just a nightmare, but the memory of a real event that will stay with me for the rest of my life. The scars are a part of me now, but they help me to remember that I've been blessed with a second chance at life.''

Another survivor, Kelsey Bane, talks about how she felt on her first day back at Columbine. ''On August 16, 1999, a new school year began. Only this year, I wasn't full of excitement. Instead, I was full of emotions I can't describe, because I was headed back to my school—Columbine High—for the first time since April 20. I was scared out of my mind, but I knew that whatever I did that day would determine the way I would live the rest of my life. So I went to school; I faced my fears and my nightmares from the past four months and got ready to begin a new school year.''

Over the last year, ''[it] has gotten harder, as I expected it would. Sometimes I can't remember what used to occupy my thoughts, because now my mind is overwhelmed by these horrific experiences. Our lives will never be the same—and I don't think I will ever fully accept that.''

Nicole Nowlen, who was a relatively new student when the tragedy occurred, wrote ''nine pieces of buckshot hit me; four exited and five are still inside. When school started at Chatfield High [in May], I wasn't physically ready, so I finished my sophomore year with a tutor and went back to Columbine in August.''

''It's been like this roller-coaster ride ever since. October and November got too crazy. First they arrested a kid [from Columbine] for making threats to finish the job. Then there was the six-month anniversary, and Mrs. Hochhalter [the mother of Anne Marie Hochhalter who was badly injured] killed herself. In all my classes, the kids never stopped talking about the shooting. It was depressing, so I decided to be home schooled.

''I started seeing a counselor in November . . . Things are better now, so I'm not going anymore. I may go again, but for now I'm at a good point.''

''What helped me the most was Gerda Weissman Klein. She's a 75-year-old Holocaust survivor who came to speak at our school in January. She's really the only one who understands what happened to all of us.''

For the students of Columbine, every day is a struggle, every day takes another act of courage. There is nothing we can do in Congress to change that, but there is something we can do to protect other students from the nightmares, the anger, and the pain, as told by these students. Congress owes it to Columbine to try to end school shootings and reduce access to guns among young people. As of this one-year anniversary, Congress has failed to do so.

Columbine victim Valeen Schnurr wrote, ''People on the outside don't realize how horrible it can actually be. We're the ones who can get everyone motivated and involved in making changes.'' I only hope Valeen is right. Her story should motivate Congress to strengthen our laws and save the lives of America's children.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEFENDING THE INDEPENDENT COUNSEL

Mr. SESSIONS. Mr. President, I was disappointed to hear one of our fine Senators, an able attorney, take the floor just a few minutes ago to commence a new round of attacks, it appears, on the new independent counsel, Mr. Ray.

We went through a period of time in which a person in this country was trying to enforce the law, trying to complete his duty as a sworn officer of the court, an individual asked to serve by the Attorney General of the United States, Mr. Starr, who conducted himself with restraint, propriety and fidelity to duty—a thankless task. He then gave up that office. Now it appears that Mr. Ray will be subjected to the same type of remarks. It is really disturbing and frustrating for me to hear that. I hope we don't hear that beginning. He simply made the obvious statement to the paper that the President can be indicted after he leaves office. He said that the investigation is not complete. He is charged with completing the investigation. He has an obligation to complete it, and he should complete it. I don't think anyone would suggest that he ought to stop before the evidence is gathered, that he ought not to fulfill his duty and responsibility that has been given to him. So I am really concerned about that.

During the impeachment trial—and I hate to even recall that, but I didn't start this discussion tonight—I remember that those on the other side of the aisle said even if a crime were committed, that would be something a prosecutor would deal with but it did not require us to impeach. Obviously, that is true. People could have believed that crime was committed and that an impeachment vote was not required. But that does not suggest a prosecution should not go forward. We have a principle in this country that is chiseled into the walls of the Supreme Court building: Equal Justice Under Law.

The Supreme Court made clear during the Nixon case, and at other times, that no American is above the law. They say, well, you would never prosecute another citizen in America for committing perjury in a civil case. That is silly. Well, I suggest that is not accurate. People are prosecuted for perjury in civil cases. I served as a U.S. attorney for 12 years in Mobile, AL. I remember very distinctly a young police officer who accused the chief of police of corruption. He was his driver. He made allegations in a deposition, and lawsuits were filed against the chief of police in Mobile, AL, who was an African American. They were coming after him. He repeated that under oath, and it turned out to be totally bogus. He eventually admitted it was bogus. He came to me as a U.S. attorney, a Federal prosecutor—it was a Federal lawsuit—and I believed it ought to be prosecuted. We charged that young man for that stupid, perjurious, felonious act. He pleaded guilty to it, as well he should have.

I don't know why the President is above that. If he did a crime, he ought to answer for it. I remember when this matter was at one of its intense points, I shared a private conversation with a distinguished Senator on the other side of the aisle. I shared with him that maybe the President ought to just admit he did something wrong, say he did it to the world, say he didn't tell the truth, ask the Congress to not impeach him, ask the American people for forgiveness, and say when he serves his term and walks out of there, he is willing to plead guilty to any crime he committed and ask for the mercy of the court. Now that would have ended the whole thing. That would have taken a manly act on his part, which I didn't really see occur during that time.

So I don't know how it ought to be handled. But I don't believe a duly appointed special prosecutor needs to be subjected to abuse on the floor of the Senate for doing what he is instructed to do and charged with doing by the courts of America. And to say it is like Russia, I don't appreciate that one bit. What is like Russia is when leaders lie, cheat, steal, and maintain their office.

That is what happens in a country such as Russia, not in a free democracy where all Americans are equal and have a right to know that every other public official is equal and subject to the law just as they are.

I am not suggesting I know what the facts are or that Mr. Ray does or does not have a good case. I have been a prosecutor, and I know what you have to do. A prosecutor has to gather the facts. Then if he has a case, he has to put it out before the whole world. If it is not there, he will be remembered for a bogus and unfair prosecution, if he ever got an indictment from a grand jury, which I doubt he would if he didn't have a good case. I am not afraid of the system. The President is subject to the system as is anyone else.

I wish we could bring this investigation to a close, but I happen to be on the committee involved in an investigation of various matters involving campaign finance and spying and that sort of thing. Senator SPECTER from Pennsylvania chairs it, and Senator TORRICELLI is a member. We have an incredibly difficult time getting information and documents from this Government. No wonder it takes Mr. Starr and Mr. Ray so long and they are frustrated at every turn in obtaining evidence they need to make a legitimate decision and present a legitimate case to a grand jury.

I wish this were over. I wish we never had to talk about it. I don't intend to raise the subject myself. But as a Federal attorney, I have been in court trying to do my duty. I have made up my mind that I am not going to allow somebody who is doing his duty to gather the evidence and make a decision on whether a case ought to go forward to be abused and compared to somebody in Russia. I am not going to allow that. We need to speak out against that, and I intend to do so at every opportunity.

THE CALENDAR

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following Energy Committee matters:

S. 397, Calendar No. 448; S. 503, Calendar No. 449; S. 1694, Calendar No. 450; S. 1167, Calendar No. 451; H.R. 150, Calendar No. 452; H.R. 834, Calendar No. 453; H.R. 1231, Calendar No. 454; H.R. 1444, Calendar No. 455; H.R. 2368, Calendar No. 456; H.R. 2862, Calendar No. 457; H.R. 2863, Calendar No. 458; S. 408, Calendar No. 462; S. 1218, Calendar No. 463; S. 1629, Calendar No. 467; H.R. 3090, Calendar No. 488; S. 1797, Calendar No. 494; S. 1892, Calendar No. 497.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that any committee amendments, where applicable, be agreed to, the bills then be considered read the third time and passed, as amended, if amended, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills appear at this point in the RECORD, with the above occurring en bloc.

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

NATIONAL MATERIALS CORRIDOR PARTNERSHIP ACT OF 1999

The Senate proceeded to consider the bill (S. 397) to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials technology, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu there of the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Materials Corridor and United States-Mexico Border Technology Partnership Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the 2,000 mile long United States-Mexico border region, extending 100 kilometers north and south of the international boundary, has undergone rapid economic growth that has provided economic opportunity to millions of people;

(2) the border region's rapid economic growth has unfortunately created serious problems including pollution, hazardous wastes, and the inefficient use of resources that threaten people's health and the prospects for long-term economic growth in the region;

(3) there are a significant number of major institutions in the border States of both countries currently conducting research, development and testing activities in technologies that might help alleviate these problems;

(4)(A) these new technologies may provide major opportunities for significantly—

(i) minimizing industrial wastes and pollution that may pose a threat to public health;

(ii) reducing emissions of atmospheric pollutants;

(iii) using recycled natural resources as primary materials for industrial production; and

(iv) improving energy efficiency; and

(B) such advances will directly benefit both sides of the United States-Mexico border by encouraging energy efficient, environmentally sound economic development that improves the health and protects the natural resources of the border region;

(5) in August 1998, the binational United States-Mexico Border Region Hazardous Wastes Forum, organized by the Department of Energy's Carlsbad Area Office, resulted in a consensus of experts from the United States and Mexico that the Department of Energy's science and technology could be leveraged to address key environmental issues in the border region while fostering further economic development of the border region;

(6) the Carlsbad Area Office, which manages the Waste Isolation Pilot Plant in Carlsbad, New Mexico, is well suited to lead a multiagency program focused on the problems of the border region given its significant expertise in hazardous materials and location near the border;

(7)(A) promoting clean materials industries in the border region that are energy efficient has been identified as a high priority issue by the United States-Mexico Foundation for Science Cooperation; and

(B) at the 1998 discussions of the United States-Mexico Binational Commission, Mexico formally proposed joint funding of a ''Materials Corridor Partnership Initiative'', proposing $1,000,000 to implement the Initiative if matched by the United States;

(8) recognizing the importance of materials processing, research institutions in the border States of both the United States and Mexico, in conjunction with private sector partners of both nations, and with strong endorsement from the Government of Mexico, in 1998 organized the Materials Corridor Council to implement a cooperative program of materials research and development, education and training, and sustainable industrial development as part of the Materials Corridor Partnership Initiative; and

(9) successful implementation of this Act would advance important United States energy, environmental, and economic goals not only in the United States-Mexico border region but also serve as a model for similar collaborative, transnational initiatives in other regions of the world.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a multiagency program to—

(1) alleviate the problems caused by rapid economic development along the United States-Mexico border;

(2) support the Materials Corridor Partnership Initiative referred to in section 2(7); and

(3) promote energy efficient, environmentally sound economic development along that border through the development and use of new technologies, particularly hazardous waste and materials technologies.

SEC. 4. DEFINITIONS.

In this Act:

(1) PROGRAM.—The term ''program'' means the program established under section 5(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 5. ESTABLISHMENT AND IMPLEMENTATION OF THE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a multiagency program to—

(A) alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security;

(B) support the Materials Corridor Partnership Initiative; and

(C) promote energy efficient, environmentally sound economic development along that border through the development and use of new technologies, particularly hazardous waste and materials technologies.

(2) CONSIDERATIONS.—In developing the program, the Secretary shall give due consideration to the proposal made to the United States-Mexico Binational Commission for the Materials Corridor Partnership Initiative.

(3) PROGRAM MANAGEMENT.—This program shall be managed for the Secretary by the Department's Carlsbad Area Office, with support, as necessary, from the Albuquerque Operations Office.

(b) PARTICIPATION OF OTHER FEDERAL AGENCIES AND COMMISSIONS.—The Secretary shall organize and conduct the program jointly with—

(1) the Department of State;

(2) the Environmental Protection Agency;

(3) the National Science Foundation;

(4) the National Institute of Standards and Technology;

(5) the United States-Mexico Border Health Commission; and

(6) any other departments, agencies, or commissions the participation of which the Secretary considers appropriate.

(c) PARTICIPATION OF THE PRIVATE SECTOR.—When appropriate, funds made available under this act shall be made available for technology deployment, research, and training activities that are conducted with the participation and support of private sector organizations located in the United States and, subject to section 7(c)(2), Mexico, to promote and accelerate in the United States-Mexico border region the use of energy efficient, environmentally sound technologies and other advances resulting from the program.

(d) MEXICAN RESOURCE CONTRIBUTIONS.—The Secretary shall—

(1) encourage public, private, nonprofit, and academic organizations located in Mexico to contribute significant financial and other resources to the program; and

(2) take any such contributions into account in conducting the program.

(e) TRANSFER OF TECHNOLOGY FROM NATIONAL LABORATORIES.—In conducting the program, the Secretary shall emphasize the transfer and use of technology developed by the national laboratories of the Department of Energy.

SEC. 6. ACTIVITIES AND MAJOR PROGRAM ELEMENTS.

(a) ACTIVITIES.—Funds made available under this Act shall be made available for technology deployment, research, and training activities, particularly related to hazardous waste and materials technologies, that will alleviate the problems caused by rapid economic development along the United States-Mexico border, that focus on issues related to the protection of public health and environmental security, and that promote—

(1) minimization of industrial wastes and pollutants;

(2) reducing emissions of atmospheric pollutants;

(3) use of recycled resources as primary materials for industrial production; and

(4) improvement of energy efficiency.

(b) MAJOR PROGRAM ELEMENTS.—

(1) IN GENERAL.—The program shall have the following major elements, all of which shall emphasize hazardous waste and materials technologies:

(A) Technology Deployment, focused on the clear, operational demonstration of the utility of well developed technologies in new organizations or settings.

(B) Research, focused on developing, maturing, and refining technologies to investigate or improve the feasibility or utility of the technologies.

(C) Training, focused on training businesses, industries, and their workers in the border region in energy efficient, environmentally sound technologies that minimize waste, decrease public health risks, increase recycling, and improve environmental security.

(2) TECHNOLOGY DEPLOYMENT AND RESEARCH.—Projects under paragraph (1)(A) and (1)(B) should typically involve significant participation from private sector organizations that would use or sell such a technology.

SEC. 7. PARTICIPATION OF DEPARTMENTS, AGENCIES, AND COMMISSIONS OTHER THAN THE DEPARTMENT OF ENERGY.

(a) AGREEMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the departments, agencies, and commissions referred to in section 5(b) on the coordination and implementation of the program.

(b) ACTIONS OF DEPARTMENTS, AGENCIES, AND COMMISSIONS.—Any action of a department, agency, or commission under an agreement under subsection (a) shall be the responsibility of that department, agency, or commission and shall not be subject to approval by the Secretary.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary and the departments, agencies, and commissions referred to in section 5(b) may use funds made available for the program for technology deployment, research, or training activities carried out by—

(A) State and local governments and academic, nonprofit, and private organizations located in the United States; and

(B) State and local governments and academic, nonprofit, and private organizations located in Mexico.

(2) CONDITION.—Funds may be made available to a State or local government or organization located in Mexico only if a government or organization located in Mexico (which need not be the recipient of the funds) contributes a significant amount of financial or other resources to the project to be funded.

(d) TRANSFER OF FUNDS.—The Secretary may transfer funds to the departments, agencies, and commissions referred to in section 5(b) to carry out the responsibilities of the departments, agencies, and commissions under this Act.

SEC. 8. PROGRAM ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish an advisory committee consisting of representatives of the private, academic, and public sectors.

(2) CONSIDERATIONS.—In establishing the advisory committee, the Secretary shall take into consideration organizations in existence on the date of enactment of this Act, such as the Materials Corridor Council and the Business Council for Sustainable Development-Gulf Mexico.

(b) CONSULTATION AND COORDINATION.—Departments, agencies, and commissions of the United States to which funds are made available under this Act shall consult and coordinate with the advisory committee in identifying and implementing the appropriate types of projects to be funded under this Act.

SEC. 9. FINANCIAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Federal departments, agencies, and commissions participating in the program may provide financial and technical assistance to other organizations to achieve the purpose of the program.

(b) TECHNOLOGY DEPLOYMENT AND RESEARCH.—

(1) USE OF COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—Federal departments, agencies, and commissions shall, to the extent practicable, use cooperative agreements to fund technology deployment and research activities by organizations outside the Federal Government.

(B) NATIONAL LABORATORIES.—In the case of a technology deployment or research activity conducted by a national laboratory, a funding method other than a cooperative agreement may be used if such a funding method would be more administratively convenient.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal Government shall pay not more than 50 percent of the cost of technology deployment or research activities under the program.

(B) QUALIFIED FUNDING AND RESOURCES.—No funds or other resources expended either before the start of a project under the program or outside the scope of work covered by the funding method determined under paragraph (1) shall be credited toward the non-Federal share of the cost of the project.

(c) TRAINING.—

(1) IN GENERAL.—Federal departments, agencies, and commissions shall, to the extent practicable, use grants to fund training activities by organizations outside the Federal Government.

(2) NATIONAL LABORATORIES.—In the case of a training activity conducted by a national laboratory, a funding method other than a grant may be used if such a funding method would be more administratively convenient.

(3) FEDERAL SHARE.—The Federal Government may fund 100 percent of the cost of the training activities of the program.

(d) SELECTION.—All projects funded under contracts, grants, or cooperative agreements established under this program shall, to the maximum extent practicable, be selected in an open, competitive process using such selection criteria as the Secretary, through his program management, and in consultation with the departments, agencies, and commissions referred to in section 5(b), determines to be appropriate. Any such selection process shall weigh the benefits to the border region.

(e) ACCOUNTING STANDARDS.—

(1) WAIVER.—To facilitate participation in the program, Federal departments, agencies, and commissions may waive any requirements for Government accounting standards by organizations that have not established such standards.

(2) GAAP.—Generally accepted accounting principles shall be sufficient for projects under the program.

(f) NO CONSTRUCTION.—No program funds may be used for construction.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $10,000,000 for each of fiscal years 2000 through 2004.

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

The bill (S. 397), as amended, was passed.

The title was amended so as to read:

To authorize the Secretary of Energy to establish a multiagency program to alleviate the problems caused by rapid economic development along the United States-Mexico border, particularly those associated with public health and environmental security, to support the Materials Corridor Partnership Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology.

SPANISH PEAKS WILDERNESS ACT OF 1999

The Senate proceeded to consider the bill (S. 503) designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness'', which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 503

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 ''Spanish Peaks Wilderness Act of 1999''.

SEC. 2. DESIGNATION OF SPANISH PEAKS WILDERNESS.

(a) COLORADO WILDERNESS ACT.—Section 2(a) of the Colorado Wilderness Act of 1993

(Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following:

''(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that—

''(A) comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999; and

''(B) shall be known as the 'Spanish Peaks Wilderness'.''.

(b) MAP; BOUNDARY DESCRIPTION.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the ''Secretary''), shall file a map and boundary description of the area designated under subsection (a) with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The map and boundary description under paragraph (1) shall have the same force and effect as if included in the Colorado Wilderness act of 1993 (Public Law 103–77; 107 Stat. 756), except that the Secretary may correct clerical and typographical errors in the map and boundary description.

(3) AVAILABILITY.—The map and boundary description under paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

[SEC. 3. ACCESS.

[Within the Spanish Peaks Wilderness designated under section 2—

[(1) the Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established prior to the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide; and

[(2) access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).]

SEC. 3. ACCESS.

(a) IN GENERAL.—The Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established before the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide.

(b) PRIVATELY OWNED LAND.—Access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

SEC. 4. CONFORMING AMENDMENTS.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is repealed.

The committee amendment was agreed to. The bill (S. 503), as amended, was passed.

HAWAII WATER RESOURCES RECLAMATION ACT OF 1999

The Senate proceeded to consider the bill (S. 1694) direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 1694

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 ''Hawaii Water Resources Reclamation Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of August 23, 1954 (68 Stat. 773, chapter 838) authorized the Secretary of the Interior to investigate the use of irrigation and reclamation resource needs for areas of the islands of Oahu, Hawaii, and Molokai in the State of Hawaii;

(2) section 31 of the Hawaii Omnibus Act (43 U.S.C. 422*l*) authorizes the Secretary to develop reclamation projects in the State under the Act of August 6, 1956 (70 Stat. 1044, chapter 972; 42 U.S.C. 422a et seq.) (commonly known as the ''Small Reclamation Projects Act'');

(3) the amendment made by section 207 of the Hawaiian Home Lands Recovery Act (109 Stat. 364; 25 U.S.C. 386a) authorizes the Secretary to assess charges against Native Hawaiians for reclamation cost recovery in the same manner as charges are assessed against Indians or Indian tribes;

(4) there is a continuing need to manage, develop, and protect water and water-related resources in the State; and

(5) the Secretary should undertake studies to assess needs for the reclamation of water resources in the State.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of Hawaii.

SEC. 4. WATER RESOURCES RECLAMATION STUDY.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall conduct a study that includes—

(1) a survey of irrigation and water delivery systems in the State;

(2) an estimation of the cost of repair and rehabilitation of the irrigation and water delivery systems;

(3) an evaluation of options for future use of the irrigation and water delivery systems (including alternatives that would improve the use and conservation of water resources); and

(4) the identification and investigation of other opportunities for reclamation and reuse of water and wastewater for agricultural and nonagricultural purposes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than [1 year after the date of enactment of this Act,] *2 years after appropriation of funds authorized by this Act,* the Secretary shall submit a report that describes the findings and recommendations of the study described in subsection (a) to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Resources of the House of Representatives.

(2) ADDITIONAL REPORTS.—The Secretary shall submit to the Committees described in paragraph (1) any additional reports concerning the study described in subsection (a) that the Secretary considers to be necessary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5. WATER RECLAMATION AND REUSE.

Section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) is amended by inserting before the period at the end the following: '', and the State of Hawaii''.

SEC. 6. DROUGHT RELIEF.

Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended—

(1) in subsection (a), by inserting after ''Reclamation State'' the following: ''and in the State of Hawaii''; and

(2) in subsection (c), by striking ''ten years after the date of enactment of this Act'' and inserting ''on September 30, 2005''.

The committee amendment was agreed to.

The bill (S. 1694), as amended, was passed.

INDEPENDENT SCIENTIFIC REVIEW PANEL OF THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING COUNCIL

The Senate proceeded to consider the bill (S. 1167) amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 1167

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

SECTION 1. REVIEW OF REIMBURSABLE PROJECTS, PROGRAMS, AND MEASURES BY THE INDEPENDENT SCIENTIFIC REVIEW PANEL OF THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING COUNCIL.

Section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)) is amended by striking clauses (vii) and (viii) and inserting the following:

''(vii) REVIEW BY THE PANEL OF REIMBURSABLE PROJECTS, PROGRAMS, AND MEASURES.—

''(I) IN GENERAL.—With regard to Columbia Basin fish and wildlife projects, programs or measures proposed in a Federal agency budget to be reimbursed by BPA, or paid through a direct funding agreement with BPA, the panel shall annually—

''(aa) review such proposals;

''(bb) determine whether the proposals are consistent with the criteria stated in item (iv);

''(cc) make any recommendations that the Panel considers appropriate to make the project, program, or measure meet the criteria stated in item (iv); and

''(dd) transmit the recommendations to the Council no later than April 1 of each year.

''(II) PUBLIC AVAILABILITY AND COMMENT.—Determinations and recommendations made by the panel under subclause (I) shall be available to the public and shall be subject to public comment as in item (v).

''(III) ROLE OF THE COUNCIL.—The Council shall fully consider the recommendations of the Panel when making its final recommendations of projects proposed by Federal agencies and reimbursed by BPA, or paid through a direct funding agreement with BPA. The Council shall submit its recommendations to the House and Senate Committees on Appropriations and relevant

authorizing committees, *and the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Bureau of Reclamation, and the Bonneville Power Administration* no later than May 15 of each year. If the Council does not incorporate a recommendation of the Panel in its recommendations, the Council shall explain in writing its reasons for not accepting Panel recommendations.

''(viii) COST LIMITATION.—The annual cost of this provision shall not exceed $750,000 in 1997 dollars.''.

The committee amendment was agreed to.

The bill (S. 1167), as amended, was passed.

EDUCATION LAND GRANT ACT

The Senate proceeded to consider the bill (H.R. 150) to authorize the Secretary of Agriculture to convey National Forest System land for use for educational purposes, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''National Forest Education and Community Purpose Lands Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) communities adjacent to and surrounded by National Forest System land have limited opportunities to acquire land for recreational, educational and other public purposes;

(2) in many cases, such recreational, educational and other public purposes are not within the mission of the Forest Service, but would not be inconsistent with land and resource management plans developed for the adjacent national forest;

(3) such communities are often unable to acquire land for such recreational, educational and other public purposes due to extremely high market value of private land resulting from the predominance of Federal land in the local area; and

(4) the national forests and adjacent communities would mutually benefit from a process similar to that available to the Bureau of Land Management under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) HAZARDOUS SUBSTANCE.—The term ''hazardous substance'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601).

(2) PARCEL.—

(A) IN GENERAL.—The term ''parcel'' means a parcel of land under the jurisdiction of the Forest Service that has been withdrawn from the public domain.

(B) EXCLUSION.—The term ''parcel'' does not include land set aside or held for the benefit of Indians.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. DISPOSAL OF NATIONAL FOREST SYSTEM LAND FOR PUBLIC PURPOSES.

(a) AUTHORITY.—Upon receipt and approval of an application in writing, the Secretary may dispose of National Forest System land to a State or a political subdivision of a State as provided in this section on the condition that the parcel be used for recreational, educational and other public purposes, as determined by the Secretary.

(b) CONDITIONS OF DISPOSAL, TRANSFER OF TITLE, OR CHANGE IN USE.—Before any parcel may be disposed of or any application for a transfer of title to or a change in use of a parcel is approved under this section, the Secretary shall determine that—

(1) the parcel is to be used for an established or proposed project that is described in detail in the application to the Secretary, and that would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such parcel in Federal ownership;

(2) the applicant is financially and otherwise capable of implementing the proposed project; and

(3) the acreage is not more than is reasonably necessary for the proposed use.

(c) PUBLIC PARTICIPATION.—The Secretary shall provide an opportunity for public participation in a disposal under this section, including at least one public hearing or meeting, to provide for public comments.

(d) REVIEW OF APPLICATIONS.—

(a) IN GENERAL.—When the Secretary receives an application under this section to convey a parcel for recreational, educational, or other public purposes related to emergency services, the Secretary shall—

(A) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(B) before the end of the 120-day period beginning on that date—

(i) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(ii) submit written notice to the applicant containing the reasons why a final determination has not been made.

(2) OTHER APPLICATIONS.—When the Secretary receives an application under this section to convey a parcel for any public purposes other than those under paragraph (1), the Secretary shall—

(A) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(B) take reasonable actions necessary to make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination, to the extent practicable, before the end of the 180-day period beginning on that date.

(e) PARCELS WITHDRAWN IN AID OF FUNCTIONS OF FEDERAL AND STATE AGENCIES.—If a parcel has been withdrawn in aid of a function of a Federal agency other than the Department of Agriculture or of an agency of a State or political subdivision of a State (including a water district), the Secretary may dispose of the parcel under this section only with the consent of the agency.

(f) CONVEYANCES AND LEASES.—

(1) CONVEYANCES.—The Secretary may convey a parcel to the State or a political subdivision of a State in which the parcel is located if the proposed use is not inconsistent with the land allocations within applicable land and resource management plans under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)

(2) LEASES.—The Secretary may lease a parcel to the State or a political subdivision of a State in which the parcel is located, at a reasonable annual rental, for a period up to 25 years, and, at the discretion of the Secretary, with a privilege of renewal for a like period, if the proposed use is not inconsistent with the land allocations within applicable land and resource management plans under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)

(3) CONSIDERATION.—The conveyance or lease of a parcel for purposes under this section shall be made at a price to be fixed by the Secretary, consistent with the pricing structure established by the Secretary of the Interior under the Act of June 14, 1926 (43 U.S.C. 869 et seq.).

(g) ACREAGE LIMITATIONS AND PROPERTY DESCRIPTIONS.—

(1) ACREAGE LIMITATIONS.—A conveyance under this section may not exceed 100 acres, unless the parcel contains facilities that have been determined by the Secretary to be suitable for disposal under the authority of the General Services Administration. This limitation shall not be construed to preclude an entity from submitting subsequent applications under this section for additional land conveyances if the entity can demonstrate to the Secretary a need for additional land.

(2) DESCRIPTION OF PROPERTY.—If necessary, the exact acreage and legal description the real property conveyed under this subsection shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(3) RECREATION AND PURPOSES ACT.—Section 1 of the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act''; 43 U.S.C. 869), as amended, is further amended by adding at the end the following:

''(d) DESCRIPTION OF PROPERTY.—If necessary, the exact acreage and legal description of the real property conveyed under this section shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.''.

(h) RESERVATION OF MINERAL RIGHTS.—Each conveyance or lease under this section shall contain a reservation to the United States of all mineral deposits in the parcel conveyed or leased and of the right to mine and remove the mineral deposits under applicable laws (including regulations).

(i) USE OF THE LEASED LAND FOR UNAUTHORIZED PURPOSES.—Each lease under this section shall contain a provision for termination of the lease on a finding by the Secretary that—

(1) the parcel has not been used by the lessee as specified in the lease of a period greater than 5 years; or

(2) the parcel or any part of the parcel is being devoted to a use other than that for which the lease was made.

(j) CONDITIONS OF CONVEYANCE; REVERSION FOR NONCOMPLIANCE.—

(1) CONDITIONS OF CONVEYANCE.—

(A) TRANSFER OF TITLE.—

(i) IN GENERAL.—Except as provided in clause (ii), title to a parcel conveyed by the Secretary under this section may not be transferred by the grantee or a successor of the grantee.

(ii) EXCEPTION.—With the consent of the Secretary in accordance with this section, title to a parcel may be transferred to the State or a political subdivision of the State in which the parcel is located.

(B) USE.—

(i) IN GENERAL.—Except as provided in clause (ii), a grantee or a successor of the grantee may not change the use specified in the conveyance of a parcel under this section to another or additional use.

(ii) EXCEPTION.—Upon application and appropriate public participation, the Secretary may approve a change in use of a parcel to anther recreational, educational or other public use, in accordance with this section.

(2) REVERSION FOR NONCOMPLIANCE.—If at any time after a parcel is conveyed by the Secretary, the grantee or a successor of the grantee,

without the consent of the Secretary, attempts to transfer title to or control over the parcel to another person or entity or to devote the parcel to a use other than that for which the parcel was conveyed, title to the parcel shall revert to the United States.

(k) PRIOR CONVEYANCES.—On application by the State or a political subdivision of the State in which the parcel is located, the Secretary may authorize a transfer of title or a change in use in accordance with subsection (j) with respect to any parcel conveyed under this section or any other law.

(l) SOLID WASTE DISPOSAL SITES.—

(1) CONVEYANCE FOR THE PURPOSES OF SOLID WASTE DISPOSAL.—If the Secretary receives an application for conveyance of a parcel under this section for the purpose of solid waste disposal or for another purpose that the Secretary finds may include the disposal, placement, or release of any hazardous substance, the Secretary may convey the parcel subject only to this subsection.

(2) INVESTIGATION.—

(A) IN GENERAL.—Before any conveyance of a parcel under this subsection, the Secretary shall investigate the parcel to determine whether any hazardous substance is present on the parcel.

(B) ELEMENTS OF AN INVESTIGATION.—An investigation under subparagraph (A) shall include—

(i) a review of any available records of the use of the parcel; and

(ii) all appropriate analyses of the soil, water and air associated with the parcel.

(C) PRESENCE OF A HAZARDOUS SUBSTANCE.—A parcel shall not be conveyed under this subsection if the investigation indicates that any hazardous substance is present on the parcel.

(3) SUBMISSION TO OTHER STATE AND FEDERAL AGENCIES.—No application for conveyance under this subsection shall be acted on by the Secretary until the applicant has furnished evidence, satisfactory to the Secretary, that a copy of the application and information concerning the proposed use of the parcel covered by the application has been provided to the Environmental Protection Agency and to all other State and Federal agencies with responsibility for enforcement of Federal and State laws applicable to land used for the disposal, placement, or release of solid waste or any hazardous substance.

(4) WARRANTY.—No application for conveyance under this subsection shall be acted on by the Secretary until the applicant gives a warranty that—

(A) use of the parcel covered by the application will be consistent with all applicable Federal and State laws, including laws dealing with the disposal, placement, or release of hazardous substances; and

(B) the applicant will hold the United States harmless from any liability that may arise out of any violation of any such law.

(5) REQUIREMENTS.—A conveyance under this subsection shall be made to the extent that the applicant demonstrates to the Secretary that the parcel covered by an application meets all applicable State and local requirements and is appropriate in character and reasonable in acreage in order to meet an existing or reasonably anticipated need for solid waste disposal or for another proposed use that the Secretary finds may include the disposal, placement, or release of any hazardous substance.

(6) CONDITIONS.—

(A) IN GENERAL.—A conveyance of a parcel under this subsection shall be subject to the conditions stated in this paragraph.

(B) REVERTER.—

(i) IN GENERAL.—The instrument of conveyance shall provide that the parcel shall revert to the United States unless substantially all of the parcel has been used, on or before the date that is 5 years after the date of conveyance, for the purpose specified in the application, or for other use or uses authorized under subsection (b) with the consent of the Secretary.

(ii) LIMITATION.—No portion of a parcel that has been used for solid waste disposal or for any other purpose that the Secretary finds may result in the disposal, placement, or lease of a hazardous substance shall revert to the United States.

(C) PAYMENT TO THE SECRETARY ON FURTHER CONVEYANCE.—If at any time after conveyance any portion of a parcel has not been used for the purpose specified in the application, and the entity to which the parcel was conveyed by the Secretary transfers ownership of the unused portion to any other person or entity, transferee shall be liable to pay the Secretary the fair market value of the transferred portion as of the date of the transfer, including the value of any improvements thereon.

(D) USE OF PAYMENTS.—Subject to the availability of appropriations, all amounts received by the Secretary under subparagraph (C) shall be retained by the Secretary, shall be available to the Secretary for use for the management of National Forest System land, and shall remain available until expended.

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

The bill (H.R. 150), as amended, was passed.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

The Senate proceeded to consider the bill (H.R. 834) to extend the authoirization for the National Historic Preservation Fund, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Historic Preservation Act Amendments of 1999''.

SEC. 2. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking ''1997'' and inserting ''2005''.

SEC. 3. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking ''2000'' and inserting ''2005''.

SEC. 4. LOCATION OF FEDERAL FACILITIES ON HISTORIC PROPERTIES.

Section 110(a)(1) of the National Historic Preservation Act (16 U.S.C. 470h–2(a)(1)) is amended in the second sentence by striking ''agency.'' and inserting ''agency, in accordance with Executive Order 13006, issued May 21, 1996 (61 F.R. 26071).''.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows—

(1) in section 101(d)(2)(D)(ii) (16 U.S.C. 470a(d)(2)(D)(ii)) by striking ''Officer;'' and inserting ''Officer; and'';

(2) by amending section 101(e)(2) (16 U.S.C. 470a(e)(2)) to read as follows:

''(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947) consistent with the purposes of its charter and this Act.'';

(3) in section 101(e)(3)(A)(iii) (16 U.S.C. 470a(e)(3)(A)(iii)) by striking ''preservation; and'' and inserting ''preservation, and'';

(4) in section 101(j)(2)(C) (16 U.S.C. 470a(j)(2)(C)) by striking ''programs;'' and inserting ''programs; and'';

(5) in section 102(a)(3) (16 U.S.C. 470b(a)(3)) by striking ''year.'' and inserting ''year;'';

(6) in section 103(a) (16 U.S.C. 470c(a))—

(A) by striking ''purposes this Act'' and inserting ''purposes of this Act''; and

(B) by striking ''him:.'' and inserting ''him.'';

(7) in section 108 (16 U.S.C. 470h)) by striking ''(43 U.S.C. 338)'' and inserting ''(43 U.S.C. 1338)'';

(8) in section 110(1) (16 U.S.C. 470h–2(1)) by striking ''with the Council'' and inserting ''pursuant to regulations issued by the Council'';

(9) in section 112(b)(3) (16 U.S.C. 470h–4(b)(3)) by striking ''(25 U.S.C. 3001(3) and (9))'' and inserting ''(25 U.S.C. 3001 (3) and (9)))'';

(10) in section 301(12)(C)(iii) (16 U.S.C. 470w(12)(C)(iii)) by striking ''Officer, and'' and inserting ''Officer; and'';

(11) in section 307(a) (16 U.S.C. 470w–6(a)) by striking ''Except as provided in subsection (b) of this section, no'' and inserting ''No'';

(12) in section 307(c) (16 U.S.C. 470w–6(c)) by striking ''Except as provided in subsection (b) of this section, the'' and inserting ''The'';

(13) in section 307 (16 U.S.C. 470w–6) by redesignating subsections (c) through (f), as amended, as subsections (b) through (e), respectively; and

(14) in subsection 404(c)(2) (16 U.S.C. 470x–3(c)(2)) by striking ''organizations, and'' and inserting ''organizations; and''.

(b) Section 114 of Public Law 96–199 (94 Stat. 71) is amended by striking ''subsection 6(c)'' and inserting ''subsection 206(c)''.

Amend the title so as to read: ''A bill to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.''.

The committee amendment in the nature of a substitue was agreed to.

The bill (H.R. 834), as amended, was passed.

CONVEYANCE OF NATIONAL FOREST LAND TO ELKO COUNTY, NEVADA

The bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, was considered, ordered to a third reading, read the third time, and passed.

H.R. 1231

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

SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) REQUIREMENT TO CONVEY.—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) consists of: (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres within the

following described lands: NE¼ SW¼ NW¼, S. 9 T. 46 N, R. 58 E., MDB&M, which shall be used as a cemetary; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled 'Elko County Road and Bridge Conveyance' dated July 27, 1999.

(2) SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

IRRIGATION MITIGATION AND RESTORATION PARTNERSHIP ACT OF 1999

The Senate proceeded to consider the bill (H.R. 1444) to authorize the Secretary of the Interior to plan, design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the State of Oregon, Washington, Montana, Idaho, and California, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Irrigation Mitigation and Restoration Partnership Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term ''Pacific Ocean drainage area'' means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term ''Program'' means the Irrigation Mitigation and Restoration Partnership Program established by section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT OF THE PARTNERSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established the Irrigation Mitigation and Restoration Partnership Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities, including water and soil conservation districts, in the Pacific Ocean drainage area.

(2) TYPES OF PROJECTS.—Projects eligible under the Program may include the development, improvement, or installation of—

(A) fish screens;

(B) fish passage devices;

(C) other facilities agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

(D) inventories by the States on the need and priority for projects described in subparagraphs (A) through (C).

(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than $5,000,000.

SEC. 4. PARTICIPATION IN THE PROGRAM.

(a) NON-FEDERAL.—

(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

(2) the size and type of water diversion;

(3) the availability of other funding sources;

(4) cost effectiveness; and

(5) additional opportunities for biological or water delivery system benefits.

SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

(1) consult with other Federal, State, tribal, and local agencies; and

(2) make maximum use of all available data.

SEC. 7. COST SHARING.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) CREDIT FOR CONTRIBUTIONS.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) ADDITIONAL COSTS.—

(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

SEC. 9. REPORT.

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2005.

(b) LIMITATIONS.—

(1) SINGLE STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for 1 or more projects in any single State.

(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of the funds authorized under this section for any fiscal year may be used for Federal administrative expenses of carrying out this Act.

Amend the title so as to read: ''A bill to authorize the Secretary of the Interior to establish a program to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.''.

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

The bill (H.R. 455), as amended, was passed.

BIKINI RESETTLEMENT AND RELOCATION ACT OF 1999

The bill (H.R. 2368) to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2368

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 ''Bikini Resettlement and Relocation Act of 1999''.

SEC. 2. PARTIAL DISTRIBUTION OF TRUST FUND AMOUNTS.

Three percent of the market value as of June 1, 1999, of the Resettlement Trust Fund

for the People of Bikini, established pursuant to Public Law 97–257, shall be made available for immediate ex gratia distribution to the people of Bikini, provided such distribution does not reduce the corpus of the trust fund. The amount of such distribution shall be deducted from any additional ex gratia payments that may be made by the Congress into the Resettlement Trust Fund.

RELEASE OF REVERSIONARY INTERESTS IN WASHINGTON, UTAH

The bill (H.R. 2862) to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of lands in Washington County, Utah, to facilitate an anticipated land exchange, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2862

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

SECTION 1. RELEASE OF REVERSIONARY INTERESTS IN CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) RELEASE REQUIRED.—The Secretary of the Interior shall release, without consideration, the reversionary interests of the United States in certain real property located in Washington County, Utah, and depicted on the map entitled ''Exchange Parcels, Gardner & State of Utah Property'', dated April 21, 1999, to facilitate a land exchange to be conducted by the State of Utah involving the property.

(b) INSTRUMENT OF RELEASE.—The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interests required by this section.

TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT, UTAH ACQUIRED BY EXCHANGE

The bill (H.R. 2863) to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah, was considered, ordered to a third reading, read the third time, and passed.

H.R. 2863

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

SECTION 1. TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT RESERVE, UTAH, ACQUIRED BY EXCHANGE.

(a) LIMITATION ON LIABILITY.—In support of the habitat conservation plan of Washington County, Utah, for the protection of the desert tortoise and surrounding habitat, the transfer of the land described in subsection (b) from the City of St. George, Utah, to the United States shall convey no liability on the United States that did not already exist with the United States on the date of the transfer of the land.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is a parcel of approximately 15 acres of land located within the Red Cliffs Desert Reserve in Washington County, Utah, that was formerly used as a landfill by the City of St. George.

CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA

The bill (S. 408) to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 408

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

SECTION 1. CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA.

(a) CONVEYANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the City of Carson City, Nevada, without consideration, all right, title, and interest of the United States in the property described as Government lot 1 in sec. 8, T. 15 N., R. 20 E., Mount Diablo Meridian, as shown on the Bureau of Land Management official plat approved October 28, 1996, containing 4.48 acres, more or less, and assorted uninhabitable buildings and improvements.

(b) USE.—The conveyance of the property under subsection (a) shall be subject to reversion to the United States if the property is used for a purpose other than the purpose of a senior assisted living center or a related public purpose.

LANDUSKY SCHOOL LOTS TRANSFER

The Senate proceeded to consider the bill (S. 1218) to direct the Secretary of the Interior to issue to the Landusky School District, with consideration, a patent for the surface and mineral estates of certain lots, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1218

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

That subject to valid existing rights, the Secretary of the Interior shall issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27 block 2, school reserve, and section 27, block 3, lot 13.

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

The bill (S. 1218), aas amended, was passed.

OREGON LAND EXCHANGE ACT OF 1999

The Senate proceeded to consider the bill (S. 1629) to provide for the exchange of certain land in the State of Oregon, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oregon Land Exchange Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) certain parcels of private land located in northeast Oregon are intermingled with land owned by the United States and administered—

(A) by the Secretary of the Interior as part of the Central Oregon Resource Area in the Prineville Bureau of Land Management District and the Baker Resource Area in the Vale Bureau of Land Management District; and

(B) by the Secretary of Agriculture as part of the Malheur National Forest, the Wallowa-Whitman National Forest, and the Umatilla National Forest;

(2) the surface estate of the private land described in paragraph (1) is intermingled with parcels of land that are owned by the United States or contain valuable fisheries and wildlife habitat desired by the United States;

(3) the consolidation of land ownerships will facilitate sound and efficient management for both public and private lands;

(4) the improvement of management efficiency through the land tenure adjustment program of the Department of the Interior, which disposes of small isolated tracts having low public resource values within larger blocks of contiguous parcels of land, would serve important public objectives, including—

(A) the enhancement of public access, aesthetics, and recreation opportunities within or adjacent to designated wild and scenic river corridors;

(B) the protection and enhancement of habitat for threatened, endangered, and sensitive species within unified landscapes under Federal management; and

(C) the consolidation of holdings of the Bureau of Land Management and the Forest Service—

(i) to facilitate more efficient administration, including a reduction in administrative costs to the United States; and

(ii) to reduce right-of-way, special use, and other permit processing and issuance for roads and other facilities on Federal land;

(5) time is of the essence in completing a land exchange because further delays may force the identified landowners to construct roads in, log, develop, or sell the private land and thereby diminish the public values for which the private land is to be acquired; and

(6) it is in the public interest to complete the land exchanges at the earliest practicable date so that the land acquired by the United States can be preserved for—

(A) protection of threatened and endangered species habitat; and

(B) permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Clearwater'' means Clearwater Land Exchange—Oregon, an Oregon partnership that signed the document entitled ''Assembled Land Exchange Agreement between the Bureau of Land Management and Clearwater Land Exchange—Oregon for the Northeast Oregon Assembled Lands Exchange, OR 51858,'' dated October 30, 1996, and the document entitled ''Agreement to initiate'' with the Forest Service, dated June 30, 1995, or its successors or assigns;

(2) the term ''identified landowners'' means private landowners identified by Clearwater and willing to exchange private land for Federal land in accordance with this Act;

(3) the term ''map'' means the map entitled ''Northeast Oregon Assembled Land Exchange/

Triangle Land Exchange'', dated November 5, 1999; and

(4) the term ''Secretary'' means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 4. BLM—NORTHEAST OREGON ASSEMBLED LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of the Interior shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) BLM LANDS TO BE CONVEYED.—The parcels of Federal lands to be conveyed by the Secretary to the appropriate identified landowners are as follows:

(1) the parcel comprising approximately 45,824 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 2,755 acres located in Wheeler County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(3) the parcel comprising approximately 726 acres located in Morrow Country, Oregon, within the Baker Resource Area of the Vale District of Land Management, as generally depicted on the map; and

(4) the parcel comprising approximately 1,015 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcel of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 31,646 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 1,960 acres located in Morrow County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map; and

(3) the parcel comprising approximately 10,544 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

SEC. 5. FOREST SERVICE—TRIANGLE LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of Agriculture shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) FOREST SERVICE LANDS TO BE CONVEYED.—The National Forest System lands to be conveyed by the Secretary to the appropriate identified landowners comprise approximately 3,901 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcels of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 3,752 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map;

(2) the parcel comprising approximately 1,702 acres located in Baker and Grant Counties, Oregon, within the Wallowa-Whitman National Forest, as generally depicted on the map; and

(3) the parcel comprising approximately 246 acres located in Grant and Wallowa Counties, Oregon, within or adjacent to the Umatilla National Forest, as generally depicted on the map.

SEC. 6. LAND EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the land exchanges implemented by this Act shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws.

(b) MULTIPLE TRANSACTIONS.—The Secretary of the Interior and the Secretary of Agriculture may carry out a single or multiple transactions to complete the land exchanges authorized in this Act.

(c) COMPLETION OF EXCHANGES.—Any land exchange under this Act shall be completed not later than 90 days after the Secretary and Clearwater reach an agreement on the final appraised values of the lands to be exchanged.

(d) APPRAISALS.—The values of the lands to be exchanged under this Act shall be determined by appraisals using nationally recognized appraisal standards, including as appropriate—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions (1992); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) To ensure the equitable and uniform appraisal of the lands to be exchanged under this Act, all appraisals shall determine the best use of the lands in accordance with the law of the State of Oregon, including use for the protection of wild and scenic river characteristics as provided in the Oregon Administrative Code.

(3)(A) all appraisals of lands to be exchanged under this Act shall be completed, reviewed and submitted to the Secretary not later than 90 days after the date Clearwater requests the exchange.

(B) Not less than 45 days before an exchange of lands under this Act is completed, a comprehensive summary of each appraisal for the specific lands to be exchanged shall be available for public inspection in the appropriate Oregon offices of the Secretary, for a 15-day period.

(4) After the Secretary approves the final appraised values of any parcel of the lands to be conveyed under this Act, the value of such parcel shall not be reappraised or updated before the completion of the applicable land exchange, except for any adjustments in value that may be required under subsection (e)(2).

(e) EQUAL VALUE LAND EXCHANGE.—(1)(A) The value of the lands to be exchanged under this Act shall be equal, or if the values are not equal, they shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)) of this subsection.

(B) The Secretary shall retain any cash equalization payments received under subparagraph (A) to use, without further appropriation, to purchase land from willing sellers in the State of Oregon for addition to lands under the administration of the Bureau of Land Management or the Forest Service, as appropriate.

(2) If the value of the private lands exceeds the value of the Federal lands by 25 percent or more, Clearwater, after consultation with the affected identified landowners and the Secretary, shall withdraw a portion of the private lands necessary to equalize the values of the lands to be exchanged.

(3) If any of the private lands to be acquired do not include the rights to the subsurface estate, the Secretary may reserve the subsurface estate in the Federal lands to be exchanged.

(f) LAND TITLES.—(1) Title to the private lands to be conveyed to the Secretary shall be in a form acceptable to the Secretary.

(2) The Secretary shall convey all right, title, and interest of the United States in the Federal lands to the appropriate identified landowners, except to the extent the Secretary reserves the subsurface estate under subsection (c)(2).

(g) MANAGEMENT OF LANDS.—(1) Lands acquired by Secretary of the Interior under this Act shall be administered in accordance with sections 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), and lands acquired by the Secretary of Agriculture shall be administered in accordance with sections 205(d) of such Act (43 U.S.C. 1715(d)).

(2) Lands acquired by the Secretary of the Interior pursuant to section 4 which are within the North Fork of the John Day subwatershed shall be administered in accordance with section 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), but shall be managed primarily for the protection of native fish and wildlife habitat, and for public recreation. The Secretary may permit other authorized uses within the subwatershed if the Secretary determines, through the appropriate land use planning process, that such uses are consistent with, and do not diminish these management purposes.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

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

The bill (S. 1629), as amended, was passed.

ELIM NATIVE CORPORATION LAND RESTORATION

The bill (H.R. 3090) to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

H.R. 3090

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

SECTION 1. ELIM NATIVE CORPORATION LAND RESTORATION.

Section 19 of the Alaska Native Claims Settlement Act (43 U.S.C. 1618) is amended by adding at the end the following new subsection:

''(c)(1) FINDINGS.—The Congress finds that—

''(A) approximately 350,000 acres of land were withdrawn by Executive orders in 1917 for the use of the United States Bureau of Education and of the Natives of Indigenous Alaskan race;

''(B) these lands comprised the Norton Bay Reservation (later referred to as Norton Bay Native Reserve) and were set aside for the benefit of the Native inhabitants of the Eskimo Village of Elim, Alaska;

''(C) in 1929, 50,000 acres of land were deleted from the Norton Bay Reservation by Executive order.

''(D) the lands were deleted from the Reservation for the benefit of others;

''(E) the deleted lands were not available to the Native inhabitants of Elim under subsection (b) of this section at the time of passage of this Act;

''(F) the deletion of these lands has been and continues to be a source of deep concern to the indigenous people of Elim; and

''(G) until this matter is dealt with, it will continue to be a source of great frustration and sense of loss among the shareholders of the Elim Native Corporation and their descendants.

''(2) WITHDRAWAL.—The lands depicted and designated 'Withdrawal Area' on the map dated October 19, 1999, along with their legal descriptions, on file with the Bureau of Land Management, and entitled 'Land Withdrawal Elim Native Corporation', are hereby withdrawn, subject to valid existing rights, from all forms of appropriation or disposition under the public land laws, including the mining and mineral leasing laws, for a period of 2 years from the date of the enactment of this subsection, for selection by the Elim Native Corporation (hereinafter referred to as 'Elim').

''(3) AUTHORITY TO SELECT AND CONVEY.—Elim is authorized to select in accordance with the rules set out in this paragraph, 50,000 acres of land (hereinafter referred to as 'Conveyance Lands') within the boundary of the Withdrawal Area described in paragraph (2). The Secretary is authorized and directed to convey to Elim in fee the surface and subsurface estates to 50,000 acres of valid selections in the Withdrawal Area, subject to the covenants, reservations, terms and conditions and other provisions of this subsection.

''(A) Elim shall have 2 years from the date of the enactment of this subsection in which to file its selection of no more than 60,000 acres of land from the area described in paragraph (2). The selection application shall be filed with the Bureau of Land Management, Alaska State Office, shall describe a single tract adjacent to United States Survey No. 2548, Alaska, and shall be reasonably compact, contiguous, and in whole sections except when separated by unavailable land or when the remaining entitlement is less than a whole section. Elim shall prioritize its selections made pursuant to this subsection at the time such selections are filed, and such prioritization shall be irrevocable. Any lands selected shall remain withdrawn until conveyed or full entitlement has been achieved.

''(B) The selection filed by Elim pursuant to this subsection shall be subject to valid existing rights and may not supercede prior selections of the State of Alaska, any Native corporation, or valid entries of any private individual unless such selection or entry is relinquished, rejected, or abandoned prior to conveyance to Elim.

''(C) Upon receipt of the Conveyance Lands, Elim shall have all legal rights and privileges as landowner, subject only to the covenants, reservations, terms and conditions specified in this subsection.

''(D) Selection by Elim of lands under this subsection and final conveyance of those lands to Elim shall constitute full satisfaction of any claim of entitlement of Elim with respect to its land entitlement.

''(4) COVENANTS, RESERVATIONS, TERMS, AND CONDITIONS.—The covenants, reservations, terms and conditions set forth in this paragraph and in paragraphs (5) and (6) with respect to the Conveyance Lands shall run with the land and shall be incorporated into the interim conveyance, if any, and patent conveying the lands to Elim.

''(A) Consistent with paragraph (3)(C) and subject to the applicable covenants, reservations, terms, and conditions contained in this paragraph and paragraphs (5) and (6), Elim shall have all rights to the timber resources of the Conveyance Lands for any use including, but not limited to, construction of homes, cabins, for firewood and other domestic uses on any Elim lands: *Provided*, That cutting and removal of Merchantable Timber from the Conveyance Lands for sale shall not be permitted: *Provided further*, That Elim shall not construct roads and related infrastructure for the support of such cutting and removal of timber for sale or permit others to do so. 'Merchantable Timber' means timber that can be harvested and marketed by a prudent operator.

''(B) Public Land Order 5563 of December 16, 1975, which made hot or medicinal springs available to other Native Corporations for selection and conveyance, is hereby modified to the extent necessary to permit the selection by Elim of the lands heretofore encompassed in any withdrawal of hot or medicinal springs and is withdrawn pursuant to this subsection. The Secretary is authorized and directed to convey such selections of hot or medicinal springs (hereinafter referred to as 'hot springs') subject to applicable covenants, reservations, terms and conditions contained in paragraphs (5) and (6).

''(C) Should Elim select and have conveyed to it lands encompassing portions of the Tubutulik River or Clear Creek, or both, Elim shall not permit surface occupancy or knowingly permit any other activity on those portions of land lying within the bed of or within 300 feet of the ordinary high waterline of either or both of these water courses for purposes associated with mineral or other development or activity if they would cause or are likely to cause erosion or siltation of either water course to an extent that would significantly adversely impact water quality or fish habitat.

''(5) RIGHTS RETAINED BY THE UNITED STATES.—With respect to conveyances authorized in paragraph (3), the following rights are retained by the United States:

''(A) To enter upon the conveyance lands, after providing reasonable advance notice in writing to Elim and after providing Elim with an opportunity to have a representative present upon such entry, in order to achieve the purpose and enforce the terms of this paragraph and paragraphs (4) and (6).

''(B) To have, in addition to such rights held by Elim, all rights and remedies available against persons, jointly or severally, who cut or remove Merchantable Timber for sale.

''(C) In cooperation with Elim, the right, but not the obligation, to reforest in the event previously existing Merchantable Timber is destroyed by fire, wind, insects, disease, or other similar manmade or natural occurrence (excluding manmade occurrences resulting from the exercise by Elim of its lawful rights to use the Conveyance Lands).

''(D) The right of ingress and egress over easements under section 17(b) for the public to visit, for noncommercial purposes, hot springs located on the Conveyance Lands and to use any part of the hot springs that is not commercially developed.

''(E) The right to enter upon the lands containing hot springs for the purpose of conducting scientific research on such hot springs and to use the results of such research without compensation to Elim. Elim shall have an equal right to conduct research on the hot springs and to use the results of such research without compensation to the United States.

''(F) A covenant that commercial development of the hot springs by Elim or its successors, assigns, or grantees shall include the right to develop only a maximum of 15 percent of the hot springs and any land within ¼ mile of the hot springs. Such commercial development shall not alter the natural hydrologic or thermal system associated with the hot springs. Not less than 85 percent of the lands within ¼ mile of the hot springs shall be left in their natural state.

''(G) The right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term or condition shall not waive the right to enforce any covenant, reservation, term or condition.

''(6) GENERAL.—

''(A) MEMORANDUM OF UNDERSTANDING.—The Secretary and Elim shall, acting in good faith, enter into a Memorandum of Understanding (hereinafter referred to as the 'MOU') to implement the provisions of this subsection. The MOU shall include among its provisions reasonable measures to protect plants and animals in the hot springs on the Conveyance Lands and on the land within ¼ mile of the hot springs. The parties shall agree to meet periodically to review the matters contained in the MOU and to exercise their right to amend, replace, or extend the MOU. Such reviews shall include the authority to relocate any of the easements set forth in subparagraph (D) if the parties deem it advisable.

''(B) INCORPORATION OF TERMS.—Elim shall incorporate the covenants, reservations, terms and conditions, in this subsection in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Conveyance Lands, including without limitation, a leasehold interest.

''(C) SECTION 17(b) EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve in the conveyance to Elim easements to the United States pursuant to subsection 17(b) that are not in conflict with other easements specified in this paragraph.

''(D) OTHER EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve easements which shall include the right of the public to enter upon and travel along the Tubutulik River and Clear Creek within the Conveyance Lands. Such easements shall also include easements for trails confined to foot travel along, and which may be established along each bank of, the Tubutulik River and Clear Creek. Such trails shall be 25 feet wide and upland of the ordinary high waterline of the water courses. The trails may deviate from the banks as necessary to go around man-made or natural obstructions or to portage around hazardous stretches of water. The easements shall also include one-acre sites along the water courses at reasonable intervals, selected in consultation with Elim, which may be used to launch or take out water craft from the water courses and to camp in nonpermanent structures for a period not to exceed 24 hours without the consent of Elim.

''(E) INHOLDERS.—The owners of lands held within the exterior boundaries of lands conveyed to Elim shall have all rights of ingress and egress to be vested in the inholder and the inholder's agents, employees, co-venturers, licensees, subsequent grantees, or invitees, and such easements shall be reserved in the conveyance to Elim. The inholder may not exercise the right of ingress and egress in a manner that may result in substantial damage to the surface of the lands or make any permanent improvements on Conveyance Lands without the prior consent of Elim.

''(F) IDITAROD TRAIL.—The Bureau of Land Management may reserve an easement for the Iditarod National Historic Trail in the conveyance to Elim.

''(7) IMPLEMENTATION.—There are authorized to be appropriated such sums as may be necessary to implement this subsection.''.

SEC. 2. COMMON STOCK TO ADOPTED-OUT DESCENDANTS.

Section 7(h)(1)(C)(iii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)(1)(C)(iii)) is amended by inserting before the period at the end the following: '',

notwithstanding an adoption, relinquishment, or termination of parental rights that may have altered or severed the legal relationship between the gift donor and recipient''.

SEC. 3. DEFINITION OF SETTLEMENT TRUST.

Section 3(t)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)(2)) is amended by striking ''sole'' and all that follows through ''Stock'' and inserting ''benefit of shareholders, Natives, and descendants of Natives,''.

AMENDING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 1797) to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, AK, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION. 1. LAND EXCHANGE WITH CITY OF CRAIG, ALASKA.

(a) At such time as Congress appropriates funds sufficient for the Secretary of Agriculture to acquire non-Federal lands within conservation system units on the Tongass National Forest, the Secretary shall convey to the City of Craig, Alaska, all Federal interests in the lands identified in subsection (b): *Provided*, That the lands conveyed to the City of Craig shall be of equal value to the lands acquired by the Secretary of Agriculture pursuant to this subsection.

(b) The approximately 4,532 acres of Federal lands to be conveyed to the City of Craig are described as follows:

(1) All Federal land in the following described protracted and partially surveyed townships in the Copper River Meridian, Alaska:

(A) Within T. 71 S., R. 81 E—
Section 24, E½;
Section 25, E½, S½ SW¼;
Section 36.
Containing 1360 acres, more or less;
(B) Within T. 71 S., R. 82 E—
Section 19, S½ SW¼;
Section 29, W¼ NW¼, N½ SW¼;
Section 30, All;
Section 31, All.
Containing 1500 acres, more or less; and
(C) Within T. 72 S., R. 82 E—
Section 5, SW¼ NW¼, W½, SW¼;
Section 6, All;
Section 7, NE¼ NE¼;
Section 8, W½, SW¼ SE¼;
Section 17, NW¼ NW¼, E½ NW¼, NE¼ SW¼, W½ NE¼, NW¼ SE¼, S½ SE¼;
Section 20, NE¼.
Containing 1672 acres, more or less.

The committee amendment in the nature of a substitute was agree to.

The bill (S. 1797), as amended, was passed.

The title was amended so as to read:

A bill to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.

VALLES CALDERA PRESERVATION ACT

The Senate proceeded to consider the bill (S. 1892) to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—VALLES CALDERA NATIONAL PRESERVE AND TRUST

SEC. 101. SHORT TITLE.

This title may be cited as the ''Valles Caldera Preservation Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Baca ranch comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;

(2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;

(3) the land comprising the Baca ranch was originally granted to the heirs of Don Luis Maria Cabeza de Vaca in 1860;

(4) historical evidence, in the form of old logging camps and other artifacts, and the history of territorial New Mexico indicate the importance of this land over many generations for domesticated livestock production and timber supply;

(5) the careful husbandry of the Baca ranch by the current owners, including selective timbering, limited grazing and hunting, and the use of prescribed fire, have preserved a mix of healthy range and timber land with significant species diversity, thereby serving as a model for sustainable land development and use;

(6) the Baca ranch's natural beauty and abundant resources, and its proximity to large municipal populations, could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting;

(7) the Forest Service documented the scenic and natural values of the Baca ranch in its 1993 study entitled ''Report on the Study of the Baca Location No. 1, Santa Fe National Forest, New Mexico'', as directed by Public Law 101–556;

(8) the Baca ranch can be protected for current and future generations by continued operation as a working ranch under a unique management regime which would protect the land and resource values of the property and surrounding ecosystem while allowing and providing for the ranch to eventually become financially self-sustaining;

(9) the current owners have indicated that they wish to sell the Baca ranch, creating an opportunity for Federal acquisition and public access and enjoyment of these lands;

(10) certain features on the Baca ranch have historical and religious significance to Native Americans which can be preserved and protected through Federal acquisition of the property;

(11) the unique nature of the Valles Caldera and the potential uses of its resources with different resulting impacts warrants a management regime uniquely capable of developing an operational program for appropriate preservation and development of the land and resources of the Baca ranch in the interest of the public;

(12) an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive; and

(13) the Secretary may promote more efficient management of the Valles Caldera and the watershed of the Santa Clara Creek through the assignment of purchase rights of such watershed to the Pueblo of Santa Clara.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize Federal acquisition of the Baca ranch;

(2) to protect and preserve for future generations the scientific, scenic, historic, and natural values of the Baca ranch, including rivers and ecosystems and archaeological, geological, and cultural resources;

(3) to provide opportunities for public recreation;

(4) to establish a demonstration area for an experimental management regime adapted to this unique property which incorporates elements of public and private administration in order to promote long term financial sustainability consistent with the other purposes enumerated in this subsection; and

(5) to provide for sustained yield management of Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.

SEC. 103. DEFINITIONS.

In this title:

(1) BACA RANCH.—The term ''Baca ranch'' means the lands and facilities described in this section 104(a).

(2) BOARD OF TRUSTEES.—The terms ''Board of Trustees'' and ''Board'' mean the Board of Trustees as describe in section 107.

(3) COMMITTEES OF CONGRESS.—The term ''Committees of Congress'' means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(4) FINANCIALLY SELF-SUSTAINING.—The term ''financially self-sustaining'' means management and operating expenditures equal to or less than proceeds derived from fees and other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include Trustee expenses, salaries and benefits of staff, administrative and operating expenses, improvements to and maintenance of lands and facilities of the Preserve, and other similar expenses. Funds appropriated to the Trust by Congress, either directly or through the Secretary, for the purposes of this title shall not be considered.

(5) MULTIPLE USE AND SUSTAINED YIELD.—The term ''multiple use and sustained yield'' has the combined meaning of the terms ''multiple use'' and ''sustained yield of the several products and services'', as defined under the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 531).

(6) PRESERVE.—The term ''Preserve'' means the Valles Caldera National Preserve established under section 105.

(7) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of Agriculture.

(8) TRUST.—The term ''Trust'' means the Valles Caldera Trust established under section 106.

SEC. 104. ACQUISITION OF LANDS.

(a) ACQUISITION OF BACA RANCH.—

(1) IN GENERAL.—In compliance with the Act of June 15, 1926 (16 U.S.C. 471a), the Secretary is authorized to acquire all or part of the rights, title, and interests in and to approximately 94,761 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1,

and generally depicted on a plat entitled ''Independent Resurvey of the Baca Location No. 1'', made by L.A. Osterhoudt, W.V. Hall, and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920–August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

(2) SOURCE OF FUNDS.—The acquisition under paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary from the Land and Water Conservation Fund shall be available for this purpose.

(3) BASIS OF SALE.—The acquisition under paragraph (1) shall be based on an appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

(4) DEED.—The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General.

(b) ADDITION OF LAND TO BANDELIER NATIONAL MONUMENT.—Upon acquisition of the Baca ranch under subsection (a), the Secretary of the Interior shall assume administrative jurisdiction over those lands within the boundaries of the Bandelier National Monument as modified under section 3 of Public Law 105–376 (112 Stat. 3389).

(c) PLAT AND MAPS.—

(1) PLAT AND MAPS PREVAIL.—In case of any conflict between a plat or a map and acreages, the plat or map shall prevail.

(2) MINOR CORRECTIONS.—The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in section 3 of Public Law 105–376 (112 Stat. 3389).

(3) BOUNDARY MODIFICATION.—Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

(4) FINAL MAPS.—Within 180 days of the date of acquisition of the Baca ranch under subsection (a), the Secretary and the Secretary of the Interior shall submit to the Committees of Congress a final map of the Preserve and a final map of Bandelier National Monument, respectively.

(5) PUBLIC AVAILABILITY.—The plat and maps referred to in the subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

(d) WATERSHED MANAGEMENT REPORT.—The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) prepare a report of management alternatives which may—

(A) provide more coordinated land management within the area known as the upper watersheds of Alamo, Capulin, Medio, and Sanchez Canyons, including the areas known as the Dome Diversity Unit and the Dome Wilderness;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include proposed boundary adjustments between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the report to the Committees of Congress within 120 days of the date of enactment of this title.

(e) OUTSTANDING MINERAL INTERESTS.—The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing seller basis for not to exceed its fair market value, as determined by appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions. Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b), shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

(f) BOUNDARIES OF THE BACA RANCH.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

(g) PUEBLO OF SANTA CLARA.—

(1) IN GENERAL.—The Secretary may assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch. The portion that may be assigned shall be determined by mutual agreement between the Pueblo and the Secretary based on optimal management considerations for the Preserve including manageable land line locations, public access, and retention of scenic and natural values. All appraisals shall be done in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(2) STATUS OF LAND ACQUIRED.—As of the date of acquisition, the fee title lands, and any mineral estate underlying such lands, acquired under this subsection by the Pueblo of Santa Clara are deemed transferred into trust in the name of the United States for the benefit of the Pueblo of Santa Clara and such lands and mineral estate are declared to be part of the existing Santa Clara Indian Reservation.

(3) MINERAL ESTATE.—Any mineral estate acquired by the United States pursuant to section 104(e) underlying fee title lands acquired by the Pueblo of Santa Clara shall not be developed without the consent of the Secretary of the Interior and the Pueblo of Santa Clara.

(4) SAVINGS.—Any reservations, easements, and covenants contained in an assignment agreement entered into under paragraph (1) shall not be affected by the acquisition of the Baca ranch by the United States, the assumption of management by the Valles Caldera Trust, or the lands acquired by the Pueblo being taken into trust.

SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.

(a) ESTABLISHMENT.—Upon the date of acquisition of the Baca ranch under section 104(a), there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interests in land acquired under sections 104(a) and 104(e), except those lands and interests in land administered or held in trust by the Secretary of the Interior under sections 104(b) and 104(g), and shall be managed in accordance with the purposes and requirements of this title.

(b) PURPOSES.—The purposes for which the Preserve is established are to protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with this title.

(c) MANAGEMENT AUTHORITY.—Except for the powers of the Secretary enumerated in this title, the Preserve shall be managed by the Valles Caldera Trust established by section 106.

(d) ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.—Lands acquired by the United States under section 104(a) shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–6904).

(e) WITHDRAWALS.—

(1) IN GENERAL.—Upon acquisition of all interests in minerals within the boundaries of the Baca ranch under section 104(e), subject to valid existing rights, the lands comprising the Preserve are thereby withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

(2) MATERIALS FOR ROADS AND FACILITIES.—Nothing in this title shall preclude the Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such as sand, stone, and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

(f) FISH AND GAME.—Nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico, designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(g) REDONDO PEAK.—

(1) IN GENERAL.—For the purposes of preserving the natural, cultural, religious, and historic resources on Redondo Peak upon acquisition of the Baca ranch under section 104(a), except as provided in paragraph (2), within the area of Redondo Peak above 10,000 feet in elevation—

(A) no roads, structures, or facilities shall be constructed; and

(B) no motorized access shall be allowed.

(2) EXCEPTIONS.—Nothing in this subsection shall preclude—

(A) the use and maintenance of roads and trails existing as of the date of enactment of this Act;

(B) the construction, use and maintenance of new trails, and the relocation of existing roads, if located to avoid Native American religious and cultural sites; and

(C) motorized access necessary to administer the area by the Trust (including measures required in emergencies involving the health or safety of persons within the area).

SEC. 106. THE VALLES CALDERA TRUST.

(a) ESTABLISHMENT.—There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct business in the State of New Mexico and elsewhere in

the United States in furtherance of its corporate purposes.

(b) CORPORATE PURPOSES.—The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;

(2) to establish and implement management policies which will best achieve the purposes and requirements of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established.

(c) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(d) STAFF.—

(1) IN GENERAL.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that payable to the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

(2) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as provided in this title, employees of the Trust shall be Federal employees as defined by title 5, United States Code, and shall be subject to all rights and obligations applicable thereto.

(B) USE OF FEDERAL EMPLOYEES.—At the request of the Trust, the employees of any Federal agency may be provided for implementation of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

(e) GOVERNMENT CORPORATION.—

(1) IN GENERAL.—The Trust shall be a Government Corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) REPORTS.—Not later than January 15 of each year, the Trust shall submit to the Secretary and the Committees of Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year including information on the status of ecological, cultural, and financial resources being managed by the Trust, and benefits provided by the Preserve to local communities. The report shall also include a section that describes the Trust's goals for the current year.

(3) ANNUAL BUDGET.—

(A) IN GENERAL.—The Trust shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(B) BUDGET REQUEST.—The Secretary shall provide necessary assistance (including detailees as necessary) to the Trust for the timely formulation and submission of the annual budget request for appropriations, as authorized under section 111(a), to support the administration, operation, and maintenance of the Preserve.

(f) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of New Mexico, and its political subdivisions including the counties of Sandoval and Rio Arriba.

(g) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may accept donations from such entities notwithstanding that such donors may conduct business with the Department of Agriculture or any other department or agency of the United States.

(h) PROCEEDS.—

(1) IN GENERAL.—Notwithstanding sections 1341 and 3302 of title 31 of the United States Code, all monies received from donations under subsection (g) or from the management of the Preserve shall be retained and shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to properties under its management jurisdiction.

(2) FUND.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled ''Valles Caldera Fund'' which shall be available, without further appropriation for any purpose consistent with the purposes of this title. At the option of the Trust, or the Secretary in accordance with section 110, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—Any funds received by the Trust, or the Secretary in accordance with section 109(b), from the management of the Preserve shall not be subject to partial distribution to the State under—

(1) the Act of May 23, 1908, entitled ''an Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'' (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

(j) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. For purposes of such suits, the residence of the Trust shall be the State of New Mexico. The Trust shall be represented by the Attorney General in any litigation arising out of the activities of the Trust, except that the Trust may retain private attorneys to provide advice and counsel.

(k) BYLAWS.—The Trust shall adopt necessary bylaws to govern its activities.

(l) INSURANCE AND BOND.—The Trust shall require that all holders of leases from, or parties in contract with, the Trust that are authorized to occupy, use, or develop properties under the management jurisdiction of the Trust, procure proper insurance against any loss in connection with such properties, or activities authorized in such lease or contract, as is reasonable and customary.

(m) NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words ''Valles Caldera Trust'', and any seal, emblem, or other insignia adopted by the Board of Trustees. Without express written authority of the Trust, no person may use the words ''Valles Caldera Trust'' as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.

SEC. 107. BOARD OF TRUSTEES.

(a) IN GENERAL.—The Trust shall be governed by a 9-member Board of Trustees consisting of the following:

(1) VOTING TRUSTEES.—The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

(B) the Superintendent of the Bandelier National Monument, National Park Service; and

(C) 7 individuals, appointed by the President, in consultation with the congressional delegation from the State of New Mexico. The 7 individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in aspects of domesticated livestock management, production, and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and noncommodity purposes;

(iv) one trustee shall be active in a nonprofit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budget and program analysis, and small business operations;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

(vii) one trustee shall be active in State or local government in New Mexico, with expertise in the customs of the local area.

(2) QUALIFICATIONS.—Of the trustees appointed by the President—

(A) none shall be employees of the Federal Government; and

(B) at least five shall be residents of the State of New Mexico.

(b) INITIAL APPOINTMENTS.—The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch under section 104(a).

(c) TERMS.—

(1) IN GENERAL.—Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, 4 shall serve for a term of 4 years, and 3 shall serve for a term of 2 years.

(2) VACANCIES.—Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) LIMITATIONS.—No appointed trustee may serve more than 8 years in consecutive terms.

(d) QUORUM.—A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) ORGANIZATION AND COMPENSATION.—

(1) IN GENERAL.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) COMPENSATION OF TRUSTEES.—Trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) CHAIR.—Trustees shall select a chair from the membership of the Board.

(f) LIABILITY OF TRUSTEES.—Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(g) MEETINGS.—

(1) LOCATION AND TIMING OF MEETINGS.—The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: *Provided,* That any final decision of the Board to adopt or amend the comprehensive management program under section 108(d) or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) PUBLIC INFORMATION.—In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and periodic opportunities for public comment regarding the management of the Preserve.

SEC. 108. RESOURCE MANAGEMENT.

(a) ASSUMPTION OF MANAGEMENT.—The Trust shall assume all authority provided by this title to manage the Preserve upon a determination by the Secretary, which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

(1) the Board is duly appointed, and able to conduct business; and

(2) provision has been made for essential management services.

(b) MANAGEMENT RESPONSIBILITIES.—Upon assumption of management of the Preserve under subsection (a), the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

(1) administration of the operations of the Preserve;

(2) preservation and development of the land and resources of the Preserve;

(3) interpretation of the Preserve and its history for the public;

(4) management of public use and occupancy of the Preserve; and

(5) maintenance, rehabilitation, repair, and improvement of property within the Preserve.

(c) AUTHORITIES.—

(1) IN GENERAL.—The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation, entities of Federal, State, and local governments, and consultation with Indian tribes and pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of this title. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) PROCEDURES.—The Trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) LIMITATIONS.—The Trust may not dispose of any real property in, or convey any water rights appurtenant to the Preserve. The Trust may not convey any easement, or enter into any contract, lease, or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years. Any such easement, contract, lease, or other agreement shall provide that, upon termination of the Trust, such easement, contract, lease or agreement is terminated.

(4) APPLICATION OF PROCUREMENT LAWS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing health and safety requirements, wage rates, and civil rights.

(B) PROCEDURES.—The Trust, in consultation with the Administrator of Federal Procurement Policy, Office of Management and Budget, shall establish and adopt procedures applicable to the Trust's procurement of goods and services, including the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(d) MANAGEMENT PROGRAM.—Within two years after assumption of management responsibilities for the Preserve, the Trust shall, in accordance with subsection (f), develop a comprehensive program for the management of lands, resources, and facilities within the Preserve to carry out the purposes under section 105(b). To the extent consistent with such purposes, such program shall provide for—

(1) operation of the Preserve as a working ranch, consistent with paragraphs (2) through (4);

(2) the protection and preservation of the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve;

(3) multiple use and sustained yield of renewable resources within the Preserve;

(4) public use of and access to the Preserve for recreation;

(5) renewable resource utilization and management alternatives that, to the extent practicable—

(A) benefit local communities and small businesses;

(B) enhance coordination of management objectives with those on surrounding National Forest System land; and

(C) provide cost savings to the Trust through the exchange of services, including but not limited to labor and maintenance of facilities, for resources or services provided by the Trust; and

(6) optimizing the generation of income based on existing market conditions, to the extent that it does not unreasonably diminish the long-term scenic and natural values of the area, or the multiple use and sustained yield capability of the land.

(e) PUBLIC USE AND RECREATION.—

(1) IN GENERAL.—The Trust shall give thorough consideration to the provision of appropriate opportunities for public use and recreation that are consistent with the other purposes under section 105(b). The Trust is expressly authorized to construct and upgrade roads and bridges, and provide other facilities for activities including, but not limited to camping and picnicking, hiking, and cross country skiing. Roads, trails, bridges, and recreational facilities constructed within the Preserve shall meet public safety standards applicable to units of the National Forest System and the State of New Mexico.

(2) FEES.—Notwithstanding any other provision of law, the Trust is authorized to assess reasonable fees for admission to, and the use and occupancy of, the Preserve: *Provided,* That admission fees and any fees assessed for recreational activities shall be implemented only after public notice and a period of not less than 60 days for public comment.

(3) PUBLIC ACCESS.—Upon the acquisition of the Baca ranch under section 104(a), and after an interim planning period of no more than two years, the public shall have reasonable access to the Preserve for recreation purposes. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may reasonably limit the number and types of recreational admissions to the Preserve, or any part thereof, based on the capability of the land, resources, and facilities. The use of reservation or lottery systems is expressly authorized to implement this paragraph.

(f) APPLICABLE LAWS.—

(1) IN GENERAL.—The Trust, and the Secretary in accordance with section 109(b), shall administer the Preserve in conformity with this title and all laws pertaining to the National Forest System, except the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.).

(2) ENVIRONMENTAL LAWS.—The Trust shall be deemed a Federal agency for the purposes of compliance with Federal environmental laws.

(3) CRIMINAL LAWS.—All criminal laws relating to Federal property shall apply to the same extent as on adjacent units of the National Forest System.

(4) REPORTS ON APPLICABLE RULES AND REGULATIONS.—The Trust may submit to the Secretary and the Committees of Congress a compilation of applicable rules and regulations which in the view of the Trust are inappropriate, incompatible with this title, or unduly burdensome.

(5) CONSULTATION WITH TRIBES AND PUEBLOS.—The Trust is authorized and directed to cooperate and consult with Indian tribes and pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to allow the use of lands within the Preserve for religious and cultural uses by Native Americans and, in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 (note)) and other applicable statutes.

(6) NO ADMINISTRATIVE APPEAL.—The administrative appeals regulations of the Secretary shall not apply to activities of the Trust and decisions of the Board.

(g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. The Trust shall be deemed a Federal agency for purposes of the law enforcement authorities of the Secretary (within the meaning of section 15008 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559g)). At the request of the Trust, the Secretary may provide fire presuppression, fire suppression, and rehabilitation services: *Provided,* That the Trust shall reimburse the Secretary for salaries and expenses of fire management personnel, commensurate with services provided.

SEC. 109. AUTHORITIES OF THE SECRETARY.

(a) IN GENERAL.—Notwithstanding the assumption of management of the Preserve by the Trust, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976, of over 10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders under and enforce prohibitions generally applicable on other units of the National Forest System, in cooperation with the Trust;

(3) exercise the authorities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1278, et seq.) and the Federal Power Act (16 U.S.C. 797, et seq.), in cooperation with the Trust;

(4) acquire the mineral rights referred to in section 104(e);

(5) provide law enforcement and fire management services under section 108(g);

(6) at the request of the Trust, exchange land or interests in land within the Preserve under laws generally applicable to other units of the National Forest System, or otherwise dispose of land or interests in land within the Preserve under Public Law 97–465 (16 U.S.C. 521c through 521i);

(7) in consultation with the Trust, refer civil and criminal cases pertaining to the Preserve to the Department of Justice for prosecution;

(8) retain title to and control over fossils and archaeological artifacts found within the Preserve;

(9) at the request of the Trust, construct and operate a visitors' center in or near the Preserve, subject to the availability of appropriated funds;

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, under section 110(b)(2); and

(11) conduct such other activities for which express authorization is provided to the Secretary by this title.

(b) INTERIM MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Preserve in accordance with this title during the interim period from the date of acquisition of the Baca ranch under section 104(a) to the date of assumption of management of the Preserve by the Trust under section 108. The Secretary may enter into any agreement, lease, contract, or other arrangement on the same basis as the Trust under section 108(c)(1): *Provided*, That any agreement, lease, contract, or other arrangement entered into by the Secretary shall not exceed two years in duration unless expressly extended by the Trust upon its assumption of management of the Preserve.

(2) USE OF THE FUND.—All monies received by the Secretary from the management of the Preserve during the interim period under paragraph (1) shall be deposited into the ''Valles Caldera Fund'' established under section 106(h)(2), and such monies in the fund shall be available to the Secretary, without further appropriation, for the purpose of managing the Preserve in accordance with the responsibilities and authorities provided to the Trust under section 108.

(c) SECRETARIAL AUTHORITY.—The Secretary retains the authority to suspend any decision of the Board with respect to the management of the Preserve if he finds that the decision is clearly inconsistent with this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(d) ACCESS.—The Secretary shall at all times have access to the Preserve for administrative purposes.

SEC. 110. TERMINATION OF THE TRUST.

(a) IN GENERAL.—The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch under section 104(a).

(b) RECOMMENDATIONS.—

(1) BOARD.—

(A) If after the fourteenth full fiscal years from the date of acquisition of the Baca ranch under section 104(a), the Board believes the Trust has met the goals and objectives of the comprehensive management program under section 108(d), but has not become financially self-sustaining, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch under section 104(a), the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

(2) SECRETARY.—Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommendation on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) EFFECT OF TERMINATION.—In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) ASSETS.—In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) VALLES CALDERA FUND.—In the event of termination, the Secretary shall assume the powers of the Trust over funds under section 106(h), and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of this title.

SEC. 111. LIMITATIONS ON FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(b) SCHEDULE OF APPROPRIATIONS.—Within two years after the first meeting of the Board, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.

(a) INITIAL STUDY.—Three years after the assumption of management by the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under this title.

(b) SECOND STUDY.—Seven years after the assumption of management by the Trust, the General Accounting Office shall conduct a study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

TITLE II—FEDERAL LAND TRANSACTION FACILITATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Land Transaction Facilitation Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;

(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;

(3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;

(4) the Federal land management agencies of the Departments of the Interior and Agriculture have authority under existing law to acquire land consistent with the mission of each agency;

(5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within Federal land management units; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;

(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;

(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;

(8) such land lies within national parks, national monuments, national wildlife refuges, national forests, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management

ability of the Federal land management agencies and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 203. DEFINITIONS.

In this title:

(1) EXCEPTIONAL RESOURCE.—The term ''exceptional resource'' means a resource of scientific, natural, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

(2) FEDERALLY DESIGNATED AREA.—The term ''federally designated area'' means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o))) that on the date of enactment of this Act was within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as—

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) INHOLDING.—The term ''inholding'' means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) PUBLIC LAND.—The term ''public land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 204. IDENTIFICATION OF INHOLDINGS.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture shall establish a procedure to—

(1) identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States; and

(2) prioritize the acquisition of inholdings in accordance with section 206(c)(3).

(b) PUBLIC NOTICE.—As soon as practicable after the date of enactment of this title and periodically thereafter, the Secretary and the Secretary of Agriculture shall provide public notice of the procedures referred to in subsection (a), including any information necessary for the consideration of an inholding under section 206. Such notice shall include publication in the Federal Register and by such other means as the Secretary and the Secretary of Agriculture determine to be appropriate.

(c) IDENTIFICATION.—An inholding—

(1) shall be considered for identification under this section only if the Secretary or the Secretary of Agriculture receive notification of a desire to sell from the landowner in response to public notice given under subsection (b); and

(2) shall be deemed to have been established as of the later of—

(A) the earlier of—

(i) the date on which the land was withdrawn from the public domain; or

(ii) the date on which the land was established or designated for special management; or

(B) the date on which the inholding was acquired by the current owner.

(d) NO OBLIGATION TO CONVEY OR ACQUIRE.—The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

SEC. 205. DISPOSAL OF PUBLIC LAND.

(a) IN GENERAL.—The Secretary shall establish a program, using funds made available under section 206, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) SALE OF PUBLIC LAND.—

(1) IN GENERAL.—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.

(a) DEPOSIT OF PROCEEDS.—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the ''Federal Land Disposal Account''.

(b) AVAILABILITY.—Amounts in the Federal Land Disposal Account shall be available to the Secretary and the Secretary of Agriculture, without further Act of appropriation, to carry out this title.

(c) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—

(1) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

(2) FUND ALLOCATION.—

(A) PURCHASE OF LAND.—Except as authorized under subparagraph (C), funds shall be used to purchase lands or interests therein that are otherwise authorized by law to be acquired, and that are—

(i) inholdings; and

(ii) adjacent to federally designated areas and contain exceptional resources.

(B) INHOLDINGS.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire inholdings identified under section 204.

(C) ADMINISTRATIVE AND OTHER EXPENSES.—An amount not to exceed 20 percent of the funds deposited in the Federal Land Disposal Account may be used by the Secretary for administrative and other expenses necessary to carry out the land disposal program under section 205.

(D) SAME STATE PURCHASES.—Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(3) PRIORITY.—The Secretary and the Secretary of Agriculture shall develop a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources as provided in paragraph (2). Such procedure shall consider—

(A) the date the inholding was established (as provided in section 204(c));

(B) the extent to which acquisition of the land or interest therein will facilitate management efficiency; and

(C) such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

(4) BASIS OF SALE.—Any land acquired under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary, or the Secretary of Agriculture in the case of an acquisition of National Forest System land, using title standards of the Attorney General;

(C) at a price not to exceed fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions; and

(D) managed as part of the unit within which it is contained.

(d) CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary or the Secretary of Agriculture—

(1) contains a hazardous substances or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 4601–4 et seq.).

(f) TERMINATION.—On termination of activities under section 205—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601–6).

SEC. 207. SPECIAL PROVISIONS.

(a) IN GENERAL.—Nothing in this title provides an exemption from any limitation on the acquisition of land or interest in land under any Federal Law in effect on the date of enactment of this Act.

(b) OTHER LAW.—This title shall not apply to land eligible for sale under—

(1) Public Law 96–568 (commonly known as the ''Santini-Burton Act'') (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) EXCHANGES.—Nothing in this title precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) NO NEW RIGHT OR BENEFIT.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

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

The bill (S. 1892), as amended, was passed.

The title was amended so as to read:

A bill to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.

METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 1753) to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the title; and agree to the amendment of the Senate to the text to the bill (H.R. 1753) entitled ''An Act to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes'', with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methane Hydrate Research and Development Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term ''contract'' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(4) GRANT.—The term ''grant'' means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INDUSTRIAL ENTERPRISE.—The term ''industrial enterprise'' means a private, nongovernmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education, within the meaning of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(8) SECRETARY OF COMMERCE.—The term ''Secretary of Commerce'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(9) SECRETARY OF DEFENSE.—The term ''Secretary of Defense'' means the Secretary of Defense, acting through the Secretary of the Navy.

(10) SECRETARY OF THE INTERIOR.—The term ''Secretary of the Interior'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section.

(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of the enactment of this Act and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

(F) develop technologies to reduce the risks of drilling through methane hydrates; and

(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industrial enterprises, institutions of higher education, and Federal agencies to—

(1) advise the Secretary on potential applications of methane hydrate;

(2) assist in developing recommendations and priorities for the methane hydrate research and development program carried out under subsection (a)(1); and

(3) not later than 2 years after the date of the enactment of this Act, and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

(A) methane hydrate formation;

(B) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

(C) the consumption of natural gas produced from methane hydrates.

Not more than 25 percent of the individuals serving on the advisory panel shall be Federal employees.

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) in paragraph (6)—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

''(G) for purposes of this section and sections 202 through 205 only, methane hydrate; and'';

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) The term 'methane hydrate' means—

''(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and

''(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002;

(3) $11,000,000 for fiscal year 2003;

(4) $12,000,000 for fiscal year 2004; and

(5) $12,000,000 for fiscal year 2005.

Amounts authorized under this section shall remain available until expended.

SEC. 6. SUNSET.

Section 3 of this Act shall cease to be effective after the end of fiscal year 2005.

SEC. 7. NATIONAL RESEARCH COUNCIL STUDY.

The Secretary shall enter into an agreement with the National Research Council for such council to conduct a study of the progress made under the methane hydrate research and development program implemented pursuant to this Act, and to make recommendations for future methane hydrate research and development needs. The Secretary shall transmit to the Congress, not later than September 30, 2004, a report containing the findings and recommendations of the National Research Council under this section.

SEC. 8. REPORTS AND STUDIES.

The Secretary of Energy shall provide to the Committee on Science of the House of Representatives copies of any report or study that the Department of Energy prepares at the direction of any committee of the Congress.

Mr. MURKOWSKI. Mr. President, we have a number of bills from my Committee on the Calendar that are ready for consideration, but I want to take a moment to say a few words about a bill I think has real potential for addressing the long-term energy needs of our nation. H.R. 1753, the Methane Hydrate Research and Development Act of 2000, would establish a small research program with the potential for a major payoff—energy security for the foreseeable future. Methane hydrates are rigid, ice-like solids of water surrounding a gas molecule, found at low temperatures and high pressures. When melted or depressurized, they release methane, pure natural gas, the same fuel we use to heat our homes and power our economy.

Significant quantities of methane hydrates have been detected all over the world. In the U.S., marine geologists have detected deposits of methane hydrates in deep sea sediments that lie off the coasts of the Carolinas, Louisiana, Texas, California, Oregon, and my home state of Alaska. We've also detected methane hydrates under the permafrost during conventional oil drilling operations in my home state of Alaska. The U.S. Geological Survey estimates that nearly 320,000 trillion cubic feet of natural gas can be extracted from the methane hydrates found in the U.S. alone. Compare that to our existing reserves of cheap, clean natural gas—1,300 trillion cubic feet—and our annual use of natural gas—just 20 trillion cubic feet per year. Even if we can learn to recover just 1 percent of our methane hydrate reserves, we will more than triple our available natural gas reserves and guarantee a source of cheap, secure and clean energy for the next century and well beyond.

The problem is: we need fundamental research on these hydrates to understand how they form, and how the gas molecule can be released in a way that we can use. Even now, methane hydrates pose hazards to conventional oil and gas recovery. Hydrates determine the stability and strength of the sea floor—when the hydrates are destabilized, the resulting gas release can undermine oil platforms and sink drilling ships. Methane hydrates release 160 volumes of gas for every volume of hydrate—and many existing hydrate formations are very unstable. Even a small disturbance—an unintentional landslide—could release massive quantities of gas. Oil platforms in the Caspian Sea have been destroyed as a result of this kind of accidental release.

Methane hydrates also play a significant role in global climate change. Recent scientific research suggests that abrupt climate changes have occurred in the past as a result of release of methane gas from hydrates. They are an important part of the global carbon cycle, which we must ultimately understand in detail if we want to act responsibly to address the risk of climate change. Since natural gas releases fewer carbon atoms per unit of energy, replacing coal and oil usage with natural gas from methane hydrates also reduces our risk of climate change—some experts estimate we can reduce our carbon dioxide emissions by 20 percent just by fuel substitution alone. We can also learn about carbon sequestration through studying how methane hydrates form—perhaps even replacing methane hydrates used for energy with hydrates using carbon dioxide sequestered from the atmosphere.

All of these things point to the need for a fundamental methane hydrate research program of the kind proposed in this bill. I want to thank my good friends and colleagues on the Energy Committee, Senators AKAKA and CRAIG, for their leadership and recognition of the potential for methane hydrates to satisfy our future energy needs, enable our long-term energy security, and help us responsibly address the risk of climate change. Working with our colleagues in the House, we have been able to develop legislation that would authorize $45 million in new funding for research in this important area. Anticipating passage of a bill like this one, the Department of Energy has prepared an excellent multi-year research and development program plan that addresses all of the issues involved—with the goal of safe commercial production of energy from hydrates by 2010.

It is clear that we are not doing enough to explore the possibility of this exciting new energy source. Other nations of the world—Japan, Canada, India, Korea and Norway—are starting ambitious research programs. The Japanese began a drilling project of their own in November 1999, and expect that production can begin within 10 years, maybe sooner. The technology exists—Syntroleum, an Oklahoma company—has recently acquired a patent for a gas hydrate recovery system. All we need now is the sustained research to make it commercially viable.

For those reasons, Mr. President, I am glad that my colleagues here in the Senate will agree to pass the bill in the form passed by the House two weeks ago, so we can send it to the President for signature and get going on this important research program. Thanks to the leadership of Senators AKAKA and CRAIG, we may look back years from now on this day as the day we broke free of our dependence on foreign oil and guaranteed ourselves a clean energy source for many years to come.

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate agree to the amendment of the House to the Senate amendment.

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

THE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration en bloc of the following Energy Committee matters:

S. 1705, Calendar 492;
S. 1727, Calendar 493;
S. 1836, Calendar 495;
S. 1849, Calendar 496;
S. 1910, Calendar 498;
H.R. 1615, Calendar 499;
H.R. 3063, Calendar 500;
S. 1778, Calendar 508.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that any committee amendments, where applicable, be agreed to, with the exception of S. 1727, which should be withdrawn, and a substitute amendment to S. 1727, which is at the desk, be agreed to, the bills be read three times and passed, as amended, if amended, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements related 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.

CASTLE ROCK RANCH ACQUISITION ACT OF 1999

The Senate proceeded to consider the bill (S. 1705) to direct the Secretary of the Interior to enter into land exchange to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

The bill (S. 1705), was passed, as follows:

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 ''Castle Rock Ranch Acquisition Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MONUMENT.—The term ''Monument'' means the Hagerman Fossil Beds National Monument, Idaho, depicted on the National Park Service map numbered 300/80,000, C.O. No. 161, and dated January 7, 1998.

(2) RANCH.—The term ''Ranch'' means the land comprising approximately 1,240 acres situated outside the boundary of the Reserve, known as the ''Castle Rock Ranch''.

(3) RESERVE.—The term ''Reserve'' means the City of Rocks National Reserve, located near Almo, Idaho, depicted on the National Park Service map numbered 003/80,018, C.O. No. 169, and dated March 25, 1999.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ACQUISITION OF CASTLE ROCK RANCH.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall acquire, by donation or by purchase with donated or appropriated funds, the Ranch.

(b) CONSENT OF LANDOWNER.—The Secretary shall acquire land under subsection (a) only with the consent of the owner of the land.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—

(1) FEDERAL AND STATE EXCHANGE.—Subject to subsection (b), on completion of the acquisition under section 3(a), the Secretary shall convey the Ranch to the State of Idaho in exchange for approximately 492.87 acres of land near Hagerman, Idaho, located within the boundary of the Monument.

(2) STATE AND PRIVATE LANDOWNER EXCHANGE.—On completion of the exchange under paragraph (1), the State of Idaho may exchange portions of the Ranch for private land within the boundaries of the Reserve, with the consent of the owners of the private land.

(b) CONDITION OF EXCHANGE.—As a condition of the land exchange under subsection (a)(1), the State of Idaho shall administer all private land acquired within the Reserve through an exchange under this Act in accordance with title II of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460yy et seq.).

(c) ADMINISTRATION.—State land acquired by the United States in the land exchange under subsection (a)(1) shall be administered by the Secretary as part of the Monument.

(d) NO EXPANSION OF RESERVE.—Acquisition of the Ranch by a Federal or State agency shall not constitute any expansion of the Reserve.

(e) NO EFFECT ON EASEMENTS.—Nothing in this Act affects any easement in existence on the date of enactment of this Act.

PALACE OF THE GOVERNORS EXPANSION ACT

The Senate proceeded to consider the bill (S. 1727) to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1727

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 ''Palace of the Governors Expansion Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development and cultural expression.

(2) The Palace of the Governors has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610.

(3) The Palace of the Governors is the oldest continuously occupied public building in **[**the**]** *the contiguous* United States and has been occupied for 390 years.

(4) Since its creation the Museum of New Mexico has worked to protect and promote Southwest, Hispanic and Native American arts and crafts.

(5) The Palace of the Governors is the history division of the Museum of New Mexico and was once proposed by Teddy Roosevelt to be part of the Smithsonian Museum and known as the ''Smithsonian West.''

(6) The Museum has a extensive and priceless collection of:

(A) Spanish Colonial and Iberian Colonial paintings including the Sagesser Hyde paintings on buffalo hide dating back to 1706.

(B) Pre-Columbian Art.

(C) Historic artifacts including:

(i) Helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(ii) The Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico.

[(iii) The Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began. It marks the beginning of the last invasion of the continental United States.**]**

[(iv)**]** *(iii)* The field desk of Brigadier General Stephen Watts Kearny who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California.

[(v)**]** *(iv)* More than 800,000 other historic photographs, guns, costumes, maps, books and handicrafts.

(7) The Palace of the Governors and the Sagesser Hyde paintings were designated National Treasures by the National Trust for Historic Preservation.

(8) The facilities both for exhibiting and storage of this irreplaceable collection are so totally inadequate and dangerously unsuitable that there existence is endangered and their preservation is in jeopardy.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the Palace of the Governors, Museum of New Mexico addition to be located directly behind the historic Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Interior.

(c) CONSTRUCTION OF THE ANNEX.—Subject to the availability of appropriations, the Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the final design, construction, furnishing and equipping of the Palace of the Governors Expansion Annex that will be located directly behind the historic Palace of the Governors at 110 Lincoln Avenue, Santa Fe, New Mexico.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Office of Cultural Affairs—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the architectural blueprints for the Palace of the Governors Expansion Annex.

(B) shall exercise due diligence to obtain an appropriation from the New Mexico State Legislature for at least $8 million.

(C) shall exercise due diligence to expeditiously execute a memorandum of understanding recognizing that time is of the essence for the construction for the Annex because 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Annex.

(B) that Office of Cultural Affairs shall award the contract for construction of the Annex in accordance with the New Mexico Procurement Code; and

(C) that the contract for the construction of the Annex shall be awarded pursuant to a competitive bidding process.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in section (c) shall be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, land acquisition, library acquisition, library renovation, Palace of the Governors conservation, and construction, furnishing, equipping of the Annex, or donations of art collections to the Museum of New Mexico prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) Cost of the land at 110 Lincoln Avenue, Santa Fe, New Mexico.

(B) Library acquisition expenditures.

(C) Library renovation expenditures.

(D) Palace conservation expenditures.

(E) New Mexico Foundation and other endowment funds.

(F) Donations of art collections or other artifacts.

(e) USE OF FUNDS FOR CONSTRUCTION.—FURNISHING AND EQUIPMENT.—Subject to funds being appropriated, the funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to funds being appropriated, there is authorized to be appropriated to the Secretary to carry out this section a total of $15,000,000 for fiscal year 2001 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended but are conditioned upon the New Mexico State legislature appropriating at least $8 million between date of enactment and 2010 and other non-federal sources providing enough funds, when combined with the New Mexico State legislature appropriations, to make this federal grant based on a fifty-fifty match.

The amendment (No. 3099) was agreed to, as follows:

AMENDMENT NO. 3099

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Palace of the Governors Annex Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term ''Office'' means the State Office of Cultural Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

The bill (S. 1727), as amended, was passed, as follows:

S. 1727

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 ''Palace of the Governors Annex Act''.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—

(1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(2) the Palace of the Governors—

(A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(C) has been designated as a National Historic Landmark;

(3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(4) the Palace of the Governors houses the history division of the Museum of New Mexico;

(5) the Museum has an extensive, priceless, and irreplaceable collection of—

(A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(B) pre-Columbian Art; and

(C) historic artifacts, including—

(i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the

pendulum, freezing for all history the moment when Pancho Villa's raid began;

(iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term ''Office'' means the State Office of Cultural Affairs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

Mr. DOMENICI. Mr. President, I am pleased that the Palace of the Governors Annex Act has passed the Senate.

In conjunction with Hispanic Heritage Month, I introduced the Palace of the Governors Expansion Act last October. The palace is a symbol of Hispanic influence in the United States and truly shows the coming together of many cultures in the New World—the various native American, Hispanic, and Anglo peoples who have lived in the region for over four centuries.

Since introducing this bill last October, the situation has become an emergency. Walls are crumbling, water pipes are leaking, plumbing is backing up threatening priceless documents.

The bill would authorize the construction of the Palace of the Governors' Annex. It would preserve a priceless collection of Spanish colonial, Iberian colonial paintings, artifacts, maps, books, guns, costumes, photographs. The collection includes such historically unique items as the helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July 1598. It includes the Vara Stick, a type of yardstick used to measure land grants and other real property boundaries in Dona Ana County, NM.

We have all heard of Geronimo. The collection includes a rifle dropped by one of his men during a raid in the Black Range area of western New Mexico.

We have all heard of Pancho Villa. His activities in the Southwest come alive when viewing some of the artifacts included in the Palace of the Governors Collection. The Columbus, NM, railway station clock was shot in the pendulum, freezing for all history the moment that Pancho Villa's raid and invasion began. It is part of the collection, but you wouldn't know it because there is no room to display it.

Brig. Gen. Stephen Watts Kearny was posted to New Mexico during the Mexican War. He commanded the Army of the West as they traveled from the Santa Fe Trail to occupy the territories of New Mexico and California. As Kearny traveled, he carried a field desk which he used to write letters, diaries, orders, and other historical documents. It is part of the collection, but you can't see it because there is no display space for it in the Palace of the Governors.

Many of us have read books by D.H. Lawrence, but none of us has seen the note from his mother that is part of the collection.

There are more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts.

Where are these treasures that Teddy Roosevelt wanted to make part of the Smithsonian housed now?

Where is this collection designated as a National Treasure by the National Trust for Historic Preservation kept?

In the basement of a 400-year-old building.

It is a national travesty.

This legislation would right this wrong by authorizing funds for a Palace of the Governors Expansion Annex. The entire project will cost $32 million. The legislation authorizes a $15 million federal grant if the museum can match the grant on a 50-50 basis.

The Palace of the Governors has acquired a half block behind the current palace. Obtaining this valuable real estate is evidence of the ingenuity and commitment of those involved in preserving the collection. Real estate near Santa Fe's plaza is seldom for sale at any price, much less an affordable price.

The Palace of the Governors has been the center of administrative and cultural activity over a vast region in the Southwest since its construction as New Mexico's second capitol by Governor Pedro de Peralta in 1610. The building is the oldest continuously occupied public building in the United States. Since its creation, the Museum of New Mexico has worked to protect and promote Hispanic, Southwest, and native American arts and crafts.

I hope the House will act expeditiously on this legislation to save this important collection.

DEADLINE EXTENSION FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT

The Senate proceeded to consider the bill (S. 1836) to extend the deadline for

commencement of construction of a hydroelectric project in the State of Alabama, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1836

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

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the projects for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

WHITE CLAY CREEK WILD AND SCENIC RIVERS SYSTEM ACT

The Senate proceeded to consider the bill (S. 1849) to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the Wild and Scenic Rivers System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''White Clay Creek Wild and Scenic Rivers System Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Study Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled ''White Clay Creek and Its Tributaries Watershed Management Plan'', dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible management of land and water resources associated with, the watershed; and

(3) after completion of the study described in paragraph (1), Chester County, Pennsylvania, New Castle County, Delaware, Newark, Delaware, and 12 Pennsylvania municipalities located within the watershed boundaries passed resolutions that—

(A) expressed support for the White Clay Creek Watershed Management Plan;

(B) expressed agreement to take action to implement the goals of the Plan; and

(C) endorsed the designation of the White Clay Creek and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System.

SEC. 3. DESIGNATION OF WHITE CLAY CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(161) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—

''(A) SEGMENTS.—The 191 miles of river segments of White Clay Creek (including tributaries of the Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania (referred to in this paragraph as the 'Creek'), as depicted on the recommended designation and classification maps, as follows:

''(i) 30.8 miles of the east branch, including Trout Run, beginning at the headwaters within West Marlborough township downstream to a point that is 500 feet north of the Borough of Avondale wastewater treatment facility, as a recreational river.

''(ii) 15.0 miles of the east branch beginning at the southern boundary line of the Borough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

''(iii) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

''(iv) 20.9 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

''(v) 2.1 miles of the west branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

''(vi) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

''(vii) 12.7 miles of the main stem, excluding Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware, beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary line of the city of Newark, Delaware, as a scenic river.

''(viii) 27.5 miles of the main stem (including all second order tributaries outside the boundaries of the White Clay Creek Preserve and White Clay Creek State Park), beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the confluence of the White Clay Creek with the Christina River, as a recreational river.

''(ix) 1.4 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

''(x) 5.2 miles of Middle Run that flows within the boundaries of the Middle Run Natural Area, as a recreational river.

''(xi) 15.6 miles of Pike Creek, as a recreational river.

''(xii) 38.7 miles of Mill Creek, as a recreational river.

''(B) BOUNDARIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), in lieu of the boundaries provided for in subsection (b), the boundaries of the segments shall be the greater of—

''(I) the 500-year floodplain; or

''(II) 250 feet as measured from the ordinary high water mark on both sides of the segment.

''(ii) EXCEPTIONS.—The boundary limitations described in clause (i) are inapplicable to—

''(I) the areas described in section 4(a) of the White Clay Creek Wild and Scenic Rivers Act; and

''(II) the properties, as generally depicted on the map entitled ''White Clay Creek Wild and Scenic River Study Area Recommended Designated Area'', dated June 1999, on which are located the surface water intakes and water treatment and wastewater treatment facilities of—

''(aa) the City of Newark, Delaware;

''(bb) the corporation known as United Water Delaware; and

''(cc) the Borough of West Grove, Pennsylvania.

''(C) ADMINISTRATION.—

''(i) IN GENERAL.—The segments designated by subparagraph (A) shall be administered by the Secretary of the Interior, in cooperation with the White Clay Creek Watershed Management Committee as provided for in the plan prepared by the White Clay Creek Wild and Scenic Study Task Force and the National Park Service, entitled 'White Clay and Its Tributaries Watershed Management Plan' and dated May 1998.''

SEC. 4. SUBSEQUENT DESIGNATIONS.

(a) IN GENERAL.—Churchman's Marsh, Lamborn Run, and the properties on which the intake structures and pipelines for the proposed Thompson's Station Reservoir may be located shall be considered suitable for designation as components of the National Wild and Scenic Rivers System only at such time as those areas are removed from consideration as locations for the reservoir under the comprehensive plan of the Delaware River Basin Commission.

(b) ASSISTANCE FOR SUBSEQUENT DESIGNATIONS.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall offer assistance to the State of Delaware and New Castle County, Delaware, if an area described in subsection (a) is designated a component of the National Wild and Scenic Rivers System.

SEC. 5. MANAGEMENT.

(a) IN GENERAL.—In order to provide for the long-term protection, preservation, and enhancement of White Clay Creek and its tributaries, the Secretary shall offer to enter into cooperative agreements pursuant to section 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 16 U.S.C. 1882(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the plan entitled ''White Clay Creek and its Tributaries Watershed Management Plan'' and dated May, 1998 (hereinafter referred to as the ''management plan'').

(b) FEDERAL ROLE.—(1) The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the management plan and this paragraph (including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed Federally-assisted water resources projects that could

have a direct and adverse effect on the values for which the segments were designated and authorized).

(2) To assist in the implementation of the management plan and to carry out this Act, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed $150,000 for each fiscal year.

(c) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by section 3—

(1) shall be consistent with the management plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) COMPREHENSIVE MANAGEMENT PLAN.—The management plan shall be deemed to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(e) STATE REQUIREMENTS.—State and local zoning laws and ordinances, as in effect on the date of enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(f) NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by section 3 that is not in the National Park System as of the date of enactment of this Act shall not—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

(g) NO LAND ACQUISITION.—The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest for the purpose of carrying out this Act.

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

The bill (S. 1849), as amended, was passed.

ESTABLISHING WOMEN'S RIGHTS NATIONAL HISTORIC PARK

The Senate proceeded to consider the bill (S. 1910) to amend the Act establishing Women's Rights National Historic Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1910

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

SECTION 1. ACQUISITION OF HUNT HOUSE.

(a) IN GENERAL.—Section 1601(d) of Public Law **[97–607]** *96–607* (94 Stat. 3547; 16 U.S.C. 41011(d)) is amended—

(1) in the first sentence—

(A) by inserting a period after ''park''; and

(B) by striking the remainder of the sentence; and

(2) by striking the last sentence.

(b) TECHNICAL CORRECTION.—Section 1601(c)(8) of Public Law **[97–607]** *96–607* (94 Stat. 3547; 16 U.S.C. 41011(c)(8)) is amended by striking ''Williams'' and inserting ''Main''.

The bill (S. 1910) as amended was passed.

WILD AND SCENIC RIVERS

The bill (H.R. 1615) amending the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment, was considered, ordered to a third reading, read the third time, and passed.

MINERAL LEASING ACT AMENDMENTS

The bill (H.R. 3063) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CASCADE RESERVOIR LAND EXCHANGE

The Senate proceeded to consider the bill (S. 1778) to provide for equal exchanges of land around the Cascade Reservoir, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. EXCHANGES OF LAND EXCESS TO CASCADE RESERVOIR RECLAMATION PROJECT.

Section 5 of Public Law 86–92 (73 Stat. 219) is amended by striking subsection (b) and inserting the following:

''(b) LAND EXCHANGES.—

''(1) IN GENERAL.—The Secretary may exchange land of either class described in subsection (a) for non-Federal land of not less than approximately equal value, as determined by an appraisal carried out in accordance with—

''(A) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.): and

''(B) the publication entitled 'Uniform Appraisal Standards for Federal Land Acquisitions', as amended by the Interagency Land Acquisition Conference in consultation with the Department of Justice.

''(2) EQUALIZATION.—If the land exchanged under paragraph (1) is not of equal value, the values shall be equalized by the payment of funds by the Secretary or the grantor, as appropriate, in an amount equal to the amount by which the values of the land differ.''.

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

The bill (S. 1778), as amended, was passed.

NRC FAIRNESS IN FUNDING ACT OF 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, S. 1627.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1627) to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''NRC Fairness in Funding Act of 1999''.

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

Sec. 1. Short title; table of contents.

TITLE I—FUNDING

Sec. 101. Nuclear Regulatory Commission annual charges.

Sec. 102. Cost recovery from Government agencies.

TITLE II—OTHER PROVISIONS

Sec. 201. Office location.

Sec. 202. License period.

Sec. 203. Elimination of NRC antitrust reviews.

Sec. 204. Gift acceptance authority.

Sec. 205. Carrying of firearms by licensee employees.

Sec. 206. Unauthorized introduction of dangerous weapons.

Sec. 207. Sabotage of nuclear facilities or fuel.

TITLE I—FUNDING

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 30, 2005''; and

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

''(2) AGGREGATE AMOUNT OF CHARGES.—The aggregate amount of the annual charges collected from all licensees shall equal an amount that approximates 100 percent of the budget authority of the Commission for the fiscal year for which the charge is collected, less, with respect to the fiscal year, the sum of—

''(A) any amount appropriated to the Commission from the Nuclear Waste Fund;

''(B) the amount of fees collected under subsection (b); and

''(C)(i) for fiscal years 2001 and 2002, an amount equal to the amount of appropriations made to the Commission from the general fund of the Treasury in response to the request for appropriations referred to in paragraph (5)(A)(ii)''; and

''(ii) for fiscal years 2003 through 2005, to the extent provided in paragraph (5), the costs of activities of the Commission with respect to which a determination is made under paragraph (5).''; and

(B) by adding at the end the following:

''(5) EXCLUDED BUDGET COSTS.—

''(A) IN GENERAL.—In the budget request for fiscal year 2001 and each fiscal year thereafter, the Commission shall—

''(i) determine the activities of the Commission that could not be fairly and equitably funded

through assessments of annual charges on a licensee or class of licensee of the Commission; and

''(ii) subject to subparagraph (C), request that funding for the activities described in clause (i) be appropriated to the Commission out of the general fund of the Treasury.

''(B) CONSIDERATIONS.—In making the determination under subparagraph (A), the Commission shall consider—

''(i) the extent to which activities of the Commission provide benefits to persons that are not licensees of the Commission; and

''(ii) the extent to which the Commission cannot, as a matter of law, or does not, as a matter of policy, assess fees or charges on a licensee or class of licensee that benefits from the activities.

''(C) MAXIMUM EXCLUDED AMOUNT.—The total amount of costs for which appropriations from the general fund of the Treasury may be sought by the Commission under subparagraph (A)(ii) for any fiscal year shall not exceed—

''(i) for fiscal years 2001 and 2002, 12 percent of the budget authority of the Commission;

''(ii) for fiscal year 2003, 4 percent of the budget authority of the Commission;

''(iii) for fiscal year 2004, 8 percent of the budget authority of the Commission; or

''(iv) for fiscal year 2005, 12 percent of the budget authority of the Commission.''.

SEC. 102. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking '', or which operates any facility regulated or certified under section 1701 or 1702,'';

(2) by striking ''483a'' and inserting ''9701''; and

(3) by inserting before the period at the end the following: '', and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law''.

TITLE II—OTHER PROVISIONS

SEC. 201. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking ''; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia''.

SEC. 202. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.''.

SEC. 203. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

''(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.''.

SEC. 204. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking ''this Act;'' and inserting ''this Act; or''; and

(3) by adding at the end the following:

''(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission.''.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

''(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

''(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.''.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

''Sec. 170C. Criteria for acceptance of gifts.''.

SEC. 205. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 204(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

''(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;'' and

(2) by adding at the end the following:

''SEC. 170D. CARRYING OF FIREARMS.

''(a) AUTHORITY TO MAKE ARREST.—

''(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

''(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

''(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

''(B) in the enforcement of—

''(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

''(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

''(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

''(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

''(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

''(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 204(b)(2)) is amended by adding at the end the following:

''Sec. 170D. Carrying of firearms.''.

SEC. 206. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting ''or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act'' before the period at the end.

SEC. 207. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking ''storage facility'' and inserting ''storage, treatment, or disposal facility'';

(2) in paragraph (3)—

(A) by striking ''such a utilization facility'' and inserting ''a utilization facility licensed under this Act''; and

(B) by striking ''or'' at the end;

(3) in paragraph (4)—

(A) by striking ''facility licensed'' and inserting ''or nuclear fuel fabrication facility licensed or certified''; and

(B) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility.''.

Amend the title so as to read: ''An Act to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.''.

AMENDMENTS NOS. 3100 AND 3101, EN BLOC

Mr. SESSIONS. The chairman has two amendments at the desk and I ask they be considered en bloc.

The PRESIDING OFFICER. The clerk will report by title.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS) proposes amendments numbered 3100 and 3101, en bloc.

The amendments en bloc are as follows:

AMENDMENT NO. 3100

(Purpose: To amend the provision extending the authority of the Nuclear Regulatory Commission to collect annual charges and modifying the formula for the charges)

Beginning on page 5, strike line 2 and all that follows through page 7, line 22, and insert the following:

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 20, 2005''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or certificate holder'' after ''licensee''; and

(B) by striking paragraph (2) and inserting the following:

''(2) AGGREGATE AMOUNT OF CHARGES.—

''(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

''(i) amounts collected under subsection (b) during the fiscal year; and

''(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

''(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

''(i) 98 percent for fiscal year 2001;

''(ii) 96 percent for fiscal year 2002;

''(iii) 94 percent for fiscal year 2003;

''(iv) 92 percent for fiscal year 2004; and

''(v) 88 percent for fiscal year 2005.''.

AMENDMENT NO. 3101

(Purpose: To amend the Atomic Energy Act of 1954 to provide the Nuclear Regulatory Commission authority over former licensees for funding of decommissionings)

On page 7, strike line 23 and insert the following:

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

Mr. SESSIONS. I ask unanimous consent the amendments be agreed to en bloc.

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

The amendments (No. 3100 and 3101), en bloc, were agreed to.

Mr. SESSIONS. I ask unanimous consent that the committee substitute amendment, as amended, be agreed to.

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

Mr. SESSIONS. I ask unanimous consent the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1627), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

An Act to extend the authority of the Nuclear Regulatory Commission to collect fees through 2005, and for other purposes.

CONTINUED REPORTING OF INTERCEPTED WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS ACT

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1769) to the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives;

Resolved, That the bill from the Senate (S. 1769) entitled ''An Act to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (l), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c–2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa–11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964(42 U.S.C. 2000g–3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.

(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.''.

Amend the title so as to read ''An Act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.''.

Mr. LEAHY. Mr. President, I am pleased that the Senate is today considering for final passage S. 1769, as amended by the House. I introduced S. 1769 with Chairman HATCH on October 22, 1999 and it passed the Senate on November 5, 1999. This bill will continue and enhance the current reporting requirements for the Administrative Office of the Courts and the Attorney General on the eavesdropping and surveillance activities of our federal and state law enforcement agencies. The House amendment is the text of H.R. 3111, a bill to exempt from automatic elimination and sunset certain reports submitted to Congress that are useful and helpful in informing the Congress and the public about the activities of federal agencies in the enforcement of federal law. I am also glad to support this amendment.

For many years, the Administrative Office (AO) of the Courts has complied

with the statutory requirement, in 18 U.S.C. 2519(3), to report to Congress annually the number and nature of federal and state applications for orders authorizing or approving the interception of wire, oral or electronic communications. By letter dated September 3, 1999, the AO advised that it would no longer submit this report because ''as of December 21, 1999, the report will no longer be required pursuant to the Federal Reports Elimination and Sunset Act of 1995.'' I commend the AO for alerting Congress that their responsibility for the wiretap reports would lapse at the end of this year, and for doing so in time for Congress to take action. The date upon which this reporting requirement was due to lapse was extended in the FY 2000 Consolidated Appropriations Act, H.R. 3194, until May 15, 2000—only a few short weeks away.

AO has done an excellent job of preparing the wiretap reports. We need to continue the AO's objective work in a consistent manner. If another agency took over this important task at this juncture and the numbers came out in a different format, it would immediately generate questions and concerns over the legitimacy and accuracy of the contents of that report.

In addition, it would create difficulties in comparing statistics from prior years going back to 1969 and complicate the job of congressional oversight. Furthermore, transferring this reporting duty to another agency might create delays in issuance of the report since no other agency has the methodology in place. Finally, federal, state and local agencies are well accustomed to the reporting methodology developed by the AO. Notifying all these agencies that the reporting standards and agency have changed would inevitably create more confusion and more expense as law enforcement agencies across the country are forced to learn with a new system and develop a liaison with a new agency.

The system in place now has worked well and we should avoid any disruptions. We know how quickly law enforcement may be subjected to criticism over their use of these surreptitious surveillance tools and we should avoid aggravating these sensitivities by changing the reporting agency and methodology on little to no notice. I appreciate, however, the AO's interest in transferring the wiretap reporting requirement to another entity. Any such transfer must be accomplished with a minimum of disruption to the collection and reporting of information and with complete assurances that any new entity is able to fulfill this important job as capably as the AO has done.

S. 1769 would update the reporting requirements currently in place with one additional reporting requirement. Specifically, the bill would require the wiretap reports prepared beginning in calendar year 2000 to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order.

Encryption technology is critical to protect sensitive computer and online information. Yet, the same technology poses challenges to law enforcement when it is exploited by criminals to hide evidence or the fruits of criminal activities. A report by the U.S. Working Group on Organized Crime titled, ''Encryption and Evolving Technologies: Tools of Organized Crime and Terrorism,'' released in 1997, collected anecdotal case studies on the use of encryption in furtherance of criminal activities in order to estimate the future impact of encryption on law enforcement. The report noted the need for ''an ongoing study of the effect of encryption and other information technologies on investigations, prosecutions, and intelligence operations''. As part of this study, ''a database of case information from federal and local law enforcement and intelligence agencies should be established and maintained.'' Adding a requirement that reports be furnished on the number of occasions when encryption is encountered by law enforcement is a far more reliable basis than anecdotal evidence on which to assess law enforcement needs and make sensible policy in this area.

The final section of S. 1769 would codify the information that the Attorney General already provides on pen register and trap and trace device orders, and would require further information on where such orders are issued and the types of facilities—telephone, computer, pager or other device—to which the order relates. Under the Electronic Communications Privacy Act (''ECPA'') of 1986, P.O. 99–508, codified at 18 U.S.C. 3126, the Attorney General of the United States is required to report annually to the Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice. As the original sponsor of ECPA, I believed that adequate oversight of the surveillance activities of federal law enforcement could only be accomplished with reporting requirements such as the one included in this law.

The reports furnished by the Attorney General on an annual basis compile information from five components of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the United States Marshals Service and the Office of the Inspector General. The report contains information on the number of original and extension orders made to the courts for authorization to use both pen register and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicted and the number of people whose telephone facilities were affected.

These specific categories of information are useful, and S. 1769 would direct the Attorney General to continue providing these specific categories of information. In addition, the bill would direct the Attorney General to include information on the identity, including the district, of the agency making the application and the person authorizing the order. In this way, the Congress and the public will be informed of those jurisdictions and using this surveillance technique—information which is currently not included in the Attorney General's annual reports.

The requirement for preparation of the wiretap reports will soon lapse so I am delighted to see the Congress take prompt action on this legislation to continue the requirement for submission of the wiretap reports and to update the reporting requirements for both the wiretap reports submitted by the AO and the pen register and trap and trace reports submitted by the Attorney General.

Mr. SESSIONS. I ask unanimous consent the Senate concur in the amendments of the House.

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

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent the Senate now proceed to the immediate consideration of H.J. Res. 86.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 86) recognizing the 50th anniversary of the Korean War and the service by Members of the Armed Forces during such war, and for other purposes.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The preamble was agreed to.

The joint resolution (H.J. Res. 86) was read the third time and passed.

C.B. KING UNITED STATES COURTHOUSE

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives of the bill (S. 1567) to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the C.B. King United States Courthouse.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1567) entitled ''An Act to designate the United States courthouse located at 223 Broad Street in Albany, Georgia, as the 'C.B. King United States Courthouse'.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States courthouse located at 223 Broad Avenue in Albany, Georgia, shall be known and designated as the ''C.B. King United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''C.B. King United States Courthouse''.

Amend the title so as to read ''An Act to designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the 'C.B. King United States Courthouse'.''.

Mr. SESSIONS. I ask unanimous consent the Senate agree to the amendments of the House.

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

COMMENDING THE LIBRARY OF CONGRESS AND ITS STAFF

Mr. SESSIONS. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 269 reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 269) commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities.

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

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, including a statement of Senator STEVENS.

The preamble was agreed to.

The concurrent resolution (H. Con. Res. 269) was agreed to.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE MATTERS

Mr. SESSIONS. Mr. President, I ask unanimous consent that, notwithstanding the adjournment, the Senate committees have from 11 a.m. until 1 p.m. on Thursday, April 20, in order to file legislative matters.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the chairman of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Larry D. Henderson, of Delaware, for a term of two years, and Stephanie Smith Lee, of Virginia, for a term of four years.

The Chair, on behalf of the Democratic leader, after consultation with the ranking member of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of the following individuals to serve as members of the Ticket to Work and Work Incentives Advisory Panel: Dr. Richard V. Burkhauser, of New York, for a term of two years, and Ms. Christine M. Griffin, of Massachusetts, for a term of four years.

ORDERS FOR TUESDAY, APRIL 25, 2000

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 303 until the hour of 9:30 a.m. on Tuesday, April 25. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin to debate on the motion to proceed to S.J. Res. 3, proposing an amendment to the Constitution to protect the rights of crime victims, until 12:30 p.m., with the time equally divided between the two bill managers.

I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene on Tuesday, April 25, at 9:30 a.m. and immediately begin debate on the motion to proceed to the victims' rights legislation until 12:30 p.m. At 2:15 p.m., when the Senate reconvenes from the weekly party conference luncheons, the Senate will vote on the motion to invoke cloture on the motion to proceed to S.J. Res 3. If that cloture vote is not invoked, then a second vote will occur on cloture on the marriage penalty bill. It is hoped that cloture will be invoked and debate can begin on the crime victims resolution following the vote.

In addition, the leaders will continue to work to resolve the Democratic objections to the marriage penalty bill.

ADJOURNMENT UNTIL 9:30 A.M., TUESDAY, APRIL 25, 2000

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of H. Con. Res. 303.

There being no objection, the Senate, at 8:19 p.m., adjourned until Tuesday, April 25, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 13, 2000:

DEPARTMENT OF TRANSPORTATION

PHIL BOYER, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF TWO YEARS. (NEW POSITION)

DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF ENERGY RESEARCH, VICE MARTHA ANNE KREBS.

DEPARTMENT OF STATE

JAMES DONALD WALSH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

DEPARTMENT OF JUSTICE

JAMES L. WHIGHAM, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS VICE JOSEPH GEORGE DILEONARDI, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL W. HAGEE, 0000

EXTENSIONS OF REMARKS

HONORING THE MONTGOMERY COUNTY VALOR AWARD WINNERS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mrs. MORELLA. Mr. Speaker, it gives me great pleasure today to rise and bring to the attention of my colleagues some very special public safety personnel in Montgomery County, Maryland. Every year, the Montgomery County Chamber of Commerce honors police officers and fire fighters who have shown the highest level of dedication to their noble duties. These individuals are being honored on April 14, 2000 at the 1999 Public Safety Awards Luncheon.

The Valor Awards honor public service officials who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories: The Gold Medal of Valor; The Silver Medal of Valor; The Bronze Medal of Valor; The Honorable Mention Award; and The Bernard D. Crooke, Jr. (Police) and Leslie B. Thompson (Fire and Rescue) Community Service Award.

The Sliver Medal of Valor is awarded in recognition of acts involving great personal risk. The Silver Medal of Valor Award Winners for 1999 are: Police Officer 1 Valentine Schiller, Police Officer 1 Peter Sheng, Police Officer 3 Stephen Matthews, and Police Officer 3 Curtis Jacobs.

The Bronze Medal of Valor is awarded in recognition of acts of bravery involving unusual personal risk beyond that which should be expected while performing the usual responsibility of the member. The Bronze Medal of Valor Award Winners for 1999 are: Police Officer 3 Brian Dillman, Police Officer 3 Claude Onley, Sergeant Dom Fazio, Lieutenant Daniel Irvine, Firefighter/Paramedic 3 Sherry Hohl, Firefighter/Rescuer 3 Ernest Farkas, and Firefighter/Rescuer 3 Jody Nightengale.

The Honorable Mention Award is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties. The Honorable Mention Award Winners for 1999 are: Lieutenant Michael Garvey, Sergeant Robert Phillips, Police Officer 3 Edward Tarney, Police Officer 3 Robert Hunt, Police Officer 1 Theresa Durham, Police Officer 3 Robin M. Dyer, Firefighter/Rescuer 3 Kirk Risinger, Firefighter/Rescuer 2 Stephen Batdorff, Firefighter/Rescuer 3 Anthony Veith, firefighter/Rescuer Larry Lewis, and Firefighter/Rescuer 3 Douglas Hinkle.

The Community Service Award is awarded for dedication and initiative above and beyond the call of duty over a period of time without compensation, that has affected and benefitted the citizens of Montgomery County. The Bernard D. Crooke, Jr. Community Service Award Winner for 1999 is Police Officer 2 Charles J. Welter. The Leslie B. Thompson Community Service Award Winner for 1999 is Fire and Rescue Department Communications Manager Mary Marchone.

Due to the dedicated efforts of these public servants who place the safety and well-being of others above their own, Montgomery County is a better place to live. They have rightfully earned the highest appreciation and respect from myself, the members of the Montgomery County Chamber of Commerce, and from all the people of our community whose lives they have touched. I know my colleagues will join me in thanking these heroes for a job well done.

COMMEMORATION OF THE CENTENNIAL ANNIVERSARY OF THE UNITED STATES NAVY SUBMARINE FORCE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. LoBIONDO. Mr. Speaker, yesterday, April 11, 2000, marked the centennial anniversary of the United States Navy Submarine Force. To commemorate this unique event, I would like to take this opportunity to congratulate the thousands of sailors who have gallantly served our nation as members of this elite group.

April 11, 1900 ushered in the birth of this outstanding American Naval Force, which has proven its undeniable worth through every major military endeavor our country has asked the Navy to address. In World War II alone, the Navy Submarine Force scored the most complete victory of any force in any theater of war by destroying 1,314 ships between 1939 and 1945. Out of 16,000 submariners, the force lost 375 officers and 3,131 enlisted men in fifty-two submarines, the lowest casualty rate of any combatant submarine service on any side in the conflict.

Now capable of firing missiles from a vertical launch system, the Navy's Los Angeles class SSNs have proven very useful in the more restricted spaces of modern littoral war at sea. Submarine launched Tomahawks have proven extraordinarily effective in a variety of combat operations starting with Desert Storm.

With a drastically reduced force, submariners still manage to conduct both independent tactical and strategic patrols, as well as renewed joint operations with carrier battle groups. Without a doubt, the United States Navy Submarine force continues to be one of the most valuable components to our nation's well-being and security.

Thank you for your tireless effort, dedication, and contribution to America's continued prosperity and happy anniversary.

IN RECOGNITION OF THE UNIVERSITY OF WASHINGTON MEDICAL SCHOOL

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. INSLEE. Mr. Speaker, today I commend the fine folks at the University of Washington Medical School for doing an exemplary job of preparing doctors and medical personnel for our future.

This year, The U.S. News and World Report rated the University of Washington Medical School as the TOP primary care medical school in our country. This Medical School has been their top choice for the past seven years. In choosing to recognize the University of Washington, The U.S. News and World Report looked at the school's excellent reputation, the quality of the research conducted by its students and faculty, and the low faculty to student ratio among other criteria. I would like to add to this that the University of Washington Medical School is also the leading teaching hospital in the five-state northwestern region of our country.

I am particularly impressed by the specific programs within the Medical School that The U.S. News and World Report recognized for excellence. The University of Washington Medical School has the best family medicine program and the best rural medicine program in our country. Its programs for women's health, AIDS, Pediatrics and Geriatrics are rated in the top five in our country. It also boasts leading nursing, physician assistant and dental programs.

To me, this means that the facility and administration at the University of Washington Medical School is producing the very best of the doctors who will care for our families, our parents and our children. I know that the students who attend the Medical School will spread out across our country bringing the wisdom and the skills that they learned at the University. Like all doctors, the graduates of the University of Washington Medical School maintain the gift of life. Unlike most, they have had the privilege of attending the best Medical School in the nation. I am proud that this institution graces the state that I represent and I commend all who have made the Medical School into what it is today.

HONORING THE 138TH ANNIVERSARY OF THE DISTRICT OF COLUMBIA EMANCIPATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. NORTON. Mr. Speaker, I thank my distinguished colleague, Representative DON MANZULLO, for joining me in our annual observance of Emancipation Day, and for his generous and continued attention to the District of Columbia.

One hundred thirty-eight years ago, President Lincoln ended slavery in the District, nine months before the Emancipation Proclamation was signed. In 1862, the existence of slavery and denial of human rights in the Nation's Capital was a contradiction in terms. Today, we use this occasion to draw attention to a continuing contradiction. District of Columbia citizens are still denied basic rights in the Capital of the free world. The District is the only jurisdiction in America whose citizens pay taxes, but are denied full representation in Congress. D.C. residents are the only Americans whose laws can be overturned by Congress, in violation of American principles of local self-government.

I am pleased to note that this year the D.C. Council has passed a bill designating April 16th as District of Columbia Emancipation Day. How much more would District residents rejoice if they had the full representation and freedom enjoyed by other Americans. How much more joyously would they celebrate if the right to vote in this House and in the Senate were their basic right.

Because of a historic court case, we believe this right is within our reach. Two lawsuits on their way to the U.S. Supreme Court, *Adams* v. *Clinton* and *Alexander* v. *Daley,* have been consolidated to challenge the denial of basic democratic rights. We are indebted to the attorneys, John Ferren, former D.C. Corporation Counsel; Charles Miller and Thomas Williamson, of Covington & Burling; Jamin Raskin, Professor of Law, American University; and George LaRoche, who handled this case before a three-judge court. And we are indebted to the 75 citizens who are the plaintiffs in these suits and who, therefore, represent all the citizens of the District of Columbia.

Judge Oberdorfer, the distinguished, dissenting jurist in the case, wrote, ''Under established constitutional principles, neither the . . . people of the District nor their posterity forfeited [their] constitutional right when the District became the seat of government.'' In the District, we have a history of recognizing April 16th as a day of celebration. We do so this year with special determination to gain and enjoy all the benefits that American citizenship provides—full representation in Congress.

I salute D.C. Reading is Fundamental for its continued efforts to promote Emancipation Day in the District. Its work inspires our children to read, to learn the history of this city, and to insist, as Americans, upon their full rights.

HONORING JO ANNE DARCY OF CALIFORNIA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. MCKEON. Mr. Speaker, today I recognize Jo Anne Darcy on the occasion of her retirement as Senior Field Deputy for Los Angeles County Supervisor Mike Antonovich, in the county's Fifth Supervisorial District.

Mrs. Darcy has served as Senior Field Deputy for Los Angeles County Supervisor Mike Antonovich, serving the unincorporated areas of the Santa Clarita Valley, ever since Supervisor Antonovich was elected in 1980. She has diligently served the citizens of the Santa Clarita Valley in a wide variety of roles, from case work to law enforcement to parks, as well as representing the Supervisor at events in the district. She has performed her job with great dedication, energy, skill and obvious love for the people of Santa Clarita Valley.

Mrs. Darcy is also the Mayor of Santa Clarita. I had the honor of serving with Mrs. Darcy on Santa Clarita's first elected City Council when the city was incorporated in 1987. She has served continuously on the City Council since then, having been re-elected to another four-year term in April 1998. She served as Mayor in 1990, 1994, 1999 and 2000.

Mrs. Darcy has been a tireless and dedicated public servant, both in her elected and appointed positions, and in the many volunteer activities in which she has been engaged. These activities are too numerous to mention fully. However, some of them include serving on the California State Film Commission, chairing the film committee of the Newhall-Saugus-Valencia Chamber of Commerce; serving as Founding Officer of the Friends of the Libraries of SCV; co-chairing and serving as Executive Director of the Western Walk of Fame and Newhall Walk of Western Stars; Founding the Zonta Club of SCV; serving as Founding Member of the SCV Historical Society; Founding Officer to the Association to Aid Victims of Domestic Violence; President of the Santa Clarita Valley American Heart Association; Chairing an annual wine auction that Benefits the SCV Senior Center's Meals on Wheels Program.

Mrs. Darcy has been named the Woman of the Year by the SCV Chamber of Commerce; the Outstanding Woman from the Soroptomists, the Citizen of the Year from the Santa Clarita Elks Lodge, and many, many other honors from community groups.

Mr. Speaker, I look forward to continuing to work with Mrs. Darcy in her role as Mayor and City Council member of Santa Clarita. I wish her all the best in her retirement from Supervisor Antonovich's office.

CONGRATULATING UND'S FIGHTING SIOUX

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. POMEROY. Mr. Speaker, I want to commend the University of North Dakota's Fighting Sioux hockey team for their exciting win Saturday night over Boston College to clinch the NCAA Division I National Championship for Hockey. Congratulations to UND President Charles Kupchella and UND Hockey Coach Dean Blais and, of course, to the entire Fighting Sioux team.

This is the seventh time that the University of North Dakota hockey team has won the NCAA Division I hockey championship. The last time the team won the title was in 1997.

This team out of Grand Forks, North Dakota exemplifies the very best features of our great state. They work hard, support each other, rally behind one another, and, through teamwork, they get the job done. These players are true champions on the ice, and, like all true champions, they share the glory.

The efforts of these young men are reflected not only in their collective win, but in the honors that some of the individual earned this year. Lee Goren, otherwise known as ''Scorin' Goren,'' earned the tournament's Most Outstanding Player award and led the league in scoring while goalie Karl Goehring, had eight shut-outs during the season. Their accomplishments reflect well on the team, their coach and the spirit at UND.

Just, as they are examples of the best of UND athletics, these athletes are also stellar performers in the classroom. Combined, the team has a cumulative grade point average of 3.12; stand-out goalie Karl Goehring has a 4.0 gpa. To me, one of the most exciting statistics about the team this year is that twelve members of the team were named to the WCHA All-American Academic Team.

North Dakota has much to be proud of at the University of North Dakota. UND's John D. Odegard School of Aerospace Sciences is one of, if not THE, best non-military aviation program in the world. UND's Energy and Environmental Research Center has clients all over the world and UND's School of Medicine and Health Sciences is a national leader in educating doctors for rural medicine and family practice, and has educated about 20 percent of the Native American doctors currently practicing in the United States.

There is no shortage of outstanding programs at the University of North Dakota, but this week, the work of the UND hockey team justifiably takes center ice. They are true champions, and North Dakotans—especially UND alumni such as myself—are proud of their accomplishments.

These men are role models both on and off of the ice. They are skilled athletically, academically and are known for their good sportsmanship.

I want to commend them for their achievement today. These young men represent North Dakota well. I wish them continued success in all of their future endeavors.

TAXPAYER BILL OF RIGHTS 2000

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. SANDLIN. Mr. Speaker, I rise in strong support of the Taxpayer Bill of Rights 2000. This legislation offers strong protections of taxpayers, including much-needed safeguards on personal information. This bill recognizes the importance of protecting taxpayers' privacy and would help prevent the illegal disclosure of personal information.

The Taxpayer Bill of Rights, however, fulfills only a small part of our obligation to protect individual privacy. Last year, I voted for legislation, the Gramm-Leach-Bliley Financial Services Modernization bill, that contained new federal protections of consumers' financial privacy. This legislation, which passed Congress and was signed into law by the President, allows consumers to protect their privacy by choosing to opt-out of information sharing by their financial institutions.

The protections included in the Gramm-Leach-Bliley Act are an important beginning and represent a minimum federal standard. Most importantly, the new law affords states the opportunity to pass even tougher restrictions on information sharing, thus giving them the chance to enact their own consumer privacy protections above and beyond the federal minimum.

Allowing consumers the right to opt-out is a step in the right direction, although we still have many challenges ahead of us with regard to adequately protecting medical information and safeguarding Internet privacy. I urge my colleagues to join me in this important effort and continue to work hard to protect the privacy rights of every American.

TRIBUTE TO DR. HENRY J. HEIMLICH

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. PORTMAN. Mr. Speaker, today I pay tribute to Dr. Henry J. Heimlich, a community hero, an internationally recognized leader in health care, and a dear friend who will be honored on April 20 by the Rotary Club of Cincinnati. This recognition will come during National Heimlich Maneuver Week. He was selected for these honors because of his outstanding contributions to the medical community that have literally saved thousands of lives.

In fact, Dr. Heimlich has been credited with saving more lives than any other living person. Dr. Heimlich's most notable accomplishment, of course, is the Heimlich Maneuver, which he created in 1974. Since its creation, the Heimlich Maneuver has been used to save the lives of countless people from choking deaths, to prevent and halt asthma attacks, and to clear near-drowning victims' water-filled lungs more safely.

Perhaps lesser known is the Heimlich Operation, which is considered the first successful organ transplant in history. This operation enables patients with an esophagus birth defect, who previously only could be fed through a tube inserted into their stomachs, to eat normally.

Dr. Heimlich also invented the Heimlich Micro Trach, a tiny tube that is inserted into the trachea to deliver oxygen from a small tank directly to the lungs, enabling oxygen-dependent patients to become mobile and return to work and social activities.

Dr. Heimlich's Chest Drain Valve is credited with saving the lives of thousands of American soldiers during the Vietnam War. It is used in emergency treatment of people with chest wounds to clear air and fluids from the chest cavity. Up to a quarter million of these valves are used worldwide every year in civilian and military medicine.

Although he has already achieved much, Dr. Heimlich is still working to save lives. He continues development of malariotherapy, which, through a curable form of malaria, increases the body's immune responses to fight viruses and cancer by increasing production of such biochemicals as interferon, interleukin-1 and tumor necrosis factor. Dr. Heimlich believes that malariotherapy can be used, with more research, to fight cancer, AIDS, and Lyme disease.

At the age of 80, Dr. Heimlich continues his important work at the Heimlich Institute where new ways to improve and save lives are being researched. All of us in Cincinnati are grateful to him for his full devotion, service, and most impressive contributions to our community and the world.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes:

Mr. YOUNG of Alaska. Mr. Chairman, I submit the following into the RECORD in support of H.R. 3671.

ARCHERY MANUFACTURERS AND MERCHANTS ORGANIZATION,
Gainesville, FL, March 13, 2000.

Hon. DON YOUNG,
House of Representatives, Washington, DC.

DEAR DON: We heartily support H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000. We feel this measure will tighten-up the administration of these programs and we are particularly supportive of Sec. 102, Firearm and Bow Hunter Education and Safety Program Grants of H.R. 3671. This will go a long way toward fulfilling the commitment made to our sport and industry when we agreed to be taxed under Pittman-Robertson some 30 years ago.

We also are greatly appreciative of having had the opportunity to participate in discussions with staff leading up to the writing of H.R. 3671. There was a refreshing openness in this entire process.

Sincerely,

DICK LATTIMER,
President/CEO.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,
Fairfax, VA, March 13, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: The NRA wholeheartedly supports your bill, H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act. We speak on behalf of every one of our 3.2 million members who pay into the Pittman Robertson trust fund whether they own firearms for self-defense, recreational shooting, collecting or hunting.

Sportsmen and other firearm owners put their faith and trust in the Federal Government when they elected to be taxed to help fledgling state fish and wildlife agencies of the 1930's begin to launch what we take for granted today as scientific wildlife management. For over six decades, sportsmen have trusted the U.S. Fish and Wildlife Service to manage their excise tax dollars for the benefit of state wildlife restoration programs. However, alarmed over several programs created with the use of administrative dollars, but without legal authority, the NRA went on record in a statement submitted for your 1996 oversight hearing on the ''Teaming with Wildlife'' concept urging the Congress to examine how the Service was spending trust fund administrative dollars. Never did we imagine the extent of waste, abuse and mismanagement that was uncovered through your Committee's investigative efforts.

The NRA strongly believes that meaningful, long-lasting reform can only be assured through legislative reform as embraced by your legislation, H.R. 3671. What the Service can implement administratively to strengthen internal controls and management for Pittman-Robertson trust fund and its counterpart, the Dingell-Johnson trust fund, should be encouraged. But those efforts alone cannot restore the trust of our members. Reform must be anchored in corrective measures made as amendments to the underlying laws.

The NRA appreciates the opportunity that you accorded us to participate in discussions regarding the shape the reform language should take. Your bill reflects a very deliberative process in assimilating a diverse array of recommendations and views. There are two provisions of H.R. 3671 I would like to comment on that are of particular importance to our membership. First, the bill ensures that none of the administrative funds will ever be used by any organization that promotes or encourages opposition to hunting, fishing or trapping or for any project that promotes such opposition. This is language critical to a reform bill.

Second, on behalf of all our members that rely on shooting ranges for firearm and

hunter safety courses and recreational and competitive shooting, we appreciate having language in the bill that earmarks funds for shooting and archery range purposes. These funds will supplement the discretionary funds made available to states from one-half of the excise tax revenue collected on the sale of handguns and archery equipment. For years our recreational shooters have expressed concern that states have not lived up to the bargain struck with them in support of the extension of the excise tax in the 1970's. We trust that the states will look to these funds as additional support to assist them in meeting the needs of the excise tax paying shooters, hunters and archers and will not attempt to use these funds as an offset to the discretionary funds.

We thank you for your leadership in overseeing the examination of Service's management of the trust funds and your commitment provide an avenue to restore health and vitality to the programs. These trust funds are unprecedented in the world and while the conservation dollars can be counted in the billions, the conservation benefits are inestimable. It is important for all of us who cherish our fish and wildlife resources to see that the sportsmen and women of this country are given a sound reason to be taxed for the benefit of the conservation, restoration, and enhancement of those same resources.

Sincerely,

JAMES JAY BAKER,
Executive Director.

NATIONAL TRAPPERS ASSOCIATION, INC.,
New Martinsville, WV, March 13, 2000.

Congressman DON YOUNG.

DEAR CONGRESSMAN YOUNG: This communication is to indicate the support of the National Trappers Association for H.R. 3671.

NTA has worked hard to assure corrective actions are taken to be sure the PR–DJ Funds from excise taxes are used for wildlife and conservation efforts as originally intended.

Thank you so much for doing the right thing for sportsmen in America, the true conservationists who put their money where their mouth is.

Sincerely,

SCOTT HARTMAN,
Director, National & International Affairs.

NATIONAL WILDERNESS INSTITUTE,
Washington, DC, April 5, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for introducing The Wildlife and Sport Restoration and Improvement Act of 2000. This bill will help stop the mismanagement by the current leadership of the Fish and Wildlife Service of the Dingell-Johnson Act, the Pittman-Robertson Act and other programs administered by the Division of Federal Aid. These laws are based on the remarkably straightforward idea of using an excise tax on guns, ammunition and fishing gear to provide a secure funding base for state fish and game departments. Most state fish and wildlife agencies get their budgets almost entirely from the sale of hunting and fishing licenses and P–R and D–J funds.

In much of the world, sport hunting and fishing are the privilege of noblemen but America is different, and sportsmen here are determined to preserve our country's outdoor heritage and maintain hunting and fishing opportunities for everyone. That is why sportsmen started these programs which have been largely responsible for the development of scientific wildlife management. Of course, the sound wildlife conservation efforts underwritten by sportsmen also benefit non-game species. When sportsmen create habitat for quail, ducks or trout, they also provide habitat for woodpeckers, eagles and all other species.

Sportsmen pay for conservation and the rest of us have pretty much gotten a free ride. That is why it was so wrong for the current leaders of the Fish and Wildlife Service to loot this uniquely effective program to create slush funds and use it as a cash cow to cover foreign travel and unrelated administrative expenses. Their attempt to divert these funds to anti-hunting groups is an even worse affront. The mismanagement of these funds is cause for concern about any new funding mechanism that do not require annual appropriations. We greatly appreciate your leadership in upholding our sportsmen-conservationist heritage and taking steps to clean up the problems at the Fish and Wildlife Service.

Sincerely,

ROB GORDON,
Executive Director.

SAFARI CLUB INTERNATIONAL,
Herndon, VA, March 10, 2000.

Representative DON YOUNG,
Chairman, House Resources Committee, Rayburn HOB, Washington, DC.

RE: H.R. 3671, the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Act

DEAR CHAIRMAN YOUNG: Safari Club International (SCI) considers H.R. 3671, the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Act, to be of utmost importance for the future of sportsmen and wildlife in the 106th Congress.

This is a bipartisan reform legislative effort. The bill has been introduced with a diverse and respected group of co-sponsors, including yourself, Representative John Dingell (D–MI), Representative Tom DeLay (R–TX), Representative Owen Pickett (D–VA), Representative Richard Pombo (R–CA), Representative Chris John (D–LA), Representative John Peterson (R–PA), and others. The Congressional Sportsmen's Caucus supports the legislation because of the positive impact it will have on wildlife, habitat and sportsmen far into the future.

H.R. 3671 will bring integrity and respect back into the system. As you know, the original intent of the Pittman-Robertson (P–R) excise tax was that it be used solely for the purpose of wildlife restoration in the 50 states. GAO investigations into the misuse of P–R funds revealed that ''P–R funds were being administered like a big shell game.'' H.R. 3671 eliminates any ambiguity in the current statute by explicitly delineating proper purposes for the fund. In addition to setting clear guidelines for federal administrators it will also emphasize to state wildlife administrators the intent of the law when spending sportsmen's dollars. H.R. 3671 will ensure accountability when spending money that comes from sportsmen.

In many cases the past distribution and spending of Pittman-Robertson funds did not follow the intent of the 1937 law. The areas badly neglected were hunter education, firearms safety, archery ranges, archery training and firearms ranges. Groups like SCI, AMO, NSSF, and NRA had to privately fund hunter education. Seven thousand volunteers had to step in and assume responsibility because this intended use of P–R money was not fulfilled as it should have been.

For example, in 1970, archers were promised that if they came into the excise tax program, that 50% of the money raised would be used for ranges and instruction. Since 1975, $282,189,160.00 have been raised. Very little of the promised $141 million has been used for ranges or instruction. Most of it was diverted to other uses. A very important part of the legislation is a restatement of the original intent.

The final, and perhaps the most important part of the legislation is a provision that encourages NGO's to participate in a matching grant program for hunter education, shooting safety, and recruitment of young people into an appreciation of the outdoors. This section involves those who pay the tax by allowing them to have a voice in how their money is spent.

For over 60 years, Pittman-Robertson funds have provided an abundance of wildlife and habitat that is enjoyed by sportsmen and the general public. Thank you for your support of H.R. 3671, which insures that this work can continue far into the future.

Sincerely,

LAWRENCE S. KATZ,
President.

ALFRED S. DONAU, III,
Government Affairs Chairman.

HON. RON MARLENEE,
Consultant.

TEXAS WILDLIFE ASSOCIATION,
San Antonio, TX, March 31, 2000.

Hon. DON YOUNG,
Chair, House of Representatives, Committee on Resources, RHOB, Washington, DC.

DEAR CHAIRMAN YOUNG: One of the great honors of my life has been testifying before you and your committee describing the problems that resulted in your filing H.R. 3671. Passing without dissent out of your committee speaks volumes about bringing justice to the folks who have been paying for conservation since 1937, and before. Who are they? Hunters and anglers have paid for conservation . . . period.

Not only has the U.S. Fish and Wildlife Service forgotten this fact, they have also ignored the central mission of government: government should enable rather than require, let alone try to do itself. Your H.R. 3671 reminds the USFWS that their first duty is to empower the states to foster effort from their citizens.

The thousands of members of the Texas Wildlife Association, who hunt and fish and lovingly conserve many, many millions of acres of private wildlife habitat, urge all members of Congress to vote for H.R. 3671.

Very respectfully submitted,

DAVID K. LANGFORD,
Executive Vice President.

TRANS TEXAS HERITAGE ASSOCIATION,
Alpine, TX, March 31, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: The Trans Texas Heritage Association and regional associations, Davis Mountains Trans-Pecos and Hill Country Heritage Associations, represent members who own more than 15.5 million acres of private land in Texas. It is on behalf of these members that we thank you for introducing The Wildlife and Sport Fish Restoration and Improvement Act of 2000.

The Heritage Association members are land stewards, sportsmen, and conservationists. We are outraged by the U.S. Fish and

Wildlife Service's (USFWS) mishandling of funds from the Pittman-Robertson, Dingell-Johnson Act and other programs which were specifically set aside to fund state fish and game departments. Even more reprehensible is the USFWS's attempt to divert these funds to anti-hunting groups. We are thankful that The Wildlfie and Sport Fish Restoration and Improvement Act of 2000 will help to stop these and other abuses.

Chairman Young, we sincerely appreciate your commitment and efforts that will benefit the preservation and conservation of our nation's sportsmen's and outdoor heritage.

Very truly yours,

C.M. VAN EMAN,
President.

THE MULE DEER FOUNDATION,
Reno, NV, April 5, 2000.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: Your leadership for The Wildlife and Sport Fish Restoration and Improvement Act of 2000 is to be commended. The Mule Deer Foundation (MDF) anticipates this bill, when enacted, will assist the US Fish and Wildlife Service to better manage Federal Aid funds. MDF is especially supportive of good management of the funds from the Pittman-Robertson Act and the Dingell-Johnson Act. These Acts are central to the conservation funding in this country and are, frankly, an unprecedented model for sustainable conservation worldwide. Hunters and fishermen in our country historically have been the first to step to the plate to support conservation and these Acts provide a critical source of funding for conservation to stated conservation agencies. With the disparate pressures that come from varied interests, it is of critical importance that we continue to safeguard and improve the management of these funds.

The Mule Deer Foundation recognizes that this bill passed out of the House Resources Committee with an amazing 36–0 vote. MDF would like to voice its support for this bill and congratulations to the Committee for its bi-partisan approach to improving management of Federal Aid Funds.

The Mule Deer Foundation is a 501(c)(3) not for profit, charitable organization whose Mission is to ensure the conservation of mule and blacktailed deer and their habitats.

Chairman Young, on behalf of The Mule Deer Foundation, let me thank you and your Committee on this effort in behalf of American's conservation programs.

Very truly yours,

WILLIAM I. MORRILL,
President, and CEO.

GULF LUMBER COMPANY, INC.,
Mobile, AL, April 5, 2000.

Hon. DON YOUNG, *Chairman*, House Resources Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Since the founding of the Mobile County Wildlife Association and the Alabama Wildlife Federation in the mid 1930's, my family has been involved in the innumerable conservation and wildlife organizations. We have spent untold dollars and man-hours furthering the conservation of wildlife and wildlife habitat.

I tell you this to say thank you for introducing The Wildlife and Sport Fish Restoration and Improvement Act of 2000. This bill will help stop the mismanagement by the current leadership of the Fish and Wildlife Service of the Dingell-Johnson Act, the Pittman-Robertson Act and other programs administered by the Division of Federal Aid.

It is wrong for the current leaders of the Fish and Wildlife Service to loot this uniquely effective program to create slush funds and use it as a cash cow to cover foreign travel and unrelated administrative expenses. Their attempt to divert these funds to anti-hunting groups is an even worse affront.

We greatly appreciate your leadership in upholding our sportsmen-conservationist heritage and taking steps to clean up the problems at the Fish and Wildlife Service.

Sincerely,

W.S. (SANDY) STIMPSON,
Sr. Vice President.

CHILD ABUSE PREVENTION MONTH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MORAN of Virginia. Mr. Speaker, today I commemorate April as the Child Abuse Prevention month and to inform my colleagues of a quiet but devastating situation that continues to plague our nation: that of child abuse and neglect. In this time of prosperity we are leaving needy children behind.

More than 1 million children are reported abused and neglected in this country each year. This is an amazing statistic, especially when most cases of neglect and abuse are not reported.

In Virginia, according to the American Humane Association's Children Division in 1997, there were 11,792 confirmed reports of maltreatment to children.

The situation, as it exists right now, simply cannot go on. These children need and deserve our help, and Congress can and must step in if we are to begin to better tackle this public health epidemic and national tragedy. Mr. Speaker, I urge my colleagues to support vital federal programs that seek to address this problem through improved preventive and early intervention services.

The effects of child abuse are felt by communities as a whole and need to be addressed by the entire community. All citizens should become more aware of the negative effects of child abuse and its prevention within the community. All citizens should become involved in supporting vulnerable and at risk parents to raise their children in a safe nurturing environment. This is why it is important to recognize April as Child Abuse Prevention Month.

All citizens, community agencies, religious organizations, medical facilities, and businesses should increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

Child maltreatment has ramifications far beyond the actual physical and psychological harm done to the child. It also affects school readiness, juvenile crime and poor health outcomes. We simply must do more.

Mr. Speaker, I hope that I can count on my colleagues to recognize this month as Child Abuse Prevention Month and give strong support of these and other measures so that we can seek to put an end to what can only be called a national epidemic.

TAXPAYER BILL OF RIGHTS 2000

SPEECH OF

HON. BENJAMIN A GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. GILMAN. Mr. Speaker, I am in strong support of H.R. 4163, the Taxpayer Bill of Rights 2000. I urge my colleagues to join in supporting this important legislation.

H.R. 4163 is a bipartisan bill designed to provide further protections to taxpayers from regulatory abuse by the Internal Revenue Service. In recent years, the Congress has adopted several of these taxpayer bill of rights, which have done much to reign in some of the more outrageous abuses heaped on taxpayers, who, by no fault of their own, have run afoul of overzealous IRS personnel.

This legislation offers a number of important protections for those individuals who have been unable to pay their taxes on time and thus have incurred additional interest and penalty charges. Specifically, the bill repeals the present day penalty for failure to pay tax, for those taxpayers that have entered into installment payments with the IRS to repay large outstanding balances.

Additionally, this bill: Expands circumstances where interest on underpayment of taxes may be abated, simplifies estimated tax calculations, limits taxpayer exposure to underpayment interest through the use of qualified reserve accounts, and tightens the privacy rights of taxpayers through limiting disclosure options open to the IRS.

Mr. Speaker, similar bills in the past have done much to provide protection to taxpayers from overbearing Federal agencies with regulations that have had unintended consequences in their implementation. This legislation continues that tradition by offering important protections to have, for whatever reason, made under-payments on taxes owed and are subsequently trying to make good on any overdue balances.

Accordingly, I urge my colleagues to support this worthy legislation.

TRIBUTE TO RETIRING COLONEL ROBERT N. CLEMENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that our colleague in the House of Representatives, Colonel Robert N. Clement, will retire from the Tennessee Army National Guard on April 30, 2000, after more than 31 years of exemplary military service.

Colonel Clement began his career as a Second Lieutenant in the United States Army Reserve. In January 1969, he entered active duty for his Officers Basic Course in the Adjutant

General's Corps. Upon completion of the school at Fort Benjamin Harrison in March, he attended Middle Managers training at Fort Gordon, Georgia. Colonel Clement remained at Fort Gordon to serve as the Assistant Adjutant at the United States Civil Affairs School, where he received a Certificate of Achievement for his performance. He completed his active duty service with the Army Forces Entrance and Examination Station at Nashville, Tennessee. During this time, he earned promotion to first lieutenant and received the Army Commendation Medal.

Colonel Clement joined the Tennessee Army National Guard in January 1971 when he became a Personnel Management Officer in the 530th Administration Company. He was promoted to Captain while serving as a Special Services Officer in that unit. In 1975, he became an Assistant Information Officer in the 118th Public Affair Detachment. Shortly thereafter, Colonel Clement was reassigned as a Race Relations and Equal Opportunity Training Officer in the Headquarters, Tennessee Army National Guard, Nashville, Tennessee. He then served the Headquarters as Race Relations and Equal Opportunity Officer for the next six and one half years. He was promoted to Major during this assignment.

In 1983, Colonel Clement was named Chief, Enlisted Personnel Branch, Headquarters, State Area Command, Tennessee Army National Guard. After receiving significant experience in personnel actions over the next three years, he became a Selective Service Officer and was promoted to Lieutenant Colonel. His next assignment was as a Plans and Operations Officer in the Plans, Operations and Training Division. After completing four years in this assignment, he was promoted to Colonel and detailed as a Special Plans and Operations Officer. In July 1995, Colonel Clement became the Deputy Director, Plans, Operations and Training Division. One year later, he was assigned as the Senior Medical Operations Support Officer in support of MEDIGUARD Operations and served admirably in this assignment until his retirement.

Mr. Speaker, Colonel Clement has dedicated over 31 years to the military, serving with honor and distinction. I wish him all the best in the days ahead as he continues his public service by representing the people of the state of Tennessee. I am certain that the Members of the House will join me in paying tribute to this fine officer.

HONORING MS. MITZI STITES OF SPRINGFIELD, TN, ON THE OCCASION OF HER RETIREMENT AS EXECUTIVE DIRECTOR OF THE ROBERTSON COUNTY CHILD ADVOCACY CENTER

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CLEMENT. Mr. Speaker, today I honor Ms. Mitzi Stites of Springfield, TN, on the occasion of her retirement as Executive Director of the Robertson County Child Advocacy Center and her tireless efforts on behalf of Tennessee's children.

Ms. Stites was named the first and only Executive Director of the Robertson County Child Advocacy Center in Springfield in 1993. Mitzi immediately put her energy to work for the children in the area, educating the community about the advocacy center and organizing area agencies who began working and meeting together on a regular basis as a result of her tireless efforts.

Children's Advocacy Centers (CACs) across the Nation are child-focused, facility-based programs in which representatives from many disciplines meet to discuss and make decisions about investigation, treatment, and prosecution of child abuse cases. They also work to prevent further victimization of children. This approach brings together a comprehensive group of agencies such as law enforcement, child protective services, prosecution, mental health and the medical community. It is an approach that truly puts the needs of the child victims first.

It takes a very unique individual to facilitate communications and meetings between these many agencies. Mitzi Stites initiated this plan in Robertson County in 1993 and since that time has seen great success. She has shown foresight and leadership not only in the day-to-day operations of the facility, but by pioneering a number of community efforts on behalf of children.

These include the Blue Ribbon Campaign in honor of April as Child Abuse Awareness Month, which Mitzi successfully launched in 1994 in Robertson County; the Teddy Bears for court program for child victims; the annual drive for backpacks filled with school supplies and toiletries for at risk, low-income, and children of victimization; and ''snuggables'' given to victims by the CAC, local enforcement, and the Department of Children's Services (DCS). She also annually organized ''angels'' to anonymously sponsor abused children and their families each Christmas. She has worked closely with Sharon Puckett of WSMV–TV in Nashville to provide hundreds of stuffed animals to needy children in our area. These stuffed animals were often donated quietly by Nashville's wealth of country music stars.

In addition, Mitzi Stites has been involved in numerous community and civic activities, serving as the Secretary for the Robertson County Coalition for several years, as well as many other organizations.

Prior to being named Executive Director for the Robertson County Children's Advocacy Center, Stites worked briefly at the Robertson County Times newspaper from 1992–1993. However she spent most of her career in mortgage banking, first with Southeast Mortgage Company in Miami from 1963–1989 and then with the JT Brokers Group, Inc., in Jupiter, Florida from 1989–1991.

Mitzi Stites often went above and beyond the call of duty, spending numerous hours fashioning the Robertson County Advocacy Center into a warm and homey atmosphere, rather than a sterile, office environment. The children who entered her doors often came in traumatized and fearful, but whether they were there for one visit or numerous visits, I assure you, they always left feeling loved.

Because my Springfield Congressional office was housed next door to the Advocacy Center, I was able to get to know Mitzi both professionally and personally. I admire her character and zeal on behalf of the children in our community, who once abused or neglected, often have no voice. Mitzi Stites has been that voice heard loud and clear on behalf of these children.

I wish the best for Ms. Stites on her retirement and in all of her future endeavors.

IN RECOGNITION OF SAMUEL MERRITT COLLEGE RECEIVING THE 1999 CALIFORNIA GOVERNOR'S QUALITY AWARD OAKLAND, CA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. LEE. Mr. Speaker, today I recognize and celebrate Samuel Merritt College's receipt of the California Governor's Quality Award for 1999.

The Quality Award is California's premier award for performance excellence and quality achievement in business, education and health care professions. Samuel Merritt College was one of only six recipients to receive this prestigious award. The College is the first institution of higher education to receive this award.

Samuel Merritt College educates students for a life of highly skilled and compassionate service in health care. Founded in 1909 as a hospital school of nursing, Samuel Merritt College today offers both graduate and undergraduate degree programs in a variety of health science fields. The College's degrees include Bachelor of Science degrees in Nursing and Health and Human Sciences and Master degrees in Occupational Therapy, Physician Assistant, Physical Therapy, and Nursing.

Samuel Merritt College has a long tradition of excellence representing the finest in health sciences education.

On March 8, 2000, a reception was held by the College's Board of Regents in celebration of this honor.

The Samuel Merritt College is truly a valuable resource for the community and medical profession. I am proud of this accomplishment and join in the celebration of this well-deserved recognition.

APRIL 13, 2000 IS NATIONAL D.O. DAY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. TALENT. Mr. Speaker, today I honor National D.O. Day. I rise to recognize members of the osteopathic medical profession for their substantial contributions to American healthcare. I congratulate the American Osteopathic Association on its 103 years of service to osteopathic physicians and their patients. It is my pleasure to acknowledge members of the osteopathic medical profession, their spouses, and osteopathic medical students

who have chosen today to make visits to their representatives and senators. It's good to see these individuals taking time to educate our colleagues on the values and principles of osteopathic medicine.

Mr. Speaker, I am fortunate to represent the State of Missouri, which is the home of osteopathic medicine. In 1892, a charter was obtained for the American School of Osteopathy. The original school was located in a small one room building in Kirksville, Missouri and today is known as the Kirksville College of Osteopathic Medicine. A revised and expanded charter was issued on October 3, 1894, in accordance with the laws regulating educational institutions in the State of Missouri. Dr. Andrew Taylor Still, an allopathic physician (or M.D.), was the founder of the Kirksville school and, indeed, the father of osteopathic medicine.

Osteopathic medicine is a unique form of American medical care developed in 1874 by Dr. Still who was dissatisfied with the effectiveness of 19th century medicine. Dr. Still was one of the first in his time to study the attributes of good health so that he could understand the process of disease. Dr. Still's philosophy focused on the unity of all body parts. He identified the musculoskeletal system as a key element of health and recognized the body's ability to heal itself. Dr. Still pioneered the concept of ''wellness'' over 100 years ago. He stressed preventative medicine, eating properly and keeping fit. Dr. Still's philosophy—that in coordination with appropriate medical treatment—the osteopathic physician acts as a teacher to help patients take more responsibility for their own well-being and change unhealthy patterns—is every bit as viable today as it was when he developed it.

D.O.s complete four years of basic medical education, followed by an intern year and specialty training. In fact, D.O.s are certified in 23 specialties and subspecialties. They pass state licensing examinations and practice in duly accredited and licensed osteopathic and allopathic healthcare facilities. D.O.s comprise a separate, yet equal, branch of American medical care.

It is the ways that D.O.s and M.D.s are different that brings an extra dimension to healthcare. Just as Dr. Still pioneered osteopathic medicine on the Missouri frontier in 1874, today's osteopathic physicians serve as modern day medical pioneers. They continue the tradition to bringing healthcare to areas of greatest need. Approximately 64 percent of all osteopathic physicians practice in primary care areas such as pediatrics, family practice, obstetrics/gynecology and internal medicine. Many D.O.s fill a critical need by practicing in rural and medically underserved areas.

To the over 1,600 D.O.s in my state, the approximately 2,000 students at Colleges of Osteopathic Medicine in Kirksville and Kansas City, and to all 45,000 D.O.s represented by the American Osteopathic Association—congratulations on your contributions to the good health of the American people. I look forward to working with you to further our mutual goal of continually improving our nation's healthcare.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF SUISUN-FAIRFIELD CHAPTER 81 OF THE DISABLED AMERICAN VETERANS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize Disabled American Veterans Chapter 81 of Suisun-Fairfield, California as this organization celebrates its 50th anniversary of service to our country.

The Suisun-Fairfield Chapter is part of a national DAV network that provides services to and represents America's 2.1 million service-connected disabled veterans.

The DAV was formed in 1920 when local self help groups that had formed to provide support for the more than 300,000 disabled World War I troops who returned home from European battlefields merged into one national organization. The national organization received its Congressional Charter in 1932.

Forty local veterans helped organize and charter Chapter 81 in 1950. Over the years, its membership has grown to more than 900 veterans.

The annual Forget-Me-Not Drive is Chapter 81's primary community activity. The Forget-Me-Not Drive commemorates images brought back by soldiers who fought in World War I of flowers growing among the graves of their fallen comrades. The flower became the symbol of both those who died in battle and those who came home bearing the scars of war. Proceeds from the drive are used by Chapter 81 to provide incidentals to disabled veterans who are hospitalized or living in the community.

During the past fifty years, Chapter 81 has also hosted special events for disabled children and for residents of the Veterans Home of California.

Chapter 81 has also had a very active Ladies Auxiliary. They hosted the club's bimonthly family potlucks and continue to be involved in the club's annual Christmas Wish List Program for children and in distributing gifts at the Veterans Home.

Chapter 81 also actively works with its elected representatives to make sure that our service men and women who have been wounded in battle are not re-injured by peacetime apathy.

Mr. Speaker, it is appropriate that we acknowledge and honor today this veterans' organization and the men and women who have given so much for our country.

INTRODUCTION OF LEGISLATION TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation that would address several matters of concern to Alaska Natives through an amendment to the Alaska Native Claims Settlement Act (ANCSA).

As my colleagues know, ANCSA was enacted in 1971, stimulated by the need to address Native land claims as well as the desire to clear the way for the construction of the Trans-Alaska Pipeline and thereby provide our country with access to the petroleum resources of Alaska's North Slope. As the years pass, issues arise which require amending the Act. The Resources Committee as a matter of course routinely considers such amendments and brings them before the House.

Consequently, I am introducing this bill containing several such amendments to ANCSA in order to facilitate having its provisions circulated during the upcoming Congressional recess among Congress, the Administration and the State of Alaska for review and consideration.

This bill has six provisions. One provision would clarify the liability for contaminated lands. The clarification of contaminated land would declare that no person acquiring interest in land under this Act shall be liable for the costs of removal or remedial action, any damages, or any third party liability arising out or as a result of any contamination on that land at the time the land was acquired under this Act.

Section 3 of the bill amends the Act further to allow equal access to Alaska Native Veterans who served in the military or other armed services during the Viet Nam war. Alaska Natives have faithfully answered the call of duty when asked to serve in the armed services. In fact, American Indians and Alaska Natives generally have the highest record of answering the call to duty.

Under the Native Allotment Act, Alaska Natives were allowed to apply for lands which they traditionally used as fish camps, berry picking camps or hunting camps. However, many of our Alaska Natives answered the call to duty and served in the services during the Viet Nam war and were unable to apply for their Native allotment. This provision allows them to apply for their Native allotments and would expand the dates to include the full years of the Viet Nam war. The original dates recommended by the Administration only allowed the dates January 1, 1969 to December 31, 1971. Our Alaska Native veterans should not be penalized for serving during the entire dates of the Viet Nam conflict. This provision corrects that inequity by expanding the dates to reflect all the years of the Viet Nam war—August 5, 1964 to May 7, 1975.

The settlement trust provision of ANCSA presently indicates that the assets placed in a settlement trust are not subject to any creditor action other than those by the creditors of the settlement trust itself. Federal law is unclear whether the beneficiary's interests in the trust can be subject to attachment, etc., by their creditors. The legislative history from the 1988 amendments specifically indicates that a ''spendthrift clause'' could be included in the trust agreement for a settlement trust, but does not specify what the scope of such a provision could be. Normally, under general trust law, a spendthrift clause operates to limit the circumstances in which creditors can reach a beneficiary's trust interest. Alaska law

(A.S. 34.40.110) expressly recognizes the validity of a spendthrift clause for trusts established on or after April 2, 1997, but does not expressly authorize a spendthrift clause for trusts established prior to this date.

All this uncertainty places the Trustees in a difficult legal position under present law in deciding whether to honor creditor levies against beneficiary interests in a settlement issue. Trustees are required as fiduciaries to protect the beneficiaries' rights, but are also required to honor creditor actions if those are valid under applicable law. At least one court case is now pending before the United States District Court for Alaska to determine whether the trustees of a settlement trust must honor a levy by the State of Alaska with regard to various beneficiaries' unpaid child support obligations.

By contrast, since 1971 section 7(h) of ANCSA has clearly restricted most creditor actions as to Native corporation stock. Creditors are prohibited from levies and other similar actions against Settlement Common Stock, except to the extent that a court has authorized creditor action with regard to unpaid child support. Thus, child support levies are valid against Settlement Common Stock as long as a court has previously authorized such actions.

The proposed provision removes the uncertainty as to levies against the beneficial interests in a settlement trust by clarifying that such levies and other creditor actions may occur in the same circumstances that such levies and actions could occur with regard to the stock in a Native corporation. Not only does this confirm the trust procedure to a procedure already known to the personnel within Native corporations (who often provide the day to day administration of the trusts), but it also follows logically because the source of the settlement trust assets was the Native corporation.

Mr. Speaker, in addition to the provisions which are currently included in the legislation I am introducing today which amends the Alaska Native Claims Settlement Act, it is my understanding that several other provisions are in the process of being drafted and/or negotiated with relevant parties. If those provisions are ready to be considered at the time of committee mark-up of this bill, then I anticipate that they would be offered for inclusion in the bill at that time.

Again, I am introducing this bill today to facilitate its provisions circulated and reviewed during the April recess by the Department of the Interior, the State of Alaska and Alaska Natives.

EARTH DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GILMAN. Mr. Speaker, Earth Day serves to remind us all that environmental issues know no political bounds and affect all of the people, plants, and animals of the world community. It is essential that the policies our government enacts, and the personal activities we undertake reflect our profound concern for safeguarding the Earth.

From combating global climate change to protecting threatened species to providing clean water, we have a duty to act locally and globally to protect the environment for our present and future generations.

Saving the planet may seem to be an insurmountable task, but in order for our children to have a brighter future we must commit ourselves to an environmental policy which seeks to establish a clean, safe, and productive environment.

The 106th Congress is working to preserve and protect our Nation's open spaces by reinvigorating the land and water conservation fund. Designed to protect our nation's natural heritage, the land and water conservation fund is a vital program which has saved thousands of acres of forest, miles of river, and many of America's mountain ranges. In the face of pollution and urban sprawl, the 106th Congress has responded by looking to preserve our nation's greenways.

We must not forget that the air we breathe is our most precious resource. Americans can clearly see, smell and feel the difference that pollution has made in their lives. As a strong supporter of the Clean Air Act, I fully understand the need for clean air standards. By encouraging innovation, cooperation, and the development of new technologies for pollution reduction, these standards build upon the spirit of ingenuity that is the foundation of America's leadership in the world.

As chairman of the International Relations Committee, I understand the importance of using our leadership in the United States to assist other nations in developing and maintaining successful environmental programs.

I personally have led efforts to protect whales from commercial hunting and to protect African elephants from the deadly effect of the international ivory trade. I have also been in the forefront in bringing greater awareness to the linkages between refugees, world hunger and national security to environmental degradation. Moreover, if we do not assist in the survival of indigenous and tribal people, their wealth of traditional knowledge and their important habitats will no longer be available for the rest of mankind.

Earth Day is a successful vehicle and incentive for ongoing environmental education, action and change. Earth Day activities address worldwide environmental concerns and offer opportunities for individuals and communities to focus on their local environmental problems.

During the 106th Congress, I worked with the New York State's Governor Pataki and the citizens of New York's 20th Congressional District to save thousands of acres of precious lands, such as Sterling Forest, the Gaisman Estate, and Clausland Mountain. I have requested funding for the Hudson Valley National Heritage Area, which would help preserve the history, culture and traditions of this beautiful region. I am also proud to note that our 20th Congressional District of New York is home to the Lamont-Doherty Earth Observatory, one of the country's leading climate study institutions, which I have been pleased to support.

Earth Day is a powerful catalyst for people to make a difference toward a clean, healthy, prosperous future. We cannot continue with the attitude that someone else will clean up after us. We need to take care of our world today. I cannot think of a better way and a better day to commit to our environmental concerns than Earth Day. I salute all who observe Earth Day in all ways large and small.

TRIBUTE TO COMMAND SERGEANT MAJOR GEORGE E. CUTBIRTH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that Command Sergeant Major George E. Cutbirth is retiring after 30 years of exemplary service in the United States Army. He has served his country with dignity, honor, and integrity.

Command Sergeant Major Cutbirth is a native of Southwest Missouri. He graduated from Hurley High School in 1969 and entered the Army in April 1970. He attended Basic Training and Advanced Individual Training at Fort Leonard Wood, Missouri. He has held positions of increasing responsibility during his career, to include: Squad Leader; Repair Control Supervisor; Platoon Sergeant; Drill Sergeant; Senior Drill Sergeant; TAC Sergeant; Instructor; First Sergeant; and Battalion Command Sergeant Major. He has also served as the Commandant, Ordnance Noncommissioned Officer Academy, Command Sergeant Major Ordnance Center and School, Ordnance Corps Regiment Sergeant Major and Command Sergeant Major Combined Arms Support Command. Currently, Command Sergeant Major Cutbirth is serving as the Command Sergeant Major for the United States Army Materiel Command. He is the first ordnance soldier to hold that position.

Command Sergeant Major Cutbirth has served in a variety of overseas and stateside assignments. They include tours in Okinawa, Vietnam, Italy, Korea and the Federal Republic of Germany. He also served in Saudi Arabia, Iraq and Kuwait during Operations Desert Shield and Desert Storm. Within the United States, he has been assigned to: Fort Campbell, Kentucky; Fort Leonard Wood, Missouri, Aberdeen Proving Ground, Maryland; and Fort Lee, Virginia.

Command Sergeant Major Cutbirth is a graduate of the United States Army Sergeants Major Academy, the 3rd Army Noncommissioned Officer Academy, the Drill Sergeant Academy, and numerous technical and functional courses. He also earned an Associate of Arts degree from Columbia College, Missouri, and a Bachelor of Science degree from the University of Maryland.

Command Sergeant Major Cutbirth's awards and decorations include: the Legion of Merit with two oak leaf clusters, the Bronze Star; the Meritorious Service Medal with two oak leaf clusters; the Army Commendation Medal; and Army Achievement Medal; the Good Conduct Medal (tenth award); the National Defense Service Medal with Bronze Service Star; the Vietnam Service Medal; the Southwest Asia Service Medal; the Humanitarian Service

Medal; the Overseas Service Ribbon with numeral three; the Army Service Ribbon, the Noncommissioned Officer Professional Development Ribbon with numeral four; the Vietnam Campaign Medal; the Kuwait Liberation Medal; the Master Parachutist Badge; the Drill Sergeant Badge; the Mechanic Badge; and the Belgian Parachutist Badge.

Mr. Speaker, Command Sergeant Major Cutbirth deserves the thanks and praise of the nation that he had faithfully served for so long. I know the Members of the House will join me in wishing him, his wife of 30 years, Catherine, and his three children, Laurie, Paul and Matthew, all the best in the years ahead.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 114, I was unavoidably detained on official business. Had I been present, I would have voted ''aye.''

IN CELEBRATION OF THE 110TH ANNIVERSARY OF BETH EDEN BAPTIST CHURCH, OAKLAND, CA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. LEE. Mr. Speaker, today, I celebrate the 110th anniversary of the establishment of the Beth Eden Baptist Church in Oakland, California. This milestone will be commemorated from April 9 through May 21, 2000.

The theme of this celebration is taken from Ephesians 6:10–18 which reads: ''By example-maintaining our armor of God and hold fast to the principles of righteousness, perseverance, faithfulness, salvation and spirit, which are in the word of God.''

Beth Eden is the oldest Black Baptist Church in Alameda County. Founded on April 20, 1890, its first pastor was Rev. George Gray. Since 1890, the church has flourished following its theme ''A Legacy of Faith.''

Since its founding with Rev. Gray, Beth Eden has had eleven additional pastors, including Rev. Robert Alexander McQuinn, Rev. James Allen (who later founded Oakland's Allen Temple Baptist Church), Rev. John Dwelle, Rev. John Coylar (the Church's only Caucasian minister), Rev. John Allen, Rev. James Dennis (who later founded the North Oakland Baptist Church), Rev. Francis Walker, Rev. Samuel Hawkins, Rev. Paul Hubbard, Rev. Alvin Dones and Rev. Dr. Gillette James, the current pastor.

For more than a century, Beth Eden has been a West Oakland landmark of faith, activity and commitment to building a stronger community. These activities include building senior housing, holding interfaith Thanksgiving services with local churches, establishing a Missionary Society, creating SHARE, a discount food program, and helping to create the Black Adoption Placement and Research Center.

Beth Eden Baptist Church is truly a source of civic pride and a valuable resource for the community. I proudly join the church's members, friends and neighbors in saluting and honoring the history and spirit of this great church.

HONORING WILLIAM C. ''BILL'' COLEMAN IN RECEIVING THE J. ROBERT LADD COMMUNITY SERVICE AWARD AND THE 2000 SERVICE TO MANKIND AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GEKAS. Mr. Speaker, today I recognize William C. Coleman in receiving the J. Robert Ladd Community Service Award and the Service to Mankind Award from the Lebanon Valley, Sertoma Club.

Bill has made an incredible difference in the community of Lebanon, Pennsylvania. He has been a regular volunteer at the Lebanon Rescue Mission since 1947. He has served on the board of directors, taught Sunday School and has presided as the executive director of the Rescue Mission. Bill has dedicated his life to helping those less fortunate. His generosity, kindness and love has earned him the respect of his community, family and friends.

Bill's relationship with the Lebanon Rescue Mission began when, at the tender age of 19, he felt something was missing in his life. During this time period he was diagnosed with a life-threatening illness. Looking for guidance, he felt compelled to visit the Mission. Bill went there with his mother and they met with Reverend Miller. Reverend Miller talked with Bill and read from the Bible. That night, Bill's life changed. He gave up drinking, gambling, smoking and, as Bill puts it, his vocabulary lost a lot of unnecessary words. Later, when the doctor who had previously diagnosed Bill with the life-threatening illness examined him again, he found Bill to be a perfect picture of health.

Bill started his career at a young age as a stock clerk at Pomeroy's, and moved onto Hershey's Chocolate and the Lebanon Paper Box Company. Bill continued to work hard and eventually landed a job at Winston Prints. He worked his way up through the ranks, eventually becoming supervisor, and later the number three man in the company. While Bill worked at Winston Prints his relationship with the Lebanon Rescue Mission also flourished. He was a dedicated and valued volunteer, spending many hours helping those in dire need. He became a Sunday School teacher, superintendent and secretary to the board of directors. In 1984, after 14 years with Winston Prints, Bill resigned to become the full-time executive director of the Lebanon Rescue Mission.

Bill has been instrumental in many changes that have taken place at the mission since 1984. The first significant change occurred in 1985 when plans were announced to build The Agape Family Shelter for homeless women and children. It was a huge undertaking that included raising nearly $400,000 to be used in refurbishing the 115-year-old Dehuff Mansion, making it livable for up to eighteen women and children. The shelter continues to provide a friendly, socialable and safe place for those who find themselves not only homeless, but with a feeling of hopelessness. The Agape Family Shelter provides women with love, attention, and care they drastically require. The shelter also promotes a special program which teaches battered women how to set goals and implement them into their daily lives.

Bill has also helped implement a program to help men who battle with problems with drugs and alcohol. In addition, Bill hosted a popular hour-long radio broadcast every Sunday morning for those who were seeking spiritual up-lifting. He served as the Chaplain for the Lebanon County Fire Police and has been an outspoken advocate for the people of Lebanon County.

Mr. Speaker, again I want to congratulate Bill Coleman in receiving the J. Robert Ladd Community Service Award and the Service to Mankind Award. Through his consistent and unselfish efforts, the community of Lebanon is a richer place for all those who reside there. Thank you Bill for your service to the men, women and children of Lebanon.

CELEBRATING MYRTLE LILLIAN WALDRUP SPRINKLE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, today I rise to commend and celebrate the life and 100th birthday of one of Western North Carolina's most beloved citizens. I had the great opportunity to attend the birthday celebration of Myrtle Lillian Waldrup Sprinkle in Marion, McDowell County. While there I witnessed a gentle, gracious lady full of life, vigor and still displays an amazingly agile mind.

Mrs. Sprinkle was born on April 4, 1900 in Madison County North Carolina. She moved to McDowell County in 1945 with her husband as he was named to be the pastor of Mt. Zion Baptist Church. For all of Mrs. Sprinkle's life two things have mattered most. She has an undying devotion to her church and her family. She has been a member of Zion Hill Baptist Church for over 55 years and taught Sunday school for many years. Her granddaughter, Wanda Childers, described Mrs. Sprinkle's faith as ''unwavering.''

Mrs. Sprinkle has been a pillar of strength in her family. She is, in essence, a quiet woman, full of humility. She has always been there for her community and her family. Through her life she has learned that simple things matter, like making a quilt for every one of her 45 grandchildren. She loves nothing more than cooking, canning vegetables, and crocheting. Her family includes five pastors who have all acquired her undying faith. Mrs. Sprinkle has many relatives who can share her love, affection, and warmth. Her 14 children are Lula Randall (deceased), Ida Lee Sprinkle (deceased), Julian Sprinkle (deceased), John

Sprinkle (deceased), E.F. Sprinkle, Jr. (deceased), Charles Sprinkle, Paul Sprinkle, Alvin Sprinkle, Novella Cable, Jaunita Worley, Harry Sprinkle, Harold Sprinkle, Jack Sprinkle, and Eva Pollack. She also has 45 grandchildren, 112 great grandchildren, and 54 great-great grandchildren.

I ask that my colleagues join me in congratulating this amazing centenarian on the occasion of her 100th birthday.

INTRODUCTION OF H.R. 4266; PROHIBITION ON UNITED STATES GOVERNMENT LIABILITY FOR NUCLEAR ACCIDENTS IN NORTH KOREA ACT OF 2000

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GILMAN. Mr. Speaker, today I have introduced H.R. 4266, the "Prohibition on United States Government Liability for Nuclear Accidents in North Korea Act of 2000." I am pleased to be joined in offering this bipartisan legislation by a distinguished group of original cosponsors including, among others, the Ranking Democratic Member of the Subcommittee on Telecommunications, Trade, and Consumer Protection of the Committee on Commerce, Mr. Markey, the Chairman of our Subcommittee on Asia and the Pacific of the Committee on International Relations, Mr. BEREUTER, the Chairman of the Committee on Armed Services, Mr. SPENCE, and the Chairman of the House Republican Policy Committee, Mr. COX.

This bill prohibits the United States Government from, in effect, issuing insurance—backed up by the full faith and credit of the American taxpayer—for whatever liability claims might be made if the nuclear reactors that the Administration is trying to give to North Korea are involved in a catastrophic nuclear accident. The fact that the Administration is considering issuing such insurance was reported for the first time in yesterday's Los Angeles Times in an article by Jim Mann. I submit the Los Angeles Times article for the RECORD.

As explained in the article, the American taxpayer may ultimately be forced to pay tens of billions of dollars in damages if the North Koreans inadvertently create an Asian Chernoble with the advanced nuclear reactors that the Administration is seeking to give them. This is not an idle fear. The North Koreans have no experience whatsoever operating advanced light water nuclear reactors of the type the Administration plans to give them. The existing North Korean nuclear program involves graphite-moderated reactors operating on 1950s technology, with dials, levers, and vacuum tubes. The state of the art nuclear reactors that the Administration wants to give them are far more sophisticated than anything their technicians have ever seen.

This might not be a big problem if their technicians could be properly trained to operate modern light water reactors. But North Korea already has indicated that North Korean technicians will not be allowed to leave the country to receive such training on light water reactors currently operating elsewhere. Apparently the North Koreans are afraid their technicians will defect. Others fear, however, the result could be a Chernoble on the Korean Peninsula.

Among those who fear a possible nuclear catastrophe are the contractors who the Administration thought would be eager to participate in this $5 billion construction project in North Korea. The contractors are afraid that if there is such a catastrophe they might be sued, and the potential liability could bring down their companies. Ordinarily in such situations, companies buy insurance on the private market to protect themselves. In this case, however, the private insurers apparently have not been willing to provide sufficient coverage. This is in contrast to other countries like China, where U.S. and other private vendors have been willing to go forward on nuclear reactor projects because their concerns about liability have addressed by means short of an indemnity backed up by the United States Government.

I was surprised and alarmed to learn that the Administration is considering offering such an indemnity to contractors participating in the North Korean nuclear project. It has been five and a half years since the Agreed Framework between the United States and North Korea was signed. Over that period of time, there have been innumerable consultations between Congress and the Administration about the Agreed Framework. It is probably no exaggeration to say that Administration officials have testified before Congress dozens of times on the subject. The Administration is intimately familiar with our concerns about the potential costs of the project, and also with our unwillingness to provide U.S. Government funding for the construction of nuclear reactors in North Korea. Since 1994, Congress has routinely agreed to U.S. funding for the delivery of heavy fuel oil to North Korea pursuant to the Agreed Framework, but we have consistently prohibited U.S. funding for the construction of nuclear reactors.

Not once over the last five and a half years has the Administration come to us and told us they were considering imposing a contingent liability on the U.S. Government in connection with the construction of nuclear reactors in North Korea that could run into the tens of billions of dollars. Our staff had to ferret out this information through the conduct of congressional oversight, and most members of Congress first learned about it yesterday when they read about it in the press.

According to yesterday's press report, the Administration is considering imposing this liability on the American taxpayer by reinterpreting an old law in such way as to ensure that congressional approval will not be required. It is totally unacceptable that the Administration would consider obligating the American taxpayer in this way without the approval of Congress. The bipartisan legislation we are introducing today will make sure that the Administration cannot get away with this.

[From the Los Angeles Times, Apr. 12, 2000]

A RISKY POLICY ON N. KOREA

(By Jim Mann)

Warning to American taxpayers. Without knowing it, you may soon take on responsibility for what could be billions of dollars in liability stemming from nuclear accidents in, of all place, North Korea.

At the behest of the General Electric Co., the Clinton administration is quietly weighing a policy change that would make the U.S. government the insurer of last resort for any disasters at the civilian nuclear plants being built for the North Korean regime.

In case of a Chernobyl-type disaster in North Korea (a country not known for advanced safety procedures), the U.S. might wind up paying legal claims.

The proposed U.S. government guarantee, now being intensively studied by the State and Energy departments, would be aimed at easing the way for construction of two light-water nuclear reactors in North Korea. Those reactors are a key element in the Clinton administration's 1994 deal in which North Korea agreed to freeze its nuclear weapon program.

North Korea, which has defaulted on debts in the past, is too poor and unreliable to be counted on to pay legal claims arising from a nuclear accident. Private insurers are unwilling to take on the potentially astronomical claims of a North Korean Three Mile Island. So, American companies supplying parts for the North Korean reactors worry that, if there were a disaster, they would be sued.

Both the Clinton administration and GE confirmed that the company asked several months ago to be indemnified by the U.S. government before participating in the North Korea deal.

"We would like indemnity before we sign" any contract, said a spokesman for GE, which makes the steam turbines that would be used in the project.

"If there's an accident, they [GE officials] have to understand on what basis they'd be covered," explained Charles Kartman, the State Department's special envoy for North Korea.

Kartman acknowledged that GE's request was unusual, if not unique: Other firms participating in the North Korea project have been willing to go ahead without the indemnity GE is seeking in hopes that the unsettled liability questions could be worked out over the next few years.

How will the Clinton administration go about granting new legal protection to GE? It is reluctant to seek a new law from the Republican Congress, which often has criticized the administration's policy of engagement with North Korea.

That roadblock has set administration lawyers scurrying through the U.S. code, and they have found an obscure law that might be used in a new way to cover GE.

This law—Title 85, Section 804—was intended to indemnify companies that took part in nuclear cleanup operations. But the State and Energy departments are now thinking of applying it to protect the firms participating in the North Korean civilian reactor project.

Presto! One little legal reinterpretation by the administration and one huge new legal liability for American taxpayers.

Not to worry, insisted Kartman. The idea that the U.S. government will ever have to pay these claims is "very hypothetical."

He noted that the parts for the North Korean reactors would not be shipped

But ask yourself this: If the proposed international accord Kartman describes is such a sure thing and the prospects of claims from a nuclear accident are so remote, why can't the Clinton administration persuade GE to go ahead without the indemnity it is

seeking? Why does the U.S. Government, rather than GE, have to take responsibility for this supposedly hypothetical risk?

Viewed strictly from GE's self-interest, its request has a certain logic. GE is a relatively small player in the North Korea project; most of the work is being done by South Korean companies. The sale of GE's steam turbines will bring in roughly $30 million, yet the company fears it could face lawsuits ranging in the billions.

Why don't the organizers of the North Korea project simply do without GE and find another company more willing to take the risk?

They could. But doing that would require a redesign of the North Korea project, would lead to delays of a year or more and would increase the overall costs—most of which are being paid by South Korea. So, on the whole, everyone involved is eager to avoid losing the big American company.

For GE, it seems, the Clinton administration brings good things to life. The rest of us are left to pray that we don't get stuck with massive bills from nuclear plants we won't run in a country over which we have no control.

INTRODUCTION OF BILL TO AMEND INTERNET TAX FREEDOM ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CONYERS. Mr. Speaker, I am pleased to join with Chairman HYDE, Commercial and Administrative Law Subcommittee Chairman GEKAS, and Ranking Member NADLER in introducing the "Internet Tax Reform and Reduction Act of 2000.".

As the Ranking Member of the Judiciary Committee, I have been proud of our Committee's bipartisan accomplishments in helping to maintain our Nation's leadership in the information economy. These include modernizing our patent and copyright laws, insuring the availability of trained workers, and our passage last Congress of the Internet Tax Freedom Act.

Today, I join with my colleagues in introducing the Internet Tax Reform and Reduction Act of 2000 as the starting point in our process of considering possible legislative responses to the issue of the applicability of State and local taxes on the Internet. The legislation we are introducing today reflects the views of number of Advisory Committee on Electronics Commerce Members led by Virginia Governor James Gilmore.

I believe it is important that their views be converted into legislative language so that the Congressional review process can commence. I intend to work with Chairman HYDE and Representatives GEKAS and NADLER in seeing that the other members of the Commission, including Utah Governor Michael Leavitt, are given the same opportunity. I also expect that the Judiciary Committee's Subcommittee on Commercial and Administrative Law will hold a series of hearings during which all interested parties, including State and local elected officials, the technology community, and retailers will be able to offer their views.

The bill we are introducing today would amend the Internet Tax Freedom Act to impose a permanent moratorium on State and local taxes on Internet Access. It would also extend for 5 years the duration of the moratorium applicable to multiple and discriminatory taxes on electronic commerce and impose a 5 year moratorium on sales of digital goods and products. Further, the bill would set forth factors for the determination of jurisdictional nexus by the States with regard to Internet transactions, encourage the States to adopt a simplified sales and use tax, and set up an advisory commission on uniform sales and use taxes.

The issue of the application of State and local taxes on the Internet is one of the most important matters facing the Judiciary Committee and the Congress. The Internet has led our robust economy into the 21st century. Its use in both the commercial and consumer sectors has skyrocketed, spurring the development of new businesses, products and services, and new and less expensive research and communications methods. At the same time, the Internet poses many new and novel State and local taxation issues. The Internet is not a partisan issue by any means, and I am happy to join with my colleagues as we begin to address this critical issue.

CONGRESS NEEDS TO "WAKE UP" TO THE IMPORTANCE OF SLEEP

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. RAMSTAD. Mr. Speaker, today I pay tribute to the Edina, Minnesota, School District, which was recently recognized by the National Sleep Foundation as the 2000 Sleep Capital of the Nation.

My good friend, Dr. Kenneth Dragseth, the Superintendent of Edina Schools, came to Washington to accept the award on behalf of the parents, students and teachers from Edina.

This national recognition is well-deserved and is a great way to celebrate National Sleep Awareness Week.

Four decades after President John F. Kennedy urged all Americans to take a 50-mile hike, Americans are once again waking up to the benefits of healthy living and the need for a well-balanced diet and regular exercise. But we too often neglect the importance of sleep.

Thankfully, not Edina. This school district, which is recognized universally as one of the finest public school systems in the nation, truly gets it.

They recognize that the future competitiveness and strength of our country depends on improving our education system.

That's why the Edina School District took concrete steps to make sure its students get enough sleep by starting school one hour later each day.

A recent National Sleep Foundation poll confirms that teens stay up too late and wake up too early. Another new study noted that on average, teens are getting about 2 hours less sleep a night than they need. This puts them at risk for car accidents, falling asleep in class, moodiness and depression.

To improve education, we must promote healthy learning environments. Stressing the need for enough sleep is essential for such environments. The bottom line is this: adequate sleep is a key component of a quality education.

I am also including for the RECORD a special "Bill of Nights" by the National Sleep Foundation which outlines the important suggestions by this group for improving sleep habits for everyone.

Mr. Speaker, I wholeheartedly applaud the Edina schools and their leadership to ensure that young people come to school healthy and ready to learn. They know it's time for America to "wake up" to this critically important problem.

Congratulations again, Edina Schools. You are ahead of the curve and I am proud to represent you!

PREAMBLE TO THE BILL OF NIGHTS OF THE NATIONAL SLEEP FOUNDATION—PRESENTED MARCH 28, 2000, WASHINGTON, DC

Whereas, science and medicine have determined that obtaining a sufficient amount of quality sleep is just as essential for good health as maintaining a balanced diet and getting regular exercise;

Whereas, obtaining a sufficient amount of quality sleep can also help to ensure personal safety, increase productivity and add to the enjoyment of life;

Whereas, the National Sleep Foundation is dedicated to improving public health and safety, this organization encourages all People to understand the importance of sleep and to make obtaining sufficient quality sleep a priority in their lives;

Therefore, the following Articles, created by the National Sleep Foundation and supported by its constituents, champion the right of all People to enjoy restful sleep for healthy, safe, and productive lives.

THE BILL OF NIGHTS OF THE NATIONAL SLEEP FOUNDATION

Article I All people should have the opportunity to fully understand the essential role of sleep in maintaining optimum mental and physical function.

Article II All People should have the opportunity to obtain the amount of sleep they require to maintain their optimum mental and physical function and to enjoy the benefits that sleep provides, including positive mood, alertness, enhanced memory and cognitive capabilities, and a sense of well-being.

Article III All people should have the opportunity to obtain sufficient, quality sleep free from disruptions due to environmental factors (i.e., light, noise, etc.), irregular sleep schedules, and underlying mental and physical conditions.

Article IV All People should have the opportunity to obtain accurate, scientifically validated sleep information and education in order to understand and improve their sleep.

Article V All People should have the benefit of a well-rested workforce and be secure in the knowledge that those who are depended upon to perform critical functions in society—including healthcare, transportation, public safety, hazardous materials management, and others—are attentive, alert and well-rested.

Article VI All People should be safe from the danger posed by drowsy drivers. Every driver is responsible for keeping the nation's roadways safe and free from the hazards posed by sleepiness and fatigue.

Article VII All People who experience problems sleeping should have the opportunity to obtain proper, informed diagnoses and treatment by healthcare providers who understand sleep disorders.

Article VIII All People should have reasonable access to affordable, quality treatment for sleep disorders.

Article IX All People should have the opportunity to benefit from the knowledge and advancements resulting from ongoing scientific research on sleep, which should be maintained as a national research priority.

Article X All People should have the opportunity to benefit from public policies that consider the importance of sleep in all aspects of our lives, including policies affecting the workplace, transportation, education, and healthcare.

CELEBRATING EARTH DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. MORELLA. Mr. Speaker, today I recognize the 30th annual Earth Day celebration. Next week, on April 22nd, people from across the country and around the globe will come together to renew their commitment to the environment, and to begin teaching a new generation about the importance of protecting our planet. We have a shared responsibility to preserve our vast and diverse natural resources. I have a longstanding commitment to conservation and environmental protection, and I am particularly proud to lend my voice to the Earth Day celebration.

Thirty years ago, on the first Earth Day, our country was taking its initial steps toward protecting the earth. While we have made substantial progress since that first celebration, we must continue our efforts to improve the quality of our environment.

As large-scale Earth Day celebrations take place all over the world, I would like to pay a special tribute to the local events taking place in many communities across our nation. These community celebrations demonstrate the direct impact that we can all have in conserving and protecting our environment. In Montgomery County, Maryland, for example, neighbors will work together on several river and stream clean-up projects, the Audubon Naturalist Society will host a nature fair for families, and several communities will host Earth Day anniversary celebrations.

The first Earth Day was founded on the belief that ordinary people working together can accomplish extraordinary goals. On Earth Day 2000, let us reaffirm our commitment to the preservation of our natural resources and protection of the environment.

MALACHI GOFORTH—STALWART, ACTIVIST

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, earlier this month, Henderson County, Western North Carolina, and the nation lost a truly outstanding American, Malachi Goforth. Mr. Goforth dedicated his life to serving his community and was tragically killed while helping a group of volunteers to repair the Shaw's Creek Baptist Church. Malachi served in the Navy during the Second World War, as a Deacon in the Shaw's Creek Baptist Church, and as a member of the Board of Trustees of the Blue Ridge Community College. He was dedicated to the principles of the Republican Party and in 1999 he received the 11th Congressional District Golden Elephant award for service to the party. Malachi was known for his spirit and energy. Malachi was devoted to the great people in his community, as he put in hours of volunteer service. Children were one of Malachi's greatest joys. Many kids in Henderson County will remember him for putting up lollipop trees in his yard. His granddaughter Sally Wooten remembers how children were delighted to see Malachi Goforth's white handlebar moustache. In fact during trips to the mall at Christmas many children through that Malachi was Santa Claus.

Malachi, on news of his death, garnered much praise from family, friends, and community leaders. Consider what the following people said in tribute to this great man:

''If someone were to say, 'show me a man with character,' Malachi would be the person you would hold up.'' Henderson County Sheriff George Erwin, Jr. ''The whole Republican Party and the Republican men's club are gong to miss him. Everytime we had a meeting and you would look over that crowd, one of the comforting things that you always saw was that face and that moustache.'' Henderson County Republican club President, Fielding Lucas. Lucas also praised Goforth for ''always being ready to stand up and ask the pointed questions that needed asking.'' ''He has been a pillar of this community for decades and he will just be sorely missed.'' Henderson County Commission Chairman Grady Hawkins. I know that my colleagues will join me in saluting and remembering a great man whose death will leave a void that will never be filled.

FREEDOM FOR IRANIAN JEWS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GILMAN. Mr. Speaker, I wish to inform my colleagues of a resolution I am introducing today on behalf of the thirteen Iranian Jews now in custody on trumped up charges in Iran. In addition to the gentleman from California, Mr. SHERMAN, I am pleased that our distinguished Speaker, the gentleman from Illinois, Mr. HASTERT, is an original cosponsor of this measure, as well as the Ranking Minority Member on our House International Relations Committee, the gentleman from Connecticut, Mr. GEJDENSON.

Between January and March 1999, thirteen Jews were arrested in Iran and charged with spying for Israel and the United States. This is an outrageous charge that is without merit, having been denied by both our government and the State of Israel.

No evidence has been brought forth to substantiate these arrests, and no formal charges have been lodged after more than a year of consideration. Yet these thirteen individuals continue to face serious charges, and their trial was scheduled to begin on April 13th.

Secretary of State Albright has identified this case as "one of the barometers of U.S.-Iran relations", and countless nations have expressed their concern for these individuals, especially their human rights under the rule of law.

This resolution insists that Iran must show signs of respecting human rights as a prerequisite for improving its relationship with the United States; and therefore urges the Clinton Administration to condemn the arrest and continued prosecution of these thirteen people; demand that the fabricated charges be dropped and the men immediately released; and ensure that Iran's treatment of this case is a benchmark for determining the nature of current and future United States-Iran relations.

Accordingly, I urge our colleagues to support this resolution, whose text is printed below, since it sends a clear message to the government in Teheran that we will not countenance, nor will we remain silent, in the face of arrests of innocent individuals on trumped up charges.

H. CON. RES. 307

Whereas on the eve of the Jewish holiday of Passover in 1999, 13 Jews, including community and religious leaders in the cities of Shiraz and Isfahan, were arrested by the authorities of the Islamic Republic of Iran and accused of spying for the United States and Israel;

Whereas no evidence has been brought forth to substantiate these arrests, and no formal charges have been lodged after more than a year of consideration;

Whereas the Secretary of State has identified the case of the 13 Jews in Shiraz as ''one of the barometers of U.S.-Iran relations'';

Whereas countless nations have expressed their concern for these individuals and especially their human rights under the rule of law;

Whereas Iran must show signs of respecting human rights as a prerequisite for improving its relationship with the United States; and

Whereas President Khatami was elected on a platform of moderation and reform: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Clinton Administration should—

(1) condemn, in the strongest possible terms, the arrest and continued prosecution of the 13 Iranian Jews;

(2) demand that these fabricated charges be dropped immediately and individuals released forthwith; and

(3) ensure that Iran's treatment of this case is a benchmark for determining the nature of current and future United States-Iran relations.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to once again participate in the annual remembrance of the Armenian genocide. This year marks the 85th Anniversary of that terrible tragedy, which claimed the lives of over 1.5 million Armenians between 1915 and 1923.

The Armenian Genocide started in 1915, when the Turkish government rounded up and killed Armenian soldiers. Then, on April 24, 1915, the government turned its attention to slaughtering Armenian intellectuals. They were killed because of their ethnicity, the first group in the 20th Century killed not for what they did, but for who they were.

By the time the bloodshed of the genocide ended, the victims included the aged, women and children who had been forced from their homes and marched to relocation camps, beaten and brutalized along the way. In addition to the 1.5 million dead, over 500,000 Armenians were driven from their homeland.

It is important that we make the time, every year, to remember the victims of the Armenian genocide. We hope that, by remembering the bloodshed and atrocities committed against the Armenians, we can prevent this kind of tragedy from repeating itself. Unfortunately, history continues to prove us wrong.

So, Mr. Speaker, as we begin this new century, we must not forget the horrors of the past one. It is important to continue to talk about the Armenian genocide. We must keep alive the memory of those who lost their lives during the eight years of bloodshed in Armenia. We must educate other nations who have not recognized that the Armenian genocide occurred. Above all, we must remain vigilant.

Mr. Speaker, I commend Armenian-Americans—the survivors and their descendants—who continue to educate the world about the tragedy of the Armenian Genocide and make valuable contributions to our shared American culture. Because of their efforts, the world will not be allowed to forget the memory of the victims of the first 20th Century holocaust.

STATEMENT IN CELEBRATION OF THE LIFE OF REVEREND EARL NANCE, SR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CLAY. Mr. Speaker, today I pay tribute to the Reverend Earl Nance, Sr. of St. Louis, who passed away on Tuesday, April 4, at the age of 89. While Reverend Nance was pastor of the Greater Mount Carmel Church for over 43 years until retiring in 1994, he will be most remembered for his active role in St. Louis politics and the civil rights movement of the 1960's.

Born in Alma, Arkansas, Reverend Nance attended both Lincoln University in Jefferson City, Missouri and Morehouse College in Atlanta, Georgia. During his studies at Morehouse, Reverend Nance befriended the late Reverend Dr. Martin Luther King, Jr., whom he would later invite to the city of St. Louis to speak at a civil rights rally of over 9,000 individuals in 1957. He would remain a close an active ally of Dr. King as the Civil Rights movement grew and progressed during the 1960's.

Politically, Reverend Nance played an active role in many organizations in the St. Louis community. While pastor of the Greater Mount Carmel Missionary Baptist Church, he served on the St. Louis School Board from 1966 to 1973. He would also serve as an advisor to four St. Louis mayors, including Raymond Tucker, A.J. Cervantes, Vincent C. Schoelmehl, Jr., and Freeman Bosley, Jr.

Reverend Nance will be remembered as both a friend and public servant of the highest integrity. The city of St. Louis, and all who are dedicated to the cause of racial harmony and equal opportunity, will long cherish the many contributions of this outstanding leader.

I would like to share the following articles about Reverend Nance's passing from the St. Louis Post-Dispatch on April 6, 2000.

[From the St. Louis Post-Dispatch Metro, Thurs., Apr. 6, 2000]

PASTOR AND POLITICAL ACTIVIST EARL NANCE SR. DIES AT 89

(By Paul Harris)

The Rev. Earl Nance Sr., a longtime Baptist pastor and a community and political activist in St. Louis, died Tuesday (April 4, 2000) at Compton Heights Hospital after a brief illness. He was 89 and lived in St. Louis.

The Rev. Mr. Nance was pastor for 43 years of Greater Mount Carmel Missionary Baptist Church. His son, the Rev. Earl Nance Jr., co-pastor of the church, took over when his father retired in 1994.

The Rev. Mr. Nance and his son had a relationship that was more than just father and son—they were the closest of friends.

''It was definitely a strong relationship . . . and it remained so,'' Nance said. ''I guess you could say we were like brothers, but you would always know who was the father. He was my role model, and he paved the way for me in the church and in the city.''

Their lives had many other parallels. Both have been teachers in St. Louis Public Schools, have served on the St. Louis School Board and have served on the board of the Mathews-Dickey Boys' Club.

The Rev. Mr. Nance was an adviser to St. Louis Mayors Freeman Bosley Jr., Vincent C. Schoemehl Jr., John H. Poelker, Alfonso J. Cervantes and Raymond R. Tucker.

He served as president of the Central City Food Store, and he was the first president of the Missouri Progressive Baptist State Convention and moderator of its St. Louis District Association.

Reared on a farm in Alma, Ark., the Rev. Mr. Nance came to St. Louis in the 1930s and worked as a baggage handler at the bus station while living at the YMCA. He later sold insurance and attended the old Brooks Bible College here and Gamon Theological Seminary in Atlanta. He also served in the Army in World War II.

He graduated from Lincoln University in Jefferson City and Morehouse College in Atlanta, where he was a classmate of the Rev. Dr. Martin Luther King Jr. In 1962, he was instrumental in bringing the civil rights leader to St. Louis.

Recently, he received the Pioneer Award from the Rev. Dr. Martin Luther King Jr. State Commemorative Committee for his commitment to civil rights in St. Louis.

Martin L. Mathews, president and chief executive officer of the Mathews-Dickey Boys and Girls Club, was a friend of the Rev. Mr. Nance for more than 40 years.

''He was always willing to go beyond the call of duty to help not only his congregation, but he would reach out and help others in the community,'' Mathews said. ''He was a stern man, but fair. . . . He stood by what he believed in and never wavered.''

The Rev. Mr. Nance was considered a mentor and counselor to many of the younger Baptist pastors in the city.

''He was there to help me shape my ministry,'' said the Rev. Willie J. Ellis Jr., pastor of New Northside Baptist Church. ''He was a man that spoke his mind. . . . He told it just like it was.''

The Rev. E.G. Shields, pastor of Mount Beulah M.B. Church, affectionately called the Rev. Mr. Nance ''Dad.''

''He had a love for younger pastors. He wanted us to make it,'' Shields said. ''He helped us to build our churches by first getting our financial statements together. I loved and respected him. He was truly a father figure to me.''

The Rev. Mr. Nance served as an associate pastor at Galilee Baptist Church and at Calvary Baptist Church before he became pastor of Greater Mount Carmel.

Visitation will be from 3 to 6 p.m. Saturday at Greater Mount Carmel M.B. Church, 1617 North Euclid Avenue. A funeral service will be at 6 p.m. Sunday at the church. Burial will be at St. Peter's Cemetery, 2101 Lucas and Hunt Road.

The Rev. Mr. Nance was married to the late Thelma Brown Nance, who also was a teacher in St. Louis Public Schools. She died in May. Survivors are two brothers, Clyde Nance and Ray Nance, both of Los Angeles; a sister, Sue Nance of Los Angeles; and a granddaughter.

A CIVIL RIGHTS PIONEER, MR. EARL NANCE SR.

With the passing of the Rev. Earl Nance Sr., the civil rights movement, the people of St. Louis and members of the Greater Mount Carmel Missionary Baptist Church have lost a friend.

As one of 18 children born to Betty and Willis Nance of Alma, Ark., Mr. Nance came from a humble background. Education was the tool Mr. Nance used to advance. He never forgot where he came from, and he always worked for better schools.

He began his formal education in Fort Smith, Ark., and attended Gamon Theological Seminary in Atlanta and Brooks Bible College in St. Louis. He was a graduate of Lincoln University in Jefferson City and of Morehouse College in Atlanta.

While at Morehouse, Mr. Nance was the somewhat older classmate, study partner and friend of the Rev. Martin Luther King Jr. Earl Nance became one of Mr. King's lieutenants in the civil rights movement and helped plan some of the movement's strategies.

He was influential in bringing the Rev. Dr. King to speak at a Freedom Rally here in 1957. More than 9,000 people attended the rally at Kiel Auditorium Convention Hall. The money raised helped the civil rights effort in the South.

And twice when Dr. King came to St. Louis he spoke at Washington Tabernacle Church, where the Rev. Mr. Nance's uncle, the late Rev. Dr. John E. Nance, was pastor. Before

becoming pastor of Greater Mount Carmel in 1951, the Rev. Mr. Nance was a public school teacher. He was a member of the St. Louis School Board from 1966 to 1973 and an adviser to four St. Louis mayors: Raymond Tucker, A.J. Cervantes, Vincent C. Schoemehl Jr. and Freeman Bosley Jr.

For all his contributions to the community and church, perhaps Mr. Nance's greatest legacy is his son, the Rev. Earl Nance Jr. The younger Mr. Nance and his father were regarded as a team, with the son following closely in his father's footsteps. Mr. Nance Jr. and his father were co-pastor's of Greater Mount Carmel from 1979 until the elder Nance's retirement in 1994.

Shortly after his father's death, Earl Nance Jr. recalled two of his favorite memories of his father: ''He had a good sense of humor. He always kept us laughing at home. And he never missed my baseball games. He always blocked out Saturdays so he could watch me play.''

COMMENDING THE STUDENTS AT MOUNTLAKE TERRACE HIGH SCHOOL

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. INSLEE. Mr. Speaker, at an event back home in Washington State, I had the opportunity to speak and listen to a group of students from Mountlake Terrace High School in my Congressional District. The group I spoke with represents some of the best and the brightest of our nation and their voices ought to be heard as we debate education reform. After I spoke to them many of the students e-mailed me with their thoughts and I rise today to share a few of the concerns that they have about the issues that we are debating in this chamber.

Justine, a student at Mountlake Terrace, stated the importance of good, high quality teachers. She wrote: "They are the ones who are teaching us how to take care of this beautiful place when people like you become too old to do so." We are on the verge of a teacher crisis in our country. Our children recognize the effects that teachers have on our future—I believe that it is time for us to recognize this as well.

I ask you to support a bill that I plan to introduce as an incentive for young people to enter into the teaching profession. Many of our young adults graduate from college strapped by enormous loans. My bill forgives the loans for those who teach in public schools for five years. This is a step in the right direction. It will help schools in all of our districts and we have the chance this year to make an impact.

Second, many students addressed what we call the digital divide. Angee, another student at Mountlake Terrace wrote to me: "I thought it would be cool to take classes off the Internet. That would be very beneficial to people in our school who may need a certain class to graduate that is not offered at our school."

We can address this issue. I have written to my colleagues on the Appropriations Committee asking them to fund technology initiatives that make Advanced Placement courses widely available to students by teaching them via the Internet. This is a real opportunity for us to expand curricula and at the same time allow students to develop more sophisticated computer skills. I urge my colleagues to join me in finding ways to use technology to enhance and expand educational opportunities.

Third and finally, a student wrote to me: "I would like to know what you would do to keep drugs out of school and how you would keep guns out of the hands of people who might commit crimes or be a danger to themselves." This is a good question and unfortunately the answer is, "Not enough."

Both Houses of Congress have passed Juvenile Justice legislation. To Members serving on the Conference committee—I ask that you go out into your communities and talk to students like the ones in my district and be sure that you can respond to their concerns about safety. Students realize that they have a responsibility to look out for each other and they know that they need to continue to do this. Parents also have a responsibility to be sure that they listen to their children and be the architects of a moral code of conduct for their family. As lawmakers we too share this responsibility to make our schools and communities safe. We cannot lecture parents, children, teachers and families about what they should be doing if we have not stepped up ourselves to address this issue where we can.

We stand now at a unique cross roads in American history. We enjoy a time of prosperous peace and economists predict that we will have a budget surplus in the federal budget. We are in a position to invest in the next generation of our nation. Unfortunately, our political system does not allow the students that I met with to vote. Imagine what would happen if they could. Think about what will happen in a few years when they can. They have asked me to help them and I challenge you—my colleagues—to join me and embrace the ideas represented by the next generation of Americans.

''THE ADVANCED TECHNOLOGY MOTOR VEHICLE FUEL ECONOMY ACT OF 2000''

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. KILDEE. Mr. Speaker, recent gasoline price spikes have renewed our awareness that continuing improvements in fuel economy are important to America. Because the goal of improved fuel economy should not be forgotten, I am introducing a bill entitled "The Advanced Technology Motor Vehicle Fuel Economy Act of 2000."

Back in 1975, after the disruptions of the Arab Oil Embargo of 1973, Congress worked to improve energy conservation efforts. One of the key elements was the Corporate Average Fuel Economy (CAFE) program, whereby automakers would meet increasing levels of fuel economy for their fleets of vehicles. This program was well intentioned. It was expected to help the U.S. reduce its import of petroleum—especially from the least stable producers around the world. National security would be improved. The balance of payments would be improved. Americans would save money at the pump. And automakers would be encouraged to bring new technologies to market faster.

However, expectations did not translate into reality. We have never seen $3 a gallon for gasoline, and price spikes have only occurred on a couple of temporary occasions. Oil supplies have not significantly tightened nor have imports declined. Furthermore, gasoline consumption has not changed significantly.

Despite suggestions to the contrary, the fleet average fuel economy for passenger cars has increased by over 100% and for light duty trucks by over 50% since 1974. Manufacturers have made cars lighter, smaller and more aerodynamic. They have improved the efficiency of engines, transmissions, and accessories. Some may assert that this shows the success of the CAFE program. However, these changes actually occurred largely as a result of the higher prices that did exist through the late 1970s and the intense competitiveness among manufacturers worldwide after world oil prices began to decline.

While I support the goals of improved fuel efficiency, I believe any increases in CAFE would be very disruptive of the current light truck market and are not necessary. Vehicle choice is too important to consumers, and unilateral disruptions would significantly hurt our vital American Auto Industry. Instead, I believe the proposals in "The Advanced Technology Motor Vehicle Fuel Economy Act of 2000" are a better way to achieve the results we want.

First, it focuses on the advanced technologies that the automakers are already aggressively pursuing by providing incentives to consumers who purchase vehicles that use hybrid powertrains, electric drive or fuel cells. These incentives will help to promote the work that is underway in the industry/government partnerships like the Partnership for a New Generation of Vehicles (PNGV). PNGV is a collaborative program to develop breakthrough technologies to improve fuel economy.

PNGV has been a huge success already. Just last month, DaimlerChrysler, Ford and GM each displayed concept cars that show how the technologies being developed (hybrid powertrains, lightweight materials, lower rolling resistance tires, great aerodynamics, and others) can be packaged to provide a five passenger, family sedan that can get 80 miles per gallon without sacrificing performance and most of the other important characteristics of today's comparable vehicles.

Second, the bill sets up a thorough study of current and future energy conversation measures related to motor vehicles and transportation. This study would provide for the National Academy of Sciences to review the current U.S. energy situation and make recommendations for future action. In addition, this title of the bill would require a study of lean burn technologies to make sure the U.S. is not embarking on a path that would preclude the use of promising fuel saving technologies.

The bill also extends CAFE credits available to manufacturers for producing flexible fuel vehicles: vehicles that can use either gasoline or an alternative fuel, such as ethanol or natural

gas. The existence of these credits over the past several years has helped address an ongoing problem: fuel providers do not want to commit to alternative fuel stations without knowing that vehicles would be available to use them. Automakers did not want to produce vehicles that use only alternative fuels without knowing that the fuels would be available. The production of flexible fuel vehicles bridges this gap.

Mr. Speaker, this bill will help us deal with the CAFE dilemma that we face. The freeze of the current standards should continue. But in the meantime, we can study where we are, where we have been, and think carefully about where we need to go. And we can provide consumers with the incentives to purchase the vehicles that are starting to show up in the marketplace with some of the advanced technologies resulting from partnerships and competition among the manufacturers. I urge my colleagues to support this bill.

CELEBRATING MONSIGNOR JAMES F. COX'S 75TH BIRTHDAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GILMAN. Mr. Speaker, the Right Reverend Monsignor James F. Cox will celebrate his 75th birthday on May 15, 2000. Monsignor Cox has been dedicated to service for most of his life, especially within the Catholic Church and the Archdiocese of New York. He was ordained to the priesthood in 1951, and since that time, Monsignor Cox has made a valiant effort to serve the people of New York, most of whom reside in my Congressional district.

The title of Monsignor is one of prominence within the Catholic Church, bestowed upon those of great virtue and generosity. Monsignor Cox has been an exemplary model for all to follow. Throughout his years in our Hudson Valley, Monsignor Cox has served on several advisory and community boards that have been of great importance to the citizens of my district. He was a former member of the Rockland County Mental Health Board, former Chairman of the Rockland County Human Rights Commission, a former member of the Rockland County Board of Governors, a former President of the Board of Directors of the Rockland Haitian Association, Chaplain of the Columbiettes Triune Council of the Knights of Columbus, and State Chaplain of the Catholic Daughters of the Americas.

Moreover, Monsignor Cox was the Pastor of St. Mary's Parish in Washingtonville, NY and was the Roman Catholic Vican for both Rockland and Orange Counties. Today, Monsignor Cox continues his work as a Pastoral Associate at St. Joseph's Parish in Westchester County.

For his valiant efforts in the community, Monsignor Cox has also received honorary doctorate degrees from N.Y. State's Dominican College and St. Thomas Aquinas College. I invite all of my colleagues to join me in paying tribute to Monsignor Cox and remembering him on May 15th, the day of his 75th birthday and in wishing him Happy Birthday for many more years to come.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. WOOLSEY. Mr. Speaker, today as I have each year since I came to Congress, I acknowledge the atrocities suffered by the Armenian people at the hands of the Ottoman Turks. This year marks the 85th anniversary of this atrocity.

It is important that we take this time to remember one of the greatest tragedies that humankind has ever witnessed. Mr. Speaker, little did anyone know that April 24, 1915, would forever signify the beginning of a Turkish campaign to eliminate the Armenian people from the face of the Earth.

Over the following 8 years, 1.5 million Armenians perished, more than 200 Armenian religious, political, and intellectual leaders were massacred, and more than 500,000 were exiled from their homes. Armenian civilization, one of the oldest civilizations, virtually ceased to exist.

Sadly, this chapter of global history is not as well known or remembered an event of the 20th century as it deserves to be. Little attention was paid to this tragic episode by the victorious allied powers at the end of World War I, or by historians since. And unfortunately, as time wears on, so much of it has faded into memory, and people begin to forget what occurred during that horrific time.

However, even worse, as time passes on, and people are distanced from the atrocities, naysayers and revisionists have the opportunity to change this generation's understanding of Armenian genocide.

Even more outrageous though, due to the failure of some nations to acknowledge this horrible tragedy, 85 years later the Turkish crimes have gone unpunished.

An international court has yet to condemn the holocaust of an entire nation, and this impunity has permitted the Turks to repeat similar crimes against the Greek inhabitants of Asia minor; the Syrian Orthodox people and recently, people living in Cyprus.

Fortunately, despite this unspeakable tragedy committed 85 years ago, Armenians today remain a compassionate, proud, and dignified people. Despite the unmerciful efforts of the Turks, Armenian civilization lives on and thrives today.

Thankfully, this spirit lives on in the independent Republic of Armenia. And, it lives on in communities throughout America, especially in my home State of California. In fact, every proud Armenian that walks the world over is the product of generations of perseverance, courage, and hope.

I am proud that today my colleagues and I engage in this special order to honor the innocent Armenians who tragically lost their lives. Today we call attention to and acknowledge that the Ottoman Turks committed genocide against the Armenian people.

And today, we demand that this undeniable fact be accounted for by the current leaders in Istanbul. Unfortunately, the valuable lessons which might have been learned from this Armenian genocide have gone largely unlearned and unnoticed.

Perhaps if more attention had been paid to the slaughter of the innocent Armenian men, women, and children—perhaps if needed lessons in humanity had been learned earlier—our world could have avoided other tragic events and unspeakable events of this past century.

But since we can't change the past but only prepare for the future, it is only proper and fitting that the international bastion of democracy, the U.S. House of Representatives, is a voice in this campaign to recognize and acknowledge the Armenian genocide.

As George Santayana reminds us, "Those who forget the past are condemned to repeat it." Perhaps this, above all, is the valuable lesson each of us must learn from the Armenian genocide.

However, until that day comes, know that I will continue to remind our Nation, and this distinguished body, of our responsibility to learn from the past. And, our responsibility to speak out in order to prevent any such atrocity in the future.

HONORING JACKIE BALFOUR FOR TWENTY-TWO YEARS OF DEDICATED SERVICE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BOEHNER. Mr. Speaker, "Service is the price you pay for the space you occupy on this Earth." This is the noble principle that has served to guide Jackie Balfour through her 22 years of dedicated service to her community in Celina and Mercer County, Ohio. For those past 22 years, Jackie went from volunteering with the Celina Chamber of Commerce in 1969 to recent years as the Chamber President. Noteworthy chamber events under Jackie's leadership include the establishing of the Convention and Visitor's Bureau in Auglaize County (OH), innovations as the Small Business Development Center and Industrial Awareness Days, the growth of the St. Mary's Lake Festival, and the creation of the Auglaize and Mercer County Industrial Association.

In 1967, Jackie earned her radio broadcasting license from the Federal Communication Commission and broke ground in the field as a woman broadcaster. She was one of the first women to earn this license. Jackie and her husband Keith owned Radio Station WKKI for a number of years during this time. She was one of only 35 individuals in eight states selected to participate in the Neil Armstrong Homecoming after his historic flight to the moon. In addition, Jackie has interviewed numerous elected officials and celebrities, including Joan Crawford, President Richard Nixon, Ohio Governor Jim Rhodes, Ed McMahon, Bob Hope and Nick Clooney.

But her participation and leadership did not end there. For 11 years Jackie worked on the Congressional Award program for young people and with the D.A.R.E. Boosters program. She had also previously served on the Board of Directors for the Chamber of Commerce

Executives of Ohio, and served with the Community Improvement Association, the Celina Retail Merchants, and the Celina Business and Professional Association. She was a charter member of the Grand Lake Toastmasters, an organization dedicated to the improvement of oral communication and leadership skills. She is also an active member of her church, Grace Missionary Church in Celina, In 1997, the St. Mary's Business and Professional Women's Organization chose Jackie as their Woman of the Year.

Jackie Balfour is a true leader whose hard work and dedication should serve as an example for us all. Every American should aspire to this kind of enthusiastic commitment to service. I am proud to know and represent a person like Jackie Balfour in Congress. She is a truly gracious individual who strives to promote the ideals that will ensure our country remains a great place to live with hope and opportunity for all.

CONGRATULATING THE UNIVERSITY OF ILLINOIS AND THE CENTURY COUNCIL FOR THEIR WORK ON ALCOHOL 101

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. EWING. Mr. Speaker, today I congratulate the Century Council for their dedication to the fight against drunk driving and underage drinking. The Century Council, in conjunction with the University of Illinois at Champaign-Urbana, created Alcohol 101, an interactive CD–ROM program, which debuted on more than 1,000 college campuses during the 1998–1999 school year.

This virtual reality program is geared towards college age students and hopes to prevent and reduce the harm caused by abusive drinking habits. Students at the University of Illinois at Champaign-Urbana, under the guidance of Professor Janet Reis, assisted in the development of this program by participating in focus groups and extensive surveys.

Thanks to the input of these students, thousands of college students across the country will be able to witness the negative consequences of abusive drinking. As a result, the students will be better prepared when confronting these situations in their daily lives.

Alcohol 101 has received high recognition from many health, education, and communications competitions. Most recently, the program received the prestigious FREDDIE award in the area of Health and Medical Film Competition.

Mr. Speaker, this program is a great asset to universities across the country and I offer my sincerest congratulations to the Century Council and the University of Illinois.

HONORING THE JUMP START 2000 STUDENTS FROM MILLS GODWIN HIGH SCHOOL IN RICHMOND, VA

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BLILEY. Mr. Speaker, today I commend a team of students from Mills Godwin High School in Richmond, VA on their outstanding top-place finish in JumpStart 2000. Students Yvonne Mowery, Amanda England, Ford Sleeman and Jason Selleck, coached by Ellen Mayo, took top honors in the 9–12 grade age group while competing against 2,024 other entries from 532 different schools nationwide.

JumpStart 2000 is a national science and technology challenge for students in grades K–12. They are tasked with identifying a problem of national or global importance in the 21st century and must propose an innovative solution that uses science and technology. The students work in teams of four under the supervision of an adult coach. The competition is sponsored by Parade and React magazines, and the National Science Board, the governing board of the National Science Foundation.

The Mills Godwin High School team impressed the judges with their entry titled ''Saving the World a Drop at a Time.'' They identified the need for worldwide access to a clean and safe water supply as one of the greatest challenges facing the world in the next century, especially in developing nations prone to a high mortality rate due in part to water-borne diseases found in contaminated water. The students' solution was an inexpensive, low-maintenance water purification system that uses natural materials and UV radiation to filter and disinfect water, thereby preventing the spread of water-borne disease.

I congratulate Yvonne, Amanda, Ford and Jason on their exceptional achievement, and I thank their coach Ellen Mayo for her dedication to working with these talented young adults.

THE CHICAGO AREA ENTREPRENEURSHIP HALL OF FAME

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. PORTER. Mr. Speaker, today I call your attention to the Chicago Area Entrepreneurship Hall of Fame sponsored by the University of Illinois at Chicago. Entrepreneurs inducted into the Hall of Fame are selected because they have steered their companies through significant challenges, and their businesses have emerged strong and vital.

Nominees are interviewed by members of the sponsoring organizations drawn from industry and voted upon by a judges panel. The Chicago Area Entrepreneurship Hall of Fame is the oldest recognition program of this kind in the Chicago area.

Winners selected for the 2000 Hall of Fame from Illinois' 10th Congressional District are: Jacob Kiferbaum, of Kiferbaum Construction Corporation, Deerfield, Illinois; Lake Forest resident Elizabeth Van Ella, of James E. Van Ella & Associates, Chicago; and Marshall Marcovitz, founder and former owner of Chef's Catalog, Northbrook, Illinois. Each of these businesses experienced substantial revenue growth under the guidance of these outstanding leaders in the business community.

By honoring the hard work and perseverance of these creative forces we are projecting their accomplishments as examples that others can follow. Mr. Speaker, I ask my colleagues to join me in congratulating these Hall of Fame members on this achievement.

KINDERTRANSPORT—60TH ANNIVERSARY OF BRITISH HOSPITALITY FOR CHILD VICTIMS OF NAZI GERMANY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LANTOS. Mr. Speaker, on December 2, 1938, two hundred children from a Jewish orphanage in Berlin arrived in Harwich, Britain. Over the next two years—between 1938 and 1940—some nine to ten thousand children arrived in Britain from Nazi Germany. These missions of mercy, which were supported by the United Kingdom, were called Kindertransport (Children's Transport). The program rescued refugee children from Germany, Austria, Czechoslovakia, and Poland. Three-quarters of that number, some 7,500, were Jewish, and the other approximately 2,500 were of other ethnic and religious backgrounds.

Mr. Speaker, this year marks the 60th anniversary of the end of the mission of mercy of the Kindertransport. I think it is appropriate that we mark that anniversary and pay tribute to the Government of the United Kingdom for their involvement with this effort in saving the lives of these ten thousand children.

The British government eased its immigration restrictions for certain categories of Jewish refugees after the Nazis staged their violent pogrom against Jews throughout Germany and Austria on November 9, 1938, called Kristallnacht (''Night of Broken Glass''). The Movement for the Care of Children in Germany coordinated the effort to assist refugee children. This organization, in cooperation with the British Committee for the Jews of Germany, worked to persuade the British Government to permit an unspecified number of children under the age of 17 to enter the country from Germany and territories that were incorporated in Germany.

Once the children arrived in Britain, private citizens and charitable groups, including Jewish organizations as well as Quakers and many other Christian denominations, guaranteed payment for each child's care, education, and eventual emigration out of Britain. In return for this guarantee, the British government agreed to permit unaccompanied refugee children to enter the country with simple travel visas. Parents and guardians could not accompany their children, and as a result, infants included in the program were tended by

older children. Children with friends or relatives in Britain were generally favored, but other children were accepted if they were homeless or orphans, or if their parents were in concentration camps or otherwise no longer able to support them.

About half of the children lived with sponsors in London. Other children who did not have sponsors were taken to a summer camp in Dovercourt Bay and other facilities until individual families agreed to care for them or until hostels could be organized to care for larger groups of the children. These homes and hostels were located throughout Britain. After the war, many children from the Kindertransport program emigrated to Israel, the United States, Canada, and Australia, or became citizens of Great Britain. Most of these children never saw their parents again.

Mr. Speaker, as we mark sixty years since the conclusion of the Kindertransport program, I want to pay tribute to the British Government and the British people for providing sanctuary for these refugee children. If they had remained in Nazi Germany, it is clear that most if not all of them would have suffered tragic deaths.

Mr. Speaker, I would like to express thanks to Margret Hofmann of Texas for bringing to my attention this heroic effort. She has striven to teach others, through stories like this one, about the humble heroes of the Holocaust. I would also like to thank Richard M. Graves of the United States Holocaust Memorial Museum for providing me with information about the Kindertransport.

INTRODUCTION OF THE GREAT APE CONSERVATION ACT OF 2000

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MILLER of California. Mr. Speaker, according to Jane Goodall, one of the world's leading primatologists and renowned authority on chimpanzees, all four species of great ape in Africa are in desperate trouble. If action is not taken now, it is likely there will be no viable populations of gorillas, orangutans, bonobos and chimpanzees living in the wild within 20 years. Such an ecological tragedy cannot be allowed to pass unnoticed.

The threats to the apes stem largely from increased commercial logging that facilitates both habitat loss and a growing and largely unregulated commercial bush meat trade. Bush meat, the term used to describe wildlife used for meat consumption, includes elephants, gorillas, chimpanzees, forest antelope and a variety of other species. Once only used as a subsistence food source, the commercial bush meat trade has skyrocketed in recent years with devastating impacts on wildlife populations, many of which are threatened and endangered. Not only is this commercial trade being used to supply urban populations in Africa, international trade is also growing.

We are only now beginning to understand and appreciate the complex role of great apes in maintaining the ecological health and biodiversity of tropical and subtropical forest habitats. Recent research indicates that these primates are particularly important for seed dispersal and habitat modification. Biologists fear that the loss of all great apes could irrevocably alter forest structure and the composition of species which could exacerbate other environmental threats caused by deforestation and agriculture.

Additionally, recent information strongly suggests that the consumption of primate bushmeat in the Congo Basin has the potential to become a devastating human health crisis. According to world expert and bushmeat Crisis Task Force member, Dr. Beatrice Hahn, research reasonably indicates that humans might acquire the immuno-deficiency syndrome (HIV) through the ingestion of primate tissue. Research also suggests that other viruses, including the Ebola virus, may be possibly linked to non-human primates and could be transmitted to humans through bush meat consumption.

A broad range of actions will be needed if there is any hope to protect and hopefully recover great ape populations in Africa. Logging companies must halt the flow of bushmeat from their operations. Long term support for protected areas, national parks, and buffer zones must be secured to protect habitat and wildlife. Law enforcement capacity to enable countries to enforce wildlife protection laws must be developed. Finally, efforts must be undertaken to help rural populations develop alternative sources of protein that will reduce the demand for bushmeat.

Today, I am introducing the Great Ape Conservation Act to address the imperiled status of Africa's large primates. Modeled after the highly successful African and Asian Elephant and Rhino Conservation Acts, the Great Ape Conservation Act would authorize the Secretary of the Interior to assist in the conservation and protection of great apes by providing grants to local wildlife management authorities and other organizations and individuals involved in the conservation, management, protection and restoration of great ape populations and their habitats. These projects tend to be implemented locally, working with affected communities, in order to be most effective.

The challenges facing the conservation of great apes are immense. Unfortunately, the resources so far available from the United Nations to cope with these threats have not been commensurate to the task. This bill would establish a Great Ape Conservation Fund as a separate account in the existing multinational Species Conservation Fund in the U.S. Treasury to address this deficiency. Over five years, the bill would authorize $5 million per year to support conservation grant activities. Scientific research and monitoring of ape populations and habitats, assistance in the development and implementation of habitat management plans, protection and acquisition of threatened habitats, enforcement of domestic laws relating to resource management, and other conservation measures would be included in the menu of eligible grant activities. Importantly, grants under this new program could also be used to support enforcement and implementation of trade prohibitions and restrictions established under the Convention on International Trade in Endangered Species, or CITES. These grants would allow wildlife management authorities in the Congo Basin the flexibility they need to work cooperatively with affected local human populations. And only by incorporating the participation of local residents will we be able to address the many social and economic factors preventing the long-term conservation and protection of great apes.

International efforts to prevent the extinction of gorillas, orangutans, bonobos and chimpanzees will require the leadership of the United States. It will also require the United States to work collaboratively with those countries in Africa that have within their boundaries any part of the range of great apes. The task ahead is daunting. But the ecological consequences of not acting are far more tragic if it means that great apes will cease to exist in the wild. The Great Ape Conservation Act would be one significant step to avoid the permanent loss of great apes in Africa, and I urge all members to support this important legislation.

TRIBUTE TO EDGAR A. SCRIBNER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LEVIN. Mr. Speaker, today I reflect on the career of Mr. Edgar A. Scribner, as he retires from the Presidency of the Metropolitan Detroit AFL–CIO and is honored this evening in Detroit, Michigan.

For over 40 years, Ed has worked to improve the lives of working people and the Metro-Detroit community at large. After earning a B.S. from Wayne State University and attending the Institute of Labor and Industrial Relations, Ed planted his roots firmly in Detroit—the heartland of the organized labor movement. His labor activism began at Teamster Local Union #372, carried him to the Michigan Teamsters Joint Council #43 and finally, almost 12 years ago, to the Metro-Detroit AFL–CIO.

Ed embodies the ideals, values and basic tenets of organized labor and community service. He has worked on behalf of those principles for most of his life, doing so with intelligence, diligence and depth. He was effective—displaying strength and charm simultaneously.

He has indeed touched many, many lives. From inspiring young people in the classrooms at Wayne State and the University of Michigan or the Detroit Area Boy Scouts Council, to working on health care issues while serving on the Greater Detroit Area Health Council Board or as the Chairman of the Blue Care Network Board of Directors, the breadth and success of Ed's service to the community are indeed impressive. There is no doubt that his example inspires future labor and community activists to follow his lead.

Mr. Speaker, I ask my colleagues to join my salute of an exceptional leader: Edgar A. Scribner. His work on behalf of working people, the people of Metro-Detroit and our community at-large will resonate for many years to come. I wish him good health and happiness upon his retirement.

IN HONOR OF THE EDMONDS POLICE DEPARTMENT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. INSLEE. Mr. Speaker, today I pay tribute to the Edmonds Police Department in my congressional district in Washington State. This police agency is the first in Snohomish County to achieve national accreditation. Such an accreditation proves what many already know: the Edmonds Police Department is a skilled, efficient, and advanced law enforcement agency.

Mr. Speaker, police officers are on the front lines every day, ensuring that our communities are safe. Police officers leave the comfort and security of their homes to fulfill their duty to serve and protect. Police officers grant communities an important service, to secure the lawfulness and safety that the public deserves. The Edmonds Police Department, in particular, has proven its commitment to the community by becoming nationally accredited.

This national accreditation means that the public will have better communication with the police department including an annual internal affairs report, better performance and response times.

Mr. Speaker, I am honored to take this opportunity to recognize the outstanding Edmonds Police Department, not only for its numerous accomplishments such as this one, but also for the great service it provides the citizens of Edmonds.

APPLAUDING THE NALC FOOD DRIVE EFFORTS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. SMITH of Washington. Mr. Speaker, I would like to take this opportunity to recognize and commend the National Association of Letter Carriers [NALC] for holding the Nation's largest one-day food drive. In past years the NALC, through the personal contributions and service of its members, has collected more than 58 million pounds of food along various postal routes throughout the Nation. The NALC will be helping to feed American families and children again this year during their eighth annual food drive to feed hungry families and children across the country.

During this unprecedented time of economic expansion, Americans have benefitted from low unemployment, rising wages, and low inflation. However, some Americans continue to suffer from hunger. According to the Journal of Public Health, an estimated 10 million Americans suffer from the symptoms of hunger—4 million of which are children whose growth and development is threatened by malnutrition. These hard working families fail to make ends meet for reasons ranging from institutionalized poverty to a lack of educational resources and inadequate health insurance. As a result, some families are left with barely enough resources to subsist on.

In a nation of abundance, hardworking families should not have to experience the effects of hunger. Our postal carriers provide a valuable and much appreciated service through their hard work and contribution to the greater community. I commend the NALC for helping to feed the Nation's hungry and I encourage Members to help support the NALC in their efforts to feed America during their food drive on Saturday, May 13.

PERSONAL EXPLANATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CUMMINGS. Mr. Speaker, yesterday, April 12, I was unavoidably detained on official business and not present for rollcall vote Nos. 119–122.

Had I been present, I would have voted as follows: "nay" on rollcall vote No. 119; "aye" on rollcall vote No. 120; "aye" on rollcall vote No. 121; and "aye" on rollcall vote No. 122.

EARTH DAY 2000

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BOEHLERT. Mr. Speaker, this morning a number of my Republican colleagues and I held a national press conference in advance of Earth Day to release a list we call the "TR 10." The TR 10 is a package of moderate Republican initiatives named after our hero, Theodore Roosevelt. The bills included are Republican initiatives that have bipartisan support that ought to be enacted this year, and that could be enacted this year. This is our second annual TR 10 list, the last one was released with the late Senator John Chafee of Rhode Island, another hero of ours.

As with last Earth Day, the release of this list is designed to make several points beyond bringing additional attention to good legislation. First, the environment always has been, and remains, a bipartisan issue, a bipartisan quest—an issue on which Republicans are offering creative and essential leadership. Second, there are plenty of good initiatives out there, there is plenty of progress we can make right now, even in a narrowly divided Congress.

There's a cliche around this town that nothing gets done during an election year, especially nothing related to the environment. But unlike most cliches, this one has no basis in fact. In 1996, an election year, the 104th Congress—not one known for its green cast—passed the Food Quality Protection Act, the Safe Drinking Water Act and a massive parks bill, to name just a few landmarks. Similarly, this year, we could pass CARA and numerous other significant bills. Elections are more often a spur to action than a barrier to it.

So the approach of Earth Day in this election year should fill us with hope and optimism because we are well positioned to make real progress.

THE TR 10: A REPUBLICAN AGENDA FOR THE 106TH CONGRESS

(1) The Conservation and Reinvestment Act (CARA, H.R. 701)

We support the passage of CARA, preferably with the amendment being drafted by Rep. Sherwood Boehlert (R–N.Y.). The bill would provide permanent, off-budget funding of the LWCF, which provides financing to protect open spaces at the federal and state level. Republicans, led by Chairman Don Young (R–Alaska), are pushing for this landmark change in federal lands policy, which would spend almost $3 billion on conservation programs. The Boehlert amendment would make the distribution of funding more equitable and would ensure that the bill accomplishes its environmental purposes.

(2) Water Resources and Development Act (WRDA)/Everglades Restoration

We support the authorization of environmentally friendly flood control and water projects, particularly work to restore the Everglades. Such projects are expected to be included in the WRDA bill, which will be drafted by the House Subcommittee on Water Resources and Environment, chaired by Congressman Boehlert. Boehlert is also heading up an effort to increase funding for water infrastructure by beefing up the state revolving funds under the Clean Water Act.

(3) Environmentally Sound Electric Deregulation

We support efforts to ensure that electric deregulation benefits the environment. Done properly, electric deregulation can improve the environment while lowering utility rates. But deregulation must include provisions to limit emissions from coal plants and to encourage the use of renewable sources of energy. Congressmen Rick Lazio (R–N.Y.), Jim Greenwood (R–Pa.) and Sherry Boehlert are leading the effort to ensure that such provisions are included in any legislation to reduce limits on sulfur dioxide and nitrogen oxides to prevent acid rain. Boehlert is also pressing to control all four utility pollutants.

(4) Credit for Voluntary Action (H.R. 2520)

We support Congressman Rick Lazio's bill to create credits for companies that are reducing emissions of greenhouse gases. Credits would encourage voluntary reductions in greenhouse gas emissions and could be used as part of any future regulatory regime.

(5) Beaches Environmental Assessment, Clean Up and Health Act (H.R. 999)

We support legislation to ensure that our coastal waters do not pose a health threat to bathers, boaters and surfers. This bill, introduced by Rep. Brian Bilbray (R–CA) and approved by the House, would require states to update their water quality standards to protect human health in coastal recreation waters. The bill would provide grants to states to implement the program.

(6) The Estuary Habitat Restoration Partnership Act (H.R. 1775)

We support legislation introduced by Rep. Wayne Gilchrest (R–Md.) that would restore and protect our nation's estuaries, which harbor ecosystems that are vital to environmental health and the fishing industry.

(7) The Long Island Sound Restoration Act (H.R. 3313)

We support legislation, introduced by Reps. Nancy Johnson (R–Conn.) and Rick Lazio, which would authorize additional funds to clean up the pollution in the Long Island Sound, a critical estuary and one of the nation's most populous coastal areas.

The bill addresses the non-point source pollution that may be causing the dramatic decreases in lobster and other shellfish populations in the Sound.

(8) Promoting cleaner, more efficient transportation

We support efforts to promote fuel efficiency and to reduce auto emissions. Congressmen Boehlert and Jim Greenwood are circulating a letter, urging the President to work with the congress to tighten Corporate Average Fuel Economy (CAFE) standards for Sport Utility Vehicles (SUVs). In addition, Congressman Brian Bilbray has a bill (H.R. 1976) requiring labeling on automobiles so that consumers know the emission levels of the cars they are purchasing.

(9) Promoting alternative-fueled vehicles

We support efforts to promote alternative-fueled vehicles. As part of AIR–21, the President signed into a law a measure introduced by Congressman Boehlert that will provide grants for airports in non-attainment areas to purchase clean vehicles, such as natural gas and hybrid-electric buses. This builds on alternative fuel vehicle programs that were included in ''TEA–21.'' Boehlert also worked with the U.S. Postal Service, Ford Motor Co. and Baker Electromotive to engineer the largest purchase of electric vehicles in history—up to 6,000 vehicles. Additional bills are being drafted to help more municipalities purchase clean vehicles.

(10) Superfund Reform/Brownfields Redevelopment

We support broad Superfund reform that will eliminate needless litigation that has delayed the clean-up of Superfund sites and prevented the redevelopment of brownfields. Superfund must have a rational liability system that exempts small businesses that contributed little to Superfund sites and must facilitate the redevelopment of brownfields, which are a blight in so many of our cities. One moderate approach to this bill is embodied in Congressman Boehlert's H.R. 1300, the Recycle America's Land Act, which has support from a wide range of groups including the National Association of Manufacturers and the U.S. Conference of Mayors, and the National Federation of Independent Business.

HONORING ANDREW BRENNAN FROM THE FIRST CONGRESSIONAL DISTRICT OF INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding citizen of Indiana's First Congressional District, Mr. Andrew Brennan. On Saturday, April 15, 2000, Mr. Brennan will be honored for his exemplary and dedicated service to our community. His praiseworthy efforts will be recognized at the Trade Winds Gala 2000 banquet at the Radisson Hotel at Star Plaza in Merrillville, Indiana.

A longtime resident of Northwest Indiana, Andrew Brennan has been an active member of the TradeWinds Board of Directors for more than 13 years. TradeWinds Rehabilitation Center, Inc. is a private, not-for-profit entity that provides services to children and adults with disabilities and functional limitations to enhance independence, productivity and community participation. In April of last year, the TradeWinds Executive Board asked Mr. Brennan to serve as its full-time Interm Executive Director while they searched for a permanent director. Mr. Brennan graciously accepted the position.

Prior to volunteering his time at TradeWinds as the Interim Executive Director, Mr. Brennan owned and operated Viking Engineering Company with two plants in Northwest Indiana and one in Chicago, Illinois. In July of 1998 he sold two of the plants, but continued to work for the new owner. Mr. Brennan's expertise in manufacturing and production as well as his exceptional management and aggressive motivational style has proven successful within the TradeWinds organization. During the past year, he has done a marvelous job in mending strained relationships, opening lines of communication, and organizing and running an efficient organization. To date, Mr. Brennan has dedicated over 1,000 volunteer hours and has provided continuity, leadership, diplomacy and encouragement to staff, clients and the community.

While Mr. Brennan has dedicated considerable time and energy to this work, he has always made an extra effort to give to the community. Throughout the years, Brennan has served in many different leadership positions and has been very involved in several organizations including: Hoosier Boys Town, St. Margaret Merch Hospital, Hammond Chamber of Commerce, the Northern Indiana Arts Association and the Boy Scouts.

Though Mr. Brennan is dedicated to his career and community, he has never limited his time and love for his family. He and his wife Sarah, have three children: Sally, Susan and Jeffrey, of whom they are immensely proud.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Mr. Andrew Brennan for his outstanding devotion to Northwest Indiana. His dedicated service is commendable and admirable. Indiana's First Congressional District is proud to count such a committed and conscientious citizen, Andrew Brennan, among its residents.

IN HONOR OF THE ROBINSON SECONDARY SCHOOL'S DECA CHAPTER AND THEIR EFFORTS TO RAISE PUBLIC AWARENESS ABOUT THE BENEFITS OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise and pay tribute to the members of the Distributive Education Clubs of America (DECA) Chapter at Robinson Secondary School in Fairfax, Virginia. The three hundred forty-one members of the Robinson DECA chapter have launched a dual campaign to not only educate the public about the benefits of Automatic External Defibrillators (AED), but to also increase support in Congress for the lifesaving bill H.R. 2498, the Cardiac Arrest Survival Act.

Robinson's DECA Chapter recognized that a group of potential sudden cardiac arrest victims have been ignored by the public: teenagers. These energetic members sought to rectify this situation by initiating a public relations campaign to raise general awareness about the benefits of AED's and to outfit high schools with these valuable devices. In a school as large as Robinson Secondary School, with 5,000 teachers, students, administrators, and community members, the need for an AED is particularly evident. In order to acquire the first student-purchased AED in the country, Robinson DECA held the Heart Start Shopping Night and raised the needed $3,500.

In working with the American Heart Association and a professional adult advisor committee, Robinson DECA realized that not every state currently has legislation to provide Good Samaritan protection for operators of the AED. This motivated DECA to work in support of the passage of H.R. 2495, the Cardiac Survival Act. This important piece of legislation, of which I am proud to be a co-sponsor of, would remove some of the barriers concerning the placement of AED's in public places by extending the Good Samaritan protection to AED users. Their lobbying efforts included developing a slogan and logo, researching H.R. 2495 in order to write a research paper, personally lobbying all 435 House of Representative members and staff, staging a rally on the steps of the United States Capitol, holding a press conference, and designating and operating an internet home page.

As all members of Congress surely know by now, once Robinson DECA rallies in support of a cause, they will not rest until the job is done. This was evident with their successful work towards the signing of the Ricky Ray Hemophilia Relief Fund Act and in their efforts to promote organ and tissue donation among our young people in America. Their current campaign for H.R. 2495 is traveling down that same road to success. Their dedicated, hard work has led to a substantial increase in cosponsors and wide-spread support for the bill in the House of Representatives. Furthermore, their public educational campaign has enlightened the public about AED's and implementing them to save someone in cardiac arrest.

Mr. Speaker, everyday 1,000 Americans suffer from sudden cardiac arrest, usually outside of a hospital setting. Unfortunately, more than 95 percent of the victims die because life-saving equipment is not readily available or arrives too late. Therefore, the work of Robinson's DECA chapter is vitally needed, and I applauded their enthusiasm and dedication in helping others understand the great need for AED's.

IN HONOR OF THE HOBOKEN LITTLE LEAGUE ON ITS 50TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MENENDEZ. Mr. Speaker, today I recognize the Hoboken Little League for the 50

years it has provided young people with access to one of America's greatest athletic traditions. Baseball teaches responsibility, teamwork, sportsmanship, and nurtures self-esteem.

Fifty years ago, on April 15, 1950, the Little League began its commitment to the young people of Hoboken with four teams. This commitment has grown to 12 teams, with 144 boys and girls between the ages of 9 and 12 currently participating in what has become one of the finest youth organizations in the country.

Of historical importance: In 1972, Maria Pepe, the first female to play Little League Baseball, joined the Hoboken Little League. Maria became the force behind the Supreme Court's 1974 ruling that gave women the right to participate in any and all sports.

This great youth organization would not have been possible without the dedication and hard work of those who understand the positive impact sports have on the lives of our young people. I would like to thank everyone who has contributed to the growth and continuation of the Hoboken Little League, especially the following dedicated individuals: Tim Calligy, James Farina, Charles Casalinos, Anthony Cardino, Dominick Miele, and Mike Turner.

I ask my colleagues to join me in congratulating the Hoboken Little League on its 50th anniversary.

COMPUTER DEPRECIATION REFORM ACT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. WELLER. Mr. Speaker, today, I join my colleagues, TOM DAVIS of Virginia, BILLY TAUZIN of Louisiana and JENNIFER DUNN of Washington, in introducing the Computer Depreciation Reform Act of 2000 to allow businesses to expense their computer equipment. Currently, businesses must depreciate their computer equipment over a 5-year period. I believe that this 5-year depreciation lifetime for tax purposes is clearly outdated. Many companies today must update their computers as quickly as every 14 months in order to stay current technologically.

I believe it is time to update an outdated Tax Code to reflect the realities of today's technology-based workplace. A 5-year depreciation schedule for business computers is no longer realistic.

The Computer Depreciation Reform Act allows every company, from the neighborhood real estate office, to the local hospital, to the local bank to fully depreciate, or expense, their computer equipment during the tax year in which the equipment is purchased. As a result, these companies will no longer be forced to keep their equipment "on the books" for tax purposes long after its useful life has become obsolete.

Mr. Speaker, I look forward to working with my colleagues on both sides of the aisle, the leadership, and Chairman ARCHER to update the Tax Code to reflect the realities of today's technological workplace.

IN HONOR OF ROBERT J. GILLIHAN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, today I honor Robert J. Gillihan, president of Teamsters Joint Council No. 56. Bob Gillihan is a valued member of the Missouri-Kansas community and a leading force in the fight for workers' rights.

Since an early age Bob Gillihan has demonstrated his untiring service to his country, his community, and his union. Joining the Marines in 1949, Bob honorably served our nation in Korea. While in the service, Bob displayed not just the courage of his convictions, but the persistence and determination necessary to lead. His personal and professional aspirations found ample expression in boxing's "sweet science." Between the ropes, Bob distinguished himself and his service, becoming All Service Middleweight Champion.

Following his career in the military, Bob returned to the Kansas City area and started working in the construction industry. Joining Teamsters Local 541, Bob began work on the Kansas Turnpike. His outstanding work ethic and determined nature earned Bob the respect of another dedicated union man, vice president of the Local, Red Ruark, who guided Bob into the concrete industry, and in 1968 seized upon his leadership and elevated him into the Local 541 office. Based on Red's endorsement and his own outstanding work, President Curly Rogers hired Bob as a Business Agent.

In his new role in the Union Leadership, Bob became intimately involved in negotiations to improve the working conditions for his fellow men and women of the Local. Bob's tireless efforts on behalf of his colleagues led to significant improvements in wages, health, welfare, and pension benefits, and annual vacation time. In the course of his duties, Bob has improved the quality of life, refined the meaning of living, and cultivated a culture of values under which we all live. Bob Gillihan has spent his entire life on the front lines, fighting for the interests of families that need it most, and most deserve it.

In 1980, Bob followed his old friend, Red Ruark, as vice president of Local 541, and was elected president in 1990, a position he holds today. Bob is also president of the Greater Kansas City Building and Construction Trades Council. A year later, Bob was elected secretary-treasurer of Teamsters Joint Council No. 56, a position he held until his appointment and subsequent election as the president of Joint Council 56 in 1999.

In addition to his union duties, Bob has worked throughout his career on issues of importance to the community at large. Bob served for 9 years on the Board of Directors of Park Lane Hospital, currently serves as a Commissioner for the Kansas City Area Transportation Authority, and served as Trustee for the Mo-Kan Teamsters Pension Health and Welfare Trust Fund. A dedicated family man, Bob and his lovely wife, Marlene have raised eight children and are the proud grandparents of many future leaders.

Mr. Speaker, on behalf of the constituents of the 5th District of Missouri—on behalf of working families across America—I rise today to salute Bob Gillihan. Thank you, Bob, for all you have done, and all you continue to add to our lives.

HONORING THE CROATIAN SONS LODGE NUMBER 170 OF THE CROATIAN FRATERNAL UNION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 93rd Anniversary and Golden Member banquet on Sunday, April 30, 2000.

This year, the Croatian Fraternal Union will hold their gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees who have attained fifty years of membership include: Helen Marie Benich, Norma Jean Gibson, Rose Marie Gobbie, Matilda Kardos, Edward A. Pishkur, Joan Skonie, Katherine Vild, Stanley Warshol, and Sylvia T. Wilk.

These loyal and dedicated individuals share this prestigious honor with approximately 300 additional Lodge members who have previously attained this important designation.

This memorable day will begin with the Reverend Father Benedict Benakovich officiating a morning mass at Saint Joseph the Worker Catholic Church in Gary, Indiana. The festivities will be culturally enriched by the performance of several Croatian musical groups. The Croatian Glee Club, "Preradovic," directed by Brother Dennis Barunica, and the Hoosier Hrvarti Adult Tamburitza Orchestra, directed by Jerry Banina, will both perform at this gala event. The Croatian Strings Tamburitzans and Junior Dancers directed by Dennis Barunica, and the Adult Kolo group, under the direction of Elizabeth Kyriakides, will provide additional entertainment for those in attendance. A formal dinner banquet will conclude the day's festivities at 3:30 in the afternoon.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge President Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed prosperity for all members of the Croatian community and their families.

HONORING THE 50TH ANNIVERSARY OF THE ALLATOONA DAM AND LAKE PROJECT IN CARTERSVILLE, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today to recognize the Allatoona Dam and Lake Project in Cartersville, Georgia, on the occasion of its upcoming 50th anniversary.

The Allatoona Dam Project was authorized by the Flood Control Acts of 1941 and 1946, to minimize flooding in Rome, Georgia, and surrounding areas.

On Saturday, June 15, 1946, ground-breaking ceremonies were held beside the Etowah River at the site where Allatoona Dam stands today. On that day 54 years ago, Georgia Governor Ellis Arnall, Georgia 7th District Congressman Malcolm C. Tarver, and Lt. General Raymond A. Wheeler, Chief of Engineers, U.S. Army, took shovels and pick in hand and launched a project that took four years to complete. Representative Tarver was the man most influential in passage of the Flood Control Act through Congress. In addition, Alabama Senator Lister Hill and Congressman Albert Raines of Gadsden, Alabama, assisted with passage of the Act.

General Wheeler stated in his address that, ''in the course of our engineering studies and proposals, we took full cognizance of all uses of water, even through our primary concern was flood control. Consequently, this is not a flood control dam alone. It is a multi-purpose project.'' He explained that the Allatoona Project embraces power production, recreation, reforestation, health and other factors, but the prime purpose is flood control.

Construction crews worked 24 hours a day, seven days a week for three and a half years to complete the dam. The project was essentially completed and opened for public use in 1950.

The Allatoona Dam and Lake Project has had a direct and extremely positive impact on northeast Georgia. It is an honor to remember and commend the many men and women who worked to construct this magnificent facility; and who continue to run it in a manner that benefits millions of Georgians each year. I especially commend the U.S. Army Corps of Engineers, Allatoona Project Management Office in Cartersville, Georgia, and wish them well on the 50th anniversary of the Allatoona Dam and Lake.

IN RECOGNITION OF DIRECT DEPOSIT AND DIRECT PAYMENT WEEK

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I bring to the attention of my colleagues the celebration of Direct Deposit and Direct Payment Week, which will be observed around the country on May 15–19, 2000. This effort is dedicated to educating consumers, businesses, employers, financial institutions and billers of all kinds about the importance of Direct Deposit and Direct Payment as financial management tools.

The Direct Deposit and Direct Payment Coalition, composed of the Federal Reserve, the National Automated Clearing House Association (NACHA)—The Electronic Payments Association, and regional Automated Clearing House Associations, is celebrating this week to promote the benefits of Direct Deposit and Direct Payment to improve the efficiency of the Nation's payments system, to reduce payment risk, and to provide utmost privacy and security to users.

Direct Deposit and Direct Payment, electronic payment methods that allow consumers and businesses to be paid and to pay bills automatically, can reduce the Nation's costs considerably. Our Nation's payments system costs more than that of most other industrialized nations.

Direct Deposit and Direct Payment are two ''unsung heroes'' of wise financial management. Individuals can save effortlessly by earmarking part of their pay for Direct Payment into their savings or investment account. Saving for the future and managing finances wisely are important responsibilities. In addition, as a less costly and more efficient alternative to paper-based systems, Direct Deposit and Direct Payment benefit nearly every consumer and business.

Think of what our lives would be like without Direct Deposit and Direct Payment. Does anyone have time these days to stand in bank lines to deposit paychecks every week or two? With Direct Deposit, an individual's pay is automatically deposited into his/her checking or savings account. With Direct Payment, individuals can pay bills, such as mortgage or cable, directly from their accounts. Direct Payment saves time, and guarantees that payments will be made on time, every time. No more buying stamps, looking for mailboxes or worrying about the payments. Direct Payment can be used to make a large variety of payments, from utility to insurance to brokerage to telephone.

Mr. Speaker, I hope that all of my colleagues will join me in supporting Direct Deposit and Direct Payment Week. These secure, efficient and highly confidential payment methods have helped individuals and business save time and manage their finances more efficiently and securely for more than 25 years. And I urge all Americans to recognize the importance of these valuable financial tools.

IN HONOR OF BAYONNE LITTLE LEAGUE BASEBALL INC.'S 50TH SEASON ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MENENDEZ. Mr. Speaker, today I recognize the Bayonne Little League Baseball Inc. for the forty-nine years it has provided young people with access to one of America's greatest athletic traditions. Baseball teaches responsibility, teamwork, sportsmanship, and nurtures self-esteem.

Forty-nine years ago, on April 15th, 1951, the Bayonne Little League Inc. began its commitment to the young people of Bayonne when W. Vincent Cook, and a handful of associates, organized a four-team program. Volunteers contacted several merchants who agreed to provide uniforms and equipment for the 90 youngsters in the league. In 1952, twelve more teams were added to accommodate the incredible numbers of boys who wanted to participate.

The increase in participation led to the building of a stadium. The League received assistance building the stadium from William Rosenthal, and, as a gesture of its appreciation, the League named the new stadium in memory of his son, Lewis Rosenthal.

In 1954, the number of Little League teams increased to twenty, and by 1962, the astounding success of the League led to the establishment of a program that consisted of 24 Major League and 12 Minor League teams. The challenge of expansion and the substantial financial obligation that went with it was a constant challenge for the organization; but not once did this prevent the League from successfully providing for the many young people who registered to play.

After numerous complications, and an extraordinary fund raising drive by the community of Bayonne, the League was able to move to a new stadium in 1965. The decades to follow demonstrated the same growth that the first did, and the community of Bayonne never wavered in its profound commitment to its young people and the challenge of Little League expansion.

This great youth organization would not have been possible without the hard work and dedication of Commissioner Gene Klumpp and all those who understand the positive impact sports have on our young people. I would like to thank everyone who has contributed to the growth and continuation of the Bayonne Little League.

I ask my colleagues to join me in congratulating Bayonne Little League Baseball Inc. on its 50th season anniversary.

A TRIBUTE TO REV. DR. WALLACE HARTSFIELD

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, it is with great pride and respect that I bring to your attention, and to the attention of the House, the outstanding work and commitment of Rev. Dr. Wallace Hartsfield for 50 years of preaching to church congregations, serving the last thirty four years as pastor of the Metropolitan Missionary Baptist Church in Kansas City.

Reverend Hartsfield was born in Atlanta, Georgia, November 13, 1929. He was an only child, raised by his mother, Ruby Morrissatte. After a three year tour of duty in the United

States Army, he attended Clark College in Atlanta and in 1954 he received a Bachelor of Arts degree from Clark College. He received a Master of Divinity degree from Gammon Theological Seminary in Atlanta in 1957. His first pastorate was at a Baptist church in Pickens, South Carolina.

Reverend Hartsfield is chairman of the Congress of National Black Churches which represents 65,000 churches and 20 million members. Reverend Hartsfield is also chairman of the Economic Development Commission of the National Baptist Convention of America, Inc.; second vice president of the National Baptist Convention of America, Inc.; president of the Greater Kansas City Chapter of Operation PUSH; and an adjunct professor of the Central Baptist Theological Seminary in Kansas City, KS.

Reverend Hartsfield is married to Matilda Hopkins and on August 28 of this year they will celebrate their 43rd wedding anniversary. Reverend and Mrs. Hartsfield are the proud parents of four wonderful children: Pamela Faith, Danise Hope, Ruby Love, and Wallace S. Hartsfield, II.

I have known Reverend Hartsfield over the years through his extensive involvement in the community. He has been a leader in many worthwhile causes and a wonderful role model for our city's young people.

His leadership was invaluable, also, in redeveloping a blighted part of Kansas City when he led the Baptist Ministers' Union of Kansas City in their efforts to demolish the old St. Joseph's Hospital and replace it with a much-needed new shopping center, the Linwood Shopping Center. Residents of the city's central core had to travel some distances to buy groceries, drop off dry cleaning, and have a prescription filled, before the new development became a reality. Reverend Hartsfield successfully led the charge to secure with sufficient investment capital for the project, when resources for new development in that area of the city were scarce. He also was instrumental in the construction of a low-income 60-unit housing development, known as Metropolitan Homes, in that same geographical area.

Reverend Hartsfield recently chaired the capital fund campaign to expand and update Kansas City's Swope Parkway Health Center, which provides invaluable assistance to many people who could not otherwise afford or have access to quality, state-of-the-art health care. Millions of dollars were raised and the new health center stands as a testament to the untiring efforts of committed and dedicated people like Reverend Hartsfield.

Reverend Hartsfield has received numerous awards including: the One Hundred Most Influential Award from the Kansas City Globe newspaper; the Greater Kansas City Image Award presented by the Urban League; the Minister of the Year Award from the Baptist Ministers Union of Kansas City; a Public Service Award from the Ad Hoc Group Against Crime; the Role Model for Youth Award from Penn Valley Community College, in Kansas City; and a Community Service Award from Kansas City, MO, and then-mayor Richard Berkeley, among others.

Additionally, he was named 'One of the Top 50 Ministers in America' by Upscale magazine of Atlanta, GA and he received an honorary Doctor of Divinity degree from both Western Baptist Bible College in Kansas City and also from the Virginia Seminary and College of Lyncher, VA. Further, Reverend Hartsfield is a member of the board of directors for the national organization of Operation PUSH, and the Morehouse School of Religion in Atlanta, GA, among others.

This weekend in Kansas City, we are celebrating Reverend Hartsfield's 34th anniversary as pastor at the Metropolitan Missionary Baptist Church in Kansas City, and recognizing all of his critically important work and the leadership he has provided in the community over that span of time. He has blessed the lives of so many. Reverend Hartsfield loves people and he loves helping people. He has made a difference in the city he calls home, Kansas City, and we are proud to have him as one of its outstanding citizens.

Today, Mr. Speaker, I ask that you and our colleagues join with me and the congregation of the Metropolitan Missionary Baptist Church, the family of Reverend Hartsfield, and the citizens of Kansas City, MO in congratulating Reverend Hartsfield on his 50th preaching anniversary and for his 34 years of service to his church and his community.

CONGRATULATING CHRIST TEMPLE CHURCH OF CHRIST (HOLINESS) OF GARY, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and enthusiasm that I congratulate Christ Temple Church of Christ (Holiness) U.S.A. in Gary, Indiana, as it celebrates its 75th anniversary as a parish on May 3–7, 2000. This anniversary is made even more special because a charter member, Brother Oliver B. Hardy, is able to celebrate with his fellow parishioners.

Christ Temple Church was formed largely through the efforts of two dedicated people. Sister Ella Bradley attended a church service in Gary, where she met Elder William A. Nolley. Elder Nolley was singing a song that Sister Bradley recognized, a song written by Bishop Charles Prince Jones, the founder of the Church of Christ Holiness U.S.A. After several discussions, Sister Bradley opened up her home on Tuesday, November 25, 1925, and Christ Temple Church was born. The initial membership consisted of Sister Bradley and her family as well as Elder Nolley and his wife, Velma.

After much hard work and dedication, land was purchased at 2472 Pierce Street in Gary. It was here that the church began to flourish. Elder Nolley was returned to the south by the presiding bishop and was replaced with Elder J.J. Peterson in 1931. Elder Peterson built a sanctuary on the lot on Pierce Street, and the congregation began to grow steadily. In June of 1962, the generous Elder Peterson was laid to rest, but his commitment to the church had made a lasting impression on the congregation and community.

After Elder Peterson's passing, the church continued to expand. By September of 1962, the membership of the church was beginning to outgrow the limited space of the sanctuary. The church leadership took the visionary approach by forming a building fund. They predicted that once the fund had reached $100,000 it would be time to build a new place of worship. Through the selflessness and generosity of the membership, their vision came to fruition on January 13, 1980, when they held their first service at their current location, 4201 Washington Street, in Gary.

Under the extraordinary leadership of Bishop O.W. McInnis and Elder Dale Cudjoe, the church members were able to pay off their new church's mortgage within nine months. On September 24, 1989, Elder Cudjoe was appointed pastor of Christ Temple Church of Christ, the position he holds today. Through his efforts the church has grown both spiritually and numerically.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the membership of the Christ Temple Church of Christ (Holiness) U.S.A. as they celebrate their 75th anniversary. From humble beginnings they have emerged into a thriving spiritual family. The church's positive impact on Northwest Indiana has been significant during the past 75 years. May they enjoy good fortune for many more years to come.

GIL ROBB WILSON CIVIL AIR PATROL AWARD WINNERS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BARR of Georgia. Mr. Speaker, it is with great pride and admiration that I recognize two outstanding men who have recently been awarded the highest achievement a Senior Member of the Civil Air Patrol can receive: Chaplain LTC Alex Mills and LTC Earl Tillman. Both these men received the prestigious and the award is the Gil Robb Wilson Award. Recipients of the Gil Robb Wilson Award must complete all Level V training in the member's specialty tract. The award was instituted in 1964 and was named after the first member and CEO of the Civil Air Patrol, Gil Robb Wilson.

LTC Mills and LTC Tillman have a combined service record with the Civil Air Patrol of over 64 years. They are members of the Rome Composite Squadron, Group 1 Georgia Wing. LTC Mills has been a member of the Civil Air Patrol for over 20 years and serves as chaplain for the Rome Composite Squadron, as well as chaplain for Group 1 Headquarters, Georgia Wing. LTC Tillman has been a member of the Civil Air Patrol for 44 years, and is currently serving as the Rome Composite Check Pilot, Mission Pilot, and Cadet Orientation Pilot.

Service to their community and to the Civil Air Patrol, are but two examples of what make these two men outstanding citizens of Rome, Georgia. As a member of the Congressional Squadron of the Civil Air Patrol based in Washington, D.C. and as their United States Congressman, I want to congratulate LTC Mills and LTC Tillman for this outstanding achievement.

COSPONSOR THE McGOVERN-SMITH BILL ON EAST TIMOR

HON. JAMES P. McGOVERN

OF MASSACHSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. McGOVERN. Mr. Speaker, today I am proud to join with my colleague from New Jersey, Congressman CHRIS SMITH, to introduce the East Timor Repatriation and Security Act.

The crisis in East Timor continues, and the Congress needs to respond. Some 100,000 refugees remain trapped in squalid and theatening conditions inside West Timor. The overwhelming majority of these refugees want to return to their homes in East Timor, but cannot because the camps are under the control of the militias. Militias and elements of the Indonesian army continue cross-border attacks into East Timor. Reconstruction continues to be a slow and laborious task.

Our bill maintains the President's suspension on military cooperation with the Indonesian Armed Forces until the refugees are safely repatriated and military attacks against East Timor are ended. It calls upon the President to help the safe repatriation of the refugees and to help rebuild East Timor. And it salutes the members of the U.S. Armed Forces who have participated in the peacekeeping operation in East Timor.

I urge my colleagues to cosponsor the McGovern-Smith bill on East Timor and submit additional materials into the RECORD.

EAST TIMORESE REFUGEES FACE NEW THREAT

(NEW YORK, March 30, 2000)—Human Rights Watch today called on Indonesian authorities to lift a March 31 deadline on humanitarian aid to East Timorese refugees living in West Timor. The Indonesian government has given the refugees, some 100,000 people until the end of the month to choose whether to go back to East Timor or remain in Indonesia. Indonesia says it will end all delivery of food and other assistance as of March 31.

''Everyone wants a quick resolution of the refugee crisis, but this ultimatum is counterproductive,'' said Joe Saunders, deputy Asia director at Human Rights Watch. ''The threatened deadline alone has created panic. If it is implemented, the cutoff will directly endanger the lives of tens of thousands of refugees without solving the underlying problems.''

Conditions for many of the refugees are already dire. There have been food shortages, along with health and nutrition problems in many of the camps. Some reports estimate that as many as 500 refugees have died from stomach and respiratory ailments. Refugees also continue to face significant obstacles in deciding whether to return. In some areas, refugees continue to be subjected to intimidation by armed militias and disinformation campaigns. Refugees are told that conditions in East Timor are worse than in the camps, and that the United Nations is acting as a new colonial occupying force. Other refugees opposed independence for East Timor, or come from militia or army families, and fear vigilante justice should they return to East Timor.

Indonesian officials claim, however, that they can no longer afford to feed the refugees, that food aid acts as a magnet and prevents refugees in West Timor from returning home permanently, claiming that after March 31, the refugees should be the sole responsibility of the international community.

''Given Indonesia's economic woes, the call for international financial support in feeding and caring for the refugees is understandable. We can on donors to make urgently needed assistance available. But an artificial deadline helps no one,'' said Saunders. ''Thousands of refugees are not now in a position to make a free and informed choice about whether to return. A large part of the problem has been Indonesia's failure to create conditions in which refugees can make a genuine choice.''

According to aid agencies, the total number of refugees currently in West Timor is just under 100,000. Precise figures are not available because access to the camps and settlements has been limited by harassment and intimidation of humanitarian aid workers by pro-Indonesian militias still dominated in a number of the camps. Many refugees have also been subjected to months of disinformation and, often, intimidation by members of the pro-Indonesian military, Indonesia has recently made some progress in combating the intimidation in the camps, but lack of security and reliable information continue to be imported obstacle to return. Aid workers in West Timor estimate that one-half to two-thirds of the refugees, if given a free choice, would eventually choose to return to East Timor.

''Withdrawal of food aid and other humanitarian assistance should never be used as a means to pressure refugees into returning home prematurely'' said Saunders. ''Return should be voluntary and based on the first and informed choice of the refugees themselves.''

Following the announcement by the United Nations on September 4, 1999 that nearly eighty percent of East Timorese voters had rejected continued rule by Indonesia. East Timor was the site orchestrated mayhem. In the days and weeks following the announcement, an estimated seventy percent of homes and buildings across East Timor were destroyed, more than two-thirds of the population was displaced, and an estimated 250,000 East Timorse fled or were forcibly taken, often at gunpoint, across the border into Indonesian West Timor. To date roughly 150,000 refugees have return to East Timor.

NON–COMMISSIONED AND PETTY OFFICER PAY TABLE EQUITY ACT OF 2000

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. JONES of North Carolina. Mr. Speaker, today, I am introducing legislation that will provide much needed pay reform for our mid-career non-commissioned officers and petty officers. It is my hope this legislation will accomplish three important steps for the Nation's Armed Forces.

First, it will provide mid-career enlisted service members an increase in their basic pay that will nearly match the increases given to mid-grade commissioned officers beginning July 1, 2000.

Second, it will work to address the problem of retention of qualified and experienced mid-career enlisted noncommissioned and petty officers that the Armed Forces wants to retain.

Third, in retaining qualified and experienced mid-career enlisted service members, it will help maintain the high-level of personnel readiness enjoyed by the Nation's defense posture.

Last year, this Congress in the Fiscal 2000 National Defense Authorization Act (NDAA) approved a 4.8 percent pay raise for uniformed services personnel, one of the largest increases in recent history. It also authorized pay reform for certain mid-grade commissioned officers and mid-career enlisted service members effective July 1, 2000. While the pay raise itself is a critical step for our military personnel, the pay adjustment unfortunately will miss its mark in offering equitable reform for mid-grade enlisted noncommissioned officers (NCOs) and petty officers (POs) of the Armed Forces in grades E–5, E–6, and E–7.

Whereas, most mid-grade commissioned officers were to receive a well-deserved pay hike on July 1, 2000, mid-career enlisted NCOs and POs are targeted for minimal increases. The July 1, 2000 pay reform will provide for adjustments in 15 of 33 mid-grade officer pay cells, each of which rated increases greater than 4 percent. On the other hand, of the 33 mid-grade enlisted NCO/PO pay cells, only one (1) will receive a raise of 3.5 percent, two (2) are being offered a 3.1 percent increase, one (1) a 2.5 percent hike, and three (3) at 2.1 percent to 2.3 percent. It doesn't require a mathematician to figure out that the enlisted NCOs and POs will be largely left out of the equation.

Most of the military services are experiencing problems either in recruiting and retention, or both. One of the major issues confronting enlisted NCOs and POs is whether they have enough financial resources to care for their family—particularly when they are deployed. Recent surveys indicate that service members are not happy with the pay they're receiving. Recognizing this problem, the Fleet Reserve Association (FRA), a 75-year-old organization of career Sailors, Marines, and Coast Guardsmen, prepared a study that demonstrates the value of basic pay for enlisted NCOs and POs has diminished since the advent of the all-volunteer force (AVF). That study, which was distributed to a number of House and Senate members on both the Armed Services Committees and Defense Subcommittees and to selected defense and military officials, proves the value of basic pay for enlisted NCOs and POs has diminished since the advent of the all-volunteer force.

If Congress doesn't want to face the same problem of the late 1970s having too few enlisted petty officers to get its ships to sea, or experiencing another shortage of enlisted NCOs for the Army's combat forces, Congress must address the retention of qualified and experienced mid-career enlisted service members. This pay reform proposal for E–5's, E–6's and E–7's contained in this legislation will take steps to do just that.

Each E–5 with 8 to 26 years of service would receive a $31 per month increase in basic pay on July 1, 2000. E–6s, in the same years would each realize a monthly increase of $49, and E–7s a $56 raise each month. While I believe all of our military should be paid more, this is an important step in the right direction.

This bill has the full support of the Nation's eight national enlisted military organizations; the Air Force Sergeants Association, the Enlisted Association of the National Guard of the United States, the Fleet Reserve Association, the Naval Enlisted Reserve Association, the Non Commissioned Officers Association, The Retired Enlisted Association, the U.S. Coast Guard Chief Petty Officers Association, and the U.S. Coast Guard Enlisted Association.

These mid-career non-commissioned officers and petty officers are the backbone of our military. I hope that my colleagues will work with me to recognize that fact and to ensure they are provided pay table reform that is both fair and equitable.

DIGITAL DIVIDE ACCESS TO TECHNOLOGY ACT (DATA)

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. WELLER. Mr. Speaker, I am pleased to join with my colleague, JOHN LEWIS of Georgia, to introduce H.R. 4274, the Digital Divide Access to Technology Act of 2000 (DATA Act). The DATA Act addresses a rather new situation which involves employers providing home computers to their employees.

Over the past couple of months, four major companies—Ford Motor Company, American Airlines, Delta Airlines, and Intel—have announced programs to provide home computers to their employees. The question before us is whether employer-provided home computers should be considered taxable income to the employees.

I believe that the government should not tax these computers and the legislation we are introducing today will ensure that these basic computers do not become a tax liability for the employees.

The DATA Act is a digital divide issue and it represents a powerful partnership between private companies and the government as we work to reduce the so-called digital divide and create new digital opportunities. These home computers will be available to employees and their families for work and personal use. Once in the home, the computers can be used by employees for Internet training, by the children for homework and research, and other family members to balance the family budget and stay in touch with far-away relatives. There are no restrictions on the use of the computers.

For tax purposes, the DATA Act treats the Internet access and first $1,260 of the value of a computer and peripheral equipment (e.g., monitors, printers and keyboards), including software, and Internet access as a fringe benefit, not subject to income tax. For the program to qualify, employers have to provide computers to substantially all employees working in the United States and employees can receive only one computer within a 36 month time period.

If the employer offers a program allowing employees to purchase an upgraded ''or deluxe'' model computer, the first $1,260 in value is still non-taxable, employees can pay for the deluxe version if they choose. Additionally, if employees are required to pay a monthly co-payment for the computer, such as the $5 monthly responsibility of Ford employees, this payment does not factor into the value of the computer. Let me give you an example of how this works.

The 350,000 employees at Ford Motor Company will soon receive a home computer which costs $24.95 per month over 36 months, for a total of $898. The employees pay $5 per month, or $180 over 3 years, for the computer. Ford pays $19.95 per month for each employee, or almost $720 over 3 years. The $720 paid by Ford for the computers falls far below the $1,260 exclusion provided by this legislation. This program is available to all employees working for Ford. This includes everyone from the janitor, to the union worker, to the managers, and the Vice Presidents.

Mr. Speaker, these companies are likely to be only the first of many companies to provide home computers to their employees. I strongly believe this is an important way we, as policymakers, can work with corporations to help put more computers into the hands of American families and children. This legislation will help us close the digital divide and provide digital opportunities to hundreds of thousands of families currently without this equipment which is rapidly becoming a necessity for survival in the 21st century economy.

I look forward to working with these and other employers to continue developing this legislation to make it easier for these computers to be taken home by employees. I also look forward to working with the House Leadership, Chairman ARCHER, my colleagues on both sides of the aisle, as well as the Administration to ensure that this powerful mechanism available to close the digital divide is fully utilized.

RECOGNIZING THE ENVIRONMENTAL LEADERSHIP OF THE ASPEN SKI COMPANY

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DEGETTE. Mr. Speaker, today I recognize the Aspen Skiing Company as a leader in environmental responsibility.

This is certainly not the first commendation the Aspen Skiing Company has received. In 1999 alone, the company became the first back to back winner of the Golden Eagle Award for Overall Environmental Excellence in the ski industry. It was the first skiing company and only U.S. business to receive the prestigious British Airways Tourism for Tomorrow Environmental Award. Additionally, the Aspen Skiing Company was recognized by the National Environmental Education and Training Foundation for its outstanding environmental educational programs.

As the award judges for the Golden Eagle Award noted, ''Aspen Skiing Company's programs show a wide-range and detailed commitment to an ecological perspective in every area of their business.'' I whole-heartedly agree that the Aspen Skiing Company has, ''without peer, established itself as an industry leader in environmentalism.''

But Aspen is not resting on its laurels. The Skiing Company continues to develop innovative environmental programs and partnerships to protect the forests in which it resides and its commitment to the local community. The Aspen Skiing Company has entered into a cooperative with the Environmental Protection Agency and the Colorado Department of Public Health and the Environment to develop a pollution prevention based environmental management strategy that focuses on energy and waste conservation, and solid waste reduction to be used as a model for the skiing industry. It has developed a Natural Resource Management Plan to ensure vegetative diversity and wildlife protection on its mountains. The Aspen Skiing Company founded the Environment Foundation, a nonprofit, employee-funded and directed foundation which awarded more than $120,000 to 34 diverse local environmental groups since its inception, and continues to protect local habitat, ecosystems, and biodiversity.

Aspen Skiing Company continues to be a leader in environmentally sensitive development, not only within the ski industry, but all industry. Aspen's efforts to reduce the impact it has on the land, and conserve habitat and resources are exemplified by two of its recent projects, the Sundeck Restaurant and the Cirque Lift.

The Sundeck Restaurant, at the top of the mountain is on tract to be a fully certified ''green building.'' The effort began with the deconstruction, rather than demolition of the old building, enabling materials to be salvaged and reused. The new building will utilize the latest ''green'' technology, including energy efficient windows, low toxicity paints, and recycled and recyclable materials.

When the Aspen Skiing Company decided to construct a new lift above tree line, it recognized the sensitivity of this ecosystem and proceeded accordingly. The construction of the Cirque Lift was completed without bulldozers or mechanized ground equipment. The heavy items for the lift, such as the lift poles and concrete, were airlifted by helicopter while all other supplies were carried up on foot, an astounding task at high elevation that speaks volumes to the company's commitment to protecting this delicate ecosystem. The lift itself continues that commitment, as it is the State of Colorado's first wind powered ski lift.

Aspen Skiing Company has also shown leadership in the public realm advocating for the protection of public lands and open spaces, which are so important to Colorado's wildlife and the quality of life for all Americans.

I have no doubt that the Aspen Skiing Company will continue to be a leader in efforts to protect the environment. I applaud their accomplishments.

TRIBUTE TO THE UNIVERSITY OF CONNECTICUT WOMEN HUSKIES—2000 NCAA WOMEN'S BASKETBALL NATIONAL CHAMPIONS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LARSON. Mr. Speaker, today I pay tribute to the 2000 National Collegiate Athletic Association (NCAA) Women's Basketball National Champions, the University of Connecticut Huskies. On Sunday, April 2, the Husky Women put on what can only be described as a 40-minute basketball clinic for their opponents, the Tennessee Lady Vols.

Earlier this year, I had the great privilege to meet with Geno Auriemma and the team when they were in town to play Big East Conference rival Georgetown. Their individual accomplishments this year, like those of the women playing before them, continue to raise the standard for excellence and achievement in women's athletics. I would like to congratulate each member of the team, Coaches Geno Auriemma and Chris Dailey, Lew Perkins and the UCon Athletic Department, and all the fans and supporters of UConn Women's Basketball who made this great victory possible.

I can no more eloquently describe these achievements than Randy Smith did in his article published in the April 3, 2000, edition of the Journal Inquirer titled "Return of the Native is Masterpiece." I submit the text of that article for the RECORD at this time:

[From the Journal Inquirer, Apr. 3, 2000]

RETURN OF THE NATIVE IS MASTERPIECE

(By Randy Smith)

PHILADELPHIA.—A couple of minutes after his Connecticut women's basketball team won the national championship, coach Geno Auriemma embrace his own triple crown. He hugged his children, his wife, and his mother. There were tears in everybody's eyes.

The native had returned to Philadelphia to play for college basketball's biggest prize. He not only won it, but claimed Tennessee coach Pat Summitt's scalp in the process.

UConn's 71–52 decision over the Lady Vols was more coronation than competition.

"A lot of guys who were coaching when I was playing used to tell me I'll never be any good as a player and they were right," Auriemma said. "So I turned out to be the coach of a championship team. It's kind of funny to come back and they're all in the stands. They're happy for me because they finally saw me win something."

There was never a doubt.

Basketball is nowhere near as complicated as paid analysts try to make it. Do you know what it takes to win games? Good players. The rest is rhetoric.

It has taken Auriemma the better part of a decade to assemble more good players at UConn than Summitt has at Tennessee and those good players strutted their stuff Monday night. Shea Ralph, Asjha Jones, and Kelly Schumacher were standouts, but Svetlana Abrosimova, Swin Cash, Tamika Williams, Sue Bird, and Kennitra Johnson all played pivotal roles. Under the glare of the big spotlight, UConn got something from everybody.

"I've told these kids all year long that every pass we make in practice, every cut, every rebound, pretend like it's the one that's going to win the national championship," Auriemma said. "The kids have practiced that way all year. And the night they had to do it, they did it better than at any other time of the season."

Associate head coach Chris Dailey agreed.

"This was the A game we've been waiting for," she said. "All anybody talks about is how talented we are. But if you take a closer look, our players are unselfish, they've got heart and character, they'll make sacrifices, and they're willing to put away individual things to be part of a team. There's not one pain in the neck in the bunch. That's the story."

Here's another: Summit was hoisted by her own self-confidence. Had she admitted to herself that Tennessee would be the second-best team on the floor, she could have put in some wrinkles to give UConn problems. She could have played Semeka Randall on Bird to disrupt UConn's offense. She could have played a lot of zone to slow the pace of the game. She could have thrown in a couple of gimmicky defenses. Instead she opted to play UConn straight-up, even down a starter in Kristen Clement.

It was a very, very bad decision.

"It was an extremely disappointing performance by our basketball team and a very painful loss," Summit said. "I don't think any of us expected this. Nothing we tried worked. At times, I felt helpless. We played on our heels from the beginning. I hate that we got ourselves in this position and couldn't have been more competitive. We'll look at the film later. No time soon, though."

Auriemma spoke of Tennessee's "aura" leading up to the game, knowing full well that Connecticut carries one of its own.

"Do you know how many real adjustments we made?" None. They had to adjust to us."

That's not altogether true. Kyra Elzy's presence in Tennessee's starting lineup because of Clement's injury freed up one UConn player on defense, in this case, Abrosimova, who doubled down on Michelle Snow in the game's opening minutes. Snow was forced to make reaction passes and they're not that easy, especially if you're not accustomed to making them.

Tennessee's offense looked to be in a constant state of panic, while its defense was dissected time and time again by UConn's back door cuts and passes, a la the Princeton men's team.

"They ran back door cuts off the strong side and cuts across the middle," Summit said. "They ran the same two offenses over and over again. It's not anything new. We'd seen it. Everybody got beat. Semeka Randall got lost on defense, probably more than anyone, and she's one of our best defenders. I wanted to play man to try and get something going, but I'd have to go back to zone because how many layups do you want to give them?"

If Summit had a white towel, she probably would have tossed it on the floor midway through the second half.

UConn employed pressure defense in spots to help cause 26 Tennessee turnovers.

"You don't use pressure just to steal the ball," Auriemma said. "You use it to see how they handle it and they didn't handle it all that great. Had they gone boom, boom, layup, we would have gotten out of it. But they were struggling."

Auriemma's use of pressure was borderline masterful during UConn's run through the NCAA Tournament. He said it was part of the plan from the beginning.

"For five months, we made teams prepare for our halfcourt offense and our halfcourt defense," he said. "But we worked on the press every day in practice. We wanted to make teams prepare for more than one thing. We wanted a lot of things in our arsenal. The press was in our pocket all along. Come NCAA tournament time, we went to it because we wanted to be super aggressive. At the risk of sounding smart, that was the plan."

"You don't use your closer until you need him."

UConn ran the table, all right, but who knew the last ball, the orange one, would be a hanger?

The first national championship of the millennium may very well be remembered as the passing of the guard. UConn brought more fans to Philadelphia than Tennessee and those fans made more noise. UConn sent out more good players than Tennessee and those players scored way more points. The better team won without breaking stride and may be the first hard evidence that UConn indeed has a better program than Tennessee.

"You saw tonight what good teams are made of," Auriemma said. "This team has a chemistry both on and off the court. This team is closer than any I've had."

Auriemma proved Thomas Wolfe wrong. You can go home again.

A DEPARTMENT OF ENERGY NUCLEAR WEAPONS FACILITY

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. HEFLEY. Mr. Speaker, it is with great pleasure that I share with you an update on the first-ever scheduled closure of a Department of Energy (DOE) nuclear weapons facility. In less than seven years, residents along the Front Range of Colorado will no longer live in the shadow of Rocky Flats, a 6,500 acre former weapons component manufacturing facility. What once was home to more than 100 tons of plutonium and plutonium byproducts will become history. More than 700 structures representing 3.5 million square feet will be demolished. The two on-site landfills that contributed to soil and groundwater contamination will no longer exist.

Since the early years of the Nuclear Age to the end of the Cold War, Rocky Flats, a mere 16 miles northwest of Denver, was a manufacturing site for plutonium triggers and other nuclear weapons parts. In 1989, the FBI and the EPA closed the site due to alleged violations of environmental law.

A joint company headquartered in my district has developed a fast-track closure plan, which DOE fully supports, that shaves decades off the original clean-up schedule. Originally expected to take 65 years and cost more than $35 billion, the accelerated closure plan will be completed by 2007 for under $8 billion.

To date great progress has been made at Rocky Flats such as cleaning up the majority of the top 10 environmental risk areas, including the removal of 30 tons of depleted uranium. Thousands of liters of plutonium and uranium solutions have been drained from dozens of tanks and stabilized. Most recently,

the weapons research and development facility was decontaminated and demolished—six months ahead of schedule.

Within this decade, all nuclear materials and radioactive waste will be shipped to off-site storage facilities. Environmental remediation will be completed so that land is available for open space and industrial use and downstream water supplies are protected. Moreover, billions of taxpayer dollars that have been used in the operations, security and cleanup of Rocky Flats can be reallocated to similar sites throughout the country.

Imagine, after more than 50 years as a top-secret nuclear weapons facility that contributed to winning the Cold War, the Rocky Flats acreage will once again be available to the people of Colorado. Please join me in congratulating the DOE, the State of Colorado, and the companies involved for this extraordinary effort.

IN RECOGNITION OF THE REEDSBURG AREA HIGH SCHOOL EARTH DAY CELEBRATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. BALDWIN. Mr. Speaker, this afternoon, I pay tribute to the Reedsburg Area High School students and staff for their fantastic contributions in order to improve their environment, enrich their community, and celebrate Earth Day.

This year's Earth Day will be the ninth that the Reedsburg Area High School students and staff celebrate by volunteering their time. In previous years they have worked to maintain trails, clean and restore wilderness areas, and plant thousands of trees. With this tireless volunteer work they are making Wisconsin a better place for every citizen.

The students and staff at Reedsburg Area High School are also very special because of the amazing manner in which they celebrate Earth Day each year. As the Reedsburg students recently said to me in a letter, they are not "just another high school planting a tree." The entire high school, including over 900 students and staff work together on this day. They also branch out to other communities. This year they will send an astounding 26 work crews to different locations surrounding the Reedsburg area!

Americans are increasingly learning the benefits of youth service and focusing that work in the preservation of our environment. The students and staff of Reedsburg Area High School are pioneers in an effort that engages and empowers young people while connecting them with adults that provide education and guidance. It is an effort that views young people as assets and resources to their community. They are setting an impressive example for all people, young and old, across Wisconsin and the nation.

ARMENIAN GENOCIDE

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. PELOSI. Mr. Speaker, I rise today in memory of the victims of one of history's most terrible tragedies, the Armenian Genocide that took place in Turkey between 1915 and 1923. This antecedent for all subsequent 20th-century genocides began on April 24, 1915, when the rulers of the Ottoman Empire began the systematic and ruthless extermination of the Armenian minority in Turkey. By the end of the Terror, more than a million Armenian men, women, and children had been massacred and more than half a million others had been expelled from the homeland that their forebearers had inhabited for three millennia.

April 24, 1915 is remembered and commemorated each year by the Armenian community and people of conscience throughout the world. The Armenian Genocide is a historical fact. The Republic of Turkey has adamantly refused to acknowledge that the Genocide happened on its soil but the evidence is irrefutable.

As we enter the Third Millennium of the Christian Era, it behooves us to remember. If we ignore the lessons of the Armenian Genocide, then we are destined to continue our stumbles through the long, dark tunnel of endless ethnic-cleansings, genocides, and holocausts. Let us, then, remember to remember.

SUPPORTING THE BREAST AND CERVICAL CANCER TREATMENT ACT

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I am here today to speak in support of H.R. 1070, the Breast and Cervical Cancer Treatment Act. I believe this bill, which provides coverage for low-income women who have been diagnosed with breast or cervical cancer, provides a logical expansion of early detection efforts throughout the nation.

The federal government, through the Center for Disease Control and Prevention, currently provides screening for early detection of breast and cervical cancer. This bill would provide the next step by giving states the option of receiving an enhanced match through Medicaid if they choose to offer treatment services for women who have been diagnosed with breast or cervical cancer during the screening process.

As a member of the House Budget Committee, I offered an amendment, which was accepted, to provide funding for these services in the Medicaid program. Now that this funding has been set aside, it is time to bring H.R. 1070 to the floor. The principles of this bill have been agreed to in the budget, and it is now time to bring the actual bill to the floor for a vote.

I urge the House to consider this bill before Mother's Day as a statement of our sincere commitment to the millions of women in this country who suffer from these diseases.

IN HONOR OF DR. NESTOR CARBONELL-CORTINA FOR HIS LIFE-LONG COMMITMENT TO FREEDOM AND DEMOCRACY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MENENDEZ. Mr. Speaker, I honor Dr. Nestor Carbonell-Cortina for his life-long commitment to freedom and democracy.

Born in Havana, Cuba, Dr. Carbonell-Cortina understood early in his life that the price for freedom is high; that the fight for freedom is long; and that the cost for freedom is often paid for with the lives of those who never knew it.

In 1960, shortly after Castro seized control of Cuba, Dr. Carbonell-Cortina was forced to leave his native land, fleeing the oppressive communist rule imposed by the Castro regime. However, he returned and courageously fought in the Bay of Pigs Invasion, hoping to restore freedom to his homeland. In 1962, Dr. Carbonell-Cortina was responsible for the diplomatic strategy that removed the Castro regime from the Organization of the American Estates.

With the publication of numerous articles, essays and speeches, Dr. Carbonell-Cortina has continued his fight for freedom and his opposition to the Castro regime. Among his many publications are: El Espiritu de la Constitucion de 1940; Perfil Historio del IV Presidente de Cuba; Cortina: Tribuno de la Republica; And the Russians Stayed; y Por La Libertad de Cuba: Una Historia Inconclusa.

Dr. Carbonell-Cortina graduated from the University of Villanueva in the city of Havana with a law degree, and received his MA from Harvard. Currently, he is Vice President of International Relations for PepsiCo., Inc.

I ask my colleagues to join me in congratulating Dr. Nestor Carbonell-Cortina for his courageous commitment to the pursuit of freedom in the face of extraordinary opposition.

A TRIBUTE TO ROSE KEMP

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, today I pay tribute to an outstanding individual from the State of Missouri. On April 27th, the Missouri Women's Council will honor Rose Kemp, Regional Administrator of the Women's Bureau, U.S. Department of Labor, with an award named on her behalf, the "Rose Kemp Public Service Award."

Ms. Rose Kemp was appointed as Regional Administrator of the Women's Bureau in 1983. She is responsible for policy development and implementation of workplace issues affecting

women. In this role, Ms. Kemp has produced outstanding results by her commitment to promote the welfare of wage earning women, improve their working conditions, and advance their opportunities for profitable employment.

Ms. Kemp serves on numerous boards such as the Greater Kansas City Urban League, Francis Child Development Institute, and the Women's Council at the University of Missouri—Kansas City. All have profited from Ms. Kemp's expertise. She has been awarded the "Kansas City Spirit Award," the Department of Labor's "The Distinguished Career Service Award," the YWCA Heart of Gold Award, and the 100 Most Influential Black Citizens in the Greater Kansas City Area in 1993, 1994, 1996, 1997, and 1998. Ms. Kemp's service has benefited all women and been an asset for our community.

Mr. Speaker, please join me in saluting this courageous, innovative, and inspiring individual, Rose Kemp, as she accepts the first ever "Rose Kemp Public Service Award."

HONORING EIGHT NORTHWEST INDIANA EDUCATORS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. VISCLOSKY. Mr. Speaker, today I commend eight dedicated teachers from Northwest Indiana who have been voted outstanding educators by their peers for the 1999–2000 school year. These individuals, Debra Ciochina, Douglas DeLaughter, Brenda Greene, Dennis Keithley, Martin Kessler, Marilyn Qualls, Martiann Recktenwall and Sharron Thornton, will be presented the Crystal Apple Award at a reception sponsored by the Indiana State Teachers Association. This glorious event will take place at the Broadmoor Country Club in Merrillville, Indiana, on Wednesday, May 3, 2000.

Debra Ciochina, from Crown Point Community School Corporation, has taught for 30 years. Currently, she teaches at Crown Point High School, where she has been the assistant director of the Crown Point High School Theater for five years. She also coaches the Crown Point High School Dance Team. As a freelance director, choreographer and performer for community theaters and schools, she has written and produced various original productions. Debra not only finds interesting ways to help her English and Speech classes learn important concepts, she also makes her students enjoy learning. Her charismatic personality transfers enthusiasm for her subject area to her students. She embraces the idea that each of us must find an individual passion and be true to one's convictions.

Douglas DeLaughter is described by his peers as an outstandingly professional and dedicated teacher. He has taught for 17 years, and is current working within the School Town of Munster. Doug has dedicated himself to understanding and displaying the aspects of being a professional in the field of education. His enthusiasm and love for education is truly contagious, for Doug inspires those around him to strive for excellence. Doug's commitment and love for children and their education has been seen in the number of hours he devotes to his job, the number of committees he has taken a leadership role in, and the programs he has instituted.

Brenda Greene has been a role model, inspiration and a coach during her 22 years of teaching. She currently teaches Speech and English in the North Newton School Corporation. Her commitment to students is obvious. As a professional educator, Brenda works closely with her students during and after school, ensuring that they do their best. Her colleagues know her as a dedicated teacher because she puts so much time into coaching the speech team, serving as a Building Representative, and fighting for the improvement of education.

Dennis Keithley teaches Language Arts at Lowell Middle School and has been a teacher within the Tri-Creek School Corporation for 31 years. Dennis graduated from Lowell High School and returned to teach in Lowell where his family has lived for many years. Dennis is a true champion of his students. He attends sporting events, music programs, drama productions, and graduation exercises in support of the students. Not only does Dennis care about his students, he also cares about his co-workers. Dennis has worked tirelessly for the Tri-Creek Teachers Organization by serving as its co-president for the last eight years. Additionally, he has served on the negotiating team, the high school air quality committee, the retirement benefits committee, the finance committee, and the teacher's evaluation committee. Dennis' dedication to the profession of teaching is exemplary.

Martin Kessler teaches math in the School Town of Highland. He has been a dedicated teacher to all of his students for the past 31 years. His sense of humor and teaching style has withstood the test of time. He is an entertainer as much as an educator and the kids love it! Martin makes learning math fun even for students who have had difficulty in the past. Through his caring attitude, Martin exhibits a great deal of thoughtfulness towards both student and teachers. He is involved in the local Indiana Teacher's Association and always supports his fellow teachers with action, not just words.

Marilyn Qualls from the Lake Central School Corporation always puts kids first. Throughout her career as an elementary teacher she has made personal sacrifices of time and effort to make sure each child in her classroom succeeds. Additionally, as a Building Representative, member of the District Council, and part of the bargaining team, she has always represented the teachers to the best of her ability. Marilyn is a continuous source of enthusiasm for her students and others as well.

For the past 20 years, Martiann Rectenwall has been an asset to the Hanover Community School Corporation. She creates interesting and innovative lessons that inspire her students to reach their fullest potential. Martiann inspires creative thought and promotes higher level thinking skills in all of her lessons. Her colleagues know her as a dedicated teacher since she puts so much time into developing special projects for her students. For Martiann, working extra hours or creating new teaching strategies to help her students achieve is not unusual.

Sharron Thornton from Lake Central School Corporation is truly a devoted educator. Throughout her 25 years career at Peifer Elementary School, she has trained numerous student teachers. Her guidance is very important because of her methods of dealing with children and academics. She strives to be approachable and communicates well with administrators, fellow teachers, students and parents. Her special inner core of education-related beliefs and opinions are well received and respected.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding educators on their receipt of the 1999–2000 Crystal Apple Award. The years of hard work they have put forth in shaping the minds and futures of Northwest Indiana's young people is a true inspiration to us all.

IN CELEBRATION OF THE 150TH ANNIVERSARY OF CARTERSVILLE, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BARR of Georgia. Mr. Speaker, this year, Cartersville, Georgia celebrates its 150th anniversary. The beautiful city of Cartersville is nestled in the foothills of the North Georgia mountains in Bartow County, about 45 minutes north of Atlanta. The low rolling mountains, green forest and waters of the Etowah River and Lake Allatoona help to create one of the most picturesque communities in the state of Georgia.

More impressive even than its geography, is the tremendous spirit of community involvement that is obvious to visitors and long-time residents alike. To visitors accustomed to the hustle and bustle of big city life a few miles away, Cartersville and its surrounding area provide a welcome change of scenery, peace and attitude.

The Cartersville we know and love today exists because of its citizens, past and present, who have shaped its development for the past 15 decades. Before the War Between the States, Cartersville and the surrounding area was characterized by a predominantly agrarian community, along with substantial iron mining and railroad interests. Unfortunately, like many other communities in the South, Cartersville and the surrounding county of Bartow, were devastated by the war and its immediate aftermath.

However, unlike some other areas, the people of Cartersville were quick to adapt to changing conditions, and managed to fashion an economically powerful community; coupling mining and farming with a thriving industrial base. Opportunities abounded for the business climate, largely because of the work ethic of its people, and its excellent schools.

Over the decades, Cartersville and Bartow County have continued to be a magnet for top-notch businesses; such as Shaw Carpets, Goodyear Tires, Phoenix Air, Dellinger Management, Emory-Cartersville Medical Center, Glad Trash Bags, and Anheuser-Bush, to

name a few. Businesses have found Cartersville to be an ideal community in which to locate. Tourism is also a major component of the local economy, and of special interest are Lake Allatoona and the Etowah Indian Mounds; evidence that Native Americans once lived and thrived in this area.

Numerous leaders in American life, outside of the business sphere, have ties to Cartersville. In addition to giving America congressmen and military leaders, Cartersville has given Georgia former Governor Joe Frank Harris and current Georgia Supreme Court Chief Justice Robert Benham. In sports, baseball and horse racing, greats trace their origin to Cartersville. Finally, in the literary field, World War I correspondent Corra Harris, and humor columnist Bill Arp counted Cartersville as their home.

HEALTH CARE PREMIUM PAY CONVERSION FOR FEDERAL EMPLOYEES AND RETIREES

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DAVIS of Virginia. Mr. Speaker, today introduced a new piece of legislation that will help Federal employees and retirees better afford health care.

The bill, which is titled the Federal Employees Health Insurance Premium Conversion Act, greatly expands a program already being utilized by several branches of the federal government. Under this bill, all current legislative branch employees, uniformed service employees, and all military and civilian retirees and their spouses would be able to have their health care premiums paid out of their pre-tax earnings.

Mr. Speaker, under this plan, which is already available to judicial branch and postal employees and will soon be available to all executive branch employees, federal workers who have previously struggled to pay their health care premiums will find that task just a little easier every month. Federal Retirees and their families, many of whom are on a fixed income, will also be able to pay their health care premiums without spending their entire months budget.

In short, Mr. Speaker, this bill will help federal employees compensate for the discrepancies between their pay and the private sector. It will further help us recognize the contributions made by federal retirees and allow them and their families afford health care.

In closing, I would ask all my colleagues to join me in support of this bill, and help get it passed so it can begin helping the people who need it the most as soon as possible.

BUSINESS CHECKING MODERNIZATION ACT

SPEECH OF

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 2000

Mr. JONES of North Carolina. Mr. Speaker, today I support H.R. 4067, the ''Business Checking Modernization Act'' and urge my House colleagues who will be conferees negotiating with the Senate on this important legislation, to work for the inclusion of two specific provisions in any Conference Report.

Mr. Speaker, H.R. 4067 repeals certain banking laws to allow banks to pay interest on commercial checking accounts. The House of Representatives passed very similar legislation on October 9, 1998 by a unanimous vote. However, that legislation also included a key provision—allowing the Federal Reserve to pay interest on ''sterile reserves''. This feature should be added to H.R. 4067 because the bill as currently drafted would establish additional reservable accounts without providing for the payment of interest on sterile reserves required by the Federal Reserve for those accounts. In effect, the bill imposes new costs on banks without providing a way to offset those new expenses.

In addition, the bill currently before the House includes a phase-in period of three years before the law is changed to allow banks to pay interest on commercial checking accounts. While the bill passed in 1998 included a longer transition period than the current version before the House, a transition period of no less than three years is critical because the bill will be significantly changing the way banks have conducted their relationships with their customers. Under current law, banks have structured relationships with their business customers taking into account the prohibition against the payment of interest on commercial checking accounts. Banks frequently provide a variety of other services, and a sufficient transition period is needed to allow banks the opportunity to enter into new relationships with their commercial customers.

H.R. 4067 provides a three-year transition period, which I strongly urge my colleagues who negotiate the Conference Report to retain. Any shorter period would place an undue hardship on current banking customer relationships. I understand that House Banking Committee Chairman LEACH is supportive of these provisions, and I urge my colleagues to include these important provisions in any Conference Report, and reject any effort to shorten the transition period of three years in the bill.

IN HONOR OF JUDGE EDDIE CORRIGAN OF THE CLEVELAND MUNICIPAL HOUSING COURT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. KUCINICH. Mr. Speaker, I honor Judge Eddie Corrigan who served on the Cleveland Municipal Housing Court for eight years in the late 1980's and early 1990's. He was a brilliant jurist.

After graduating from Yale University, Judge Corrigan served in the Army infantry in the Pacific during WWII, where he held the rank of lieutenant. He later earned a law degree from the Western Reserve Law School in 1949 and opened a law practice in Painesville, Ohio in 1950.

He realized early that people needed to be challenged in order to get the point, and he quickly became a master at this. His wit and wisdom added a sudden spark to often-routine court proceedings. Quick with a quip, insightful and incredibly perceptive, Judge Corrigan was a true spark plug in the court room. He was Cleveland's most entertaining legal venue. Judge Corrigan, who legally changed his given name of Edward to Eddie in 1980, saying it sounded more American. His unconventional approach to life was a breath of fresh air to the city of Cleveland, Ohio and to its Municipal Housing Court. Judge Corrigan managed to live an extraordinarily full life and raise a wonderful family, including his wife of 33 years, seven children and ten grandchildren, in the process. He has become a Cleveland icon and an inspiration to us all. He will be missed.

I ask you, fellow colleagues, to join me in honoring this unique and brilliant man, Judge Eddie Corrigan of the Cleveland Municipal Housing Court.

HONORING THE NORTH PARK MIDDLE SCHOOL BAND FROM PICO RIVERA, CALIFORNIA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. NAPOLITANO. Mr. Speaker, today I recognize the outstanding achievements of the North Park Middle School Band from Pico Rivera, California. Time and again this forty-eight member marching band, through the leadership of director Ron Wakefield, concert master Karen Panganiban, drum major Jannette Aldana, assistant concert master Marytza Padilla, and administrative assistant Lou Diaz, have demonstrated a will, drive, and dedication whose efforts demand our respect and admiration.

The North Park Middle School band has performed in parades and concerts in Florida, Hawaii and Mexico, and their accolades encompass more than a hundred sweepstakes awards in parade competition. They were the first and are still the only middle school band to ever participate in the Pasadena Tournament of Roses Parade.

Today, I am overjoyed to announce that these young men and women will be performing at the National Band Festival in Carnegie Hall on April 21, 2000. It is the only middle school band to have been selected to perform with high school and college bands throughout the country. Next year, they will be performing in Vancouver, British Columbia, and the following spring, they will be our ambassadors of music at a concert in St. Paul's Cathedral in England.

The awards and honors that have been bestowed upon this amazing group of individuals enkindles in our community a sense of pride and happiness. These achievements have been made despite great financial adversities. The student musicians at North Park Middle School are a beacon of hope to schools throughout the country, because they have demonstrated that the arts must be an integral part of every school curriculum. They are also deserving of our highest commendation for their outstanding efforts in raising $80,000 so that we might enjoy their illustrious performances.

It is my very great honor to recognize the North Park Middle School Band for their tireless efforts, dedication, and commitment. They are an inspiration to all of us.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. BLILEY. Mr. Speaker, today in remembrance of the Armenian Genocide of 1915–1923, we protect the memory of the Armenian Genocide that began over 85 years ago.

Throughout my tenure in Congress, I have taken to the floor of the U.S. House of Representatives to urge my colleagues to recognize the genocide of the Armenian people at the hands of the Ottoman Turks. I continue that tradition again.

In the shadow of World War I, the Ottoman Turk Government embarked on a plan to systematically eliminate the Armenian people from their ancestral homeland. The Armenian men who had answered the call to join their country's armed forces were isolated and shot. On orders from the central government, Turkish soldiers rampaged from town to town, brutalizing and butchering the remaining Armenian population. Women and children were then forced on a death-march into the Syrian desert. By the end of the war, the Ottoman Turks had been successful in exterminating 2 out of every 3 Armenians. A million and a half Armenians had perished at the hands of the Ottoman Turks.

Henry Morgenthau, Sr., then United States Ambassador to Turkey, wrote:

> I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

It was only 20 years later that Adolf Hitler asked rhetorically, 'Who remembers the Armenians?' as he began his master plan to annihilate the Jews. Those who fail to remember history are condemned to repeat it.

The years cannot mute the voice of those Armenian survivors whose individual accounts of savagery combine to form a bedrock of irrefutable evidence. Despite the attempts to hide the records and to distort the facts; despite the world's preoccupation with politics and strategy, the truth of the Armenian genocide remains.

The Armenian Genocide marked the beginning of a barbaric practice in the Twentieth Century. Now at the beginning of the Twenty-First Century, it is even more important to remember, and condemn, these horrific crimes against humanity. It is for these reasons that I ask you to support House Resolution 398.

THE IMPORTANCE OF INTERNATIONAL EDUCATION—REMARKS OF DR. HENRY KAUFMAN, CHAIRMAN OF THE INSTITUTE OF INTERNATIONAL EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LANTOS. Mr. Speaker, the Institute of International Education (IIE) held a meeting of its board today here in Washington and also honored a number of individuals for their contributions to international educational and academic exchanges. The IIE is an independent nonprofit organization which is a resource for educators and academic institutions around the world. It was established in the United States shortly after the end of World War I to encourage international education.

The Institute is the administrator of the Fulbright Program, which is our nation's premier public diplomacy initiative, and it provides training and leadership development programs for public and private sector initiatives. The mission of the IIE is to increase the number of students, scholars, and professionals who have the opportunity to study, teach and conduct research outside of their own country and to strengthen and internationalize institutions of higher learning in the United States and abroad.

Mr. Speaker, as the economy of the United States is increasingly integrated into the global economy, as our communications are increasingly instantaneous throughout the world, and as our national security, health, and well-being are increasingly affected by events thousands of miles from our shores, the importance of international education and understanding cannot be underestimated. In this increasingly interconnected world, the role and importance of the IIE likewise has become much more important.

Mr. Speaker, at the luncheon awards ceremony today here on Capitol Hill, Dr. Henry Kaufman, the Chairman of the Board of the Institute of International Education made outstanding remarks about the importance of international education for our nation's economy and for our continued leadership in the world. Dr. Kaufman had a distinguished career spanning a quarter century at Salmon Brothers, where he was Vice-Chairman of Solomon, Inc. After leaving that firm, he established Henry Kaufman and Company in 1988. He is a widely published author on economic and financial issues. In 1989, he became Chairman of the Board of Trustees of the Institute of International Education.

Mr. Speaker, I ask that Dr. Kaufman's particularly important remarks be placed in the RECORD, and I urge my colleagues to give them the serious and thoughtful attention they deserve.

REMARKS OF DR. HENRY KAUFMAN, CHAIRMAN, INSTITUTE OF INTERNATIONAL EDUCATION, APRIL 13, 2000

Ladies and Gentlemen: The Board of Trustees of the Institute of International Education welcome you to this very special gathering here in the Rayburn House Office Building. We are here today to recognize the lives of public service of our two recipients of the Stephen P. Duggan Award for International Understanding.

Our two honorees have spent a portion of their professional lives as educators. Both recognize that the work force for the global economy that will be needed in the decades ahead requires an understanding and appreciation of other countries, other peoples and other cultures. And both recognize that international educational exchange is the best way to achieve that.

Each year, with the support of the Department of State, the Institute of International Education conducts research on the international student mobility. The most recent Open Doors data tells us that last year 114,000 American students pursued some study abroad. That is less than one percent of the students enrolled in our colleges and universities. Most of them studied abroad for one semester or less, and most in countries where English is the native language.

IIE believes that we must do better if we are to retain our position of leadership in this ever more interdependent world. Many of our own educational institutions are equally committed to assuring that their students have a study abroad experience. We are discussing with Members of Congress and their staffs ways that legislatively we may be able to establish programs that would foster student mobility.

The 490,000 foreign students studying here in the U.S. represent a contribution to our economy of some $13 billion. In addition, they internationalize our campuses by bringing their own perspectives to issues encountered in the classroom.

The U.S. share of the market of students studying abroad from throughout the world is shrinking. Many European countries, as well as Australia and New Zealand, are actively recruiting those students. In initiating a push to have universities in the United Kingdom educate a 25 percent share of that market, Prime Minister Tony Blair said as recently as last June: ''People who are educated here have a lasting tie to our country. They promote Britain around the world, helping our trade and our diplomacy. It is easier for our executives and our diplomats to do business with people familiar with Britain.''

By the same token, those who have studied here have observed an open democratic system of government, have experienced the freedoms we take for granted, have perfected their English language skills and have learned of the economic potential of our country as a trading partner. Their perspectives are informed by their personal experience of American values and the American way of life. They have an understanding and appreciation of the United States that can come only from living here.

COMMEMORATING THE ONE YEAR ANNIVERSARY OF THE TRAGIC ACCIDENT AT THE NAVAL BOMBING RANGE IN VIEQUES

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. ROMERO-BARCELÓ. Mr. Speaker, almost one year ago on April 19, a tragic accident at the Vieques bombing range claimed the life of a civilian employee of the Navy, David Sanes Rodríguez. That tragedy brought to the forefront longstanding concerns for the safety, health and welfare of the 9,300 Americans citizens that reside in Vieques and has been the catalyst for discussions nationwide.

On January 31st, 2000, the Department of the Navy, the Administration and the Governor of Puerto Rico reached an agreement on the future of the range which formed the basis for the Presidential Directives. To underscore their support for the agreement, the Secretary of the Navy, with the approval of the Secretary of Defense, presented to the Congress legislative initiatives that will, first, transfer the Navy land on the western end of Vieques to the Commonwealth of Puerto Rico and, second, seek approval for the transfer of $40 million dollars for economic incentives.

With these initiatives, Congress has the opportunity to ensure that national security and military readiness requirements are balanced with the rights, health, safety, and welfare of the American citizens of Vieques, while taking into account their contributions to the national defense.

As the sole elected representative of the four million American residents in Puerto Rico I support the agreement and am joined by Puerto Rico's Legislature, Mayor of Vieques, Governor Rosselló and former Governors Ferré and Hernández Colón.

The past year has been a critical time for all of us and it is my hope, that as we mark this significant anniversary, we can move forward together.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BALLENGER. Mr. Speaker, I am pleased to be a cosponsor of the Tax Limitation Amendment 2000 (H.J. Res. 94), introduced by our Republican colleague Representative PETE SESSIONS (R–TX). I firmly believe that we need this amendment to insure that, in virtually every circumstance, a tax increase would require a two-thirds vote in both houses of Congress for final adoption. While this is not a new idea, I believe it is a proposal which deserves our attention and that of the American taxpayers again this year.

Despite the best efforts of the Republican-led 106th Congress to reduce taxes and make the federal tax code fairer for America's hard-working citizens, we cannot count on future Congresses to share our enthusiasm for these reforms—reforms which are strengthening individual citizens' economic opportunities and fueling our nation's record economic growth. We proposed a tax limitation amendment in the fall of 1994 as one component of the Republican's Contract with America, a list of legislative objectives which has guided our policy agenda since the Republican takeover of the House and Senate in 1995. The enactment of H.J. Res. 94 would represent an insurance policy which this Congress should leave as a part of our legacy to our citizens.

H.J. Res. 94 not only seeks to make Congress more fiscally responsible, but it would instill greater public confidence in the tax system. This result has been endorsed by the National Commission on Economic Growth, chaired by former House Member and Republican Vice Presidential nominee Jack Kemp. The amendment would block future major tax increases which resemble President Clinton's 1993 tax increases for example, a bill which cleared the House by only one extra vote and clearly lacked strong bipartisan support. President Clinton's tax hikes are haunting many Americans today, in particular elderly Americans in my congressional district.

The bottom line is that the same super-majority requirement which is applied to major decisions like amending the Constitution and impeaching the President ought to be required for legislation which would take more money out of our constituents' monthly budgets.

HONORING MAJOR BURKS A. VIA, USMC

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. COX. Mr. Speaker, on April 28, 2000, Marine Corps Major Burks A. Via will be laid to rest at Arlington National Cemetery. Major Via was a constituent; and the El Toro Marine Corps Air Station, where he was based for many years during his quarter century of military service, is of special significance to Orange County, CA. It is my honor to bring Major Burks' record to the attention of the 106th Congress as the nation prepares to honor him at Arlington.

Burks Via was born in Roanoke, VA, June 7, 1917. He joined the Marine Corps on his birthday in 1938. After the Royal Canadian Air Force trained him as a pilot, he flew missions in the South Pacific—207 from American Samoa and 40 from Munda, Bougainville, and Guadalcanal.

Via piloted the first Marine Corps aircraft to land in Hong Kong after end of World War II. As the United States worked for post-war peace and stability in Asia, he served with the First Marine Air Wing in Tsingato, China. When Chinese Communist forces grew stronger, and turned their gun sights to U.S. Marines, he flew the final missions out of Chengchun, Mukden, and Peiping. His service record with the Fleet Marine Force, Western Pacific, from June 1948 to January 1949, includes salutations for "extensive behind the lines intelligence missions" against the Communist forces.

In 1949, he was transferred to Cherry Point, NC, the long-time East Coast counterpart to the El Toro Marine Corps Air Station. After duty at the Naval Air Station at Anacostia, where he was promoted to Major, he began a tour in 1953 that took him to El Toro, Hawaii, Japan, and Korea, flying 566 missions. Starting in 1955, Major Via took charge of transport missions for senior U.S. and NATO military officials and diplomats around the world. As Marine Colonel William L. Beach noted in his eulogy on December 17, 1999, Major Via was considered the best VP pilot in the Marine Corps and the Navy. In fact, when President Johnson flew to California to dedicate the University of California at Irvine in 1964, the Marine Corps pilot was asked to back up the President's Air Force One pilot. That same year, Major Burks retired, having logged 14,000 flight hours.

Major Burks served not only his nation, but also his family, and his community. His wife, Shirley, five children, and seven grandchildren, survived him. Orange County will miss him. At Arlington, the nation will honor him. His contributions to freedom in Asia, in Europe, and around the world, and his service to the Marine Corps and the nation, merit our appreciation and our gratitude in Congress.

REMEMBERING THE LATE HONORABLE EDWARD J. SCHWARTZ

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I honor the late Judge Edward J. Schwartz, who in his life brought honor to his country through distinguished public service in the U.S. Navy and as a judge for the United States District Court for the Southern District of California.

Judge Schwartz graduated from San Francisco Law School and practiced for one year before joining the Navy in 1942. He fought in both the Pacific and European Theaters of war and was released as a Lieutenant Commander in 1945. He was appointed to the bench by President Lyndon Johnson in 1968 and became chief judge in 1969 where he presided over one of the busiest caseloads in the country.

Judge Schwartz possessed the ideal qualities of a judge—wisdom, intellectual curiosity, an incisive mind, integrity, common sense, and a full measure of compassion. His career marks a time of great change in San Diego, from its past as a quiet Navy town, to its present as a dynamic multicultural high-tech community.

He is survived by his wife, Martha Monagan-Hart, his three children, and three grandchildren. Our thoughts and prayers go out to the family of the late Judge Edward J. Schwartz. He will truly be missed.

CELEBRATION OF THE 35TH ANNIVERSARY OF THE SERVICE CORPS OF RETIRED EXECUTIVES

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BLILEY. Mr. Speaker, today I celebrate the 35th anniversary of the Service Corps of Retired Executives (SCORE) Chapter 12 in Richmond, Virginia, SCORE is a group of experienced executives who volunteer their time to help entrepreneurs start up and run a business.

Richmond's SCORE Chapter 12 was established in April 1965 by the U.S. Small Business Administration. Since then, these elder statesmen of central Virginia's small business community have been a resource for small business entrepreneurs, serving as mentors and advisors to the small business community. SCORE Chapter 12 volunteers have conducted over 30,000 free counseling sessions and led business workshops attended by over 10,000 individuals since its establishment 35 years ago. SCORE has made a significant contribution to the economic well being and quality of life in Richmond.

I commend the men and women of SCORE Chapter 12 who volunteer their time and expertise to improve and foster the growth of small business in central Virginia.

PERSONAL EXPLANATIONS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. SCHAKOWSKY. Mr. Speaker, during rollcall vote No. 56 on H. Con. Res. 288 I was unavoidably detained. Had I been present, I would have voted "aye".

During rollcall vote No. 57 on H. Res. 182 I was unavoidably detained. Had I been present, I would have voted "aye".

During rollcall vote No. 58 on Journal I was unavoidably detained. Had I been present, I would have voted "aye".

During rollcall vote No. 59 on Ordering Previous Question H. Res. 444 I was unavoidably detained. Had I been present, I would have voted "nay".

During rollcall vote No. 60 on Agreeing to Res. H. Res. 444 I was unavoidably detained. Had I been present, I would have voted "nay".

During rollcall vote No. 61 on Will House Consider S. 1287 I was unavoidably detained. Had I been present, I would have voted "nay".

During rollcall vote No. 62 on Commit w/Instructions S. 1287 I was unavoidably detained. Had I been present, I would have voted "aye".

During rollcall vote No. 63 on S. 1287 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 64 on H. Res. 445 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 65 on H.R. 3822 I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 66 on Journal I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 67 on Ordering Previous Question H. Res. 446 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 68 on Agreeing to H. Res. 446 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 69 on H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 70 on Owens Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 71 on DeFazio Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 72 on Stenholm Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 73 on Sununu Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "nay."

During rollcall vote No. 74 on Spratt Amdt to H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "aye."

During rollcall vote No. 75 on H. Con. Res. 290 I was unavoidably detained. Had I been present, I would have voted "nay."

IN HONOR OF JEANNE SIMON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to Jeanne Simon, the wife of former Senator Paul Simon of Illinois. Jeanne Simon passed away on February 20th of this year. She was not only a gracious and dutiful politician's wife; Jeanne Simon forged her own career as a lawyer, author, politician, and lobbyist.

Throughout her full life, Jeanne Simon held many roles. She was among the first women to attend law school at Northwestern University. She served as an Illinois State Representative, Chairwoman for the U.S. National Commission on Libraries and Information Science, and was a member of the faculty at Southern Illinois University, where she and her husband helped establish the Public Policy Institute there.

After her marriage to fellow Illinois State Representative Paul Simon in 1960, Jeanne Simon chose not to run for re-election to her third term as State Representative. Instead, she dedicated her time to her husband's campaigns as he was elected State Senator, then Lieutenant Governor, U.S. Representative, and finally U.S. Senator in 1984.

Aside from her notable political career, Jeanne Simon was also a successful author and an authority and spokesperson on varied issues from libraries to education to arms control. Her diverse and dynamic career was an inspiration and her tireless devotion to her country and her government will not be forgotten.

My fellow colleagues, I ask you to join with me in remembering Jeanne Simon, an extraordinary and passionate woman who will be greatly missed.

EDWARD W. RHOADS CHAPTER, KOREAN WAR VETERANS ASSOCIATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. PASTOR. Mr. Speaker, today I pay tribute to the men and women of the Edward W. Rhoads Chapter of the Korean War Veterans Association in Tuscon, Arizona, who have joined together to honor those who fought in the "Forgotten War." Through personal commitment, they are working to identify veterans of the Korean conflict, especially those who live in or who served from Pima County, Arizona. Their commitment to those who served in Korea has encouraged a rebirth of patriotism and pride for Korean War Veterans. All branches of the United States Military are welcome to participate. The only requirement is that the veteran served on active duty.

The chapter is named for Edward W. Rhoads, Jr., who was the first casualty of the Korean War from Pima County. Mr. Rhoads was in Company G, 19th Infantry Regiment, 24th Infantry Division. He was captured on July 16, 1950, and died in North Korean POW Camp #3. His date of death is listed as December 31, 1951. He is credited with saving the life of one POW during the vicious "Tiger Death March." His story of quiet heroism, suffering and personal sacrifice is one of the many stories that need to be told and remembered of our Korean veterans.

I applaud the efforts of the members of the Edward W. Rhoads Chapter who have created a place where memories and heroic deeds can be shared by those who appreciate them most: the men and women who were there.

In addition, they have created a physical place of remembrance, a war memorial, to honor all who served during the Korean War. The names of the Pima County veterans who gave their lives in Korea will be inscribed on the memorial, which will serve as a reminder of all that duty to and love for one's country are part of our proud American heritage.

May America always be protected by individuals like the Korean War Veterans in the Edward W. Rhoads Chapter. In their youth they gave their vitality and innocence to protect our nation. Today they continue to give their energy and enthusiasm to protect the ideals for which our nation stands. May democracy always have such champions.

HONORING RICHARD B. HARVEY, DISTINGUISHED SERVICE—PROFESSOR OF POLITICAL SCIENCE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, I am honored today to pay tribute and to congratulate Dr. Richard B. Harvey upon retirement from Whittier College. His educational leadership encouraged countless young students to seek careers in public service.

The inspiration that Dr. Harvey brings to the classroom springs from his commitment to educating students and his belief in the importance of the political process. Dr. Harvey has been an exceptional educator of our youth. He earned a B.A. degree from Occidental College, M.A. and Ph.D. degrees from the University of California, Los Angeles. Within the Whittier educational community, Dr. Harvey participated as a Whittier college assistant dean, a dean of academic affairs and chair of the political science department. In addition to his academic pursuits, Dr. Harvey is also an author, a cohost on television programs, and a radio commentator, delivering political analysis of election results.

Mr. Speaker, I ask my colleagues to join me in wishing Dr. Richard Harvey best wishes on his retirement. His dedication and commitment to teaching California politics has earned him the respect of our citizens.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. SAM JOHNSON of Texas. Mr. Speaker, due to a scheduling conflict I was unavoidably detained and missed rollcall vote 115. Had I been present I would have voted ''aye'' on H.R. 4051, Project Exile: The Safe Streets and Neighborhoods Act of 2000. This bill would establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearm offenses.

TRIBUTE TO MARTY RUBIN

HON. JULIAN C. DIXON

OF CALIFORNIA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. DIXON. Mr. Speaker, on behalf of myself and my colleague Congresswoman LUCILLE ROYBAL-ALLARD, I rise today to pay tribute to Marty Rubin, who after 44 years with the engineering firm of Parsons, Brinckerhoff Quade & Douglas, Inc., is retiring as Chairman Emeritus with a rich legacy of work on transit, highway, bridge, and other public works projects across the nation. From his extensive involvement in the Los Angeles Metro Rail System to his engineering guidance on the Long Beach Blue Line and the Green Line light rail systems, Marty's impact on the infrastructure of Los Angeles has been particularly profound. His friends and associates will gather to honor Marty on April 26 for the crucial role he played in the development of Los Angeles County's transportation system.

Marty Rubin's vision, energy, and wisdom in providing project planning, programming, designing, managing, engineering, and constructing support are recognized by public agencies nationwide. The numerous national transportation infrastructure projects outside of Los Angeles which have benefited from his expertise include San Francisco BART; the Honolulu Rapid Transit Program; the Aviation Parkway in Tucson; the California State Route 91 and State Route 126 Widening projects; the California 1–215 Corridor improvements; the Richmond-Petersburg Turnpike, Virginia; the Garden State Parkway, New Jersey; the Grand Central Parkway; and the New York Belt Parkway.

Marty's peers in the transportation industry and public transportation agencies around the country recognize Marty Rubin as a man of unparalleled integrity. For his efforts to promote minority opportunities in engineering throughout southern California, Marty Rubin has been recognized by the Society of Hispanic Professional Engineers for his leadership. Among the honors he has received is the 1998 Milton Pikarsky Distinguished Leadership Award in Transportation from the School of Engineering from the City College in New York.

Marty Rubin has made an immeasurable contribution to the improvement of mobility for the residents of Los Angeles County and the generations of residents to follow. We are proud to call him our friend, and ask our colleagues in the House to join us in commending this accomplished engineer for his services to the nation's transportation infrastructure and wishing him well in his retirement.

THE ATOMIC WORKERS COMPENSATION ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. UDALL of New Mexico. Mr. Speaker, today I speak about the issue of worker compensation. Today, the administration, Secretary Richardson, President Clinton, and Vice President Gore announced a worker compensation program for workers at the national laboratories all across this country.

Workers have worked at these nuclear establishments and plants for many years, and many of them have been injured as a result. This has been a very sad chapter in the history of the United States. The Department now acknowledges these occupational exposures and has decided to turn over a new leaf. I rise today to introduce legislation that deals with this situation. In New Mexico, about 3 weeks ago, I attended a hearing in my district where workers came forward; they talked about how patriotic they were. They talked about how they were serving their country for many, many years, and as a result of their work they believed they came down with cancers, with beryllium disease, with asbestosis, with a variety of other illnesses. These were very heart wrenching stories.

Among the New Mexicans who shared their testimony is Mr. Jonathan Garcia, who worked at Los Alamos National Laboratory for over 16 years. Mr. Garcia has radiation-induced leukemia. Mr. Garcia has been robbed of his health, but not his dignity.

Gene Westerhold worked for over 44 years cleaning up plutonium and hazardous chemicals for Los Alamos National Laboratory. Mr. Westerhold was told at one point that he was prohibited from working in certain areas due to his high radiation exposures. Yet, when he sought information of his exposure history, he was told his records were lost, Mr. Westerhold is a survivor.

Ms. Darleen Ortiz, whose father died of cancer after having spent his life cleaning up toxic materials at Los Alamos, is a survivor. Ms. Hugette Sirgant, a widow of a Los Alamos National Laboratory employee, has bravely taken on the role and responsibility as an advocate for both victims and survivors.

And lastly, Mr. Tómas Archuleta was exposed to beryllium, plutonium, asbestos, solvents, toxic metals and hazardous chemicals. Mr. Garcia, Mr. Westerhold, Mr. Archuleta, Ms. Oritz, and Ms. Sirgant are survivors. These brave people have asked for my help in crafting legislation that would help them.

Today, I introduced a piece of legislation that will be comprehensive. It will deal with all of the injuries that occurred and that were talked about at the Los Alamos hearing. It is comprehensive in the sense that it will cover beryllium; it will cover radiation. It will cover asbestos, and it will cover the chemicals that these workers were exposed to.

Under this legislation, the workers will be able to come forward to demonstrate their exposure and their illness in a program similar to the Workman's Compensation program that is in place for the Federal Government.

My legislation will also provide that during the 120 day period while their claim is pending, Los Alamos National Laboratory workers will be able to get health care for their ailments related to their workplace exposures free of charge at the nearest Veterans Hospital.

And the burden is on the government, because many of these individuals came forward and talked about how they had worked their whole life, and they knew they were exposed, but then, when they asked for their records, there were no records. Their records were lost. So under those circumstances, we clearly have to put the burden on the Government.

Although my bill is specifically directed to New Mexico, I know there are many other of my colleagues around the country that have this same situation in their districts. They are Democrats and Republicans and all areas of the United States are affected. So I think this is a great issue for us to join together in a bipartisan way, and I urge my colleagues to work together to craft a solution to this problem at the national level.

The reason I think it is so important is that these workers were true patriots. They were people that loved their country, cared about their country, and worked for their country at a critical time for us. We now need to do something for them.

THE REVEREND DR. ERROL A. HARVEY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. VELÁZQUEZ. Mr. Speaker, today I recognize a man whose faith defined his character and whose character is considered a model for modern social justice.

Mr. Speaker, Helen Keller once said, ''Character cannot be developed in ease and quiet. Only through experience of trial and suffering can the soul be strengthened, ambition inspired, and success achieved.''

The Reverend Dr. Errol A. Harvey was born in the great city of Grand Rapids, Michigan in 1943. As the second of four sons born to Fred and Elizabeth Harvey, young Errol lived in Grand Rapids until 1965 when he graduated from Aquinas College with a degree in history and political science.

However, Errol, whose character was shaped at a very early age by the death of his dear mother Elizabeth, decided to answer the call of his faith and his God. Father Harvey entered Seabury-Western Theological Seminary and received a Bachelor's of Divinity degree in 1969. His work as a Catholic Priest took him from the Trinity Cathedral Church in Newark, New Jersey to Dorchester, Massachusetts to the infamous Bronx in New York.

And in every area in which he has lived, worked and taught, Father Harvey has left a legacy of community leadership, social justice and acted as a tireless champion of those who are less fortunate.

For instance, while Vicar of St. Andrew's Church in the Bronx, Father Harvey was instrumental in building St. Andrew's House, a 75 unit apartment complex for senior citizens and the physically challenged. St. Andrew's House became a beacon in a community long known as one of the poorest areas in New York City and in America.

Throughout his life, Father Harvey, armed with the courage of his convictions and the strength of his character, became a pioneer in the fight against homelessness, police brutality, labor exploitation and worldwide human rights abuses. He has fought against racial injustice and has been a vocal advocate for people with disabilities and those suffering from AIDS.

Today, Father Harvey continues to serve his adopted home of New York City as a member of the Board of Directors of Housing Works, Inc, the largest provider of housing and services for people with AIDS.

And while he has never sought out praise or any kind of honor, Father Harvey has been honored with such esteemed honors as the Outstanding Service Award from the Council of Churches of the City of New York and The Reverend Patrick D. Walker Leadership Award given by the Black Caucus of the Dioceses of New York.

And today, we honor Father Harvey one more time. Not with a glowing award or gold statue, but with a simple ''Thank You and God Bless You Father.''

DRUG PRICE COMPETITION IN THE WHOLESALE MARKETPLACE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. EMERSON. Mr. Speaker, today I am introducing legislation that will preserve drug price competition in the wholesale marketplace, prevent the destruction of thousands of small businesses across America and avoid a possible disruption in the national distribution of prescription drugs to nursing homes, doctors offices, rural clinics, veterinary practices and other pharmaceutical end users. As befitting such legislation, I am pleased to note that this bill has cosponsors from both political parties, a number of different committees and many different areas of the country.

Our objective is to prevent and correct the unintended consequences to prescription drug wholesalers of a Final Rule on the Prescription Drug Marketing Act (PDMA) issued by the Food and Drug Administration in December, 1999. This regulation will require all wholesalers who do not purchase drugs directly from a manufacturer to provide their customers with a complete and very detailed history of all prior sales of the products all the way back to the original manufacturer. Absent such sales history, it will be illegal for wholesalers to resell such drugs. But in a true ''Catch 22'' fashion, the regulation does not require either the manufacturer or the wholesaler who buys directly from the manufacturer to provide this sales history to the subsequent wholesaler. In addition, the wholesaler who does not purchase directly from a manufacturer has no practical way of obtaining all the FDA required information needed to legally resell RX drugs. The result of this rule will be that most small wholesalers will be driven out of business. The FDA has estimated that there are about 4,000 such secondary wholesalers who are small businesses.

The FDA's Final Rule will also upset the competitive balance between drug manufacturers on the one hand and wholesalers and retailers on the other by granting the manufacturers the right to designate which resellers are ''authorized'' and which are not, quite apart from whether the reseller buys directly from the manufacturer or not. The original intent of the PDMA was that wholesalers who purchase directly from manufacturers be authorized distributors, exempt from the requirement to provide the sales history information to their customers. However, the FDA's regulation has separated the designation of an authorized distributor from actual sales of product, and will allow manufacturers to charge higher prices to wholesalers in exchange for designating them as authorized distributors. Drug price competition will also be significantly reduced if thousands of secondary wholesalers are driven out of business. The result of the FDA's regulation will be that consumers and taxpayers will pay even higher prices for prescription drugs.

Seems to me that the FDA is protecting the drug companies at the expense of the American public at a time when these companies must be encouraged to lower their outrageous prices so that our seniors and others in need can afford to pay for their medicine.

Thus, while the Congress wrestles with difficult questions regarding drug pricing for seniors, expanded insurance coverage for prescription drugs and the like, the PDMA Rules is a drug pricing issue that is relatively uncomplicated, easy to solve and not expensive.

The bill would make minor changes in existing language to correct the two problems described above. First, the bill would define an authorized distributor as a wholesaler who purchases directly from a manufacturer, making the definition self-implementing and removing the unfair advantage given to the manufacturer by the regulation. Secondly, the bill will add language to the statute which will greatly simplify the detailed sales history requirement for most wholesalers. If prescription drugs are first sold to or through an authorized distributor, subsequent unauthorized resellers will have to provide written certifications of this fact to their customers, but will not have to provide the very detailed and unobtainable sales history. For any product not first sold to or through an authorized distributor, a reseller would have to provide the detailed and complete sales history required by the FDA Rule. This would protect consumers against foreign counterfeits or any drugs which did not enter the national distribution system directly from the manufacturer, while eliminating a burdensome and expensive paperwork requirement on thousands of small businesses which has no real health or safety benefit in today's system of drug distribution.

My cosponsors and I invite and encourage Members to add their names to this bill and look forward to its prompt enactment this year. Unless the FDA regulation is reopened and significantly modified by the agency, overturned in court or, as I hope, corrected by this bill, wholesalers will have to start selling off their existing inventories as early as May because the products will be unsalable when the regulation goes into effect in December 2000. This forced inventory liquidation will be accompanied by an absence of new orders by thousands of wholesalers, and the result could easily be disruptions in the supply of prescription drugs to many providers and end users. Let us then move quickly to fix this problem and save consumers, taxpayers and thousands of small business men and women across the land from higher drug prices, potential health problems due to supply interruptions and significant economic loss and unemployment.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Ms. SANCHEZ. Mr. Speaker, I am paying tribute and joining my colleagues in commemorating the 85th anniversary of the Armenian Genocide. As many of you know, on April 24, 1915, a group of 200 Armenian religious, political, and intellectual leaders were arrested and murdered, marking the beginning of the first genocide of this century. Over the next 8 years, 1.5 million Armenians were massacred and over 500,000 survivors were exiled in an attempt to eliminate the Armenian population in the Ottoman Empire. Several were deported from areas as far north as the Black Sea and as far west as European Turkey to concentration camps. In addition to being deprived of their homeland, their freedom, and their dignity, many Armenians died of starvation, thirst, and epidemic disease in horrendous concentration camps.

Unfortunately, 85 years after the beginning of this terrible period in the history of humanity, the Turkish Government refuses to acknowledge the truth about its past. As a member of the House Armed Services Committee and the Armenian Caucus, I have supported efforts to recognize the Armenian Genocide. I feel it is imperative that we show respect and remembrance to those victims and encourage Turkey to do the same. By remembering this crime against humanity, we honor those who perished and serve notice on all governments that such crimes will not be forgotten.

TRIBUTE TO MILTON J. WALLACE, COMMUNITY HERO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. MEEK of Florida. Mr. Speaker, I want to take this opportunity to pay tribute to one of my community's unsung heroes, Attorney Milton J. Wallace. On May 10, 2000, 12:00 noon, at the Miami Inter-Continental Hotel the Miami-Dade Affordable Housing Foundation will host its First Annual Housing Heroes Awards Luncheon to honor him for his many years of dedication and service under the aegis of the affordable housing movement.

Born to Mark and Regina Wallace in New Jersey on December 17, 1935, Milton Wallace was the only child who came to grace this loving couple. His family moved to Miami in 1949, and he subsequently attended the University of Miami, obtaining his bachelor's degree in 1956 with summa cum laude, the highest distinction awarded to any graduate. In 1959 he obtained his law degree, and was inducted as a member of the Iron Arrow—the august group of Hurricane alumni who have gone above and beyond the call of duty in upholding the honor and glory of their Alma Mater.

A Certified Public Accountant since 1957, he has also been a Member of the Florida Bar since 1959 and a Licensed General Contractor in Florida since 1969. Mr. Wallace became a City of Miami Judge from 1961 to 1963, and served as Florida's Assistant Attorney General from 1965 to 1970. He moved on to hold the position of General Counsel to the Florida Securities Commission, which soon became the Division of Securities within the office of Comptroller of the State of Florida.

Happily married to his wife Patricia since 1963, he is blessed with two sons, Mark who is 32 and Hardy, age 22. While his affiliations with many corporations and civic organizations are many, Milton Wallace takes ample pride in representing the noblest of our community. As a Director and founding member of the Miami-Dade Affordable Housing foundation, Inc., he has resiliently dedicated a major portion of his life to making the justice system work on behalf of the less fortunate.

He wisely chose the challenge of ensuring home ownership as an affordable and accessible right for countless ordinary citizens who have done and are doing their fair share in contributing to the good of our community. Long before anyone ever thought of hastening the dream of affordable housing into reality, Milton Wallace was relentless in his creativity and resourcefulness deeply aware of the fact that this project was well worth his effort. His focus saliently maximized his insight, understanding and commitment to those who lack the financial wherewithal to fulfill their wish of someday owning their dream house.

Under his leadership many lives have been saved and countless families have been rendered whole because the opportunity of accessing affordable housing has been expedited. He was the proverbial lone voice in the wilderness in exposing his righteous indignation over the harrowing difficulties of hard-working individuals who just could not cut through the labyrinth of banking regulations impacting housing loans that are truly affordable. At the same time, he has been forthright and forceful in advocating the tenets of equal treatment under the law for the poor who often are unfairly subjected to extensive red-tape and bureaucracy. To this very day his commitment toward them remains firm.

Accordingly, I will join my community in honoring him as a genuine leader whose dedication to affordable housing for all serves as an example of the difference each of us can make on behalf of the less fortunate. Single-handedly he has championed a career-long commitment to affordable housing for all of America's families. As the noble gadfly that he represents, he is one to goad his colleagues toward a more hopeful life for our community's ordinary working families. Milton Wallace thoroughly understands the accouterments of power and leadership, sagely exercising them alongside the mandate of his conviction and the wisdom of his knowledge, and focusing his energies on the well-being of a community he has learned to love and care for so deeply.

His being honored as the recipient of the First Annual Housing Heroes Awards truly evokes the unequivocal testimony of the respect and admiration he enjoys from our community. Milton Wallace indeed exemplifies a visionary whose courage and perseverance in the face of overwhelming odds appeal to our noblest character. This tribute dignifies his role as a community servant par excellence who gives credence to the generosity and optimism in the American spirit. Indeed, he will always serve as our indelible reminder of the nobility of commitment and the lasting power of public service.

On behalf of a grateful community, I truly salute him, and I wish him the best!

INTRODUCTION OF THE IDENTITY THEFT PREVENTION ACT OF 2000

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Ms. HOOLEY of Oregon. Mr. Speaker, today I introduced the bipartisan Identity Theft Prevention Act of 2000. Identity theft has become the latest coast to coast crime wave. This bill includes common sense measures that will allow consumers to work with creditors and credit bureaus to combat this growing problem.

Identity theft occurs whenever someone uses your name, social security number, mothers maiden name, or any personally identifiable information to purchase goods or services—usually with credit cards. Victims of identity theft never realize they are victims until they receive a bill in the mail, or even worse, a notice from a collection agency for a purchase they never made on a credit card in their name that they don't even own.

While credit issuers have been willing to refund fraudulent charges, victims are still faced with problems of ruined or destroyed credit, the time commitments of redeeming their name with multiple credit bureaus and credit issuers, and the fear and anxiety associated with knowing that someone is using all of their personal information to charge any manner of goods. As a result of identity theft, victims have been turned down for jobs, mortgages, and other important extensions of credit.

Identity theft is a growing problem. Just look at the following statistics: Trans Union credit bureau's fraud victim assistance unit received just 35,235 complaints in 1992 but in 1997 received 522,922. That's a 1,400 percent increase! The Privacy Rights Clearing House estimates that there will be 400,000 to 500,000 new cases of ID fraud this year and the Federal Trade Commission's 1–800 number for ID theft receives an average of 400 calls a week from people like my constituent Paul LaLiBerte, from Clackamas, Oregon, who has been a victim of identity theft twice. One of those thousands of calls stated, ''Someone is using my name and social security number to open credit card accounts. All the accounts are in collections. I had no idea this was happening until I applied for a mortgage. Because these ''bad'' accounts showed up on my credit report, I didn't get the mortgage.'' May 18, 1999.

This bill attempts to address these problems by empowering consumers and asking creditors and credit bureaus to do their part to combat fraud.

For instance, the bill requires that any time a creditor receives a change of address form, the creditor send back a confirmation to both

the new and the old addresses. That way, if a thief attempts to change your billing address so you won't find out about fraudulent charges—you'll know.

The bill also requires credit bureaus to investigate discrepancies in addresses, to make sure that the address for the consumer that they have on file is not the address provided by the identity thief.

This bill codifies the practice of placing fraud alerts on a consumer's credit file and gives the Federal Trade Commission the authority to impose fines against credit issuers that ignore the alert. Too many credit issuers are presently ignoring fraud alerts to the detriment of identity theft victims. It also requires that fraud alerts are placed on all information reported by a credit bureau, including credit scores. Often when a credit score is issued without a full report, the fraud alert does not show up.

This legislation also gives consumers more access to the personal information collected about them, which is a critical tool in combating identity theft, by requiring that every consumer across the nation have access to one free credit report annually. Currently, six States—Colorado, Georgia, Massachusetts, Maryland, Vermont, and New Jersey—have such statutes. This act makes one free credit report a national requirement. In addition, consumers could review the personal information collected about them by individual reference services. With greater access to their own personal information, consumers can proactively check their records for evidence of identity theft and uncover other errors.

The bill also restricts the type of information a credit bureau can sell to marketers to your name and address only. Currently credit bureaus can sell such personally identifiable information as your social security number or mother's maiden name. This sensitive information would be treated under this bill like any other part of the credit report, with its disclosure restricted to businesses needing the data for extensions of credit, employment applications, insurance applications, or other permissible purposes.

I am introducing the Identity Theft Prevention Act with Representative STEVE LATOURETTE (R–OH) and twelve other cosponsors. This bill has been endorsed by Public Citizen and the Privacy Rights Clearinghouse, and is a companion bill to S. 2328 offered by Senators FEINSTEIN, KYL, and SHELBY. It is my hope that the House Banking Committee will take up consideration of this bill and that we can soon bring it to the floor for a vote by the entire Congress.

LEGISLATION TO REINFORCE ANTITRUST LAWS

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. MINGE. Mr. Speaker, following is a summary of my legislation.

A bill to reinforce our antitrust laws by focusing on three main issues:

(1) Broadening our antitrust laws: Antitrust violators should be liable to all injured persons, whether the damages are direct or indirect. Under current federal law, only direct parties have the right to a remedy for antitrust harm. By broadening the scope of persons who can demand reparations for harm caused by antitrust violators, without relying on government bureaucracies to do it for them, our antitrust laws can be more effective.

(2) Modernizing antitrust enforcement: This bill increases the maximum fines from $10 million to $100 million to reflect the magnitude of today's economy and potential damages from anti-competitive activity. Moreover, megamergers create heavy workload for the agencies responsible for their approval. The pre-merger notification filing fee structure is changed to reflect that.

(3) Addressing concentration in agribusiness: Growing concentration in food processing and distribution has been accompanied by low farm income and the loss of thousands of farmers. The weakening bargaining power of farmers and the potential market power of suppliers, processors and other intermediaries has been accompanied by record earnings. Moreover, the benefits of low farm prices are not passed on to American consumers; food prices are not declining. This bill creates a commission to study this troublesome situation. This bill also clarifies the Packers and Stockyards Act to ensure that small producers are not discriminated against and establishes a senior official position for agriculture at the Antitrust Division of the DOJ.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 2000

Mr. MEEHAN. Mr. Speaker, I rise to commemorate the 85th anniversary of the Armenian Genocide. The actual date the anniversary will be observed is April 24, but I rise today while we are in session to pay my solemn respects to the innocent fallen and add my words to history's record of one of the most terrible tragedies known to mankind.

On April 24, 1915, a group of Armenian religious, political, and intellectual leaders were arrested in the city then known as Constantinople, taken to the interior of Turkey, and murdered. What followed from there was nothing less than the systematic deprivation of Armenians living under Ottoman rule of their homes, property, freedom, and lives. The tragic toll of its dark period in world history includes the death of 1.5 million Armenian men, women, and children and the deportation of 500,00 others. Before their tragic deaths, countless Armenian women were subject to unspeakable cruelties, in the form of sexual abuse and slavery.

History is not condemned to repeat itself. We can prevent future tragedies by acknowledging, remembering, and commemorating yesterday's tragedies. Unfortunately, the Turkish Government still refuses to admit its involvement in the Armenian Genocide, and even the current U.S. administration has not fully acknowledged the extent of the wrongdoing between 1915 and 1923. That is why we must make our voices heard. History's record must reflect the truth of what the Armenians experienced: mass murder and genocide. If it does not, only then are we condemned to a future littered with more instances of unspeakable wickedness and cruelty.

My congressional district contains a large and vibrant Armenian-American community, which has contributed so much to the Merrimack Valley's economic vitality and culture. When today's Armenian-American community commemorates the Armenian Genocide, they convey the message to the world that only the continued vigilance of people of good conscience stands between peaceful human coexistence and another instance of genocide.

My respect for my Armenian-American constituents and for their commitment to remembering past tragedy and preventing future tragedy compels me to rise and speak today. It compels me to add my voice to those who speak out against hatred and fear. It should compel us all to remember past horrors, lest they happen again.

READING DEFICIT ELIMINATION ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. GOODLING. Mr. Speaker, today I introduced the Reading Deficit Elimination Act (RDEA), which is an important step in ensuring that every American has the ability to read. I am also pleased that Senator PAUL COVERDELL (R–GA) is introducing an identical bill today in the Senate.

According to statistics from the National Assessment of Educational Progress (NAEP), 74 percent of third graders remain poor readers when they reach the ninth grade. Overall, 40 percent of fourth-graders are reading at the "below basic" level. The National Adult Literacy Survey, as many as 50 million adults have only minimal reading skills. This situation is absolutely unacceptable.

Yesterday, we passed a resolution in my committee to make good on our commitment to fully fund the Individuals with Disabilities Education Act (IDEA). This legislation is consistent with our efforts to provide funding for special education. It is estimated that as many as 2 million students who are placed in special education are there simply because they haven't been taught to read.

The National Institute for Child Health and Human Development tells us that 90 percent to 95 percent of these students could learn to read and be returned to their regular classrooms if they were given instruction based on the finding of scientific research.

Just this morning, the National Reading Panel released its report on "Teaching Children to Read," in both the Senate and the House. The message we heard confirms what we have known for years: Teaching children to read is essential if they are to be successful in life. We now have scientific research that shows us the way once again.

Based on findings of more than 35 years of research, the Panel reports the following ingredients of what students need to learn if they are to read proficiently:

Phonemic Awareness—letters represent sounds.

Systematic phonics instruction—a necessary, but not sufficient, component of learning to read.

Reading Fluency–rapid decoding of words, practiced until it is automatic.

Spelling–accurate spelling, not the invented kind.

Writing Clearly–which leads to developing good reading comprehension skills.

I believe if we are to eliminate the reading deficit, then it is necessary for students to be taught all of these necessary skills.

Complimentary to the legislation being introduced today is the Literacy Involves Families Together (LIFT) Bill, which I am pleased is part of the Reading Deficit Elimination Act. In addition, Republicans pushed to pass the Reading Excellence Act, which was signed into law by the president in 1998. It is helping teachers in low-income areas and in schools where there is a high illiteracy rate to apply the scientific principles of reading instruction in the classroom.

When President John Kennedy launched Project Apollo in 1962, and set a goal of sending a man to the moon by the end of the decade, all America cheered. That goal was met when Neil Armstrong set foot on the moon in July of 1969.

Our determination to eliminate the reading deficit is no less challenging than going to the moon, and it is equally achievable. For the sake of our children, and the future of our nation, we must not let them down.

I hope we can come together as a nation to cheer on the elimination of the reading deficit for all our children. The Reading Deficit Elimination Act is an important step in that direction.

TRIBUTE TO U.P. LABOR HALL OF FAME CHIESTER F. SWANSON

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. STUPAK. Mr. Speaker, I pay tribute to the late Chester F. Swanson, one of that great breed of dedicated, lifelong union activists who help ensure a good quality of life for the working men and women of northern Michigan. I offer these remarks on the occasion of Chester's election to the Michigan's Upper Peninsula Labor Hall of Fame.

At age 15 in 1921, Chester began working for a famed gunmaker in my district, Marble Arms Corp. in Escanaba, Mich. He retired from the corporation after 50 years of service, but he returned many times after this retirement to help with the set-up of machines used to make gun sights.

In 1945 a charter was issued by the United Auto Workers for Local 126 at Marble Arms. Proud that the union had come to his shop, Chester made the drive across northern Michigan and took the ferry across the Straits of Mackinac to pick up the charter. He never stopped being a union advocate from that moment on, serving as the local's financial secretary and union steward.

Although Chester died almost 30 years ago, Mr. Speaker, one can still hear many wonderful stories that paint a picture of a man who took joy in each day, who made great friendships, who was respected by his co-workers, even the younger workers who remember him so fondly.

Gary Quick, UAW International Representative for Region 1–D, recalls that when Chester traveled, he called his mother each day, and when he completed the call he would return to his group and announce, ''All is fine with Mum!''

Gary also recalls one icy winter night—a black, black night with the temperatures about 30 below zero—when the union leadership, including Chester, found itself traveling home from a meeting about 60 miles away. A side trip was required to take one of the members home in the small community of Rock, a trip on back roads with snowbanks higher than the automobile. Chester wondered aloud if the gang would survive the trip, should they run into trouble. For years afterward, Gary says, Chester would be sure to say, ''We made it that cold night to drop off Red in Rock, so I guess we will make it wherever . . .''

Friends recall that Chester, even at the age of 90 years young, would eat his three good meals every day, would be ready to stay out with the younger fellows until late at night and would be ready to go again in the morning.

They recall that Chester never forgot his camera for important events, recording friends and sharing the prints, and maintaining a photo record of area youth participating in local sports.

Most of all, Mr. Speaker, friends remember Chester as a union man, who cared about his fellow workers, his community, and who cared about the job he performed with pride for more than half a century.

RECOGNIZING CARLISLE AND McCORD ELEMENTARY SCHOOLS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. ADERHOLT. Mr. Speaker, I am proud to recognize two schools in my district that have been recognized by the U.S. Department of Education for their achievements as Title I schools.

These schools, Carlisle Elementary Schools in Boaz, Alabama and McCord Elementary School in Albertville, Alabama, were selected for this award through a competitive process coordinated and managed by the state education agency. The principals of these schools, Ms. Kim Mintz and Mr. Richard Cole respectively, deserve this national recognition for their unwavering dedication to the academic achievement of their students.

Title I schools are located in high poverty areas and receive funding to improve teacher training and learning for at-risk children. These two schools and the 97 others in the nation that are also receiving these awards, are schools that have far exceeded expectations; they have truly gone the extra mile to give these children a chance to succeed. In turn, these children, supported by their families, have worked hard and set an example for students everywhere.

The recognition is based on six criteria: opportunity for all children to meet proficient and advanced levels of performance; professional development for teachers and administrators; coordination with other programs; curriculum development and instruction to support achievement to high standards; partnerships developed among the school, parents, and the local community; and three years of successful achievement and testing data.

The awards will be presented on May 2 in Indianapolis at the 2000 International Reading Association Conference. Mr. Speaker, I commend the faculty, staff, parents, and students for making these schools such a landmark of achievement in the State of Alabama.

CELEBRATING DICK DALE, KING OF THE SURF GUITAR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. LEWIS of California. Mr. Speaker, today I celebrate the achievements of Dick Dale, a resident of Twentynine Palms, California, in the heart of the 40th district. Better known as the King of Surf Guitar, Dick Dale is a gifted musician who defined a music style in the early 1960s that is still enjoyed by millions of music-lovers the world over.

Surf music, which attempts to capture the feeling of riding the waves on a surfboard, was a uniquely American style of music known as the ''California Sound.'' Along with his group, the Del-Tones, Dale composed and recorded the first surf record, which lit the fuse in 1961 for the national explosion of the surf music craze. He also helped pioneer the development of electronic reverberation and concert-quality amplifiers and speakers. Dale has recorded for NASA, Disneyland, and a multitude of commercials, television shows, and movies. The recipient of countless awards, Dale has been nominated for a Grammy and is enshrined in the Surfing Hall of Fame.

Beyond his musical talent, Dale is an accomplished horseman, exotic animal trainer, surfer, martial arts expert, archer, and pilot. In addition to his recording and performing career, Dale has worked tirelessly to clean up the world's oceans and protect endangered wild animals. He has donated the proceeds of some recordings to the Burn Treatment Center at the University of California.

Dick Dale has not been content to sit back as a legend. This superb musician and innovator is still performing and has won over a whole new generation of fans as well as maintained his legion of long time admirers. He always has time for his devoted fans, often signing autographs and swapping stories for hours after his concerts. Dick Dale is an American original and will forever be the King of Surf Guitar.

HONORING ASSISTANT FIRE CHIEF PAUL D. MARTIN, FIREHOUSE MAGAZINE'S FIREFIGHTER OF THE YEAR

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. SWEENEY. Mr. Speaker, today I recognize Firehouse magazine's Firefighter of the Year, Assistant Fire Chief Paul D. Martin of Hudson Falls, New York. Assistant Chief Martin surpassed 101 other firefighters from across the nation to win the highly coveted award. His actions remind us that firefighting is one of the most dangerous occupations in the United States.

I salute Assistant Fire Chief Martin, a fire investigator, for his heroic actions in the early morning hours of August 27, 1999. Without regard to personal safety, Assistant Chief Martin executed a daring rescue of an elderly woman trapped in her flame engulfed residence. He fought heavy flames in the two-story building while pulling the 77 year old resident to safety. Assistant Chief Martin suffered second- and third-degree burns to his face, ears, lower back and hip as the intense flames and heat ignited his fire-retardant equipment. This performance of duty set him apart from all other firemen in the nation and earned him the title of Firefighter of the Year.

The 21-year veteran of fire service, husband, and father of two deserves our highest praise. He is among thousands of firefighters who lay their lives on the line for our safety and well-being every day. Upstate New Yorkers owe a lasting debt to Assistant Chief Martin and his firefighting colleagues who sacrifice so much to protect the lives and property of others.

Mr. Speaker, please join me in congratulating Assistant Chief Martin on his selection as Firefighter of the Year. Please also join me in recognizing his outstanding courage in the face of grave danger and unquestionable dedication to duty. He symbolizes America's greatest heroes.

A TRIBUTE TO REPRESENTATIVE STEPHEN CHEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. ACKERMAN. Mr. Speaker, I want to call to the attention of my colleagues and submit for the RECORD an article regarding Representative Stephen Chen, who serves as the head of the Taipei Cultural and Economic Representative Office in Washington. The article, which ran in on April 3 in the New York Times, is a fitting tribute to Taiwan's unofficial Ambassador, who has worked diligently to promote and expand relations between the United States and the 22 million citizens of Taiwan.

Mr. Speaker, Ambassador Chen is a thorough professional who has enjoyed a long and distinguished life as a career diplomat. He has represented his government all over the world, including postings in the Philippines, Brazil, Argentina and Bolivia. His experience in the United States also is extensive, during the past twenty-five years Ambassador Chen served in Atlanta, Chicago, Los Angeles and he has spent the last three years the Representative in Washington, D.C.

Mr. Speaker, I am certain my colleagues would agree that Stephen Chen's charm and quiet demeanor have served Taiwan well. Whether meeting Members of Congress in their offices or Executive Branch officials in a more neutral setting, Ambassador Chen has always worked to make certain the United States and Taiwan remain strong friends.

Mr. Speaker, as the article notes, Ambassador Chen is planning to retire shortly. I am certain all of my colleagues join me in congratulating Stephen Chen on a distinguished diplomatic career. We in the Congress are indeed fortunate to know him, and we wish him well in the years ahead.

[From the New York Times (on the Web), Apr. 3, 2000]

PUBLIC LIVES—A DIPLOMATIC OUTSIDER WHO LOBBIES INSIDE WASHINGTON

(By Philip Shenon)

WASHINGTON—AT an embassy that is not an embassy, the ambassador who is not an ambassador can only imagine what it is like to be a full-fledged member of Washington's diplomatic corps.

''In the evenings, you attend cocktail parties, champagne dances,'' Stephen Chen said wistfully of the black-tie world from which he is largely excluded. ''This is the very routine, beautiful picture of the diplomat in a textbook.''

Mr. Chen, the director of the Taipei Economic and Cultural Representative Office, the de factor embassy here for the government of Taiwan, is a charming pariah.

While he represents the interests of 22 million of the freest and richest people in Asia, the 66-year-old diplomat might as well be invisible, at least as far as many of the State Department's China experts are concerned.

The snubs, Mr. Chen suggested, are an obvious effort to appease Beijing, and they are more than a little unfair to a government that is only weeks away from a peaceful transfer of power from one democratically elected leader to another, the first time that has happened in almost 5,000 years of Chinese history.

''There is a kind of unfairness,'' Mr. Chen tells a visitor, the wall behind his desk decorated with a painting of the delicate blossoms of the winter plum, Taiwan's national flower. ''We have been a model student for freedom, democracy and a market economy.''

''We don't mind if the United States has rapprochement with mainland China—we think it's good to bring the P.R.C. into the family of civilizations,'' he says of the People's Republic of China,

Because the United States has no diplomatic relations with Taiwan and has recognized the Communist government in Beijing as the sole representative of the people of China, Mr. Chen and his staff of nearly 200 are barred from the premises of the State Department.

They are not invited to diplomatic receptions at the White House, or to most of the dinner parties and glittery balls held at the embassies of nations that recognize Beijing.

When Taiwanese diplomats want to talk with Clinton administration officials, the meetings are often held in hotel coffee shops.

''We must meet in a neutral setting, that is the rule,'' says Mr. Chen, explaining the awkward logistics of the job.

Relations with China have been especially jittery since Taiwan's election last month of the new president, Chen Shui-bian, a former democracy activist who long advocated Taiwan's independence and whose victory ended half a century of Nationalist rule.

On the eve of the election, Chinese leaders all but warned of an invasion if Mr. Chen and his party were victorious. Since the election, both Mr. Chen and Beijing have softened their rhetoric, and Mr. Chen has recently insisted that he sees no need for an independence declaration.

Stephen Chen, who is not related to the new president, welcomes the moderated rhetoric from Taiwan's new government. The Communist leaders in Beijing, he says, would strike only ''if they should be unnecessarily provoked.''

''We have been dealing with them for more than 60 years,'' he said. ''We knew when they are bluffing, when they are not bluffing. If we don't give them an excuse, I don't think they're going to attack.''

Mr. Chen, who was born in the Chinese city of Nanjing, last saw the mainland in 1949, when his family was on the run from the victorious Communist forces of Mao Zedong. They fled to Taiwan, his father a diplomat in the service of the Nationalist leader, Chiang Kai-shek.

His father was assigned to the embassy in the Philippines when Mr. Chen was 15, and he remained there for more than a decade, attending college in Manila, marrying his Chinese-Filipino high school sweetheart and becoming fluent in English.

In 1960, he returned to Taiwan and passed the foreign service exam. He was first sent to Rio de Janeiro, and then to Argentina and Bolivia. In 1973, he was named consul general to Atlanta, where he remained until the United States severed relations with Taiwan and recognized Beijing six years later.

Mr. Chen said he can remember sitting in his living room in Atlanta, watching the televised announcement by President Carter that the United States would recognize the Communist government. ''I felt that I was being clobbered,'' he recalled. ''A baseball bat on the head.''

''It seemed very unfair,'' he continued. ''It was as if the United States wanted to reward a bad guy, the lousy student, and to punish the good student. That was my feeling.''

In the years since, he said, Taiwanese diplomats have learned how to innovate, especially in Washington, where they employ some of the city's most powerful lobbyists and retain close ties to many prominent conservative members of Congress.

Mr. Chen says his office has an annual budget for lobbying of about $1.2 million and contracts with 15 firms. ''They help open doors, they make appointments for us,'' he said. ''But we make the presentations.''

Under a 1979 law, Taiwan can continue to buy American weapons.

And Mr. Chen has been a frequent visitor to Capitol Hill in recent weeks as his government seeks Congressional approval for the sale of a wish list of sophisticated weapons. ''If we are deprived of basic defensive weapons, then of course we are thrown to the wolves,'' he said.

Mr. Chen is considering a visit to the lair of the wolves. After 40 years in the diplomatic service, he is nearing retirement, and he is planning a vacation on the mainland, which is now permitted.

''I tell you very frankly, I would like to see the Great Wall,'' he said. ''This belongs to

the legacy of China. It has nothing to do with Communism.''

A BILL TO CLARIFY THE TAX TREATMENT OF CONTRIBUTIONS IN AID OF CONSTRUCTION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. HERGER. Mr. Speaker, I am introducing legislation today, along with Mr. MATSUI and Mrs. JOHNSON, to ensure that needless Treasury regulation does not add unnecessarily to the cost of housing.

The need for this legislation is brought about because the Department of Treasury has issued proposed regulations to provide guidance on the definition of CIAC as enacted under the Small Business Job Protection Act of 1996. Despite the fact that Congress specifically removed language concerning ''customer services fees'' in its amendment in 1996, the Department added the language back into the proposed regulation specifying that such fees are not CIAC. They then defined the term very broadly to include service laterals, which traditionally and under the most common state law treatment would be considered CIAC.

Because state regulators require all of the costs of new connections to be paid up front, these regulations will force water and sewerage utilities to collect the federal tax from homeowners, builders, and small municipalities. Because they collect it up front, the utility is forced to ''gross up'' the tax by collecting a tax on the tax on the tax, resulting in an over 55 percent effective tax rate.

This bill will clarify that water and sewerage service laterals are included in the definition of contributions in aid of construction (CIAC). It clarifies current law by specifically stating that ''customer service fees'' are CIAC, but maintains current treatment of service charges for stopping and starting service (not CIAC). Because this is a clarification of current law, the effective date for the bill is as if included in the original legislation (Section 1613(a) of the Small Business Job Protection Act of 1996).

Mr. MATSUI and Mrs. JOHNSON along with many of our colleagues here in the chamber, worked hard over the course of a number of years to restore the pre-1986 Act tax treatment for water and sewage CIAC. In 1996, we succeeded in passing legislation. It was identical to pre-1986 law with three exceptions. Two of the changes were made in response to a Treasury Department request. The third removed the language dealing with ''service connection fees'' primarily because of potential confusion resulting from the ambiguity of the term. The sponsors of the legislation were concerned that the IRS would use this ambiguity to exclude a portion of what the state regulators consider CIAC.

As part of our efforts, we developed a revenue raiser in cooperation with the industry to make up any revenue loss due to our legislation, including the three changes. This revenue raiser extended the life, and changed the method, for depreciating water utility property from 20-year accelerated to 25-year straight-line depreciation. As consequence of this sacrifice by the industry, our CIAC change made a net $274 million contribution toward deficit reduction.

It is my belief that the final revenue estimate done by the Joint Committee on Taxation on the restoration of CIAC included all property treated as CIAC by the industry regulators including specifically service laterals. In an October 11, 1995 letter to Senator GRASSLEY the Joint Committee on Taxation provided revenue estimates for the CIAC legislation. A footnote in this letter states, ''These estimates have been revisited to reflect more recent data.'' The industry had only recently supplied the committee with comprehensive data, which reflected total CIAC in the industry, including service laterals.

In urge my colleagues to join with us in sponsoring this important legislation in order to keep the Department of Treasury from further burdening the American Homeowner.

APRIL SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, I have named North Side Elementary School in East Williston as the School of the Month in the Fourth Congressional District for April 2000. Dr. James F. Newman is the Principal of North Side, and Dr. Carolyn S. Harris is the Superintendent of Schools in the East Williston School District. The school teaches children in grades Kindergarten through 4.

North Side Elementary stood out in my mind as an outstanding example of how early education is most successful when parents are involved. The school's programs teach our children the true value of education because it encourages community participation.

The North Side Elementary School Community is a close-knit body of parents, teachers, students, and administrators. Their goal is to ensure each child a stable early education through an enriched curriculum that keeps the children excited, and unique programs that appeal to a wide variety of younger children.

North Side combines parental involvement with exceptional programming. The children benefit when the community engages them in activities that extend beyond the traditional classroom setting.

One of the more popular programs among students is Books Alive, where staff and parents act out a selection of children's literature in a theater presentation. The Parent-Teacher Organization also holds an annual fundraising dinner with all proceeds going towards grants to supplement North Side teaching materials and special projects. Last year the school established the Deidre Hannafin Writing and Publishing Center as a tribute to Hannafin, a dedicated teacher who died of cancer at the young age of 32. At the Center, students work side by side with their parents and teachers to publish a newspaper, classroom writing projects, and this year, a literary magazine.

While stressing the value of traditional subjects, students are encouraged to look into their creative sides through art, music and nature programs. The Enriched Integrated Studies Program is one more way that North Side attempts to reach each child's strengths. Students attend enrichment activities once a week in order to bring the classroom to life. Class topics have included Ancient Egypt and Greece, while the entire school participated in activities such as Science Day.

Long Island students receive a better education thanks to the faculty and teachers of North Side Elementary School and I am proud to name them school of the month for April in the Fourth Congressional District of New York.

IN MEMORY OF THE LATE MARTHA MANUEL CHACON

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. BACA. Mr. Speaker, it is with sadness that I inform my colleagues of the passing of a great individual, a person who graced our world and the lives of so many people with love and compassion.

Martha Manuel Chacon, who passed away on March 28, 2000, was a beloved tribal elder of the San Manuel Band of Serrano Mission Indians. She was totally dedicated to providing a better way of life for her tribal members as well as for future generations of Serranos and all Native Americans.

Mrs. Chacon's legacy will live on forever in the many lives she touched during her 89 years on this Earth. She demonstrated to all of us complete and total honesty and strength as well as leadership and courage.

Martha Manuel Chacon was and remains so much a tremendous person in our thoughts and in our memories. I appreciate so much and will long remember the many good and positive things she brought into the lives of so many people and to the lives of the people of the San Manuel Tribe.

I join with Martha's friends and family members in honoring such a truly remarkable and outstanding person, someone who gave so much to those she loved. Each of us is better and more fortunate for what she unselfishly gave to us and gave to our world, a world made so much brighter and gentler by her life and her presence.

Mr. Speaker, I join with all of those who loved Martha Manuel Chacon in extending our prayers, knowing that God's heaven will forever be blessed and graced by her presence.

TRIBAL MATRIARCH CHACON DIES AT 89

(By Joe Nelson)

SAN BERNARDINO—Martha Manuel Chacon was the backbone of the San Manuel Band of Serrano Mission Indians—possessing honesty, strength, leadership, and courage. She was considered a true friend in every sense of the word, family members say.

After a lifetime of service to the San Manuel tribe, Chacon died Tuesday at St. Bernardino Medical Center in San Bernardino. She was 89.

Chacon was the granddaughter of Santos Manuel—for whom the tribe is named.

Manuel was responsible for saving the tribe during difficult transition times in 1866,

when settling in one place was a challenge because American Indians routinely were forced to move from one location to another as land got swallowed up. It was Manuel who was key in settling the tribe near Highland, were it has remained to this day.

Chacon helped bring electricity to the reservation in the 1950s and running water to tribal homes in the 1960s. Her leadership helped the tribe improve its quality of life and plan its future, members said.

One thing family members said they will remember about Chacon was her strong connection to Serrano ancestry, culture and heritage.

Chacon's daughter, Pauline Murillo, 67, remembers the stories her mother told her when she was a child—part of the American Indian oral tradition.

Chacon often would converse with family members in the Cahuilla language.

''We shared the customs. She would call me or I would call her and we would speak Indian,'' Murillo said.

As a young adult, when jobs were scarce and she faced extreme poverty, Chacon commuted to Los Angeles and spent the work week there as a house cleaner to make ends meet. She would return to the reservation on the weekends to be with her family, Murillo said.

The time away never negatively impacted Chacon's relationship with her family, relatives said.

''She was a very strong person. She was like the backbone to our whole family,'' said granddaughter Audrey Martinez, who serves as the tribe's secretary-treasurer.

Chacon is survived by her husband, Raoul; children Pauline Murillo, Roy Chacon, Rowena ''Rena'' Ramos, Sandy Marquez, Raoul ''Beanie'' Chacon Jr., and Carla Rodriguez; 18 grandchildren; 31 great-grandchildren; and four great-great grandchildren.

A rosary will be recited at Chacon's home on the San Manuel Reservation at 7 p.m. Monday. The funeral will be at 10 a.m. Tuesday, also at Chacon's home.

Donations in Chacon's memory can be sent to: Loma Linda University Children's Hospital Foundation, 11234 Anderson Road, Room A607, Loma Linda 92354.

HONORING MR. PAUL JOHNSON OF SPRINGFIELD, TENNESSEE ON THE OCCASION OF THE 31ST ANNIVERSARY OF HIS HEROIC MISSION TO VIETNAM

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 2000

Mr. CLEMENT. Mr. Speaker, today I honor Mr. Paul Johnson of Springfield, Tennessee, on the occasion of the 31st anniversary of his heroic mission to Vietnam.

''Hero'' is a term that I do not use lightly. However, ''hero'' is the most fitting word I could ever use to describe Paul Johnson and men like him, who risked their lives fighting for our country around the world.

As a career military man and Vietnam veteran, Paul Johnson has served our country well, retiring from the U.S. Army in 1985. However, until recently his story was largely unknown. Paul Johnson is not the kind of person who talks about his heroism. Perhaps that selflessness is what has made him a true hero.

Paul Johnson was only 29 years old when he arrived in Vietnam in the fall of 1968. He never dreamed that his year-long tour there would include an episode calling for him to risk his own life to save 90 U.S. Marines from a certain, fiery death. For such courage, Johnson was awarded the Soldier's Medal, one of the highest honors one can receive from the United States Army.

April 9, 1969, is a day that Sergeant Paul Johnson will never forget. That afternoon, after safely getting himself and others away from an explosives area, he was approached for assistance by a Marine Colonel who said that one hundred U.S. Marines were trapped inside a bunker beside an ammunition pad which had caught fire. The Marine Colonel could not order the Army soldier to assist, but stressed the need to rescue these men.

Johnson, knowing that the likelihood of surviving such a mission was very slim, made the decision to take his personnel carrier and go in anyway, risking his own life in the process. Although Johnson did not ask any of his men to go with him, his driver agreed to undertake the rescue mission with him. The two of them made four trips back and forth to the bunker that day through the smoke, heat, and flames, to rescue 90 men. According to his reports, each time they picked up a group of men, they greeted him with tears and shouts of joy. The day after the ordeal, Johnson drove past the location of the rescue and there was just a burned out hole where the bunker and ammunition dump had once been located. Paul believes that he made the miraculous rescue that day with the help of God.

The driver who assisted Paul in the rescue did not return from Vietnam. He was later killed in battle, with Johnson near his side. Johnson is appreciative of accolades he has received, but remains ever mindful of his friends and fellow soldiers who gave their lives in the conflict. Those are the individuals that Johnson believes should be honored and remembered. In fact, he flies an American flag in his yard in honor of those slain and as a symbol of the freedom he fought so hard to keep.

Paul Johnson was recently honored by the Tennessee State Legislature for his bravery and courage that April day and for his service to this nation. Currently, Paul is employed by the Robertson County Highway Department and is very actively involved in community and civic affairs.

May we not forget Paul Johnson and those like him, who have fought so bravely, and so selflessly to ensure our continuing freedom for this and future generations.