HOUSE OF REPRESENTATIVES—*Tuesday, May 16, 2000*

The House met at 9 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

The message also announced that pursuant to Public Law 100–702, the Chair, on behalf of the President pro tempore, appoints John B. White, Jr. of South Carolina, to the board of the Federal Judicial Center Foundation, vice Richard M. Rosenbaum of New York.

The message also announced that pursuant to Public Law 104–1, the Chair, on behalf of the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, announces the joint appointment of Susan S. Robfogel, of New York, as Chair of the Board of Directors of the Office of Compliance.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

GUN VIOLENCE

Mr. BLUMENAUER. Mr. Speaker, amidst the sometimes incendiary rhetoric surrounding the efforts to reduce gun violence, there are times when it is easy for people to overlook a basic fact: the victims of gun violence are real people; they are not statistics. They are not debating points.

The grounds of our Nation's Capitol are filled with memorials to the dead. Our visitors and tourists here are visiting them as I speak, the Civil War, the Spanish-American War, the Vietnam Veterans Memorial, the Korean Memorial, soon we may have a memorial to the soldiers who died in World War II.

Mr. Speaker, if we take all of those memorials to all the soldiers who have been killed since the Civil War, it would be fewer than the number of Americans who have been lost to gun violence in the last third of a century.

It is not enough to simply have another memorial here in our Nation's Capitol; although, something the size of 16 Vietnam memorials would be impressive, because that is what it would take to list all of these victims.

Last Sunday, in Portland, we had thousands of people standing and crowding into our little Pioneer Courthouse Square for our Mother's Day March against gun violence. They were standing on 70,000 bricks that had peoples' names inscribed who contributed to building that public square. It would take 10 acres of bricks with peoples' names to deal with the million victims.

Our job must be to make sure that these victims are not anonymous; that we put a face next to the names, to provide details of the life that would go along with that picture.

It is important to let people know that these victims had parents, relatives and friends. They had jobs. They had hopes. We need to know how it happened and we need to think of what we could do to prevent it. That the United States has the worst record of gun violence of any developed Nation in the world ought to be a concern to every citizen, a sense of shame.

Mr. Speaker, I do not think that it is we are less smart than the rest of the world. It is hard to believe that we are somehow worse people. I cannot believe that we care less about our children more than others, and I would hope that we as a people are not somehow more reckless.

I hope that in focusing our attention on the loss, how it occurred, what it means, we will be able to renew our commitment.

Tomorrow, I am going to speak on the floor of this House about one face, a young man named Darrell English. I will talk about the circumstance of his death, and I will be posting that information on my website and dealing with it in public meetings so that others may know the name, the face, the hopes and the dreams.

Every month, as long as I am in Congress, I will continue the discussion on the floor, on the Web, the conversation with the community, as a small gesture that these people not have died in vain.

This hope that we can all do our part to reduce the danger of gun violence. I hope the House of Representatives will act on that, finally, acting on a juvenile crime bill that has been locked in conference committee that has not met for 295 days because of unwillingness to pass the simple common sense steps that have already been approved by the Senate.

Mr. Speaker, I hope that citizens back home will take steps to promote their own initiatives and legislation that politicians can use to make their communities safer in the political process, at the ballot box, in the legislature. I hope that every citizen will do their part as individuals, that no parent allows a child to go into a home without inquiring as to whether or not there is a gun there, if it is locked, if it is loaded.

If Americans can somehow cut in half the rate of automobile deaths in the last 30 years, I know that we can do our part to protect our families. There is no single magic solution, but together we can find hundreds of ways everyday to make America safer, to make our communities more livable, because the most important face is going to be the face that does not appear on a poster like this, a picture that does not appear of one of our loved ones whose life was not lost to gun violence.

IMPORTANCE OF SAVING SOCIAL SECURITY

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, yesterday, Governor Bush came out with some general parameters on saving Social Security and the importance of saving Social Security. There has been a lot of discussion of whether there should be any privately-owned investment owned by the American worker as opposed to continuing to keep on going with a system that is insolvent. What it boils down to is that because of the demographics, because people are living longer, because the birth rate has been going down, there are fewer workers paying their taxes into a system to support and finance existing senior citizens benefits.

It is important that everybody understands that it is a pay-as-you-go program. It is a program where taxes come in one week, and by the end of the week, they are paid out in benefits. If you are an average worker today, then you are going to get an estimated 1.7 percent real return on the money you and your employer put into the system.

If you are a young worker, because we are going to run out of enough money eventually, there is not going to be adequate tax money, coming in to pay benefits, then you are going to get even a smaller return. There are two ways to fix Social Security; you either increase the revenue coming in, or you reduce the benefits going out.

None of us want to reduce benefits. Everybody, including Governor Bush, has committed that we are not going to reduce benefits for current retirees or near-term retirees. So then the question is, is there merit in having privately-owned accounts, and if we get a larger real return than 1.7 percent, then, absolutely, it brings more revenue into the system. In fact, if my Social Security bill had been passed, the first one that I introduced 5 years ago, the 25 year old when they retire would have $150,000 more than what they are going to receive under the current Social Security system.

There are safe investments even through the worst parts of the history of this country, on dips in Social Security. We saw that there was no 12-year period where there was not at least a positive gain on Social Security.

There are companies now that will guarantee you a gain, and if you are going to do a reasonable investment, and I would say reasonable for people over 45 is maybe 40 percent in bonds and 60 percent in safe stocks, in most all the proposals, Democrats and Republicans have all agreed that there needs to be privately-owned investment accounts, I mean Senator KERREY, Senator MOYNIHAN respected in this regard, Democrats in the House, the gentleman from Texas (Mr. STENHOLM) has been working on this for years, and he comes to the conclusion that there needs to be some privately-owned accounts, that are put into safe investments, low-risk investments, because it is an absolute certainty: If you leave those investments in more than 12 years, it is going to recover more than the 1.7 percent average that Social Security is going to pay people.

Now, the other part of the problem is that Social Security is running out of money, so we need to do something. We cannot just pretend that the problem is not there. On this chart, Social Security the bottom piece of pie now represents 20 percent of all government spending. This is a graphic impression of what is happening in Social Security. The blue at the top left is this short period of time where there is more tax money coming in than is needed to pay benefits, but over time, for the next 75 years, we are short $120 trillion.

Tax revenues are short $120 trillion of what is needed to pay what is promised in benefits today. Another way to say that is that the unfunded liability is short, $9 trillion today. You would have to put $9 trillion into an interest bearing account today to come up with the $120 trillion that is needed over the next 75 years. We have got to do something.

Madam Speaker, suggesting, like the Vice President has, that simply if we pay down the debt, and you are doing that by borrowing the excess money from Social Security and using that money to pay down the debt held by the public, it is like using one credit card to pay off the debt of another credit card; to pretend that is going to somehow solve this red deficit problem is unrealistic.

It cannot be scored by the actuaries over at the Social Security Administration. So I plead with the Vice President, I pled with the President of the United States do not demagog suggestions of how we move ahead to fix Social Security. It is too important a program.

I have met with the President maybe four times over the last 16 months, he ended up saying that he is not going to come up with a plan because he is afraid it would be criticized. Let us move ahead, let us work together, let us, Republicans and Democrats, make sure that we fix this important program.

ENACT EMERGENCY SUPPLEMENTAL BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. DICKS) is recognized during morning hour debates for 5 minutes.

Mr. DICKS. Madam Speaker, on Wednesday of this week, the Interior Appropriations Subcommittee will be marking up our appropriations bill for FY 2001. I am very concerned about the fact that the emergency supplemental has not been enacted yet by the other body. In fact, I have written a letter to the distinguished majority leader asking that they take up this emergency supplemental as quickly as possible.

We are now faced with an emergency situation in the area surrounding Los Alamos, New Mexico. We also have nine other wildfires, and I am told 67 forest fires raging nationally, many of them in the west, and the money for fighting these forest fires will run out, the emergency money will run out by the end of May, unless Congress enacts this supplemental.

What we are asking for is $200 million for the Bureau of Land Management. The BLM does a great job of fighting the forest fires, along with the forest service; we are asking there for $150 million, or a total of $350 million.

This year 2000 will probably be one of the worst forest fire years since 1994, and also 1999 was a year where we had many devastating fires as well. I want to compliment the majority in the House for having enacted the supplemental, but now it is been languishing for several weeks, if not months, over in the other body.

Madam Speaker, this is a true emergency. I do not think we should be playing appropriations politics with this issue. We need to get this money out to the BLM so that they can run their emergency center out in Idaho, we need to get this money out to the Forest Service.

Secretary Babbitt has written back in early April a very impassioned plea to the majority leader in the other body urging that this emergency supplemental be taken up as quickly as possible, and there really is not any excuse.

Now, if they do not want to take up the entire emergency supplemental, one possible way to move forward would be to take out these two items. The money for the BLM, the $200 million and the $150 million for the forest service, and pass that immediately, and then we can pass it here in the House, get it down to the President and take care of this situation.

We cannot help but be sympathetic to see these people out in New Mexico, some 260 of them, who have lost their homes. They are living in schools and other areas. They need to know that the Federal Government is going to do everything it can to make sure that we have the resources to fight these fires and to go in and restore the ground and the areas that have been damaged.

I think this is an emergency, a true emergency. I urge the leadership here in the House to meet with the leadership in the Senate and try to work out a way to get this money freed. I intend to offer these amendments as additions to the Interior Appropriations bill for 2001, hoping that maybe we can rush that bill through if it is the only way we can get action out of the other body. Again, I believe this an emergency. I think we need to act.

DIFFERENCES BETWEEN PARTIES ON ENVIRONMENTAL ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, this morning I want to examine the environmental record of the Republican leadership and of the GOP Presidential candidate, Governor Bush. Last Thursday, Madam Speaker, the EPA released

its Toxics Release Inventory which highlights the fact that Texas continues to have the largest amount of airborne toxic emissions in the Nation, as has been the case every year since 1995.

More than 300 million pounds of toxic chemicals were released into Texas' air, water and land according to this latest report. Yet, Governor Bush has pushed a strictly voluntary program for dirty power plants to reduce harmful emissions, even though Texas' deteriorating air quality has reached a crisis proportion.

Madam Speaker, of the air pollution produced by companies exempt from mandatory regulations in Texas, 75 percent, or 741,000 tons of toxic emissions, came from companies that contributed to and are close to Bush's gubernatorial races from 1994 to 1998. And only 3 of 36 plants who pledged to reduce emissions under this voluntary plan have actually done so and not even 1 percent of emissions from grandfathered plants have been reduced.

In fact, Texas has experienced significant increases in emissions. Specifically, Texas experienced an increase of 2 million pounds of cancer-causing and other toxic chemicals from 1997 to 1998.

Madam Speaker, although Texas ranks third worst in water pollution from chemical dumping, Governor Bush has done nothing to improve water quality and has subsequently underfunded Superfund cleanups. He also appointed industry representatives to State environmental agencies that had previously fought against environmental regulations.

Several environmental groups have called on Governor Bush to stop gutting the environment and act proactively. We know this will not happen. So we have to continue our efforts, in my opinion, Madam Speaker, and elect a President that will close the loophole for grandfathered power plants.

Vice President Gore has called for a market-based approach to reducing power plants that addresses the four primary pollutants of concern, nitrogen oxide, sulfur dioxide, carbon dioxide and mercury. I have a bill that establishes a trading program to reduce these four pollutants, and I urge my colleagues to enact this type of legislation as quickly as possible to improve the health of our citizens and our environment.

Madam Speaker, let me also point out that Vice President Gore has lead the fight on many environmental efforts from preserving open space to protecting air and water quality. He also has lead the brownfield development program. And I can tell my colleagues the importance of this program, because my hometown of Long Branch, New Jersey has received a $200,000 grant from the EPA to help redevelop brownfields. The Republican leadership's ideas of Superfund reform is to gut water quality protections and put a cap and fence around a site and call it a day.

I have over 115 superfund sites in my district, and I can tell my colleagues that this is not environmental cleanup or protection.

Again, I just wanted to highlight this morning the major differences between the Republicans and the Democrats on environmental issues and, particularly, the differences between our Presidential candidates. We have our Presidential candidate, Vice President Gore, who has fought hard over the last 7 years and even before as a Member of Congress to protect the environment and improve the environment around our country.

TRADE WITH CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, here in Congress, we say we stand together and in our commitment toward the spread of democratic ideals and improvement of the human rights. These last couple weeks I am not so sure.

During the weeks approaching the vote for Permanent Normal Trade Relations for the People's Republic of China, corporate CEOs flocked to the Hill to lobby for increase unrestricted trade with China.

They talk about access to 1.2 billion potential consumers in China. What they do not say is that their real interest is in 1.2 billion Chinese workers, workers whom they pay wage on the level of slave labor.

These CEOs will tell us, increase trade with China will allow human rights to improve. Democracy will flourish with increased free trade as we engage with China. But as these CEOs speak, their companies systematically violate the most fundamental of human and worker rights.

In the new report ''Made in China, The Role of U.S. Companies in Denying Human and Worker Rights,'' released by Charles Kernaghan and the National Labor Committee, we see evidence of American corporations exploiting the horrible conditions of human rights in the People's Republic of China.

Companies such as Huffy and Nike and Wal-Mart are contracting with Chinese sweatshops to export to the United States, often with the assistance of repressive and corrupt local government authorities. 1,800 Huffy bicycle workers have lost their jobs in Ohio as Huffy shut down its last three remaining U.S. plants over the last 17 months. In July of 1998, Huffy fired 850 workers from its Celina, Ohio plant where workers earned $17 an hour. Huffy now outsources all of its production to developing nations, such as China, where laborers are forced to work 15 hours a day, 7 days a week and earn an average of 33 cents an hour, less than 2 percent of what Ohio Huffy bicycle workers earned.

Wal-Mart makes its line of Kathie Lee Gifford handbags in China. There are a thousand workers at the factory, where they put in 14-hour shifts, 7 days a week, 29 or 30 days a month, one off day per month. The average wage of the factory is 3 cents an hour.

Workers live in factory dormitories housed 16 in a room. Their ID documents have been confiscated; they are allowed to leave the factory only for one and a half hours a day. For half of all factory workers, rent for the dormitory exceeds their wages. Workers earn nothing at all and, in many cases, owe the company money. These people are indentured servants to Kathie Lee and to Wal-Mart. Some would simply call it slavery.

The findings in Charles Kernaghan's report illustrates why democratic countries in the developing world are losing ground to more authoritarian countries in the developing world. Democratic nations, such as India, are losing out to more totalitarian governments such as China. Democratic nations such as Taiwan are losing out to more authoritarian governments such as Indonesia where people are not free and workers do as their told.

The share of developing country exports to the U.S. from democratic nations fell from 53 percent 10 years ago to 35 percent today. Corporate America wants to do business with countries with docile workforces that earn below-poverty wages and are not allowed to organize to bargain collectively.

In manufactured goods, developing democracies' share of developing country exports fell 21 percent from 56 to 35 percent. Corporations are relocating their manufacturing bases to more authoritarian regimes from democratic countries where workers do not talk back for fear of being punished.

Madam Speaker, western corporations want to invest in countries that have poor environmental standards, no worker benefits, below-poverty wages, no opportunities to bargain collectively, and worse, as developing countries make progress toward democracy, as they increase worker rights and create regulations to protect the environment, the American business community punishes them by pulling its trade and investment from developing democratic countries to totalitarian governments and developing countries.

Decisions about the Chinese economy are made by three groups, the Chinese Communist party, the People's Liberation Army, which owns many of the export factories, and western investors. Which of these three want to empower workers?

Does the Chinese Communist worker want the Chinese people to enjoy human rights? I do not think so. Does the People's Liberation Army want to close the labor camps? I do not think so. Do western investors want Chinese workers to make better wages, have more democracy and bargain collectively? I do not think so.

None of these groups has any interest in changing the status quo in China. I repeat, none of these groups, western investors, the Chinese Communist Party, the People's Liberation Army, none of these has any interest in changing the current situation in China. All three profit too much from the status quo to want to see human rights and labor rights improve in China.

U.S. trade law forbids the trade of any products of slave labor, forced labor. The 1992 bilateral agreement between the U.S. and China prohibited the trade of goods manufactured by imprisoned workers.

Congress needs to know more about working conditions in Chinese factories before we vote on permanent MFN for China. American people need to know more about how our major corporations are behaving outside the borders of the United States before we vote on permanent MFN for China.

Based on evidence released into the Kernaghan Report, many of us in the Congress call on the Department of Labor and the Department of Treasury to conduct an extensive investigation into the working conditions and factories in China which are owned by American corporations, or where American corporations contract to manufacture their products before we vote on MFN for China. These investigations should report back its findings and a decision should be made as to whether any conditions in China violate U.S. law.

Madam Speaker, I urge my colleagues to demand action to investigate these claims.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess until 10 a.m.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 10 a.m.

PRAYER

The Reverend Lyle W. Lipps, Second Church of Christ, Nashport, Ohio, offered the following prayer:

Father God in heaven, I pray to You today on behalf of our Nation's lawmakers and for the citizens they represent. I pray that You grant them a spirit of wisdom, insight and cooperation. I pray that You help them to serve this country in its best interests. I pray that we learn to love one another as citizens so that we might have peace and justice tempered with mercy. Thank You for the freedom that we have in this Nation. I thank You for those who have fought and died defending our country. I thank You for the protection and provision You have placed over us as Your blessings. May Your will be done as we seek to follow Your example in humble imitation. In Jesus' name I pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LAMPSON 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.

HONORING MINISTER LYLE W. LIPPS

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

Mr. NEY. Mr. Speaker, I rise today to honor Lyle W. Lipps, the minister of the Second Street Church of Christ in Frazeysburg, Ohio. Minister Lipps and his family have traveled to our Nation's capital from Ohio so that he may serve as the Guest Minister for the House today. I am honored to have one of my constituents represent our area and our State in such a manner.

Minister Lipps has been involved full time in the ministry for the last 12 years of his life. Prior to his work at the Second Street Church of Christ, he spent 4 years with the Adena Road Church of Christ in Chillicothe, Ohio.

Minister Lipps is a 1989 graduate of the Cincinnati Bible College and Seminary in Cincinnati, Ohio. Minister Lipps, his wife Connie and their son Luke reside in Nashport, Ohio.

Mr. Speaker, I ask that my colleagues join me in honoring Minister Lyle Lipps. His commitment and dedication to his family, his community, his church and his Nation deserve to be commended.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CERTAIN PERSIAN GULF EVACUEES

The Clerk called the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees.

There being no objection, the Clerk read the bill as follows:

H.R. 3646

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

SECTION 1. ADJUSTMENT OF STATUS FOR CERTAIN PERSIAN GULF EVACUEES.

(a) IN GENERAL.—The Attorney General shall adjust the status of each alien referred to in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment;

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided in subsection (a) shall apply to the following aliens:

(1) Waddah Al-Zireeni, Enas Al-Zireeni, and Anwaar Al-Zireeni.

(2) Salah Mohamed Abu Eljibat, Ghada Mohamed Abu Eljibat, and Tareq Salah Abu Eljibat.

(3) Jehad Mustafa, Amal Mustafa, and Raed Mustafa.

(4) Shaher M. Abed and Laila Abed.

(5) Zaid H. Khan and Nadira P. Khan.

(6) Rawhi M. Abu Tabanja, Basima Fareed Abu Tabanja, and Mohammed Rawhi Abu Tabanja.

(7) Reuben P. D'Silva, Anne P. D'Silva, Natasha Andrew Collette D'Silva, and Agnes D'Silva.

(8) Abbas I. Bhikhapurawala, Nafisa Bhikhapurawala, and Tasnim Bhikhapurawala.

(9) Fayez Sharif Ezzir, Abeer Muharram Ezzir, Sharif Fayez Ezzir, and Mohammed Fayez Ezzir.

(10) Issam Musleh, Nadia Khader, and Duaa Musleh.

(11) Ahmad Mohammad Khalil, Mona Khalil, and Sally Khalil.

(12) Husam Al-Khadrah and Kathleen Al-Khadrah.

(13) Nawal M. Hajjawi.

(14) Isam S. Naser and Samar I. Naser.

(15) Amalia Arsua.

(16) Feras Taha, Bernardina Lopez-Taha, and Yousef Taha.

(17) Mahmood M. Alessa and Nadia Helmi Abusoud.

(18) Emad R. Jawwad.

(19) Mohammed Ata Alawamleh, Zainab Abueljebain, and Nizar Alawamleh.

(20) Yacoub Ibrahim and Wisam Ibrahim.

(21) Tareq S. Shehadah and Inas S. Shehadah.

(22) Basim A. Al-Ali and Nawal B. Al-Ali.

(23) Hael Basheer Atari and Hanaa Al Moghrabi.
(24) Fahim N. Mahmoud, Firnal Mahmoud, Alla Mahmoud, and Ahmad Mahmoud.
(25) Tareq A. Attari.
(26) Azmi A. Mukahal, Wafa Mukahal, Yasmin A. Mukahal, and Ahmad A. Mukahal.
(27) Nabil Ishaq El-Hawwash, Amal Nabil El Hawwash, and Ishaq Nabil El-Hawwash.
(28) Samir Ghalayini, Ismat F. Abujaber, and Wasef Ghalayini.
(29) Iman Mallah, Rana Mallah, and Mohanned Mallah.
(30) Mohsen Mahmoud and Alia Mahmoud.
(31) Nijad Abdelrahman, Najwa Yousef Abdelrahman, and Faisal Abdelrahman.
(32) Nezam Mahdawi, Sohad Mahdawi, and Bassam Mahdawi.
(33) Khalid S. Mahmoud and Fawziah Mahmoud.
(34) Wael I. Saymeh, Zatelhimma N. Al Sahafie, Duaa W. Saymeh, and Ahmad W. Saymeh.
(35) Ahmed Mohammed Jawdat Anis Naji.
(36) Sesinando P. Suaverdez, Cynthia Paguio Suaverdez, Maria Cristina Sylvia P. Suaverdez, and Sesinando Paguio Suaverdez II.
(37) Thabet Said, Hanan Said, and Yasmin Said.
(38) Hani Salem, Manal Salem, Tasnim Salem, and Suleiman Salem.
(39) Ihsan Mohammed Adwan, Hanan Mohammed Adwan, Maha Adwan, Nada M. Adwan, Reem Adwan, and Lina A. Adwan.
(40) Ziyad Al Ajjouri and Dima Al Ajjouri.
(41) Essam K. Taha.
(42) Salwa S. Beshay, Alexan L. Basta, Rehan Basta, and Sherif Basta.
(43) Latifa Hussin, Sameer Hussin, Anas Hussin, Ahmed Hussin, Ayman Hussin, and Assma Hussin.
(44) Fadia H. Shaath, Bader Abdul Azium Shaath, Dalia B. Shaath, Abdul Azim Bader Shaath, Farah Bader Shaath, and Rawan Bader Shaath.
(45) Bassam Barqawi and Amal Barqawi.
(46) Nabil Abdel Raoof Maswadeh.
(47) Nizam I. Wattar and Mohamed Ihssan Wattar.
(48) Wail F. Shbib and Ektimal Shbib.
(49) Reem Rushdi Salman and Rasha Talat Salman.
(50) Khalil A. Awadalla and Eman K. Awadalla.
(51) Nabil A. Alyadak, Majeda Sheta, Iman Alyadak, and Wafa Alyadak.
(52) Mohammed A. Ariqat, Hitaf M. Ariqat, Ruba Ariqat, Renia Ariqat, and Reham Ariqat.
(53) Hazem A. Al-Masri and Maha A. Al-Masri.
(54) Tawfiq M. Al-Taher and Rola T. Al-Taher.
(55) Nadeem Mirza.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this Act.

(d) OFFSET IN NUMBER OF VISAS AVAILABLE.—Upon each granting to an alien of the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of an individual referred to in subsection (b) shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 3646, a bill I introduced as a Private Relief Bill on behalf of 54 families and individuals seeking permanent resident status in the United States. These families, known as Persian Gulf Evacuees, have lived and worked in this country since being evacuated out of Kuwait, at the behest of the United States government, just prior to U.S. Military Intervention in the Iraqi invasion of that country.

More than 2,000 individuals, many of whom have U.S. citizen children, by order of then President George Bush, were evacuated to keep them out of harms way when the United States intervened militarily in Kuwait to drive out Saddam Hussein and his weapons of mass destruction.

Many of the evacuees, prior to evacuation, had provided a safe-haven for Americans caught unaware when Iraq invaded Kuwait, and hid them in their homes against Iraqi retaliation.

Once here, the majority of the 2,000 evacuees adjusted their own status, often through asylum procedures. These 54 families remained in limbo, facing deportation and loss of work permits in the United States.

The Persian Gulf Evacuees, better known as PGE's, are well educated, mostly professional individuals perfectly capable of working and supporting themselves here in the U.S. without becoming wards of any State in which they have settled. They are English-speaking, and this is especially true of their U.S. Citizen children.

These families were extensively investigated by both the INS and the FBI, and have been cleared of any wrong-doing since entering the United States, and none has been found to be members of any subversive groups.

I am deeply pleased to have been their champion since the 103rd Congress.

I take this opportunity to extend my most profound thanks and appreciation to my friend, Immigration Subcommittee Chairman LAMAR SMITH. I am grateful for his good counsel and his able guidance over these past few years as we worked to bring this bill or similar legislation to enactment. My thanks go also to his capable staff for their long-term, hard work on behalf of the Persian Gulf Evacuees.

I also extend my sincere thanks to Judiciary Committee Chairman HENRY HYDE, my good friend and a distinguished leader on immigration matters in the House, for his action to report H.R. 3646 favorably from his Committee, paving the way for passage of this vitally important legislation.

I salute the Persian Gulf Evacuees, for their patience throughout the years it has taken to bring this bill to enactment. The nationwide teamwork among the PGE's worked remarkably well. The PGE Team Leaders not only keep my office advised of any problems they faced, while awaiting legal permanent status in their adopted country, such as work permits so that they could remain self-sufficient and not in need of public assistance, but helped each family keep track of the legislative process.

They did an outstanding job, and I congratulate them not only for all their work, but as mentioned above, for their excellent patience throughout.

And finally, I wish to thank Dr. Hala Maksoud, of the American-Arab Anti-Discrimination Committee (ADC), and her staff, for bringing this matter to my attention during the 103rd Congress, and for their solid support for the legislation throughout the years of waiting.

I believe our action today makes this new, challenging century in America one that will be remembered by these 54 families for its compassionate understanding, and is an acknowledgment of the duty we have to discharge our responsibility toward those who come to America at the behest of our own Government.

We have, with the able assistance of Subcommittee Chairman LAMAR SMITH and his fine staff, responded to their economic needs by ensuring the continual approval of work permits, and by keeping them free of INS deportation actions until our action today could be brought to fruition.

It was not an easy task, and knowing this makes us even more grateful for the assistance we have received.

I am confident that the PGE's will continue, as they have during the 10 year period they have been in this country, to work hard, to remain good citizens, and to make important contributions to the American socio-economic structure as legal, permanent residents of this great country.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AKAL SECURITY, INCORPORATED

The Clerk called the bill (H.R. 3363) for the relief of Akal Security, Incorporated.

There being no objection, the Clerk read the bill as follows:

H.R. 3363

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

SECTION 1. PAYMENT FOR SERVICES PERFORMED BUT NOT PAID.

Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Akal Security, Incorporated, a New Mexico corporation incorporated in New Mexico, $10,208.74 for security guard services rendered in 1991 to the United States Army Reserve Personnel Center located at 9700 Page Boulevard in St. Louis, Missouri.

SEC. 2. EXTINGUISHMENT OF LIABILITY.

Notwithstanding section 2465 of title 10, United States Code, any liability of Akal Security, Incorporated, to the United States for repayment of $57,771.29 for the services described in section 1 is hereby extinguished.

SEC. 3. FULL SATISFACTION.

The relief under sections 1 and 2 shall, when accepted by or on behalf of Akal Security, Incorporated, be in full satisfaction of all claims of or on behalf of Akal Security, Incorporated, against the United States or against any officer, employee, or agent of the United States acting within the scope of

employment or agency, for payment for the services described in section 1.

SEC. 4. LIMITATION ON ATTORNEY FEES.

It shall be unlawful for an amount exceeding 10 percent of the amount paid pursuant to section 1 to be paid to, or received by, any agent or attorney for any service rendered in connection with the claim described in such section. Any person who violates this section shall be guilty of an infraction, and shall be subject to a fine in the amount provided in title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3646 and H.R. 3363, the bills just passed.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 2000, 2001, AND 2002

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

The SPEAKER pro tempore. The Chair will appoint conferees later today.

OPPOSITION TO INTERNET ACCESS FEES

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

Mr. KUYKENDALL. Mr. Speaker, today the House will vote on important legislation that will affect the millions of Americans who use the Internet. Specifically we will take action to prevent the FCC from imposing Internet access charges.

In just a few short years, the Nation has evolved into a digital one. Most of us have surfed the Web and have corresponded with friends and loved ones with e-mail. It will continue to develop but only if we prevent commercial blocks like taxes and access charges.

I have had more mail from constituents on this one issue than any other issue since I have been in Congress. To my constituents, let me say simply that I have heard that message. I urge my colleagues to support this legislation. Congress today will recognize the Internet's importance and say no to access fees. We must keep the Internet tax-free. It is the right thing to do.

INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, I rise today to tell about Yona Gelernter, whose three children were abducted to Israel by their mother, Anat Gelernter. On April 17, 1995, Chaya, Menachem and Chava were taken from their Brooklyn, New York home to Israel.

As the parents were still married, Yona applied in the New York courts for emergency custody of his children. Additionally, because Israel is a signatory to the Hague Convention, he was able to apply for the return of his three children under the agreement. He filed his Hague petition in October of 1997 and on August 13, 1998, the Israeli courts ordered the immediate return of Chaya, Menachem and Chava to their father in the United States. However, when the mother learned that she had lost her case, she went into hiding with the three children. Yona has since hired private investigators in Israel to attempt to locate his wife and three children. He has not seen them since their abduction.

Mr. Speaker, there are 10,000 American children out there whose stories are similar, 10,000 American children and their parents who experience the same kind of pain and devastation every day of their separation. This Congress must take action to solve this problem and help reunite parents with their children. Mr. Speaker, we must bring our children home.

AUTISM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, when you look at these posters, you see beautiful, happy children. But what you do not know is that Bonnie and Willis Flick are beautiful, happy children with autism. Autism is a neurological disorder that impacts half a million people in America. This disorder makes it hard for them to communicate with others and to relate to the outside world. Autistic children have difficulties in communications, in social interactions and even in play activities. I am a very close friend of Bonnie and Willis Flick's parents and I have seen the distress and the frustration that dealing with autism may impose on families.

Approximately 50 percent of Florida's families with autism reside within my community of south Florida and Bonnie and Willis Flick are just two. But the Flicks are among the fortunate few who can afford intervention and counseling to help them cope with autism, because when one child suffers with autism, indeed the entire family is impacted.

Last week, the House passed the Children's Health Act to fight against autism by establishing centers to develop treatment and prevention methods. Thousands of children like Bonnie and Willis Flick will benefit from this research because for families living with autism, until we find a cure, research is what keeps our hopes alive.

LIES, COVER-UPS AND MURDER

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

Mr. TRAFICANT. Reports show that the FBI lied about Waco. The FBI denied using tear gas until a memo was found and they were forced to admit it. The FBI then confiscated all autopsy reports of victims at Waco and now claims they lost it. In addition, the FBI lied about Ruby Ridge, Idaho, forcing Congress to give $5 million to the Weaver family to cover up their lies. Lies, cover-ups, murder, over 90 Americans killed at Waco and Ruby Ridge and not one single charge.

Beam me up. The Congress of the United States is allowing a police state to exist in our own country. Shame, Congress. Lies, murder, Waco, Ruby Ridge, Boston. You name the cities. I yield back the crimes and cover-ups of the Gestapo state that has developed in America at the United States Justice Department.

INCOMPETENCE CAN CAUSE DEVASTATION

(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, one of the worst wildfires in history rages continually out of control in New Mexico today and so far has burned over 10,000 acres of land in that State. And it is the National Park Service who is to blame. Thousands of residents have been evicted, hundreds of homes have been destroyed or damaged and the lives of these families threatened. Yet all of this devastation and upheaval could have been prevented if the National Park Service had not blatantly ignored key information.

The National Weather Service informed the Park Service hours before a controlled burn was to begin that weather conditions were actually a blueprint for spreading a fire. But in spite of this warning, the fire was started, anyway.

Our heartfelt sympathies go out to all those families who have lost everything as a result of this man-made disaster and our deepest appreciation goes out to the firefighters now risking their lives battling a wildfire which should never have occurred.

Mr. Speaker, I yield back the negligence and incompetence of the National Park Service, an agency supposed to be responsible for protecting our national land.

FEDERAL RESERVE RATE INCREASE TARGETS WORKING FAMILIES

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

Mr. DEFAZIO. The economic pundits only question how much of an interest rate increase the Fed will do today. They miss the basic question. Why? Core inflation is about 2 percent, less than it was a year ago.

Federal Chief Greenspan spent another sleepless night last night, not because he is worried about the damage the rate increase is going to do to working families, everyone who has to borrow money to buy a house, buy a car and finance major purchases. They will pay billions to finance his crusade. No, he had a sleepless night because he kept looking under the bed and in the closet for the chimera of inflation that does not exist.

What is the real agenda? If it is irrational exuberance, raise the margin rates on Wall Street. But maybe the real agenda is that he wants to drive up unemployment and drive down wages. God forbid American workers should get a wage increase. That is the real agenda of the Federal Reserve. It is targeted at the working families of America.

OBSCENITY LAW ENFORCEMENT

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

Mr. PITTS. Mr. Speaker, 80 percent of the American people say they want obscenity laws vigorously enforced. That same 80 percent do not believe the Government is doing its job, and they are right. Between 1992 and 1998, prosecutions for violations of Federal obscenity laws dropped 86 percent. A leading distributor of pornographic videos told TV Guide that the President was, and I quote, on our team. He said, ''It's not that Clinton has been outwardly supportive of the adult industry but rather that he hasn't tried to quash it the way Republicans did back in the 1980s.''

Even the public airwaves are not safe anymore. Sexual material on TV was more than three times as frequent in 1999 as it was in 1989. Foul language was more than five times as high. But the FCC has not collected a single fine or forfeiture or refused to renew a license due to broadcast indecency in 15 years.

Our children deserve better protection. The Justice Department and the President need to start enforcing the law on obscenity.

MILLION MOM MARCH

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

Mr. INSLEE. Mr. Speaker, I spent last Sunday with hundreds of thousands of American moms on the Mall who had come to ask Congress to help protect their families from gun violence. And it was hard. It was hard to listen to mom after mom tell their stories of the loss of their children. But the reason it was hard was not just the heartache. The really hard part for me was to realize that 300 feet away from these hundreds of thousands of moms was the U.S. Capitol building, the place where we are charged to help American families, where this year the U.S. Congress has done nothing, nothing, nothing to help these families be protected from gun violence.

□ 1015

There is no protection with trigger locks, no closing of the gun show loophole. While this torrent of gun violence sweeps across us, the U.S. Congress does nothing. If this Congress refuses to act, may the heavens have mercy on us, because this November these mothers will not.

BIPARTISAN SUPPORT OF GUN PROPOSALS NEEDED

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

Mr. KINGSTON. Mr. Speaker, I appreciate the opportunity to listen to the 1 minutes today, and I was wondering if the previous speaker happened to mention how his vote was on the bill that we had on the floor that actually did require trigger locks, that did close the loopholes at gun shows, and did put a ban on certain kinds of assault weapon clips?

We had that vote. Interestingly, the Democrats voted against it. Why did they vote against it? Because the loophole that was being closed in the gun show was not great enough for them, and it is odd, because it was actually offered by a fellow Democrat.

Now, that motion was something that I think a lot of Members of Congress would support. But, unfortunately, and it pains me, and I hope some of this was conveyed to some of these mothers, that the Democrats fought it. They had a shot at trigger locks, they had it in their hand to ban certain clips, and, of course, to close the loopholes on gun shows, but they voted no.

We might get another chance. I hope this time the Democrats put their rhetoric in front of their politics and put philosophy in front of politics and try to do the right thing.

SENIORS DESERVE CHOICE ON PRESCRIPTION DRUG NEEDS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, anyone developing a health plan these days would not think of omitting prescription drugs as a benefit, yet Medicare does. However, despite this lack of coverage in Medicare, fully two-thirds of America's 39 million seniors currently have prescription drug coverage, so any new plan must be voluntary and not force seniors out of their current plans.

Seniors deserve the flexibility to determine what type of drug coverage they want and need. A one-size-fits-all program will not work.

One thing that is crystal clear to me is that seniors should not have to choose between putting food on the table and buying their medicine. A senior's choice should be the plan that best meets their prescription drug needs.

FIXING THE JUNK E-MAIL PROBLEM

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

Mr. GARY MILLER of California. Mr. Speaker, I rise to call on this House to pass legislation to fix the unsolicited commercial e-mail problem, referred to as ''spam,'' that is harming the Internet.

Millions of unsolicited commercial e-mails, which contain advertisements for pornography, dubious products or get-rich-quick schemes are clogging up the computers of individuals, business systems and the entire information superhighway.

The receiver pays for e-mail advertisements. Junk e-mail is like postage-due marketing, or a telemarketer calling your cell phone, or receiving a bill at the end of the month for all the junk mail you have received.

The spam problem is increasing because there is an incentive for shady

marketers to send as many advertisements as possible. After all, they do not spend more for sending one million than for sending one. We need to fix this skewed incentive.

Mr. Speaker, I want to especially thank the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Texas (Mr. GREEN), the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Virginia (Mr. BLILEY) for their dedication and hard work on this issue.

Mr. Speaker, I yield back all the unsolicited invasive pornographic e-mail messages that invade your home and that we are forced to pay for.

THE RISK OF DOING NOTHING TO SAVE SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, yesterday the Governor of Texas came out with a proposal that we have got to do something on Social Security to save it. He suggested that some of the tax that American workers pay in should end up in their own name invested to bring in more returns to Social Security and to those individuals when they retire.

I think that when AL GORE suggests that it is risky to invest any of that money in indexed funds, or in 401(k) type funds or, for government workers, the Thrift Savings Account funds, where their performance has averaged a very high positive return, we should also note that there has never been a 12-year period in the history of this country where indexed stocks did not have a positive return. In fact, according to Mr. Jeremy Siegel, there has been a positive return of at least 1 percent for any 12-year period, even during the worst of times, and over 70 years there has been an average return of 7.5 percent.

Some suggest that it's risky to have real investments.

What is really risky is not doing anything and spending Social Security trust fund money on other government programs.

HEALTH PREMIUMS AND PRESCRIPTION DRUGS SHOULD BE TAX DEDUCTIBLE ITEMS

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

Mr. STEARNS. Mr. Speaker, today I plan to introduce a bill to allow health insurance premiums and unreimbursed prescription drug expense to be tax deductible. Under current law, employers can write off the cost of health care coverage purchased for their employees. Why cannot individuals also be allowed the same opportunity to write off premiums and unreimbursed prescription drug expenses?

The current Tax Code sets the threshold at 7.5 percent of adjusted gross income before an individual can write off their medical expenses. This does not seem right to me. Currently in order to claim health care expenses, an individual must file an itemized tax return.

I believe that all taxpayers should be allowed to deduct these out-of-pocket expenses, and we need to include a place where this deduction could be taken on the short form, such as a 1040EZ and 1040A. My bill also applies to the self-employed, because individuals who are self-employed will not be eligible for a 100 percent write-off until the year 2003.

This type of relief is long overdue. Allowing individuals to write off certain costly health care expenses they may incur would be a tremendous benefit to them.

The National Taxpayers Union supports my bill. I urge my colleagues to cosponsor my bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

INTERNET ACCESS CHARGE PROHIBITION ACT OF 2000

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1291) to prohibit the imposition of access charges on Internet service providers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1291

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 Access Charge Prohibition Act of 2000''.

SEC. 2. PROHIBITION OF CHARGES ON PROVIDERS OF INTERNET ACCESS SERVICE.

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following new subsection:

''(l) PROHIBITION OF CHARGES ON INTERNET SERVICE PROVIDERS.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(4) or (d) or any other provision of this title, the Commission shall not impose on any provider of Internet access service (as such term is defined in section 231(e)) any contribution for the support of universal service that is based on a measure of the time that telecommunications services are used in the provision of such Internet access service.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall preclude the Commission from imposing access charges on the providers of Internet telephone services, irrespective of the type of customer premises equipment used in connection with such services.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1291.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes in support of the bill.

Mr. Speaker, I rise in strong support of H.R. 1291, the Internet Access Charge Protection Act of 2000, and I urge my colleagues today to show their support for this important pro-consumer legislation.

A number of Members have made this floor vote possible, and I would like to begin by noting their contributions. The gentleman from Michigan (Mr. UPTON) is the author of this most important legislation. He has identified the significance of this issue and has worked hard with the committee to ensure that the bill is balanced and represents a continued contribution to the public interest.

Let me also commend the leadership of the House, who showed an early and critical interest in bringing this legislation to the floor today. Finally, as always, let me note the work of the bipartisan leadership of our Committee on Commerce, its chairman, the gentleman from Virginia (Mr. BLILEY) and the ranking minority member, the gentleman from Michigan (Mr. DINGELL), both of whom always contribute to the bipartisan spirit by which we bring legislation important to the Nation on telecommunication matters to the floor.

Mr. Speaker, this bill represents the best interests of this body. No matter how complex an issue is and no matter how controversial it may be, this institution can find a way to craft a balanced bill which serves the interests of consumers and of the technologies.

Over the years, the Committee on Commerce has labored hard to provide for universal access to the Nation's telephone network. While competition and innovation have been the hallmark of telecommunications policy, so too

has universal service. We have balanced these goals over the decades, and we will do so again today with this legislation that is before us.

More to the point, H.R. 1291 will preclude the Federal Communications Commission from imposing permanent charges on Internet service providers when those charges are intended for the support of universal service. At the same time, it is important to note that this bill will permit the Committee on Commerce and the FCC to continue to consider the implications of the growth of Internet telephony, particularly its long-term implications on consumer access to the telephone network.

This is a critical issue, and yet we know so little about what it means for those who depend upon affordable access to telecommunications service. The FCC, for example, has advised Congress that it is too early to tell what the future holds for universal service as more voice traffic migrates to Internet telephony. At the same time, the FCC warned that it does not want to stifle the growth of Web-based applications such as Internet telephony.

The FCC, in other words, has told us the record on this matter is not yet complete, nor is Congress prepared with a well-developed record in this area either. That is why the legislation makes it clear that Congress is not predetermining the issue of access charges and Internet telephony.

Let me make it clear to my colleagues, this bill leaves this important debate for another day. It is neutral on this point. It decides it neither way and leaves it for a future debate, leaves it for Congress and the FCC to settle at a future time. But this House can today and should address the central issue of permanent charges on Internet data access, and it should do so today.

The Advisory Commission on Electronic Commerce has recommended to us that access to the Internet should remain tax free and unregulated. Today's monthly Internet access services are affordable and charged on a flat rate basis. As a result, the Internet is available to children to surf the Worldwide Web for information, reports and learning. It is available for e-commerce businesses to grow and expand without the burden of permanent charges. This bill ensures that that affordable access is continued on into the future. H.R. 1291 will help ensure that this affordable access is the rule, not the exception.

I urge my colleagues to join me in supporting this bill.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 1291. The bill is intended to make sure that the individual who logs on to the Internet will not be charged by the minute for the privilege of doing so. That is a worthy goal. I would observe, however, that the situation before us is still somewhat Kafkaesque and does indeed participate of the rather wry humor of that kind of story.

I would note that one of the things that has triggered our interest in this matter has been a story that has been going around on the Internet about a Congressman by the name of Schnell who has a piece of legislation which says that people will be charged by the minute for the privilege of using Internet. I would note that Mr. Schnell is entirely fictitious, and I am curious why we are responding to an imaginary piece of legislation which is sponsored by a fictitious Congressman who does not exist?

I would note that many Congressional offices have been bombarded with an insidious e-mail campaign over the past year denouncing the fictitious legislation introduced by Mr. Schnell, who does not exist, which would accomplish precisely the opposite result of the bill we consider today.

I only hope that the passage of H.R. 1291 will finally extinguish this cybermyth for once and all. I am not convinced, however, that mounting a massive legislative counterattack on a fictitious bill introduced by a make-believe Congressman is the best use of the time of this House, particularly when the subject of that bogus bill, if it were actually introduced, is so contrary to the public interest, that it would have zero chance of success in this legislative body.

My puzzlement extends further to the speed with which the leadership has rushed this legislation to the floor. What we are considering today is a fabricated solution to an imaginary problem, yet the leadership seems to believe that this virtual bill is so important that the Committee on Commerce was asked to dispense with the regular order and bypass subcommittee consideration.

I find it quite amazing that a phantom Congressman by the name of Schnell has more success in jumpstarting the legislative process than those of us here by actual election of the people. I only regret that Congressman Schnell is not a conferee on some of the more important legislation currently languishing in the conferences between the House and the Senate.

Certainly our constituents should know that the Congress has no intention of installing a meter on their use of the Internet and that this legislation will alleviate their concern in that regard, even though it is prompted by the existence, as I have said, of a fictitious bill sponsored by a nonexistent Congressman.

□ 1030

However, I am disappointed that the majority refuses to seize an opportunity here to address a greater and a more genuine threat to consumer pocketbooks; that is, the very real possibility that new services such as Internet telephony may evade the responsibility of contributing to support the Universal Service Fund, a fund that ensures that all Americans have access to affordable telephone service.

These services will continue to migrate from traditional networks to the Internet and unless we act, the Universal Service Fund will be left to wither on the vine. That spells significant trouble for local phone rates for all consumers, but particularly for those who live in rural areas and the working poor or those who live in big cities.

I would observe these are the same Americans who are stuck on the wrong side of the digital divide and are least able to take advantage of high-tech alternatives. Unfortunately, in our haste to get this legislation to the floor that solves, as I have mentioned, an imaginary problem, we squandered the opportunity to address one that is all too real, and that is the prices which Americans will pay for local telephone service if today's disparate regulatory treatment is permitted to continue.

Whether a service is offered by the Internet or through a traditional telephone network, the attendant obligations to support the universal service should be the same. I hope the majority will address this serious inequity with due haste so that the American people can be duly protected against the sharp rise in the price for one of their most essential communications needs, and that is plain, old-fashioned telephone service.

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

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

Mr. Speaker, I would point out that Congressman Schnell may indeed be a bogus Congressman but the issue is not bogus. There are real lawyers litigating in the courts on this issue today, and real debate before the FCC.

This bill puts an end to the debate and protects the Internet from per minute charges for all of those who have affordable access today.

Mr. Speaker, I yield 4 minutes to a real Congressman, the gentleman from Michigan (Mr. UPTON), a dear friend and the author of the legislation.

Mr. UPTON. Mr. Speaker, we have all received thousands and thousands of e-mails from our constituents who have been outraged about erroneous reports that Congress was soon going to consider Congressman Schnell's bill H.B. 602P, which purportedly would impose a surcharge on literally every e-mail sent by an individual. Yes, yes, that rumor is false but around the same time another e-mail campaign suggested that the FCC was in fact going to impose a per minute access fee on Internet use, and again our constituents flooded our offices with e-mails to express their outrage.

It is undisputed that the FCC's unelected bureaucrats currently do have the power to authorize permitted access charges on Internet use, their claims that they have no intention of doing so disregarded. As we all know, the road to hell was paved with good intentions, and one need look no further than the e-rate tax to know how the FCC's unelected bureaucrats have recently used their authority to increase the Government's take by a billion dollars through an increase on every American's long distance charges.

The question is this: Should we trust the unelected bureaucrats at the FCC to keep their hands out of the pockets of Internet users, or should Congress pull the plug once and for all?

Our constituents have e-mailed us. They have talked to us through letters to the editor. They have come to our town meetings and they have said that they want us to pull the plug once and for all. That is why we need to pass this legislation this morning.

H.R. 1291 will prevent a stop-watch from being placed on the Internet so that our constituents are not charged by the minute when they surf the Web or when they e-mail their friends, families, customers or even us, Members of Congress, for that matter.

Our constituents are already paying for the phone service and a monthly fee usually to their Internet service provider as well. Clearly, if our constituents were charged by the minute when they surfed the Web or e-mailed, this would drastically increase the cost and dramatically inhibit their use of the Internet, perhaps as much as $400 over the course of the year.

This would disproportionately impact folks who communicate by e-mail, particularly families with children in the military overseas, or children who are in college far away from home, brothers and sisters, families who are scattered across our Nation, even around the globe, and seniors on fixed incomes who have begun to communicate by e-mail to their grandkids.

We cannot let this happen and this bill would prevent it. I am pleased that 141 of our colleagues from both sides of the aisle have cosponsored this legislation.

I commend the gentleman from Virginia (Mr. BLILEY), the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for all their efforts to ensure that this bill is on the floor today. I introduced it almost a year and a half ago and I am pleased to say we hope to pass it this morning.

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

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 1291, the Internet Access Charge Prohibition Act. Last week, this Congress voted overwhelmingly to extend the moratorium on Internet taxes by 5 years. This was an important first step in our efforts to address the recommendations of the Electronic Commerce Advisory Commission Report, the Gilmore Commission report.

Today we are taking another important step in advancing the Commission's recommendations to prevent the Federal Government from imposing charges on Internet access. An important component of the eContract2000 unveiled last week was to expand digital opportunities for all Americans. The Internet provides new and exciting opportunities for all Americans to communicate, learn and to be entertained. It is the engine of our economic growth, but it is also a force for freedom and opportunity. Banning taxes and fees on Internet access helps ensure that this opportunity is available at the lower cost to more consumers. One of the main reasons that the Internet has grown so quickly has been the relative lack of taxes and regulations. In our eContract, we promise to stick to the principle that freedom, not government intervention, is the answer to maintaining and expanding that growth. This bill is part of that promise.

Mr. Speaker, some may be disappointed that this bill does not address other related telecommunications issues, which are more complex and very controversial. As with any bill, the fact that Congress has not addressed an issue today does not mean that it will not address it in the future. There is a time and place for Congress to address those questions more thoroughly and with more reasoned thought. Silence by Congress on these other complex and controversial issues should not be interpreted as anything other than that they are complex and controversial issues.

H.R. 1291 is intended as a simple, straightforward bill designed to ban access charges on the Internet. Please join me today in voting to keep the Internet free of excessive taxes, fees and regulations so that we can provide more digital opportunities for more Americans.

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

Mr. DINGELL. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, we are here on the House floor today debating a bill that flew through the Committee on Commerce, skipping a subcommittee markup in order to address some Internet access charge issues. Now many Members have received letters about a bill that would impose a modem tax, a per-minute-fee on e-mail or consumers' general Internet use. This fictitious bill sponsored by the equally fictitious Representative Schnell purports to impose new fees on Internet use.

The proposal here on the floor, which is styled as a remedy to any chance that the FCC might some day permit access charges to be imposed on Internet service providers, is also a work of fiction. This is not a bill that we should send on to President Clinton. This is a bill that should be sent over to the Federal Trade Commission for false advertising.

This bill does not prohibit per minute access charges on Internet service providers. Let me repeat that thought. This bill does not prohibit per minute access charges on Internet service providers. This bill only prohibits access charges that are for universal service to help poor people, to help rural Americans. That is the only thing that it prohibits.

The only thing that this bill prohibits is for charges to be assessed that ensures that inner-city residents who cannot afford phone service are given access to it; that ensures that rural Americans who have always been given subsidies through the universal service charge are prohibited from looking at this as a source of revenues in order to help those rural Americans, in order to help those inner-city Americans be given access to phone service.

This bill only prohibits access charges that help those people. Representative Schnell, this fictitious Congressman to whom we are responding right now, his idea, his vision of not helping those poor people is alive and well in this bill on the floor here today. Under this bill, access charges would be permitted as long as they do not go to universal service. In other words, access charges levied by local phone companies to recoup their costs or for profit for themselves are fully permitted under this bill.

So this is a great moment here for the Congress? We are going to prohibit anything from being done for poor people or rural Americans for their phone service, but we are going to make sure and protect the phone companies so that they can make more profits. I think this is an emergency bill of the highest and most important, paramount interest if that is why we are out here, just to help phone companies and to make sure that poor people cannot be helped.

Since today there is a roaring debate about whether and, if so, how much of today's access charges actually support universal service, the prohibition contained in the bill actually prohibits very little. Any Internet companies that think that today's bill codifies the Internet access charge exemption are quite mistaken. We are not. Phone companies can still tip them upside down under this bill.

In addition, the second part of the bill that gives the FCC a big legislative wink to look at access charges on Internet telephone providers is also something that is very questionable.

I offered an amendment in the committee to prohibit the FCC from authorizing per minute charges on Internet telephone calls. It would have allowed a flat rate fee for universal service so that all competitors contributed to universal service but would have banned per minute charges for Internet telephone service. I believe we need to safeguard the flat rate nature of the Internet for consumers. At the full committee markup, I was told that prohibiting per minute charges on Internet telephone calls was premature, premature. Why on earth would we ever want to permit the FCC from allowing per minute charges or per minute fees on the Internet for anything? When would this be a good idea? The only people who want per minute charges on Internet telephone calls are those who do not want to compete in the marketplace against flat rate telephone calls, and that is why this bill is out here on the floor.

Moreover, creating a glaring savings clause in the bill for per minute charges on Internet telephone calls ignores the fact that assessing per minute charges would pose a huge privacy issue. Who is going to monitor someone's Internet usage to see whether their bits are e-mail bits, which are Web surfing bits and which are telephone calls? Is the FCC going to be checking out every one of our phone bills to see which one of us is using it for which?

I think we can codify the existing Internet access exemption, but this bill only does part of it. Moreover, I think that we can codify the existing Internet charge access exemption, but this bill only does part of it.

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Moreover, I think we need to move quickly to prohibit per minute charges for Internet telephone calls, which this bill specifically fails to do. That failure is very, very troubling for the future of the Internet's flat rate pricing structure, and one that every high-tech company and Internet consumer should take notice of. This is not a good bill. This heads in just the opposite direction of where we should be heading with the Internet, the flat rate system we have had for the last 13 years. A no vote is justified.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

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

I would like to join other Members in support of the bill offered by the gentleman from Michigan (Mr. UPTON), as it was originally introduced.

Avoiding per-minute charges for Internet access service, as we have since 1987, remains a worthwhile objective. How we treat Internet telephony will dictate the extent to which millions of Americans choose an affordable, yet innovative, alternative to traditional telephone services today.

This is why I share the view of others that the SEC should not rush in and impose access charge regimes on providers of Internet telephone services. Access charges were designed in the wake of the break-up of AT&T to require long distance providers a means to compensate the local telephone monopoly.

The FCC should carefully study the issue and reform today's current access charge regime before it rushes in to impose old regulations on new Internet applications.

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

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to distinguished gentleman from Texas (Mr. GREEN).

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

Mr. Speaker, I am proud to be a cosponsor of H.R. 1291, and congratulate my colleague, the gentleman from Michigan (Mr. UPTON) for his leadership. I believe Congress is well-intentioned today by not allowing the FCC the ability to impose per minute charges on Internet access services.

I want to say so long to Congressman Snell and his 602–P legislation. I am sure everyone has received hundreds if not thousands of e-mails, like we have in our office, concerning this fictitious Member of Congress and this fictitious legislation.

Mr. Speaker, in our markup my colleague, the gentleman from Michigan (Mr. DINGELL), our ranking member, said sometimes this Congress does better by sponsoring fictitious bills by fictitious Members than they do real life legislation. H.R. 1291 is real life legislation, but I agree with the gentleman, oftentimes. Hopefully the voters would not have elected Congressman Schnell, anyway, if he had introduced such a bill.

We all know that per minute access would devastate the Internet. The explosive growth in data traffic has clearly demonstrated that per minute access charges would quickly drive consumers off the Internet. I do not believe that the intention of anyone here is to do that. We need to expand the Internet and continue its growth, and allow people to expand the ability that it provides.

Because access fees were originally designed for voice traffic, there was little concern about adding a few cents per minute to fund the maintenance of the telecommunications infrastructure. Unfortunately, the length of consumers' calls differs from the amount of time consumers may be online, and access charges were designed for the typical 5-minute phone call. They were not intended for the 45 minutes average that our constituents spend online on the Internet.

I do have some concern, and I know we tried to address it in the committee, about the impact this would have on the solvency of the universal service fund. We do not know what telephone service will look like 5 years from now, but hopefully this Congress will be responsive and will pass this bill today.

Mr. DINGELL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have here a bill which has merit, limited. We have a bill which is directed at solving a problem which really does not exist. We have need to address the major problem of the universal service fund, which may very well be drying up under this, which will result in significant cost increases to inner city dwellers and to residents of rural areas.

It is a shame that we are not addressing the more important questions that we need to address, rather than to respond in this hasty fashion to a problem which really does not exist.

The first application for this kind of relief had begun very shortly after the FCC made Internet charges no longer possible back in the 1980s. They have had many applications for this kind of thing since and have never once accorded any reality to those charges, so I think it would be better that we address real problems rather than fictitious ones.

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

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

Mr. Speaker, let me first point out that there is no contribution to universal service right now in any access charge assessed against Internet users for data services. This is not occurring. The FCC has an exemption on the books right now that prevents such access charges for universal service. Universal service is not threatened by this bill today, and no one should feel otherwise.

Secondly, there is no Member of the House who has proposed to make access charges for data services on the Internet support universal service. The only person who suggested that is this artificial bogus Congressman, Congressman Schnell, that is the subject of some e-mail conversation on the web.

Third, if there was an opportunity to create a digital divide here, it would be in the case if Congressman Schnell or some litigator in the Eighth Circuit or some litigator at the FCC ever succeeded in changing the FCC's exemption.

If ever these litigators succeeded in assessing per minute charges for data use of the Internet, indeed, we would be

helping to create a digital divide. It is the absence of per minute charges on the Internet that is making the Internet affordable to poor people, to children, to struggling new-coming businesses on the web; to the growth, in fact, of the electronic commerce in America and across the world.

It is the absence of per minute charges that is helping us to make sure that a digital divide does not happen when it comes to access to the Internet for children, libraries, hospitals, schools, for people in general in this country.

Today we codify that rule. In this bill we say never shall the FCC assess per minute charges for access to the Internet for data services. That is a good thing. We ought to put this to rest. This bill does it. I commend my friend, the gentleman from Michigan (Mr. UPTON) for doing so.

We leave to a future debate the question of telephone service, where indeed universal service is critically important. We leave that debate open. We make no judgment. We are neutral on that point.

This is a good bill. It deserves the support of the House. I urge its final passage.

Mr. GOODLATTE. Mr. Speaker, the bill considered by the House today should put to rest any undue concern on the part of the American people that Congress intends to tax their Internet access. By keeping Internet service unregulated and unburdened by taxation, we have allowed millions of Americans to access these services and, in turn, created a boom in electronic commerce that has transformed the way we live and do business today in this country.

H.R. 1291 reaffirms the decision made more than a decade ago that access fees should not be imposed on Internet service providers. This has allowed consumers in droves to access the Internet on an affordable flat-rate basis, rather than a per-minute basis. It's simple economics: the less you tax supply, the more consumer demand you create.

I recognize that parts of this bill might create the mistaken impression that Congress is encouraging Federal regulators to impose access fees on Internet telephone services. I want to make clear that this bill is no way meant to encourage the FCC to apply existing access charges to providers of Internet telephone services. Rather than pile on additional charges for Internet users, we ought to first figure out how to reform telephone access charges as Congress instructed the FCC to do in 1996. The last thing we want to do is impose charges that will discourage consumers from embracing the Internet and the innovative services that will revolutionize the way we live and work.

Mr. BENTSEN. Mr. Speaker, I strongly support H.R. 1291, the Internet Access Charge Prohibition Act. This legislation will ensure that Internet Service Providers (ISPs) are not required to pay access charges to connect to the Internet. As a result, consumers will continue to have lower prices for their Internet access.

In this Information Age, the number of consumers who use the Internet daily for their work and education continues to grow. This legislation will ensure that Internet access remains reasonable and accessible for all Americans.

In 1983, the Federal Communications Commission (FCC) established rules which require long distance companies to pay ''access charges'' to local telephone companies for connecting a long-distance call to local telephone networks. These access charges are paid to both networks where the call originates and where the call ends. In addition, part of these access charges help to pay for the Universal Service Fund which subsidizes the cost of telephone services to rural and high-cost areas and low-cost individuals. In addition, this Universal Service Fund helps to provide low-cost Internet connections for schools and libraries. The current average access charge is 2.4 cents-per-minute which is paid by consumers.

The FCC however, does not permit local telephone companies to impose these access charges to ISPs because they classify these ISPs as ''enhanced service providers.'' Recently, the FCC reviewed this matter again and determined that ISPs should continue to be exempt from these access charges. In May 1997, the Court of Appeals for the Eighth Circuit upheld this FCC decision and this decision remains in effect today.

Regrettably, there is a persistent rumor on the Internet that these fees are going to be imposed on all electronic mail (E-mail) messages. In my congressional district, I have heard from many constituents that they are concerned about the burden that these fees would impose upon them. This legislation, H.R.. 1291, would prohibit the FCC from imposing any per-minute access fees on ISPs if such fees are going to be dedicated to the federal Universal Service Fund activities. This legislation will permanently protect consumers who use the Internet daily. I am pleased that Congress has acted to provide this commonsense consumer protection to all Internet users.

I strongly urge my colleagues to support this bill, H.R. 1291.

Mr. UDALL of Colorado. Mr. Speaker, I would like to join other Members in applauding the intention of Mr. UPTON's bill as introduced. Avoiding per-minute charges for Internet access services is a very worthy goal. The use of per-minute access charges for the Internet has plagued the development of the Internet is no many other countries. We should do what is needed to continue a flat-rate charging mechanism.

However, H.R. 1291 also includes a ''Rule of Construction'' that I find a little troubling. The provision says that nothing in the bill precludes the FCC from imposing access charges on Internet telephone providers. This refers to the charges long-distance telephone companies must pay to local telephone companies for connecting a long-distance call to local telephone networks—both where the call originates and where it terminates.

I don't believe that this provision is intended to encourage the FCC to rush in and impose today's access charge regime on providers of Internet telephone services. Nor do I think the FCC has plans to impose any access charges at the present time.

Still, given the wording of this provision, I think it's important to emphasize that an imposition of old-style access charges on Internet telephony would be short-sighted. Access charges are based on a distinction between local and long-distance that the Internet is rendering irrelevant. The FCC should carefully study the issue and reform today's current access charge regime before it rushes in to impose old regulation on new Internet applications.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 1291, the Internet Access Charge Prohibition Act of 2000, and I urge my colleagues to join me in supporting this bill.

The Committee on Commerce last week reported H.R. 1291, a bill that was introduced by my friend and colleague from Michigan, Mr. UPTON.

His bill, H.R. 1291, will help to ensure consumers continue to have affordable access to the Internet. More to the point, his bill will block the FCC's ability to impose per-minute charges on consumers' Internet access services, when those charges are intended for support of universal service.

In doing so, this bill will help preserve the flat-rate pricing structure Americans enjoy today for their Internet services. Flat-rate pricing, as opposed to per-minute charging, is one of the reasons the Internet has flourished in this country, and why Internet usage is so high here, compared to other countries.

Preserving that flat-rate pricing scheme is a commendable goal, and I think Mr. UPTON for his efforts in that regard. The Report of the Advisory Commission on Electronic Commerce, chaired by my good friend, the governor of Virginia, Mr. Gilmore, recommended that Congress deregulate Internet access services. That is the intention of H.R. 1291.

I note that some have raised concerns that the bill could be used to impose per-minute access charges on provides of Internet telephony. That is not the intention, nor the effect, of the bill.

The FCC is not encouraged by this bill to extend today's access charge regime on providers of Internet telephony. That regime was devised in a very different time, for a very different situation. access charges were designed in the early 1980's to compensate the local telephone companies for the use of their local loop facilities. These charges are predicated on a traditional distinction between local and long-distance services that the Internet is making irrelevant.

Choice telephone service is merely one type of application over the Internet. Internet voice should no more be subject to per-minute access charges than Internet access services. If we want to avoid per-minute charges on the Internet, we should avoid such charges for all Internet applications.

In the meantime, the House should begin the process now of ensuring that consumers can continue to have affordable, flat-rate prices for access to the Internet. I urge my colleagues to support the bill before us today.

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

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

offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 1291, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE FEDERAL GOVERNMENT'S RESPONSIBILITY FOR STARTING A DESTRUCTIVE FIRE NEAR LOS ALAMOS, NEW MEXICO

Mrs. CHENOWETH-HAGE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 326) expressing the sense of the Congress regarding the Federal Government's responsibility for starting a destructive fire near Los Alamos, New Mexico.

The Clerk read as follows:

H. CON. RES. 326

Whereas on May 4, 2000, the National Park Service initiated a prescription burn on Federal land during the southwest's peak fire season;

Whereas on May 5, 2000, the prescription burn exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and spread to non-Federal land, quickly becoming characterized as a firestorm;

Whereas by May 7, 2000, the fire had grown in size and caused evacuations in and around Los Alamos, New Mexico, including the Los Alamos National Laboratory, one of America's leading national research laboratories and birthplace of the atomic bomb;

Whereas on May 12, 2000, the President issued a major disaster declaration for the Counties of Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, and Torrance;

Whereas the fire resulted in the loss of Federal, State, local, tribal, and private property;

Whereas the loss to private citizens of personal property and memories cannot be accounted for in monetary terms nor repaid with financial assistance; and

Whereas a full congressional investigation will assist the Federal Government to determine the cause of this disaster and its full cost to the Federal Government and the people of New Mexico: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that the Federal Government should—

(A) take responsibility for the fire intentionally set by the National Park Service at the Bandelier National Monument, New Mexico, on May 4, 2000, which burned out of control near Los Alamos, New Mexico;

(B) take all necessary steps to mitigate the threats from the fire to the public health and well-being of the residents of New Mexico; and

(C) take all necessary steps to compensate the people of New Mexico for the losses incurred as a result of National Park Service actions; and

(2) the Congress commends—

(A) the people of New Mexico for opening their homes and their hearts to the New Mexican communities affected by this fire;

(B) the New Mexico firefighting teams for their efforts and courage in battling the fire;

(C) the New Mexico National Guard and the State of New Mexico for their efforts in mitigating the fire and assisting those affected by it;

(D) the American Red Cross and numerous other charitable organizations and volunteers for the extensive assistance provided to the fire victims;

(E) the Western States that have assisted New Mexico by sending people and equipment to help fight the fire;

(F) the businesses which have served as food and clothing collection points;

(G) all organizations and individuals that have collected and disseminated information to those affected by the fire;

(H) Sandia National Laboratories for extending assistance to fire victims;

(I) the Department of Energy for providing analysis and monitoring public health concerns; and

(J) the people of the United States for opening their hearts to assist with the plight of New Mexicans affected by the fire and for sending additional firefighting teams to help battle the fire.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

GENERAL LEAVE

Mrs. CHENOWETH-HAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 326.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, it has been a very difficult week in New Mexico. My colleague, the gentleman from New Mexico (Mr. Udall), is not here. He is still in northern New Mexico. As so many New Mexicans have in the past week, we are pitching in together and holding up our end of the stick.

We wanted to move forward with this resolution today, not only to recognize those who have served and are still serving in the great State of New Mexico fighting the fires, but to begin to rebuild and look to the future, and for the Federal government and for this Congress to stand up and take responsibility for a fire that was started by the Federal government.

Mr. Speaker, the sense of the Congress that my colleagues will have an opportunity to vote on today recognizes a tragedy and a disaster in the State of New Mexico that I would like to talk about a little bit, because its origins will affect this Congress and how it appropriates funds this year.

Let me talk first a little bit about what happened. On May 4, it seems like a long, long time ago right now, the National Park Service set a prescribed burn which was supposed to be a controlled burn in the Bandelier National Forest, which is down here.

This is the area of the fire as of last night. The red area is that part of New Mexico that has been devastated by fire. Here is the Baca ranch, we are in the process of trying to purchase that for the Federal government. This is Bandelier National Monument, the Santa Clara Indian Reservation here, 10 percent of which has been burned, and the fire is now dangerously close to the cliff dwellings.

Here in the middle is the town of Los Alamos and Los Alamos National Laboratories. Los Alamos is a city built on mesas. It was a closed city for many years, put out in the middle of northern New Mexico where nobody would be likely to find its secrets.

On May 4, the National Park Service started a prescribed burn over here. That fire quickly became out of control, and while the Department of the Interior is conducting an administrative investigation as to whether their procedures were followed, the National Park Service has acknowledged that they started the fire, that they started it in very dry conditions, and it quickly got out of control.

By Sunday night, I got a phone call from my former legislative director who went back to New Mexico to work there just 8 months ago, and he moved to Los Alamos. His house is in the western part of Los Alamos here. He was supposed to meet with me on Monday morning. He called and said, they are evacuating our neighborhood. I am not going to be able to be at the meeting on Monday. He got what he could in his pick-up truck and got his dog and headed down to White Rock, where his parents live. White Rock is this little community down here.

For about 48 hours it looked as though they had things mostly under control or at least contained, and the fire had not crossed State Route 4, which they were kind of using as a fire line. But on Wednesday, last Wednesday, we got the call here that the fire had jumped the road, that the winds were gusting to 40 and 50 and 60 miles an hour, that the humidity was 10 percent, and that as sparks dropped, 9 out of 10 sparks were starting new fires. The plume of smoke stretched all the way across northern New Mexico and into Texas and Oklahoma on high winds.

Immediately they began the evacuation of the town of Los Alamos and of Los Alamos National Laboratories. Los Alamos is the birthplace of the atomic bomb. It is a place that still has nuclear materials, and there was a real

concern on the part of the residents of New Mexico about environmental safety and health if a raging forest fire crossed Los Alamos National Laboratories.

The laboratory I believe was well prepared, and the Department of Energy responded, as did the Environmental Protection Agency and numerous agencies, to monitor and make sure that all the plans were in place and executed well to protect the people of New Mexico and even surrounding States.

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But they could not fight the fire. The wind was too strong. By 1 a.m. on Thursday, they began to evacuate the town of White Rock. The fire had spread down Pajarito Canyon, and they were fighting to keep it from reaching the town of White Rock and reaching a number of technical areas that contained nuclear material.

So by Thursday at breakfast time, 20,000 New Mexicans had been evacuated from their homes. The winds were still high. There was no water pressure in Los Alamos. But the Los Alamos police department stayed in place. Throughout that terrible night of Wednesday night when 260 homes burned, the Los Alamos police department and the fire-fighting teams from across the American west saved everything that they could.

Last night, I was up in Espanola, which is a town near here and Pojoaque, which is just down the hill, and they did re-open 80 percent of Los Alamos, everything but the areas that were burned. But the fire is still only 35 percent contained, and the winds today are expected to gust up to 30 or 40 miles per hour or even higher again.

But now the biggest part of the fire is up here, burning the Santa Clara Indian Reservation and the Santa Clara Canyon, which is sacred to the Santa Clara Pueblo.

In this country, we are used to dealing with disasters with floods along the Mississippi or hurricanes along the Gulf Coast or earthquakes in California, but there is a difference with this one. It is not just the Federal Emergency Management Agency coming in to help those in some way get back on their feet because they did not have insurance. Everyone in this town knows that the Federal Government started the fire. This was not an act of God. It was an act of man. While it was not intentional that this fire rage out of control, that the Park Service did not mean for this to happen, they set the fire that destroyed 260 homes and the lives of 400 families and the businesses and incomes of thousands of residents of Los Alamos in White Rock.

I spent much of the weekend dealing with the fire and the fire's victims. The response of the people of New Mexico to this disaster really warms one's heart. We always read about people taking advantage of people when things are going bad, and that did not happen in New Mexico.

There was nobody there trying to sell bottles of water for $5 or $10. On the contrary, there were truckloads of food and water and clothing streaming into Sante Fe and Los Alamos. Twenty thousand people relocated from a rural area in northern New Mexico, and immediately every hotel and motel in Sante Fe and Espanola in northern New Mexico dropped their prices to $25 a night. It has probably been since 1920 since one has been able to get a $25 a night hotel room in Sante Fe, New Mexico; but last weekend, one could get one if one were a victim of a fire.

The Red Cross mobilized. I was there on Friday morning in Albuquerque at the Red Cross Center there where they were bringing in the national teams. On Friday afternoon, they had to stop taking donated supplies because they had no more storage room. But they were still accepting donations.

Intel walked in on Thursday afternoon with a $100,000 check. As I was standing there, a man walked in and opened his wallet and emptied it and gave it to the Red Cross.

Most of the banks in New Mexico set up special accounts for the victims of the fire. I went by one. It is not a big bank. It is called First State Bank. It is a New Mexico bank. They have a New Mexico flavor. They do not even wear ties to work. On Thursday midmorning, they opened an account and just called the local radio station to say they had opened one. Six hours later, they had collected $34,000 from New Mexicans who just walked in to donate to the victims of the fire.

As one can see, Los Alamos is kind of an isolated community, and there were over 1,000 fire fighters and policemen and Red Cross workers who still needed to be fed in a place that is really hard to get to. I was up in Los Alamos on Friday afternoon, and the Los Alamos Inn was still open. That is where most of the media and many of the fire fighters and rescue people were staging out of.

There was a waitress who continued to work there. They were just making food and bringing it in. She had her 4-year-old daughter with her there at work. I do not think she stopped working since they evacuated the town.

Down at Ray's in Albuquerque was one of the staging points for the food and water distribution. I was there on Friday morning. Mayflower had donated big trailer trucks to take food and water and clothing up to the victims of the fire. I was there. In probably about an hour and a half, they had filled half a tractor trailer truck full of food and water and clothing and bedding and equipment to rebuild lives and homes.

Car after car was just driving through the parking lot and opening their trunks and giving. There is a man who wanted to remain anonymous, but he donated 1,000 brand new suits to the Salvation Army down in Espanola to reclothe the victims of the fire. It kind of made me laugh actually because, in Los Alamos, they do not often wear suits. It is kind of a relaxed place of scientists and Ph.D.s. They probably will be better dressed than they have in a long time. But it is that kind of generosity that has been provoked by the fire.

The New Mexico home builders immediately got together, and they wanted to make sure there was not a lot of scamming of people who lost their homes. So they are working with the New Mexico Attorney General to come up with a list of the licensed contractors so that every victim knows what their options are and they will not have somebody show up at the front of their door and say, give me $2,000, and I will fix their siding, and they never see them again, which so often happens after these kinds of disasters.

They also called all of the suppliers, all of the suppliers for the home building industry and said, we want the best and lowest prices you can get us for building materials to help rebuild. Those guys probably have the power to make that happen.

On Friday morning, I went by United Blood Services in Albuquerque. See, last week, there was supposed to be a big blood drive in Los Alamos, and they depend on that to supply the State of New Mexico. They have kind of got their plan from where they are going to get enough blood from this week to make sure all the hospitals were supplied.

They were 400 pints short because they had not been able to do the Los Alamos blood drive. So they put out a special appeal and said they were having a special week in Albuquerque, and please come in and donate blood. I dropped by, and the line was an hour wait just to donate blood because the people in Los Alamos were not there to donate blood.

But as I was standing there and watching the live news reports from Los Alamos, there was a lady standing next to me watching as well. Her husband was donating blood. They were in Texas when the fire started, and they are from Los Alamos. The first thing they did when they came back to the State was to go donate blood while they wondered if their home still stood.

We have a number of military bases in New Mexico, and the military was there, too, the National Guard, the Army Guard, the Air Guard as well as active duty. A lot of guys loading the trucks with food and water were active duty military who were not on their shifts.

I met one guy. His name was David. He is a Sergeant in the Air Force. He has only been stationed in New Mexico

for about a year. He is out at AFOTEC in Kirtland Air Force Base. He had come into the Red Cross because he figured the guys on the base could take the 6:00-to-6:00 shift and man the phones at night, and he could get a lot of his friends to help to relieve the Red Cross volunteers.

Many of the elementary schools in New Mexico all over New Mexico have gathered contributions for the victims of the fire. This has affected so many people's lives.

I dropped by the Elks Lodge in Los Alamos, which is right up there by the Los Alamos Inn. They stayed there to pass out food to the fire fighters and to the cops. They were kind of funny about it. There is more than a little gallows humor in these kinds of things. They said, well, the Elks Lodge really is not known around this town for the thing we do for the community, but we do do quite a lot.

There were folks coming in in their pickup trucks. One family from Santa Clara Pueblo had a pickup truck full of all kinds of snacks and food, and they were going to every one of the trail heads to make sure that all the fire fighters would be fed in an F–150 pickup that looked like it was about a 1981 version with about 130,000 miles on it. But their Pueblo was threatened, and they had not been evacuated yet, and they were going to do everything they could until they needed their pickup truck to move out of their own homes. At that time, they did not know if they would have to move or not.

Los Alamos has more Ph.D.s per capita than any other town in the world. It is probably not a surprise that, during this disaster, it was the Internet Professional Association that got up an Internet site immediately to communicate among the victims of the fire spread out across the State and their relatives, many of whom were looking for them.

They put up a web site that, not only had information for folks, but also had bulletin boards so that one could ask about one's friends or relatives or have any of you seen so and so, or we are missing our horses, down where they might be, to help with the information and the confusion of a disaster.

While sometimes we always like to pick on the press a little bit in this town, I have to give some commendations also to the television and radio stations in New Mexico. All three of our television stations were working around the clock during this disaster, giving information to people and providing that public service to keep people informed on where they could go and what they should do and what the fire was doing to their lives.

My husband is in the Air Guard. On Saturday morning our phone rang, and the New Mexico Air Guard was called to duty for a civilian disaster for the first time in 30 years. The last time the Air Guard was called up for a disaster, State disaster, was during the riots in Vietnam at the University of New Mexico. But the Air Guard took on the task of taking in the victims, the one who had lost their homes, so that they could see what was lost and begin the process of getting insurance coverage and rebuilding their lives.

So he went up to do that on Saturday and Sunday, and he ended up taking in a busload of folks. As they were driving down the street, he really understood what the fire department had done, the extraordinary efforts they had gone to to save homes and save neighborhoods from a raging inferno.

There was one burned house, and right next to it, and he kind of laughed, was a fire hose with the end burned off. These guys were serious about doing everything they could to save the homes and lives of their neighborhoods.

So where are we now? This fire is 35 percent contained. It is burning mostly on the northern end. 80 percent of the residents of Los Alamos are able to get back into their homes. Some will never go back into their homes.

Every red dot on this map is a home that is not there anymore, 260 buildings, over 400 families that were burned out by a fire started by the United States Government. But it is not only their losses that the city of Los Alamos is feeling. Every small business in Los Alamos has been out of work and off the hill for over a week.

I ran into a family at Pojoaque Red Cross Station at the high school last night.

The SPEAKER pro tempore (Mr. PEASE). The time of the gentlewoman from New Mexico (Mrs. WILSON) has expired.

Mr. GREEN of Texas. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

□ 1115

Mrs. WILSON. The question is, where do we go from here? FEMA is doing everything they can, like they do in floods and tornadoes and other disasters, in bringing assistance to the people of New Mexico, but the reality is that the Federal Government started this fire. I am not a lawyer, I do not do liability, but there is responsibility, and the Federal Government must stand up and take responsibility for the actions and the consequences of those actions.

On the night of May 4, the National Weather Service told the Park Service that there were potential blow-out conditions and that any controlled fire might not be controlled. They lit the fire anyway. This resolution before the House today commends the people of New Mexico and those surrounding States that have helped New Mexico deal with this disaster, and it takes responsibility on the part of the Federal Government for this disaster.

We will begin to rebuild Los Alamos, but it will be with the help and assistance of the Federal Government, which must take responsibility for the actions that it took.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am here today to speak on behalf of my friend and neighbor, fellow Congressman, the gentleman from New Mexico (Mr. UDALL). I say neighbor because the State of Texas and New Mexico are very close. In fact, at one time Texas claimed part of that area where the fire is at in the last century.

I have followed this story and the tragic fires in my colleague's district in northern New Mexico that has disrupted the lives of thousands of citizens of New Mexico, and we have shared the anguish of their families who have lost their homes and cherished possessions. There is, of course, no price we can place on much of what has been lost, but our hearts go out, and not only those of us who are Texas neighbors but also from the entire country, to the New Mexican people for this tragedy.

What we can do, though, is to support the relief and recovery of the people who are now faced with putting their lives back together, because that is the right thing to do. The New Mexico Congressional delegation has done just that, and on their behalf the gentleman from New Mexico (Mr. UDALL) asks that all his colleagues here in the House provide their support.

Right now the gentleman from New Mexico (Mr. UDALL) is back in his district working to provide his support to try to make the difference. He is making sure information about what assistance is available is getting to the people in his Third Congressional District who have been hit so hard by this fire. He is also walking through the fire stricken parts of his district, talking to his constituents and listening to them about what they need to put their lives back together.

What he has already learned has made him grateful for the efforts of the many New Mexicans and the communities surrounding the fire who have pulled together even as this tragedy unfolded, opening their homes and their hearts to the less fortunate. He has also expressed his gratefulness for the efforts of the countless organizations and firefighters who have helped bring some order to this shattered scene.

Even from that distance he is advocating for what his constituents are telling him by working with this Congress to keep the Federal efforts to help these citizens on track. The resolution is one example.

While in New Mexico, he has been working here in Washington to ensure

that the emergency funds needed for these efforts are available. He has asked for $100 million in additional emergency aid for that purpose. And, Mr. Speaker, I would like to read from a letter from the gentleman from Washington (Mr. DICKS), who is a member of the Committee on Appropriations, and the ranking Democratic member on the Subcommittee on the Interior, to the gentleman from New Mexico (Mr. UDALL):

I am pleased to report that we are pursuing your suggestions in the Committee on Appropriations with regard to the need to replenish the U.S. Forest Service and Bureau of Land Management firefighting funds in this fiscal year. While the emergency supplemental appropriations bill, which the House passed and sent to the Senate on March 30, contained $250 million for these accounts, Senator Lott's opposition to moving the supplemental bill precluded us from providing additional funds to these agencies this spring, even though the expected weather conditions and Forest Service predictions indicate a very high risk of wildfires this year.

With the fire still raging in your State of New Mexico, and with these accounts becoming seriously depleted, it is our intention to introduce a freestanding supplemental appropriations bill containing $350 million, $200 million for the Bureau of Land Management and $150 million for the U.S. Forest Service, to reflect the current estimates for emergency firefighting expenses. I want you to know that there is broad support in the Appropriations Committee, among both Republican and Democratic Members, for such a strategy. Pending a decision on whether a separate supplemental bill will have sufficient support in the Senate, I want you to know that it is also the committee's intention to add this amount of funding to the fiscal year 2001 Interior appropriations bill when the Interior Appropriations Subcommittee considers the bill on Wednesday. That is tomorrow.

In addition, I have sought agreement from our committee leadership to designate this funding as emergency in nature, so that it will be available immediately upon passage by both Houses and when signed by the President.

Again, continuing the letter, Mr. Speaker,

Let me assure you that I and all of my colleagues on the Appropriations Committee understand the urgent situation you have brought to our attention. To the best of our ability, we will attempt to play a constructive role in assuring that Forest Service and BLM firefighters will have sufficient resources to hire the fire crews to contain the New Mexico fires now occurring, as well as to fight additional wildfires that may occur later in this fiscal year.

Again, Mr. Speaker, this letter is signed by the gentleman from Washington (Mr. DICKS), the ranking member of the Subcommittee on Interior of the Committee on Appropriations.

While the gentleman from New Mexico (Mr. UDALL) is in New Mexico he remains in close contact with the Federal agencies that share the assistance and relief responsibilities for dealing with this disaster. He wants to make sure that the maximum effort is being employed to discharge these responsibilities. And, again, having him on the ground in New Mexico is just like, and I can relate to it in Texas when we have a hurricane come to the coast in Houston, oftentimes we have to fight a battle here to have the resources at home, but oftentimes we need to be at home to see what our constituents need, and that is what the gentleman from New Mexico is doing today.

This resolution is a first step in taking both responsibility for the fire but also to help mitigate the threats of fire to public health and to take the necessary steps to compensate the people of New Mexico. As the gentlewoman from New Mexico (Mrs. WILSON) mentioned, and the gentleman from New Mexico (Mr. UDALL) has expressed to me, the people in New Mexico are opening their homes and their hearts to the people affected.

The firefighting teams should be commended for their courage in battling the fire, as well as the New Mexico National Guard and the State of New Mexico for their efforts in mitigating the fire. We could go on and on. The American Red Cross, and the other western States who have provided help to New Mexico by sending people and equipment, as well as the businesses who have served food and clothing at collection points. Thanks also should go to the Sandia National Laboratory for their assistance to the fire victims, and the Department of Energy for providing analysis regarding public health.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 12 minutes remaining.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I yield myself such time as I may consume.

I really want to commend the gentlewoman from New Mexico (Mrs. WILSON) for this very quick response resolution, letting the National Park Service know of our deep concern about their destructive and negligent actions in this matter.

Mr. Speaker, this is not one moment too soon to let the Federal land management agencies know that we as a Congress take these issues very seriously and we will take appropriate action. This is more than money that is involved. What happened here was the fact that it has become apparent that the Federal agencies do not understand the consequences of their actions or their inactions.

There was an inordinate amount of squabbling about what kind of aircraft to use to put out the fire quickly, while it was still containable. And, yes, people can make mistakes, but to see continual finger pointing at each other between the agencies does not resolve the problem. What we in the Congress must do to resolve the problem is to make sure that we have agencies who know how to take the appropriate action when these destructive measures happen in our country.

This phenomenon that is occurring lately is one where we see agencies not able to take the proper course and not be able to make decisions, and it costs lives. It costs the lives of animals who are burned, it destroys habitat, it destroys landscapes, it destroys homes, it destroys families, it destroys communities because a handful of individuals fail to make the right decisions at the right time.

Mr. Speaker, the time has come when this Congress must begin to look in a new direction for the appropriate measures to make sure that we have agencies who are responsive to these emergency needs. The fires burning today in New Mexico provide the Nation with the very worst examples of Federal agency mismanagement of the public trust. The National Park Service is, frankly, acting like children playing with matches, not understanding the consequences of their actions.

Since becoming chairman of the Subcommittee on Forests and Forest Health, I have held numerous hearings on Federal agency firefighting, fire prevention and related issues. And through these efforts, my subcommittee has uncovered many, many serious problems. Even before the Cerro Grande fires, I had begun planning a hearing on the administration's overreliance on prescribed fire. Now, in continuation of our investigation, my subcommittee is in the process of scheduling two hearings to follow up just as soon as possible.

Again, I want to thank the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from New Mexico (Mr. UDALL) for their leadership on this issue. Rest assured we will get to the bottom of this issue.

Mr. UDALL of Colorado. Mr. Speaker, I am here today to speak on behalf of my cousin and fellow Congressman TOM UDALL. We have followed the story of the tragic fires in my cousin's district in New Mexico that have disrupted the lives of thousands of our citizens in New Mexico and we have shared the anguish of the families that have lost their homes and cherished possessions. There is, of course, no price that we can place on much of what has been lost.

What we can do, though, is support the relief and recovery efforts for the people who are now faced with putting their lives back together. It is the right thing to do. The New Mexico congressional delegation has done just that. And on the delegations behalf he asks that you also provide your support for the delegation's efforts.

Right now, Congressman TOM UDALL is back in his district working to provide support to his constituents. He is making sure information about what assistance is available is getting to the people in the Third Congressional District who have been hit so hard by this fire. He is also walking through the fire-stricken parts of his district, talking with his constituents and listening to them in order to understand what they need to put their lives back together.

What he has learned has made him grateful for the efforts of the New Mexicans in the surrounding communities the fire who they pulled together even as this tragedy unfolded. Opened their homes and their hearts to those less fortunate. And he is so grateful for the efforts of the countless organizations and firefighters who have helped bring some order to this shattered scene.

And even from that distance he is advocating for his constituents by working with this Congress to keep the Federal efforts to help these citizens get back on track. This house resolution is one example.

While in New Mexico, he has also been working here in Washington to ensure that the emergency funds that are needed for these efforts are available. He has asked for 100 million dollars in additional emergency aid for that purpose.

And he remains in close contact with the Federal agencies that share the assistance and relief responsibilities for dealing with this disaster. He will make sure that the maximum effort is employed to meet our responsibilities. Colleagues, I am here to tell you that he asks for your support for his efforts and those of his colleague HEATHER WILSON to help Americans whose lives have been turned upside down.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 326.

The question was taken.

Mrs. WILSON. 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 404, nays 0, answered ''present'' 6, not voting 24, as follows:

[Roll No. 183]

YEAS—404

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

ANSWERED ''PRESENT''—6

Bateman
Hutchinson
Kelly
Lowey
Mollohan
Sanford

NOT VOTING—24

Abercrombie
Ackerman
Boucher
Brown (FL)
Callahan
Campbell
Clay
Danner
DeLay
Dooley
Franks (NJ)
Largent
LoBiondo
Martinez
McCarthy (NY)
McCollum
McIntosh
McNulty
Norwood
Nussle
Slaughter
Stupak
Udall (NM)
Vento

□ 1146

Mrs. KELLY changed her vote from ''yea'' to ''present.''

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on business and unable to be present for rollcall vote No. 183. Had I been present, I would have voted "yes" on rollcall vote No. 183.

(Mr. DINGELL asked and was given permission to speak out of order for 5 minutes.)

FUNERAL ARRANGEMENTS REGARDING BART STUPAK, JR.

Mr. DINGELL. Mr. Speaker, I intend to share this time with my good friend, the gentleman from Michigan (Mr. UPTON), who has been enormously helpful in this difficult matter. As reported

to the House by our Dear Colleague letter of yesterday, our colleague, the gentleman from Michigan (Mr. STUPAK) and his wife, Laurie, have suffered a terrible loss with the tragic death of their son, and we extend our condolences to them and to their other son, Ken, for this terrible and tragic loss of young Bart, who is also known as BJ.

He was a bright and energetic young man, much loved by all who knew him. Obviously his loss is a devastating blow to the Stupak family and to all of their friends, and many of my colleagues in the House have come over to express their sorrow and concern.

It is my purpose to announce at this time that the funeral for BJ, as he was known, will be tomorrow evening on Wednesday, May 17. It will take place in Menominee, Michigan at 8 p.m. Our offices, that of myself and my good friend the gentleman from Michigan (Mr. UPTON), have worked to arrange travel for Members wishing to attend the visitation and the funeral mass.

Members desiring to go will leave the House steps of the Capitol tomorrow at 3:15 p.m. The aircraft which has been chartered will be departing Reagan National Airport at 4 p.m. We should be returning about 1 a.m. on Thursday morning.

For Members desiring more details on travel arrangements, they should contact either my office or that of the gentleman from Michigan (Mr. UPTON).

I yield to my good friend, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I have had the opportunity to speak to the gentleman from Michigan (Mr. STUPAK) this morning. He thanked the leadership for the moment of silence, and also the staffs of the gentleman from Michigan (Mr. DINGELL) and my staff, and also his staff has been terrific in putting together this event on, obviously, a pretty short notice.

I also want to thank Northwest Airlines which has bent over backwards to allow us to charter a plane to fly to Wisconsin tomorrow. The gentleman from Michigan (Mr. STUPAK) also indicated he wanted me to thank the leadership for postponing votes allowing Members to be able to attend the service tomorrow afternoon and evening.

I would just like to thank the Dean of the House for this 5 minutes and would ask Members that would like to attend the service tomorrow if they could contact either the office of the gentleman from Michigan (Mr. DINGELL) or my office. We will make sure that those arrangements are taken care of.

Mr. DINGELL. Mr. Speaker, I want to commend my colleague for the wonderful help he has been in this difficult matter and express my thanks to the gentleman from Michigan (Mr. UPTON) for that. I would like to observe that we will be making further communications with the office of the Members both by Dear Colleague and electronically, so that they will be fully informed of this.

I repeat, the chartered aircraft will be leaving tomorrow at 3:15 by bus from the Capitol steps; the actual time of departure from the aircraft will be from Reagan National Airport at 4 p.m. It is anticipated that the return will be about 1 o'clock in the morning the next day. I do thank my good friend, the gentleman from Michigan (Mr. UPTON).

PROVIDING FOR CONSIDERATION OF H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 502

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(c) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendments the Committee shall rise and report the bill to the House with such amendments as may have been adopted. 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.

SEC. 2. For purposes of enforcement of the Congressional Budget Act of 1974 in the House, the appropriate levels of total new budget authority and total budget outlays for fiscal years 2000 through 2005 prescribed by House Concurrent Resolution 290 pursuant to section 301(a)(1) of the Act shall be those reflected in the table entitled ''Conference Report Fiscal Year 2001 Budget Resolution Total Spending and Revenues'' on page 49 of House Report 106–577.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

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

Mr. Speaker, yesterday the Committee on Rules met and granted an open rule for H.R. 4425, the Military Construction Appropriations bill for fiscal year 2001. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking member of the Committee on Appropriations.

The rule waives clause 2 of House rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill against provisions in the bill. The rule also waives clause 4(c) of rule XIII requiring the 3-day availability of printed hearings on a general appropriations bill against consideration of the bill.

Additionally, the rule provides that the bill shall be open to amendment by paragraph and authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule further allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if it follows a 15-minute vote.

The rule provides that for the purposes of enforcement of the Congressional Budget Act, the appropriate levels of new budget authority and total budget outlays shall be those reflected in the table entitled ''Conference Report Fiscal Year 2001 Budget Resolution Total Spending and Revenues'' in House Report 106–577.

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

Mr. Speaker, as Thomas Jefferson warned, eternal vigilance is the price of liberty. Part of this Nation's vigilance is ensuring America's military readiness, for as Ronald Reagan said during an address at West Point, a successful Army is one that because of its strength, ability and dedication will not be called upon to fight, for no one will dare provoke it.

Too often, we take for granted the security and peace of mind that comes with living in the greatest, freest Nation in the world. But we cannot take

for granted the dedicated men and women who serve in the United States military.

The Military Construction Appropriations Act for fiscal year 2001 recognizes the dedication and commitment of our troops by providing for their most basic needs: improved military facilities, including housing and medical facilities.

Last year, this Congress began to meet its responsibility to our troops and the recruitment and retention of military personnel by increasing military pay. This legislation will continue that effort by ensuring an adequate and appropriate quality of life.

The quality of housing for service members and their families is an important incentive, attracting and retaining dedicated individuals to military service. Today's poor state of military housing for these men and women clearly serves as a disincentive to reenlistment.

This bill provides an overall increase for military construction, which includes $43 million for child development centers, $141 million for hospital and medical facilities, and $26 million for environmental compliance. The bill also provides $859 million for new family housing units and for improvements to existing units.

Additionally, I am pleased the committee included $4.1 million for the Niagara Falls International Airport upgrade overrun and runway. The Niagara Falls Air Reserve Station is home to the 914th Air Reserve (Airlift) Wing and the 109th Air National Guard (Refueling) Wing. Upgrading the runway and constructing the necessary overrun will enable Niagara based fueling aircraft to participate in the ''Air Bridge'' missions which resupply operations in Europe and the Near East as well as serve as a third Northeast Tanker Task Force Location for ''surge'' contingency missions.

□ 1200

Mr. Speaker, we must honor the most basic commitments we have made to the men and women of our Armed Services; we must ensure a reasonable quality of life to recruit and retain the best and the brightest to America's fighting forces; and most important, we must do all in our power to ensure a strong, able, dedicated American military, so that this Nation will be ever vigilant, ever prepared.

Mr. Speaker, this is a fair and open rule for consideration of the fiscal year 2001 military construction appropriations bill. I urge my colleagues to support the rule and the underlying bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

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

This is an open rule. As my colleague from New York explained, the rule provides for one hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Under this rule, germane amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. Members on both sides of the aisle will have the opportunity to offer amendments.

Mr. Speaker, this bill funds construction projects on military bases. This includes homes for military families, hospitals, laboratories, training facilities, barracks and other buildings that support the missions of our armed forces. The bill also funds activities necessary to carry out the last two rounds of base closings and realignments.

Our military requires modern facilities. New buildings can improve productivity, reduce waste and improve morale. The money spent in this bill is a long-term commitment to our defense capabilities.

This bill funds a new ramp to replace one used by the 445th Airlift Wing on Wright-Patterson Air Force Base, which is partially in my district and partially in the 7th District. The current ramp is costly to maintain, and it is in such bad condition that it is a safety hazard. Another project at Wright-Patterson is a laboratory building to conduct environmental and toxics research.

I want to commend the chairman of the subcommittee, the gentleman from Ohio (Mr. HOBSON), for his great work, and the ranking minority Member, the gentleman from Massachusetts (Mr. OLVER), for their work in crafting this bill and bringing it to the floor. The bill was approved by the Committee on Appropriations on a voice vote. It has support on both sides of the aisle. The rule is open, it was adopted by a voice vote of the Committee on Rules, and I support the rule and bill and urge its adoption.

Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for his courtesy in yielding me time to discuss the bill today.

Mr. Speaker, I am planning on supporting the rule and the underlying bill, but I am concerned that we are not taking full advantage of the opportunity in the military construction arena. One of the greatest threats to national security in this country and worldwide is the disease, poverty, pollution, unrest and misery that is produced. We have serious problems here at home that is part of the legacy of 60 years of war, amongst them some of our production facilities at Hanford, Rocky Flats. We have chemical weapons, toxic waste and unexploded ordinance.

One of the most powerful tools of government to lead is to lead by example. I think one of the ways the government can do that is to follow the rules and model the behavior that we want the rest of society to follow. One of the biggest, richest and most visible opportunities for the United States to lead by example in ways to promote livable communities is dealing with the military.

The Department of Defense manages the world's largest dedicated infrastructure. It covers 40,000 square miles, a physical plant worth over $500 billion. The bill before us could give many opportunities. One that we see in the Department of Defense is on-base housing programs. The military housing privatization initiative that is being continued is an example to allow funding. It allows the service to partner with civilian developers to build and renovate family housing on military installations, to convey housing units to private companies, while retaining the land in Federal hands, to provide military members with the same type of housing that the people that they defend have the opportunity to live in, and create communities that look, feel and work like those outside a military base. But, unfortunately, we are losing an opportunity here for the Federal Government to be a better partner with the local communities in which they are situated.

I would hope that as we move forward with this through the legislative process and in subsequent years, that we reverse the presumption that we have a situation where the Department of Defense plays by the local land use and planning rules of the local community.

For instance, we saw in 1999 the Army proposed to develop a 700,000 square foot private shopping center on Fort Hood that would have severely affected the surrounding business community in Collin, Texas. We have an opportunity here to avoid having the Federal Government impose massive highway and infrastructure requirements on States and communities without their being able to realize any offsetting tax benefits.

I note that on the Senate side, in Section 8168 of the Defense Appropriations Act, it permits the City of San Antonio to exercise these responsibilities for the Brooks Air Force Base Demonstration Efficiency Project.

This should not be the exception. This should be the rule. We should be cooperating with local communities, we should be playing by their planning and zoning rules, we should be leading by example.

I am pleased that the bill has many other positive things, a 72 percent increase in the cleaning up of the environmental problems associated with base closings, but I hope that the committee will work with us to make sure

that the military is a better partner with local communities to provide livability wherever our facilities are located.

Mr. HALL of Ohio. Mr. Speaker, I endorse the rule and the bill.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I be permitted to include tabular and extraneous material on H.R. 4425.

The SPEAKER pro tempore (Mr. REYNOLDS). Is there objection to the request of the gentleman from ohio?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 502 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4425.

□ 1209

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. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Ohio (Mr. HOBSON) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

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

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

Mr. Chairman, it is my pleasure to present to the House the recommendation for the military construction appropriations bill for fiscal year 2001. This is a bipartisan bill, and I want to thank my ranking member, the gentleman from Massachusetts (Mr. OLVER), for his assistance in putting this bill together this year once again. We have tried to work together to solve many of the problems that our military faces today. We have gone out and looked at various locations. We have gone around the world together a number of times looking at the various projects, trying in a learning mode to get a bill that we can all agree upon.

This bill presented to the House today totals $8.6 billion. This represents a $293 million, or 3 percent increase from last year's appropriation. However, the bill reflects a reduction of $1.3 billion or 13 percent from the enacted level just 4 years ago. The bill is within the 302(b) allocation for both budget authority and outlays. The recommendations before the House are solid, and fully fund priority projects for the services and our troops.

The legislation helps meet the needs of our military families and improving our national security infrastructure. It is fiscally responsible, while supporting the housing, child care, and medical needs of our military.

Within the $8.6 billion provided, we have been able to address quality-of-life issues, including $759 million for troop housing, $43 million for child development centers, $141 million for hospital and medical facilities, $26 million for environmental compliance, $859 million for new family housing units and for improvements to existing units, and $2.7 billion for operation and maintenance of existing family housing units.

This year we have worked closely with the authorization committee, and I would like to recognize the gentleman from Colorado (Mr. HEFLEY), whose chairmanship of the Subcommittee on Military Installations and Facilities will end at the conclusion of this Congress. This subcommittee has appreciated his cooperation and commitment to funding the infrastructure needs of our servicemen and their families the past 6 years.

In conclusion, this $8.6 billion is less than 3 percent of the total defense budget and only 3 percent above last year's funding level, but this $8.6 billion directly supports the men and women of our Armed Services. It increases productivity, readiness and recruitment, all very vital to a strong national defense.

Mr. Chairman, I include the following for the RECORD.

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Military construction, Army	1,042,033	897,938	870,585	-171,448	-27,353
Foreign currency fluctuation adjustment			-635	-635	-635
Total	1,042,033	897,938	869,950	-172,083	-27,988
Military construction, Navy	901,531	753,422	894,269	-7,262	+140,847
Foreign currency fluctuation adjustment			-2,889	-2,889	-2,889
Total	901,531	753,422	891,380	-10,151	+137,958
Military construction, Air Force	777,238	530,969	703,903	-73,335	+172,934
Military construction, Defense-wide	593,615	784,753	807,429	+213,814	+22,676
Foreign currency fluctuation adjustment			-7,115	-7,115	-7,115
Total	593,615	784,753	800,314	+206,699	+15,561
Total, Active components	3,314,417	2,967,082	3,265,547	-48,870	+298,465
Military construction, Army National Guard	227,456	59,130	137,603	-89,853	+78,473
Military construction, Air National Guard	263,724	50,179	110,585	-153,139	+60,406
Military construction, Army Reserve	111,340	81,713	115,854	+4,514	+34,141
Military construction, Naval Reserve	28,457	16,103	53,004	+24,547	+36,901
Rescission			-2,400	-2,400	-2,400
Total	28,457	16,103	50,604	+22,147	+34,501
Military construction, Air Force Reserve	64,404	14,851	43,748	-20,656	+28,897
Total, Reserve components	695,381	221,976	458,394	-236,987	+236,418
Total, Military construction	4,009,798	3,189,058	3,723,941	-285,857	+534,883
Appropriations	(4,009,798)	(3,189,058)	(3,726,341)	(-283,457)	(+537,283)
Rescissions			(-2,400)	(-2,400)	(-2,400)
NATO Security Investment Program	81,000	190,000	177,500	+96,500	-12,500
Family housing, Army:					
New construction	41,000	91,974	115,974	+74,974	+24,000
Construction improvements	35,400	63,590	77,940	+42,540	+14,350
Planning and design	4,300	6,542	6,542	+2,242	
Foreign currency fluctuation adjustment			-1,951	-1,951	-1,951
Subtotal, construction	80,700	162,106	198,505	+117,805	+36,399
Operation and maintenance	1,086,312	978,275	971,704	-114,608	-6,571
Foreign currency fluctuation adjustment			-17,960	-17,960	-17,960
Subtotal, operation and maintenance	1,086,312	978,275	953,744	-132,568	-24,531
Total, Family housing, Army	1,167,012	1,140,381	1,152,249	-14,763	+11,868
Family housing, Navy and Marine Corps:					
New construction	134,674	159,317	213,720	+79,046	+54,403
Construction improvements	189,682	183,547	183,547	-6,135	
Planning and design	17,715	19,958	19,958	+2,243	
Foreign currency fluctuation adjustment			2,359	+2,359	+2,359
General reduction and revised economic assumptions	-1,000			+1,000	
Subtotal, construction	341,071	362,822	419,584	+78,513	+56,762
Operation and maintenance	891,470	882,638	882,638	-8,832	
Foreign currency fluctuation adjustment			-3,430	-3,430	-3,430
Subtotal, operation and maintenance	891,470	882,638	879,208	-12,262	-3,430
Total, Family housing, Navy and Marine Corps	1,232,541	1,245,460	1,298,792	+66,251	+53,332
Family housing, Air Force:					
New construction	203,411	36,677	61,417	-141,994	+24,740
Construction improvements	129,952	174,046	174,046	+44,094	
Planning and design	17,093	12,760	12,760	-4,333	
Foreign currency fluctuation adjustment			-6,839	-6,839	-6,839
General reduction and revised economic assumptions	-1,000			+1,000	
Subtotal, construction	349,456	223,483	241,384	-108,072	+17,901
Operation and maintenance	818,392	826,271	826,271	+7,879	
Foreign currency fluctuation adjustment			-5,392	-5,392	-5,392
Subtotal, operation and maintenance	818,392	826,271	820,879	+2,487	-5,392
Total, Family housing, Air Force	1,167,848	1,049,754	1,062,263	-105,585	+12,509
Family housing, Defense-wide:					
Construction improvements	50			-50	
Operation and maintenance	41,440	44,886	44,886	+3,446	
Total, Family housing, Defense-wide	41,490	44,886	44,886	+3,396	

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Department of Defense Family Housing Improvement Fund	2,000	.....	.....	-2,000	.....
Total, Family housing	3,610,891	3,480,481	3,558,190	-52,701	+77,709
New construction	(379,085)	(287,968)	(391,111)	(+12,026)	(+103,143)
Construction improvements	(355,084)	(421,183)	(435,533)	(+80,449)	(+14,350)
Foreign currency fluctuation adjustment	.....	.....	(-6,431)	(-6,431)	(-6,431)
Planning and design	(39,108)	(39,260)	(39,260)	(+152)	.....
General reduction	(-2,000)	.....	.....	(+2,000)	.....
Operation and maintenance	(2,837,614)	(2,732,070)	(2,725,499)	(-112,115)	(-6,571)
Foreign currency fluctuation adjustment	.....	.....	(-26,782)	(-26,782)	(-26,782)
Family Housing Improvement Fund	(2,000)	.....	.....	(-2,000)	.....
Base realignment and closure accounts:					
Part IV	672,311	1,174,369	1,174,369	+502,058	.....
Grand total:					
New budget (obligational) authority	8,374,000	8,033,908	8,634,000	+260,000	+600,092
Appropriations	(8,374,000)	(8,033,908)	(8,636,400)	(+262,400)	(+602,492)
Rescissions	.....	.....	(-2,400)	(-2,400)	(-2,400)

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

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

Mr. Chairman, the major function of this military construction bill deals with the training and housing facilities for the men and women who serve us in our military forces, but also with the education, the health clinics and hospitals and the daycare centers that serve their families while they serve us.

At the very outset of this discussion I want to thank the gentleman from Ohio (Chairman HOBSON) particularly for the bipartisan spirit in which this bill has been prepared, and I wanted to recognize the close and cooperative relationship that has existed between the majority and minority staffs as the legislation has been prepared.

The bill before us, I believe, deserves our support. It is a good bill, prepared in that bipartisan spirit that I have mentioned. It provides for better workplaces and housing for the men and women that serve our Nation, but also for better housing for their families.

The funds that are appropriated in this legislation are between 3 and 4 percent more than last year, so we are not losing ground in dealing with the facilities and housing backlog, which is a severe backlog in trying to keep up the quality of life for our personnel.

□ 1215

One of the biggest problems that has faced this committee over the past several years is the huge need for quality family housing for the military, and one of the major efforts to address this has been housing privatization in an effort to leverage Federal assets and allow the private sector to come to the table with expertise in housing construction and management. Implementing that program, however, has not been easy. There have been some false starts. It has been slow, but with the chairman's very strong leadership we are starting to make some real progress.

As part of his efforts, the committee is asking for the development of family housing master plans for each of the military services, and I particularly appreciate that these reports will review the economics behind the privatization programs and consider the market impact of the Defense Department's increase in the basic allowance for housing, which is to be fully phased in and implemented over the next several years.

All in all, I think that we are on the road to improving the quality of life for our military families, and I urge all of my colleagues to support this bill.

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

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I rise to express the appreciation of the men and women who serve at Fort Bragg and Pope Air Force Base. The chairman and the ranking member have outlined the details of the bill which are very important, but I rise to say that these men, particularly my chairman, have spent the time in the field listening to the concerns and seeing firsthand what the needs are and they have responded enthusiastically and in a very effective way with this bill.

I strongly support it and urge everyone to do the same.

Mr. OLVER. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. LEE), for the purposes of a colloquy with the chairman.

Ms. LEE. Mr. Chairman, I want to thank the ranking member, the gentleman from Massachusetts (Mr. OLVER), for yielding me this time.

Mr. Chairman, I would like to engage the distinguished chairman of the subcommittee in a colloquy. I first want to commend the committee for their hard work in crafting the bill before us today. I know that funding for new initiatives or requested increases would be difficult. However, there is a project recently brought to my attention, which is vitally important to my district. The East Bay Municipal Water District, better known as East Bay MUD, is the water district for much of the East Bay, and it is required because of new Federal regulations to expand its waste water treatment plant. East Bay MUD is currently located adjacent to the bay and adjacent to land acquired by the Army Reserves through the 1995 base closure.

Through almost a year of negotiations, we have arrived at a solution to our problem and the Army Reserves is willing to move their entire operation to Camp Parks in Dublin, California. This would free up approximately 16 acres for East Bay MUD's expansion, and as well provide additional development of land for the City of Oakland. So this appears to be a very viable solution for our parties.

We are, therefore, requesting $1.9 million to conduct a feasibility study. This would evaluate the alternatives and also plan and design for the land transfer. If feasible, the actual relocation would cost approximately $18 million, which we would seek in another funding cycle if the study proves positive.

Mr. HOBSON. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from Ohio.

Mr. HOBSON. I will be happy to work with the gentlewoman on this request. As she knows, we are working with tight funding restraints but we will do all we can to accommodate the request.

Ms. LEE. I thank the chairman and the ranking member for allowing me to bring this request to their attention, and I look forward to working with the committee on this important project.

Mr. KUCINICH. Mr. Chairman, I oppose the Military construction appropriations bill. This bill effectively appropriates $65 million for the initial phase construction of a national ballistic missile system. This bill will begin to pave the way for deploying a boondoogle of unprecedented size and a hoax of a military strategy, a so-called national missile defense system.

Once we begin down the road of an expanded nuclear defense system, there may be no turning back for Washington. If the history of defense funding serves, we will be creating policies to promote the use of and spending on more missiles. We will create a gravy train for every kooky weapons idea, without regard to effectiveness and affordability. We will undermine military readiness and we will weaken U.S. defense.

We need to stop this now before spending billions of dollars on a system that has only been previously tested on a computer as a simulation. Billions of taxpayers dollars will fund a weapons system that simply does not work. Let's really strengthen our military and use these funds for programs that work and that really defend against real threats.

According to testimony taken from Dr. David Wright of the Union of Concerned Scientists before the U.S. Senate Committee on Foreign Relations:

> There have been no intercept tests of the NMD system, but since 1982 the U.S. has conducted 16 intercept tests of exo-atmospheric hit-to-kill interceptors, which operate in a similar manner to the planned NMD interceptor. To date, the test record of such interceptors has been absymmal. Only 2 of these 16 intercept tests scored hits, for a 13 percent success rate. And the test record is not getting better with time: the most recent successful high-altitude test occurred in January 1991 and the last 11 such intercept tests have been failures.

Moreover, deploying a national missile defense system will have devastating effect on United States-Russian arms reduction talks. Recently, the Russian Parliament has ratified the START II treaty. I think we have a great opportunity to lead by example but not deploying this dangerous system. Let's continue the dialog with Russia and cooperate on reducing nuclear military threats worldwide. Let us continue to fund successful programs, the Cooperative Threat Reduction program or the Nunn-Lugar program which aims to assist Russia in the denuclearization and demilitarization of the states of the former Soviet Union. This program has proven successful and effective in reducing nuclear threats, yet this program is due to receive little in comparison to the billions that will go to a ballistic missile technology which has not been proven to be successful and which can be easily defeated with countermeasures.

Mr. Speaker, I urge my colleagues to vote against this bill because it prematurely approves the construction of national missile defense system which has not been fully tested, does not work, and is of unprecedented cost.

Mr. UDALL of Colorado. Mr. Chairman, I support this bill because on balance, it is a good bill. In particular, it provides necessary funds for National Guard projects in my State of Colorado.

I would like to voice my concerns, however, about funding provided for the initial construction phase of a national missile defense system. I'm glad the committee didn't provide all the funds the President requested, and I'm glad the committee's report included language expressing concern that to date no site has been selected and a decision hasn't been made to go forward with this program.

I hope that the appropriation of these funds does not encourage a premature decision on the deployment of a national missile defense system. As so many have said, the intercept technology is clearly not ready for operational application, and I am convinced it would be irresponsible—as well as strategically disadvantageous—for us to make a unilateral move toward an inadequately tested defense system. I continue to believe that a decision to deploy that ignores technological and diplomatic considerations cannot possibly yield the best outcome.

Mr. GUTKNECHT. Mr. Chairman, I thank the Chairman and applaud the committee for including funding for a new National Guard Training and Community Center in Mankato, MN, in this year's military construction bill.

For the information of Members, the Mankato Training and Community Center was included in the 2001 Future Years Defense Plan and is one of the highest priorities of the Minnesota National Guard. The United States has called on its military for major deployments three times as much in the last 10 years as in the previous 40. If we continue to call on our military with an ever-increasing frequency we must also commit to updating the facilities and equipment which are essential to its mission.

We must not simply pour money into our military, without first ensuring that this money is being spent well. Training and community centers are a win-win solution, that gives value-added benefit to the local community and much greater benefit from the Government dollar. These facilities traditionally have been used only by the Guard unit and remain unused during the week when no training is conducted. By allowing the community to share in the use and cost of the new facility the community receives a state-of-the-art community center and the Guard benefits from a better facility than without the local community's contribution. The 2d battalion 135th Infantry in Mankato, MN is certainly in need of a new facility. The current facility is outdated and prohibits the Guard from carrying out its mission. The building was built in 1922 to hold Army horse cavalry which is needless to say, far different from the modern mechanized infantry which attempts to use the same facility today. It lacks adequate classrooms, administration facilities, training space and equipment storage areas. The unit can't even park its military vehicles on location, most are parked at the nearest National Guard facility 60 miles away.

This project is a win-win-win for the Minnesota National Guard, the local community, and our Nation's defense infrastructure. I thank the members who supported this bill.

Mr. PACKARD. Mr. Chairman, I am in support of H.R. 4425 the FY2001 Military Construction Appropriations Act. This bill provides funds to support our military men and women.

Mr. Chairman, the quality of life of our military service men and women is paramount to national security. Retaining skilled, talented, and hard-working men and women into the armed services cannot be guaranteed without ensuring that medical facilities meet medical needs. Our efforts to attract bright, gifted young people will struggle without military housing that protects and serves the needs of families. This bill makes much needed improvements on infrastructure and represents our commitment to those who put their lives on the line everyday to ensure that our quality of life is protected.

Mr. Chairman, H.R. 4425 also approves the Department of Defense's three-pronged approach to military housing needs which includes: eliminating out-of-pocket housing costs by raising the Basic Allowance for Housing (BAH), maintaining existing levels of military construction funding and continuing privatization projects. This legislation recognizes the varying cost-of-living throughout the United States and applies creative solutions to military housing needs.

I encourage my colleagues to support this legislation and continue our commitment to our military personnel.

Mr. RYAN of Wisconsin. Mr. Chairman, I see that the committee's report that accompanies this bill encourages the Deputy Under Secretary of Defense for Installations to ensure that up to date building control technologies are used in the Pentagon as that building is renovated. As the chairman of the subcommittee that funds DOD's capital construction budget, he understands that installing inadequate building control systems can increase the operations costs in future years. I commend the chairman for this wisdom.

However, the report suggests that the funding for this effort be taken from unobligated balances in the Energy Conservation Investment Program. The report further states that the Energy Conservation Investment Program has unobligated balances that total $39 million. I have received information that the unobligated balances in that account may be much smaller. If that is the case, the funds for the Pentagon building controls may not be available. I believe such a result is unintended.

So I hope the Committee will look into this matter.

Mr. OLVER. Mr. Chairman, I yield back the remainder of my time.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

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

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

The Clerk will read.

The Clerk read as follows:

H.R. 4425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2001, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $869,950,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed $99,961,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $891,380,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed $67,502,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $703,903,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed $56,949,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $800,314,000, to remain available until September 30, 2005: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military

construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $77,505,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $137,603,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $110,585,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $115,854,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSIONS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $53,004,000, to remain available until September 30, 2005: *Provided further*, That the funds appropriated for ''Military Construction, Naval Reserve'' under Public Law 105–45, $2,400,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $43,748,000, to remain available until September 30, 2005.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $177,500,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $198,505,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, $953,744,000; in all $1,152,249,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $419,584,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, $879,208,000; in all $1,298,792,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $241,384,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, $820,879,000; in all $1,062,263,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, for Operation and Maintenance, $44,886,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,174,369,000, to remain available until expended: *Provided*, That not more than $865,318,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 15 line 3 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

Mr. TRAFICANT. Mr. Chairman, I have an amendment on page 15 after line 9.

The CHAIRMAN. The Clerk will report that section of the bill.

The Clerk read as follows:

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment on page 15, after line 9, which would be section 121(b), a new section.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

On page 15, line 4, after ''Sec. 121'' insert ''(a)''.

On page 15, after line 9 insert the following:

''(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').''

Mr. TRAFICANT. Mr. Chairman, we will be participating in building a facility in Italy that will be covered by Italian law that will limit all contractors to be Italians. My language is not restrictive. All it says is, abide by our buy American law and if anybody has been convicted of having violated it, they cannot, in fact, receive contracts under this bill.

Now, to the best of my knowledge, there is no one at this point that has violated it but it begins to set a precedent for those to understand that one shall not violate the Buy American Act even though I believe it should be stronger, but they shall not violate it under any circumstances.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, we have no objection to the amendment.

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, we have no objection.

Mr. TRAFICANT. Mr. Chairman, I urge an aye vote on the amendment and on this fine bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. BISHOP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of H.R. 4425, the Military Construction Appropriations bill for fiscal year 2000. I wish to commend the gentleman from Ohio (Chairman HOBSON) and the gentleman from Massachusetts (Mr. OLVER) and the Committee on Appropriations for crafting a bill which provides the necessary funding to improve the quality of life of our men and women in our armed forces.

I believe that this measure goes a long way in addressing the backlog in readiness, revitalization and quality of life projects. The measure before us today will fund the planning and construction of several barracks, family housing and operational facilities.

The Second Congressional District of Georgia is home to three military installations, Fort Benning, home of the 75th Ranger Regiment and this year's winner of the Army Chief-of-Staff's Army Communities of Excellence Awards; Moody Air Force Base in Valdosta, home of the 347th Fighter Wing, and the Marine Corps Logistics Center and Materiel Command Base in my hometown of Albany, Georgia.

I have seen firsthand the excellent work that our fighting men and women do, often under very, very difficult circumstances. Our responsibility is to make their jobs easier. We cannot expect to attract qualified recruits and retain them if we provide inadequate facilities for them while they are in.

This measure would provide Fort Benning with $24 million for Phase III of barracks construction and $15.8 million for fixed wing aircraft parking aprons. It provides $1.1 million for the renovation of the vehicle storage facility at the Marine Corps Logistics Base in Albany, and it provides $2.5 million for a badly needed water treatment plant at Moody Air Force Base.

The portions of the bill that I just spoke of place a human face on this debate for my constituents, Mr. Chairman. We know that we have the most technologically advanced military in the world. Therefore, we must continue to improve the quality of life for the men and women who are the heart and soul of that military. This bill does a very good job of doing just that, and, therefore, I strongly urge my colleagues to support the measure.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the remainder

of the bill through page 20, line 5, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 15, line 10, through page 20, line 5, is as follows:

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term ''congressional defense committees'' means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: *Provided*, That not more than $25,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

SEC. 128. The Army, Navy, Marine Corps, and Air Force are directed to submit to the appropriate committees of the Congress by July 1, 2001, a Family Housing Master Plan demonstrating how they plan to meet the year 2010 housing goals with traditional construction, operation and maintenance support, as well as privatization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

(TRANSFER OF FUNDS)

SEC. 129. During fiscal year 2001, in addition to any other transfer authority available to the Department of Defense, funds appropriated in the Military Construction Appropriations Act, 2000 (Public Law 106–52; 113 Stat. 259) under the heading ''MILITARY CONSTRUCTION, NAVAL RESERVE'' and still unobligated may be transferred to the account for ''MILITARY CONSTRUCTION, NAVY''. Amounts transferred under this section shall be merged with, and be available for the same period as, the amounts in the account to which transferred and shall be available to construct, under the authority of section 2805 of title 10, United States Code, an elevated water storage tank at the Naval Support Activity Midsouth, Millington, Tennessee.

SEC. 130. Notwithstanding any other provision of law, the Secretary of the Navy is authorized to use funds received pursuant to section 2601 of title 10, United States Code, for the construction, improvement, repair, and maintenance of the historic residences located at Marine Corps Barracks, 8th and I Streets, Washington, DC: *Provided*, That the Secretary notifies the appropriate committees of Congress thirty days in advance of the intended use of such funds.

The CHAIRMAN. Are there amendments to that portion of the bill?

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really want to come to the floor to compliment the gentleman from Ohio (Mr. HOBSON), the chairman of the subcommittee, and the gentleman from Massachusetts (Mr. OLVER), the ranking Democratic member. The way this process works is when a bill is put together on a thorough, careful, fair and bipartisan basis, it brings to it very little press attention.

We will have to talk about this today because in tomorrow's newspapers and on the evening news tonight, we will not read about the military construction bill. It is sad that Americans will not know what has been done here on the House today and what has led up to this fact, because the fact is that we owe it to the men and women of this country who put on a uniform and put their lives on the line to ensure that they can have a quality of life; education for their children; housing and health care for their children. Quality of life for military servicemen and women and their families is what this military construction bill is all about, and because of the fair and bipartisan leadership of the gentleman from Ohio (Mr. HOBSON), in his partnership with the gentleman from Massachusetts (Mr. OLVER), and the committee, this money, these taxpayer dollars, are being spent wisely in a way that will improve the readiness of our military forces and give the kind of quality of care that our military servicemen and women deserve.

□ 1230

Just one final note. I was recently on a trip with several other Members of the House and met a young Army private who had missed the birth, the recent birth, of his first child.

I do not know how we can ever repay somebody like that. As a father of a 2-year-old and a 4-year-old, I cannot imagine what it would have been like not to have been there when my wife, Lea Ann, gave birth to our children. What a special moment for all of us in this House that are fathers, to be there with our wives when our children are born.

But while we cannot put a dollar value on that sacrifice that that young private of the Army gave, what we can do and are doing, under the leadership of the chairman and the ranking member today, is saying to our service men and women, we do appreciate them. We not only appreciate them with our words, but with our deeds.

I want to compliment the committee leadership for a great effort on putting together this fair and bipartisan package that makes sense for the taxpayers and for our military.

The CHAIRMAN. Are there further amendments to the bill?

If not, the Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Military Construction Appropriations Act, 2001''.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. Barrett of Nebraska, 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. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 502, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment 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.

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

The vote was taken by electronic device, and there were—yeas 386, nays 22, not voting 26, as follows:

[Roll No. 184]

YEAS—386

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

NAYS—22

Barrett (WI)
Capuano
Conyers
Duncan
Frank (MA)
Klink
Kucinich
Lee
Lofgren
Markey
McDermott
McKinney
Nadler
Owens
Paul
Payne
Rivers
Royce
Sensenbrenner
Stark
Tierney
Wu

NOT VOTING—26

Abercrombie
Ackerman
Campbell
Clay
Danner
Dooley
Franks (NJ)
Gutknecht
Hinchey
Houghton
LaFalce
Largent
LoBiondo
Maloney (CT)
McCollum
McIntosh
McNulty
Neal
Salmon
Serrano
Shows
Skelton
Stupak
Udall (NM)
Vento
Weldon (PA)

□ 1251

Messrs. CAPUANO, OWENS and PAYNE changed their vote from ''yea'' to ''nay''.

Mr. MCGOVERN changed his 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. SALMON. Mr. Speaker, due to an unavoidable absence, I was unable to be present for House consideration of H.R. 4425, Military Construction Appropriations for FY 2001 (rollcall No. 184). Had I been present I would have voted "yea."

Mr. GUTKNECHT. Mr. Speaker, I was unavoidably detained earlier today and was not present for rollcall vote No. 184. Had I been present, I would have voted "aye."

COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 499 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 499

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed 90 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on the Budget, the Committee on Rules, and the Committee on Appropriations now printed in the bill, it shall

be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4397. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from the Commonwealth of Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this subject only.

Mr. Speaker, this is an appropriate structured rule for consideration of the Comprehensive Budget Reform Act of 1999. As one of the authors of the underlying bill, I can tell my colleagues that great pains were taken to accommodate the concerns of our House committees and Members in this legislation.

In fashioning this rule, we have taken similar care to ensure, as best as possible, a nonpartisan substantive debate about our budget process. Leaving aside our budget policy differences, and I emphasize policy, we do hope to come to a consensus on an improved, outcome-neutral budget process.

The rule provides for 90 minutes of general debate, divided fairly between the three committees of jurisdiction, the Committee on Budget, the Committee on Rules, and Committee on Appropriations. The rule makes in order seven amendments from both sides of the aisle. Three of those amendments are attempts to put a section back into the bill that were dropped at the request of committees. One aims to strike altogether the linchpin of the bill, the Joint Budget Resolution. So I think that the Committee on Rules has clearly erred on the side of the inclusion of the amendment process, if we have erred at all on this.

Mr. Speaker, when I came to Congress, I suspect I was like most Americans out there watching the debate on budget process. I knew little about how the budget process worked in Washington, and what I did know did not make a whole lot of sense.

Since becoming the chairman of the Subcommittee on Legislative and Budget Process nearly 6 years ago, I had a chance to learn a great deal about the inner workings of our congressional budget process. I have really been down in the weeds on a lot of the issues and listened to the best and the brightest budget experts we can find and all their green eye shade associates who have come forward and tried to help us along in this process.

□ 1300

I have also lived through a number of our annual budget battles, which have not been particularly pretty, as many will recall. Through these experiences, I have arrived at one simple truth about our budget process. The best reforms in the world are meaningless if at the end of the day, Members are not committed to enforcing them. So enforcement is a big issue, and we have certainly provided for it in this rule when we get to the debate.

H.R. 853 recognizes this is a reality. It properly encourages the President and Congress to agree on a joint budget resolution, but provides the flexibility of a fallback in years they elect not to do that, although we create the incentives to do that. We get real about budgeting for emergencies by adding a rainy day reserve fund, but we do so in a way that is workable and serious.

Instead of creating rigid procedural sticks that will be ignored, we encourage committees and Members to be better stewards of their programs and agencies under their jurisdiction. In Florida, we believe in sunshine, and I am hopeful a little sunshine will enhance oversight and accountability inside the Beltway as well.

Along those lines, I think that the amendment of the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), to convert the current annual budget and appropriations process to a biennial one is a particularly good fit for this bill. By structuring our calendar to prefer budget matters in the first year and oversight in the second, we will create an atmosphere where both responsibilities show signs of improvement. It is a good amendment, and I hope it is adopted once we consider it.

Let me be very clear, H.R. 853 is not a panacea for all that ails us, and it is certainly not foolproof. We will still have our policy differences and we will still use, possibly abuse, the budget process to advance individual causes. But this is a good bipartisan work product, primarily because it does not attempt to solve every problem.

The gentleman from Iowa (Mr. NUSSLE) and the gentleman from Maryland (Mr. CARDIN), from opposite sides of the aisle, should be commended for resisting the temptation to use this vehicle for partisan manipulation. While H.R. 853 has many parents, I would like to congratulate them in particular for their leadership and resolve throughout the last few years. As I say, this has been in the works for a long time.

Whatever our view on the individual budget process reform pieces that are going to be offered up, we should be able to support this rule. All of the major substantive amendments presented to us have been made in order. We have not gamed the system to give preference to any controversial provision. We have taken the guidance of the Speaker, the gentleman from Illinois (Mr. HASTERT), to heart and let the House work its will on a nonpartisan basis. I urge a ''yes'' vote on the rule.

BIENNIAL BUDGETING AMENDMENT TO H.R. 853, THE COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

SECTION-BY-SECTION SUMMARY

Offered by Reps. Dreier, Luther, Regula, Hall (OH), Bass, McCarthy (MO), Goss, Condit, et al.

''To provide for a biennial budget and appropriations process and to enhance programmatic oversight and the management, efficiency, and performance of the Federal Government.''

Short Summary: Establishes a two-year budgeting and appropriations cycle and timetable. Defines the budget biennium as the two consecutive fiscal years beginning on October 1 of any odd-numbered year. Sets forth a special timetable for any first session that begins in any year during which the term of a President begins (except one who starts a second consecutive term).

Adds a New Title VII Entitled ''Biennial Budgeting''

Section 701. Findings. Outlines nine congressional findings on the budget process and biennial budgeting.

Section 702. Revision of Timetable. Amends section 300 of the Congressional Budget and Impoundment Control Act of 1974 to revise the timetable of the congressional budget process to reflect a biennial budget schedule. The first session of any Congress is primarily devoted to the consideration of the budget resolution, the regular appropriations bills, and any necessary reconciliation legislation. In general, the revised timetable is similar to the current timetable except that most of the milestones only apply to the first session of a Congress. The timetable is modified to extend the deadline for completion of the biennial budget resolution to May

15th. The revised timetable contains only three deadlines for the second session: (1) The President must submit a mid-biennium budget review to Congress by February 15th; (2) the Congressional Budget Office must submit its annual report to the Budget Committees of the House and the Senate no later than six weeks after the President submits the budget review; and (3) Congress must complete action on bills and resolutions authorizing new budget authority for the succeeding biennium by the last day of the session. This section also creates a new section 300(b) of the Budget Act that establishes a special timetable for the submission and consideration of a budget in the case of any first session of Congress that begins in any year during which the term of a President (except a President who succeeds himself) begins. Generally, the budget deadlines are extended by 6 weeks to give a new President more time to prepare and submit the budget.

Section 701. Amendments to the Congressional Budget and Impoundment Control Act of 1974. Section 703(a) amends section 2(2) of the Budget Act relating to the ''Declaration of Purposes'' of the Budget Act to account for the congressional determination biennially of the appropriate level of Federal revenues and expenditures.

Section 703(b)(1) amends the definition of a budget resolution in section 3(4) of the Budget Act to reflect its application to a biennium as opposed to a fiscal year.

Section 703(b)(2) amends section 3 of the Budget Act by adding a new paragraph (13) to define the term biennium as ''the period of two consecutive fiscal years beginning on October 1 of any odd-number year.''

Section 703(c) amends the Budget Act to make the budget resolution a biennial concurrent resolution on the budget.

Section 703(c)(1) amends section 301(a) of the Budget Act regarding the required contents of the budget resolution to conform its application to the biennium beginning on October 1 of each odd-numbered year and its consideration to the biennial timetable for completion, which is by May 15 of each odd-numbered year.

Section 703(c)(2) amends action 301(b) of the Budget Act to ensure that the additional matters which may be included in the budget resolution apply to a biennium.

Section 703(c)(3) amends section 301(d) of the Budget Act to conform the submission of committee views and estimates to the Budget Committees to a biennial cycle.

Section 703(c)(4) amends section 301(e)(1) of the Budget Act to conform the requirements of the Budget Committee's hearings on the budget and the Budget Committee's reporting of the budget resolution to a biennial schedule. The House Budget Committee would report a biennial budget resolution by April 1st of each odd-numbered years.

Section 703(c)(5) amends section 301(f) of the Budget Act relating to the achievement of goals for reducing unemployment to conform it to a biennial cycle.

Section 703(c)(6) amends section 301(g)(1) of the Budget Act to conform the provisions relating to the economic assumptions of the budget resolution to a biennial schedule.

Section 703(c)(7) and 8) amend section 301 to make conforming changes to the section heading and the table of contents of the Budget Act.

Section 703(d) amends section 302(a) of the Budget Act regarding committee allocations in the budget resolution, to require the conference report on a budget resolution to include an allocation of budget authority and outlays to each committee for each year in the biennium and the total of all fiscal years covered by the resolution as well as makes conforming change to subsections (f) and (g) of section 302 to reflect a biennial cycle and the biennial timetable.

Section 701(e)(1) amends section 303(a) of the Budget Act, which prohibits consideration of legislation, as reported, providing new budget authority, changes in revenues, or changes in the public debt for a fiscal year until the budget resolution for that year has been agreed to, to reflect the application of the budget resolution to a biennium.

Section 703(e)(2) amends section 303(b) of the Budget Act relating to the exceptions in the House of Representatives from the application of this point of order, to account for a biennial budget cycle. The application of these exceptions are also amended to reflect the special biennial timetable utilized during the first term of a new President.

Section 703(e)(3) amends section 303(c)(1) of the Budget Act to conform the application of this point of order in the Senate to a biennial budget cycle.

Section 703(f) amends section 304 of the Budget Act, regarding permissible revisions of budget resolutions, to conform to the biennial budget cycle. This subsection maintains current law which allows Congress to revise the budget resolution at any time during the biennium.

Section 703(g) amends section 305(a)(3) of the Budget Act, relating to the procedures for consideration of the budget resolution, to conform references to the budget resolution to account for its application to a biennium.

Section 703(h) amends section 307 of the Budget Act to conform the timetable for completing House Appropriations Committee action on regular appropriations bills by June 10 to a biennial cycle. This section also makes conforming amendments to reflect the special biennial timetable utilized during the first term of a new President.

Section 703(i) amends section 308 of the Budget Act to require the Congressional Budget Office to file quarterly budget reports with the House and Senate Budget Committees. These reports are to compare revenues, spending, and the deficit or surplus for the current fiscal year with the assumptions used in the congressional budget resolution. CBO is also required to make the reports available to other interested parties upon request. These reports will enable the Congress to compare actual budget results to earlier estimates. The frequent periodic reports by CBO on the progress of fiscal policy and economic developments since action on the budget resolution will inform the Congress about current status of the budget and its earlier underlying projections by using updated projects and actual budget figures to date. The reports can also serve to facilitate additional reconciliation legislation (between biennial budget resolutions) as necessary due to changes in the economy or policy emphasis.

Section 703(j) amends section 309 of the Budget Act to conform the timetable for completion of all House action on the regular appropriation bills before the House adjourns for more than three calendar days during the month of July. This section also makes conforming amendments to reflect the special biennial timetable utilized during the first term of a new President.

Section 703(k) amends section 310 of the Budget Act to conform the reconciliation process to a biennial budget cycle. It also strikes subsection (f) which currently prohibits the House from adjourning for more than 3 calendar days during the month of July until all required reconciliation legislation is completed. This is necessary to reflect the budget resolutions application to the biennium and the possibility of considering reconciliation legislation during the second session.

Section 703(l)(1) and (2) amend section 311(a)(1) and (2) of the Budget Act respectively, to prohibit consideration in the House or Senate of any legislation that would cause the total levels of budget authority or total levels of outlays to greater than or that would cause the total level of revenues to be less than those levels set forth in the most recently agreed to budget resolution for either fiscal year of the biennium or for the total of each fiscal year in the biennium and the ensuing fiscal years for which allocations are provided in the budget resolution.

Section 703(l)(3) amends section 311(a)(3) of the Budget Act to conform the point of order in the Senate against any legislation that would cause a decrease in the Social Security levels set forth in the budget resolution for a biennial budget cycle.

Section 703(m) amends section 312(c) of the Budget Act to conform the Senate's maximum deficit amount point of order for a biennial budget cycle.

Section 704. Amendments to the Rules of the House of Representatives. Section 704(a) amends clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives, relating to the required Appropriations Committee hearings on the President's budget submission, to conform to the biennial timetable.

Section 704(b) amends clause 4(a)(4) of Rule X of the Rules of the House, relating to the suballocations of the Appropriations Committee, to conform to a biennial budget resolution.

Section 704(c) amends clause 4(b)(2) of Rule X of the Rules of the House, relating to the Budget Committee's hearings on the budget, to conform to a biennial budget resolution.

Section 704(d) amends clause 4(b) of Rule X of the Rules of the House to add a new subparagraph (7), to require the House Budget committee to use the second session of each Congress to study issues with long-term budgetary and economic implications, including holding hearings and receiving testimony from committees of jurisdiction to identify problem areas and to report on the results of their oversight activities. The Budget Committee should issue to the Speaker by January 1 of each odd-numbered year a report identifying the key issues facing the Congress in the next biennium.

Section 704(e) amends clause 11(i) of Rule X of the Rules of the House, relating to the duties of the Permanent Select Committee on Intelligence, to conform to a biennial budget cycle.

Section 704(f) amends clause 4(e) of Rule X of the Rules of the House, relating to the duties of the standing committees of the House to maximize annual appropriations for the programs and actives within their jurisdictions, to establish a new preference for biennial appropriations.

Section 704(g) amends clause 4(f) of Rule X of the Rules of the house, relating to the Budget Act responsibilities of the standing committees of the House, to conform to a biennial timetable.

Section 704(h) amends clause 3(d)(2)(A) of Rule XIII of the Rules of the House, relating to committee cost estimates, to conform to a biennial timetable.

Section 704(i) amends clause 5(a)(1) of Rule XIII of the Rules of the House, relating to

privileged reports from the Appropriations Committee, to conform to a biennial timetable.

Section 705. Amendments to Title 31, United States Code. Section 705(a) amends section 1101 of Title 31 to define the term biennium as ''the period of two consecutive fiscal years beginning on October 1 of any odd-numbered year.'' This is the same definition given such term in paragraph (11) of section 3 of the Budget Act.

Section 705(b)(1) amends section 1105 of Title 31 to require that on or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Budget Act), the President shall transmit to Congress, the budget for the biennium beginning on October 1 of such calendar year. The President must include a budget message and summary and supporting information with the budget submission.

Section 705(b)(2) amends section 1105(a)(5) of Title 31 to conform the required contents of the budget submission with respect to expenditures to account for a biennial budget cycle.

Section 705(b)(3) amends section 1105(a)(6) of Title 31 to conform the required contents of the budget submission with respect to receipts to account for a biennial budget cycle.

Section 705(b)(4) amends section 1105(a)(9)(C) of Title 31 to conform the required contents of the budget submission with respect to balance statements to account for a biennial budget cycle.

Section 705(b)(5) amends section 1105(a)(12) of Title 31 to conform the required contents of the budget submission with respect to government functions and activities to account for a biennial budget cycle.

Section 705(b)(6) amends section 1105(a)(13) of Title 31 to conform the required contents of the budget submission with respect to allowances to account for a biennial budget cycle.

Section 705(b)(7) amends section 1105(a)(14) of Title 31 to conform the required contents of the budget submission with respect to allowances for unanticipated and uncontrollable expenditures to account for a biennial budget cycle.

Section 705(b)(8) amends section 1105(a)(16) of Title 31 to conform the required contents of the budget submission with respect to tax expenditures to account for a biennial budget cycle.

Section 705(b)(9) amends section 1105(a)(17) of Title 31 to conform the required contents of the budget submission with respect to estimates for future fiscal years to account for a biennial budget cycle.

Section 705(b)(10) amends section 1105(a)(18) of Title 31 to conform the required contents of the budget submission with respect to prior year outlays to account for a biennial budget cycle.

Section 705(b)(11) amends section 1105(a)(19) of Title 31 to conform the required contents of the budget submission with respect to prior year receipts to account for a biennial budget cycle.

Section 705(c) amends section 1105(b) of Title 31, regarding estimated expenditures and proposed appropriations for the legislative and judicial branches, to require the submission of these proposals to the President by October 16th of even-number years.

Section 705(d) amends section 1105(c) of Title 31, regarding the President's recommendations if there is a proposed deficit or surplus, to conform to a biennial budget cycle.

Section 705(e) amends section 1105(e)(1) of Title 31, regarding capitol investment analyses, to conform to a biennial budget cycle.

Section 705(f)(1) and (2) amends section 1106 (a) and (b) of Title 31 respectively, relating to the President's submission of supplemental budget estimates and changes, to conform to a biennial budget cycle. The President is still required to submit a Mid-session Review of the budget by July 16 of each year as well as will now be required to also submit a Mid-biennium Review on or before February 15 of each year even numbered year.

Section 705(g)(1) amends section 1109(a) of Title 31, regarding the President's submission of current program and activity estimates, to conform to a biennial budget cycle and require its submission with the overall budget submission for each odd-numbered year as required by section 1105.

Section 705(g)(2) amends section 1109(b) of Title 31, regarding the Joint Economic committee's analysis of the President's current program and activity estimates, to require the Joint Economic Committee to submit an economic evaluation of such estimates to the Budget Committee as part of its views and estimates within 6 weeks of the President's budget submission for each odd-numbered year.

Section 705(h) amends section 1110 of Title 31, regarding advance requests for authorization legislation to require the President to submit requests for authorization legislation by March 31st of even-numbered years.

Section 706. Two-Year Appropriations; Title and Style of Appropriations Acts. Section 706 amends section 105 of Title I of the U.S. Code to conform the statutory style and definition of appropriations Acts to require that they cover each of two fiscal years of a biennium.

Section 707. Multi-Year Authorizations. Section 707(a) amends Title III of the Budget Act by adding a new section 318 that establishes a new point of order in the House and Senate against the consideration of any bill, joint resolution, amendment, motion or conference report that does contain a specific authorization of appropriations for any purpose for less than each fiscal year in one or more bienniums. This prohibition does not apply to an authorization of appropriations for a single fiscal year. For any program, project or activity if the measure (defined as a bill, joint resolution, amendment, motion or conference report) containing that authorization includes a provision expressly stating the following: ''Congress finds that no authorization of appropriation will be required for [Insert name of applicable program, project, or activity] for any subsequent fiscal year.'' It further defines a specific authorization of appropriations as an authorization for the enactment of an amount of appropriations or amounts not to exceed an amount of appropriations (whether stated as a sum certain, as a limit, or as such sums as may be necessary) for any purpose for a fiscal year.

Section 707(b) amends section 1(b) of the Budget Act to conform the table of contents of the Budget Act to account for this new section 318.

Section 708. Government Strategic and Performance Plans on a Biennial Basis. Section 708 amends the Government and Performance and Results Act of 1993 (the Results Act) to incorporate GPRA into the biennial budget cycle. The Results Act requires federal agencies to develop strategic plans, performance plans, and performance reports. Strategic plans set out the agencies' missions and general goals. Performance plans lay out the specific quantifiable goals and measures. Performance reports compare actual performance with the goals of past performance plans. The Results Act currently requires federal agencies to consult with congressional committees as they develop their strategic plans. The Results Act requires all federal agencies to submit their strategic and performance plans to the Office of Management and Budget, along with their budget submissions, by September 30 of each year. Finally, the Results Act requires the President to include a performance plan for the entire government.

Sections 708(a) through (g) amend section 306 of title 5, sections 1105, 1119 and 9703 of title 31, and sections 2802 and 2803 of title 39 require agencies to prepare strategic and performance plans every two years, in conjunction with the President's development of a biennial budget. In addition, these amendments make other changes to conform strategic and performance plans to a biennial budget cycle.

Section 708(h) amends section 301(d) of the Budget Act to require Congressional committees to review the strategic plans, performance plans, and performance reports of agencies in their jurisdiction. Committees may then provide their views on the agency's plans or reports as part of their views and estimates on the President's budget submitted to the Budget Committees.

Section 708(i) provides that the amendments by this section shall take effect on March 1, 2003.

Section 709. Biennial Appropriations Bills. Section 709(a)(1) amends clause 2(a) of House Rule XXI to provide that in the House of Representatives an appropriation may not be reported in a general appropriation bill (other than a supplemental appropriation bill), and may not be in order as an amendment thereto, unless it provides new budget authority or establishes a level of obligations under contract authority for each fiscal year of a biennium. If further provides that this prohibition shall not apply with respect to an appropriation for a single fiscal year for any program, project, or activity if the bill or amendment thereto containing that appropriation includes a provision expressly stating the following: Congress finds that no additional funding beyond one fiscal year will be required and the [Insert name of applicable program, project, or activity] will be completed or terminated after the amount provided has been expended.'' The subparagraph is further amended to provide that such a statement shall not constitute legislating on an appropriation bill if it is included with an appropriation for a single fiscal year for any program, project, or activity.

Section 709(a)(2) amends clause 5(b)(1) of House Rule XXII to apply similar prohibitions against appropriation conference reports.

Section 709(b)(1) amends Title III of the Congressional Budget Act of 1974 to add a new section 319 to create a point of order in the Senate against consideration in any odd-numbered year of any regular appropriation bill providing new budget authority or a limitation on obligations under the jurisdiction of the Committee on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond one year and will be completed or terminated after the amount provided has been expended.

Section 709(b)(2) amends section 1(b) of the Budget Act to conform the table of contents of the Budget Act to account for this new section 319.

Section 710. Assistance By Federal Agencies to Standing Committees of the House of Representatives and the Senate. Section 710(a) requires the head of each Federal agency under the jurisdiction of a standing committee to provide to committee those studies, information, analyses, reports, and assistance as may be requested by the chairman and ranking minority member of the committee.

Section 710(b) requires the head of each Federal agency to furnish to such committee documentation containing information received, compiled, or maintained by the agency as part of the operation or administration of a program, or specifically compiled pursuant to a request in support of a review of a program, as may be requested by the chairman and ranking minority member of such committee.

Section 710(c) requires that, within 30 days after the receipt of a request from a chairman and ranking minority member of a standing committee having jurisdiction over a program being reviewed, the Comptroller General furnish to the committee summaries of any audits or reviews of such program the Comptroller General has completed during the preceding six years.

Section 710(d) reaffirms the role of the Comptroller General, the Director of the Congressional Research Service, and the Director of the Congressional Budget Office to furnish (consistent with established protocols) to each standing committee of the House and Senate such information, studies, analyses, and reports as the chairman and ranking minority member may request to assist the committee in conducting reviews and studies of programs under its jurisdiction.

Section 711. Report on Two-Year Fiscal Period. Requires that, not later than 180 days after the enactment of this Act, the Director of OMB shall determine the impact of changing the definition of a fiscal year and the budget process based on that definition to a 2 year fiscal period with a biennial budget process based on the 2 year period, and shall report his findings to the Committees on Budget in the House and Senate and the Committee on Rules in the House.

Section 712. Special Transition Period for the 107th Congress. Section 712(a) requires the President to include in the FY 2002 budget submission an identification of the budget accounts for which an appropriation should be made for each fiscal year of the FY 2002–2003 biennium and any necessary budget authority that should be provided for each such fiscal year for those identified budget accounts.

Section 712(b) requires the Appropriations Committees of each House to review the President's recommendations and include an assessment of those recommendations and any recommendations of their own in the committee's overall views and estimates on the President's budget which they are required to submit to their respective Budget Committees.

Section 712(c)(1) requires the Budget Committees of each House to review the recommendations of both the President and the Appropriations Committees with respect to those budget accounts that should be funded for the biennium.

Section 712(c)(2) requires the report of the Committee on the Budget of each House and the joint explanatory statement of the managers accompanying the budget resolution for FY 2002 to include an allocation to the Appropriations Committees for FY 2003 from which the Appropriations Committee can fund certain accounts in the FY 2002 appropriations bills for each of the fiscal years in the FY 2003–2004 biennium.

Section 712(c)(3) requires the report of the Committee on the Budget of each House and the joint explanatory statement of the managers accompanying the budget resolution for FY 2002 to include the assumptions upon which the allocation to the Appropriations Committees for FY 2003 is made.

Section 712(d)(2) directs the GAO to work with the Committees of Congress during the first session of 107th Congress to develop plans to transition program authorizations to a multi-year schedule.

Section 712(d)(2) requires GAO to continue to provide assistance to the Congress with respect to programmatic oversight and in particular to assist committees in designing and conforming programmatic oversight procedures for the Fiscal Year 2003–2004 biennium.

Section 712(e) provides for a CBO report to Congress (before January 15, 2002) listing all those programs and activities that were funded during FY 2002 with no authorization and all those programs and activities whose authorizations will expire during that fiscal year, FY 2003 and FY 2004.

Section 712(f) requires the President's budget submission for FY 2003 to including an evaluation of and recommendations regarding the transitional biennial budget process for the fiscal year 2002–2003 biennium.

Section 712(g) requires CBO to issue a report on or before March 31, 2002 include an evaluation of and recommendations regarding the transitional biennial budget process for the fiscal year 2002–2003 biennium.

Section 713. Effective Date. Except as provided by sections 708, 711 and 712, the Act is effective January 1, 2003, and applicable to budget, authorization and appropriations legislation for the biennium beginning in FY 2004.

COUNCIL FOR
CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, May 8, 2000.

Hon. DAVID DREIER,
Cannon House Office Building,
Washington, DC.

DEAR CHAIRMAN DREIER: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I would like to express my support for your biennial budget amendment to the Comprehensive Budget Process Reform Act.

Your amendment will build upon several significant reforms to the federal budget process that are embodied in the base bill. The creation of a biennial budget will allow Congress to perform its most critical responsibilities. Devoting the first session of each Congress to the budget and appropriation process will enable members to spend the second session on oversight into the effectiveness of that spending.

A two-year budget will save a great degree of time and resources that are being wasted on the current process. This reform will streamline the budget process and make Congress more accountable to the American taxpayer.

CCAGW urges your House colleagues to support your amendment. The vote on your bill will be among those considered for CCAGW's 2000 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, May 12, 2000.

Hon. DAVID DREIER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DREIER: The U.S. House of Representatives is expected to consider H.R. 853, the Comprehensive Budget Reform Act sponsored by Representatives Jim Nussle (R–IA), Ben Cardin (D–MD), and Porter Goss (R–FL) in the next few days. The U.S. Chamber of Commerce urges you to support this common-sense legislation.

This measure, the product of extensive bipartisan negotiations and congressional hearings, will strengthen the existing federal budget process and provide additional—and needed—accountability of federal spending decisions.

Among its major provisions, this legislation establishes a reserve fund to better budget for emergency needs; requires more legislation be subjected to budgetary enforcement rules; prohibits the consideration of legislation creating new spending programs unless the authorization is for ten years or less; and requires that both the President and Congress better budget for many long-term unfunded federal liabilities.

During consideration of H.R. 853, Representative David Dreier is expected to offer a biennial budget amendment. The U.S. Chamber of Commerce earlier this year testified before the Committee on Rules in support of a biennial federal budget and we strongly support the Dreier amendment. Biennial budgeting would help streamline budget decisions and allow the Congress and Federal agencies more time to manage and oversee federal programs.

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million organizations of every size, sector, and region, urges you to support H.R. 853 and the Dreier biennial budget amendment to their eventual enactment into law.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

THE CONCORD COALITION,
Washington, DC, May 11, 2000.

Hon. DAVID DREIER,
Hon. BILL LUTHER,
House of Representatives, Washington, DC.

DEAR CHAIRMAN DREIER AND REPRESENTATIVE LUTHER: The Concord Coalition is pleased to support your amendment to H.R. 853, The Comprehensive Budget Process Reform Act, which would move the budget and appropriations processes to biennial cycles.

Putting the President's budget, the Congressional Budget Resolution, appropriations, and oversight on a two-year cycle that coincides with the sessions of Congress is an excellent proposal. Moving to a biennial budget process would make the legislative and executive branches more efficient, while helping to shield the budget process from the gamesmanship and election year politics that have frequently spelled fiscal disaster in years past.

One of the strongest arguments in favor of your amendment is that it would enhance opportunities for Congressional oversight. As you know, many members of Congress have come to believe that the annual, repetitive battle over the budget makes it impossible to engage in any meaningful oversight. Evidence in support of this perception is the fact that, according to CBO, some $121 billion worth of FY 2000 appropriations were

made for programs and activities with expired authorizations. With biennial budgeting in place, the first session of each Congress would ideally be spent on setting priorities and funding levels, which would leave a significant portion of the second session available for long-term planning and oversight.

The Concord Coalition believes that your amendment also makes sense from the perspective of government efficiency, given that Congress functions in a biennial mode. Conforming the budget cycle to the Congressional cycle is a sensible change that would replace budget politics with more productive work. Too much time is consumed needlessly in repetitious budget preparation, justification, and appropriation. With a two-year budget, policymakers will be able to spend less time negotiating budget agreements and invest more of their energy in improving government performance.

For these reasons, The Concord Coalition is pleased to support your amendment establishing biennial budgeting for the federal government. We commend you and the cosponsors for putting forward this bipartisan proposal, which we believe would produce a more efficient and fiscally responsible budget process.

Sincerely,

ROBERT L. BIXBY,
Executive Director.

COMMITTEE FOR A
RESPONSIBLE FEDERAL BUDGET
Washington, DC, May 10, 2000.

Hon. DAVID DREIER,
Chairman, Committee on Rules,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We understand that the House will take up the Comprehensive Budget Process Reform Act of 1999 on Thursday this week. We also understand that you will offer an amendment to that bill to convert to a biennial budget and appropriations cycle. We are writing to express support for that amendment.

Biennial budgeting and appropriations is not a panacea for all the ails the budget process. But a biennial cycle could save time and resources in the Administration and on Capitol Hill—time and resources that could be redirected to meet high priority public service needs.

It would be a real boon if a biennial cycle results in Congress and the Administration paying more attention to authorizations and oversight.

Biennial budgeting also could save the country money, though that is by no means certain. It does seem that every new appropriations cycle provides opportunities to ratchet up the baseline for federal expenditure.

We applaud your decision to stay with a one-year fiscal year (and single-year appropriations) even as you move to a biennial cycle. In all, we think your amendment is well conceived and deserving of our former colleagues' support.

If you have any questions or if you need further information, please call Carol Wait in the Committee's office.

Best Regards,

BILL FRENZEL.
TIM PENNY.

COMMITTEE FOR A
RESPONSIBLE FEDERAL BUDGET
Washington, DC, May 5, 2000.

Hon. JIM NUSSLE and
Hon. BEN CARDIN,
House of Representatives
Washington, DC.

DEAR JIM AND BEN: We understand that the House will take up the Comprehensive Budget Process Reform Act of 1999 this week. We are writing to express our strong support for that legislation.

This bill will not fix everything that is wrong with the budget process, but it is a giant step in the right direction.

Perhaps most importantly, the Comprehensive Budget Process Reform Act would change the current nonbinding concurrent budget resolution to a joint budget resolution to be signed or vetoed by the President. Once signed, the joint resolution would have the force of law. The importance of this change cannot be overstated. So long as the two policy branches of government operate off of different plans, there really is no such thing as a budget for the United States Government. This is the source of most confusion attributed to baselines.

Some say that Congress and the President cannot resolve their differences early in the budget process. We are convinced that they can agree on the big pieces: aggregate spending and revenues—mandatory and discretionary, defense and non-defense spending totals—and expenditure caps. We believe that such agreements could bring order to consideration of spending, revenue and reconciliation bills. The first time through this process may seem difficult; but subsequent budget cycles should go more smoothly, because all parties would have a tremendous incentive to act. Passing a new budget would permit them to set new spending caps and otherwise amend the most recently enacted budget law.

Who can argue against efforts to ameliorate the distortions caused by so-called ''emergency provisions'' in existing law? Not we, we think it is imperative for Congress to do something about this problem before the budget process loses all credibility. The Comprehensive Budget Reform Act would require Congress and the President to budget for emergencies and set up safeguards to keep the kinds of abuses abound today from recurring.

Who can argue against greater accountability in Federal spending? Discretionary spending is growing more rapidly than at any other time since the Viet Nam War. The provisions of this bill would not necessarily change that. It is not the objective of budget process legislation to etch in stone specific spending decisions. But the new law would require regularized reauthorization of all spending laws, programs and agencies and that should help to curb or eliminate lower priority spending. Further, it would limit new entitlement legislation. That is especially important as the time approaches when we will not be able to pay current law Social Security and Medicare benefits from dedicated tax receipts.

The changes that this bill would bring to budgeting for long-term obligations and baseline calculations also are desirable.

All in all, this is good legislation. We urge our former colleagues to support it.

Best regards,

BILL FRENZEL.
TIM PENNY.

AMERICANS FOR TAX REFORM,
Washington, DC, May 16, 2000.

Hon. JIM NUSSLE,
Chairman, Budget Committee Task Force on Budget Process,
House of Representatives, Washington, DC.

DEAR CHAIRMAN NUSSLE: Americans for Tax Reform is very concerned about attempts to remove the legally binding joint resolution provision from the Budget Process Reform Act.

We enthusiastically support changing the current non-binding budget resolution into a legally enforceable joint resolution passed by both houses of Congress. Such a joint resolution, when signed by the president, will set the stage for meaningful budget negotiations between the legislative and executive branches at the beginning of the year, with overall levels of spending being agreed to upfront.

Consequently, a joint resolution will avoid the type of brinkmanship that has allowed spending levels to eventually balloon far in excess of what was originally envisaged.

Taxpayers deserve a budget process that makes sense and whose limits and outlines have the force of law. A joint budget resolution will achieve that.

Sincerely yours,

GROVER G. NORQUIST,
President.

THE CONCORD COALITION,
Washington, DC, May 9, 2000.

Hon. JIM NUSSLE,
Hon. BEN CARDIN,
House of Representatives, Washington, DC.

DEAR MR. NUSSEL AND MR. CARDIN, The Concord Coalition is pleased to lend its strong support to H.R. 853, the Comprehensive Budget Process Reform Act. We commend the bill's sponsors for putting forward this bipartisan effort to strengthen the budget process.

In particular, The Concord Coalition supports:

Changing the budget resolution from a concurrent resolution that binds only Congress, but not the Administration, to a joint resolution that requires the President's signature. The allocation of constrained resources is a tough political process, and the earlier in the year that agreement can be reached on at least a general framework, the better.

Streamlining the budget resolution to just the major budget enforcement categories and the aggregates. The parts of the budget resolution that really matter and have teeth for enforcement purposes are not the 20 budget functions but rather the handful of limits that tell policy makers how much money they have to work with during the ensuring year—total spending, revenues, surplus or deficit, public debt, mandatory spending, non-defense discretionary spending, defense discretionary spending, and emergency spending. If the budget resolution continued to require function-by-function details, the Congress and the White House would seldom be able to agree on a joint resolution, particularly during times of divided party control. However, even with different parties in control of different chambers or branches of government, it should be possible most years to agree on aggregates. If not, H.R. 853 allows the present concurrent resolution process to kick in.

Setting up an advance reserve for emergencies in the budget resolution, and tightening the definition of ''emergency'' to a situation involving loss of life or property, or a

threat to national security, that is unanticipated—sudden, urgent, unforeseen and temporary. Although we never know what disaster or emergency lies ahead, it's safe to assume that there will be one. Yet, year after year, insufficient funds are appropriated through the regular appropriations process to finance even an average level of disaster spending. Then, when disaster strikes, the only way to provide relief is through the emergency spending loophole. Abuse of this loophole has become the most egregious and flagrant disregard of the spirit of the budget process.

Entitlement reform measures including subjecting new entitlements to annual appropriations, barring enactment of new entitlements lasting longer than 10 years, requiring 10 year cost estimates, and requiring oversight review of all programs, including existing entitlements, at least every decade.

Reform of the budget rules for unfunded liabilities in federal insurance programs to get a better handle on the creation of new long-term insurance obligations or expansion of existing ones. The current scoring procedures do not accurately reflect the long-term federal liabilities associated with various government insurance programs. H.R. 853 proposes setting up a new scoring and accounting system for federal insurance programs to deal with these problems.

Some have argued that the budget process is not broken, and does not need to be fixed. The Concord Coalition disagrees. Lately, the closing days of the session have deteriorated into a very costly and unstatesmanlike cross between a fiscal food fight and a game of budgetary chicken in which the aim of each side seems to be to inflict maximum political embarrassment on the other while getting as much as possible for one's own spending or tax priorities.

No amount of process reform can guarantee a better result. But, in Concord's view, H.R. 853 focuses on the places where budget enforcement has broken down most flagrantly—emergency spending, end-game tactics, scoring of federal insurance programs, lack of entitlement oversight, and lack of enforcement of the existing budget discipline. You and the other co-sponsors have worked hard to reach bipartisan agreement on this important legislation. The Concord Coalition congratulates you and looks forward to working with you in the future.

Sincerely,

ROBERT L. BIXBY,
Executive Director.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, May 12, 2000.

Hon. JIM NUSSLE,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE NUSSLE: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I would like to express my support for the Comprehensive Budget Process Reform Act.

This legislation makes several significant reforms to the federal budget process. By transforming the non-binding concurrent budget resolution into a joint resolution, the budget would become a document with the force of law. The legislation provides further order to the budget process by enabling Congress to adopt a concurrent budget resolution under expedited procedures if the president vetoes the joint budget resolution.

By creating an emergency reserve fund and clearly defining what would qualify as an emergency, the legislation will allow for expedited funding for truly unanticipated events while preventing the manipulation of this designation for other purposes. The Comprehensive Budget Process Reform Act also strengthens fiscal responsibility by requiring the Budget Committee to certify that each spending bill is in compliance with budgetary levels set forth by the budget resolution, establishing regular authorization for government programs, and prohibiting new spending programs from being authorized for more than ten years at a time. Your legislation also includes the requirement that new spending requests are compared to actual previous levels.

I would also like to express my opposition to any amendment that would weaken the reforms in your bill. Chief among these is an amendment that may be offered which would prevent the budget from having the force of law. It is in the interest of the taxpayers that Congress and the president be bound by law to certain spending limitations.

I appreciate your leadership on this important issue. CCAGW urges your colleagues to support your legislation. The vote on your bill will be among those considered for CCAGW's 2000 Congressional Ratings. In addition, any amendment offered that would strike the force of law provision will also be considered for CCAGW's 2000 Congressional Ratings.

Sincerely,

THOMAS SCHATZ.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, May 12, 2000.

Hon. JIM NUSSLE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NUSSLE: The U.S. House of Representatives is expected to consider H.R. 853, the Comprehensive Budget Reform Act sponsored by Representatives Jim Nussle (R-IA), Ben Cardin (D-MD), and Porter Goss (R-FL) in the next few days. The U.S. Chamber of Commerce urges you to support this common-sense legislation.

This measure, the product of extensive bipartisan negotiations and congressional hearings, will strengthen the existing federal budget process and provide additional—and needed—accountability of federal spending decisions.

Among its major provisions, this legislation establishes a reserve fund to better budget for emergency needs; requires more legislation be subjected to budgetary enforcement rules; prohibits the consideration of legislation creating new spending programs unless the authorization is for ten years or less; and requires that both the President and Congress better budget for many long-term unfunded federal liabilities.

During consideration of H.R. 853, Representative David Dreier is expected to offer a biennial budget amendment. The U.S. Chamber of Commerce earlier this year testified before the Committee on Rules in support of a biennial federal budget and we strongly support the Dreier amendment. Biennial budgeting would help streamline budget decisions and allow the Congress and Federal agencies more time to manage and oversee federal programs.

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million organizations of every size, sector, and region, urges you to support H.R. 853 and the Dreier biennial budget amendment to their eventual enactment into law.

Sincerely,

R. BRUCE JOSTEN.

TAXPAYERS FOR COMMON $ENSE,
Washington, DC, May 11, 2000.

Hon. JIM NUSSLE,
Hon. BEN CARDIN,
House of Representatives, Washington, DC.

Re: Support for H.R. 853

DEAR CONGRESSMEN NUSSLE AND CARDIN: When the House considers H.R. 853, the Comprehensive Budget Process Reform Act, Taxpayers for Common Sense urges all members to support this important bill. TCS believes that it represents a valuable and serious effort by you and your bipartisan cosponsors, to fix some of the worst things about the budget process.

H.R. 853 should be called ''The Dire Emergency Budget Process Reform Act of 2000.'' It is likely to be more important than any similarly-named supplemental appropriations bill that will be presented to the House this year.

The budget process is broken. It is cluttered with numbers that mostly count for nothing, like the budget function subtotals. It ignores the annual reality that emergencies happen. It allows unfunded federal insurance liabilities. It puts too many programs on fiscal autopilot. Finally, it generates debates and votes that resolve nothing. All of this wastes time and political energy in Congress, as well as taxpayer money. Your bill would address all of these problems.

No one should believe that H.R. 853 or any other process reform will guarantee fiscally responsible budgeting. Ultimately, that results from a political will and seriousness of purpose that have been lacking in Congress in recent years on both sides of the aisle and in many different congressional committees.

But no one should oppose H.R. 853 on the grounds that its significant and badly-needed improvements in the budget process would not be the perfect solution to all problems. That would be a flimsy excuse, and process reform might create a climate for progress on other fronts. We urge all members to become part of the solution, and to support H.R. 853.

Sincerely,

RALPH DEGENNARO,
President & CEO.

CAPITOLWATCH,
Washington, DC, May 8, 2000.

Hon. JIM NUSSLE,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE NUSSLE: On behalf of the 250,000 supporters of CapitolWatch, I thank you for introducing H.R. 853, ''The Comprehensive Budget Process Reform Act of 1999.''

H.R. 853 will create a better budget process by amending the rules to encourage Congress and the President to agree on a Joint Budget Resolution at the beginning of the budget process. Such a resolution would help force Congress and the President to keep within spending limits.

H.R. 853 will also stop Congress and the President from passing additional spending outside the normal budget process. The bill strictly defines ''emergency'' spending as funding for the ''loss of life or property, or a threat to national security'' and an ''unanticipated'' situation.

CapitolWatch believes that ''sunlight is the greatest disinfectant'' and that H.R. 853 will allow the time needed for a full and open debate on budget issues that will replace the usual process—a hodgepodge omnibus bill negotiated at the last minute with the possibility of a government shutdown.

CapitolWatch believes that H.R. 853 will bring about a budget process that is less wasteful and leads to more effective government.

CapitolWatch and its 250,000 citizen lobbyists are urging all members of the House of Representatives to support your bill. We wish you much success and look forward to assisting you in the passage of this much-needed legislation.

Sincerely,

ANDREW F. QUINLAN,
Executive Director.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, May 5, 2000.

Hon. JIM NUSSLE,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE NUSSLE: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I would like to express my support for the Comprehensive Budget Process Reform Act.

This legislation makes several significant reforms to the federal budget process. By transforming the non-binding concurrent budget resolution into a joint budget resolution, the budget would become a document with the force of law. The legislation provides further order to the budget process by enabling Congress to adopt a concurrent budget resolution under expedited procedures if the president vetoes the joint budget resolution.

By creating an emergency reserve fund and clearly defining what would qualify as an emergency, the legislation will allow for expedited funding for truly unanticipated events while preventing the manipulation of this designation for other purposes. The Comprehensive Budget Process Reform Act also strengthens fiscal responsibility by requiring the Budget Committee to certify that each spending bill is in compliance with budgetary levels set forth by the budget resolution, establishing regular authorization for government programs, and prohibiting new spending programs from being authorized for more than ten years at a time. Your legislation also includes the requirement that new spending requests are compared to actual previous levels.

We appreciate your leadership on this important issue. CCAGW urges your House colleagues to support your legislation. The vote on your bill will be among those considered for CCAGW's 2000 Congressional Ratings.

Sincerely,

THOMAS SCHATZ.

AMERICANS FOR TAX REFORM,
Washington, DC, May 8, 2000.

Hon. JIM NUSSLE,
House of Representatives, Cannon House Office Building, Washington, DC.

SIR: Americans for Tax Reform would like to express its support for your bill ''The Comprehensive Budget Process Reform Act.'' This sound proposal would introduce fiscal restraint to a frequently incoherent procedure that now aids and abets profligate spending. Your legislation would not only repair a faltering system, it would safeguard the interests of our nation's overburdened taxpayers.

Most notably, your bill would make the all-important switch from a concurrent budget resolution (which ultimately serves to invite counterproductive and often pointless inter-branch conflict) to a joint budget resolution. This would compel the President and Congress to agree on overall levels of spending at the beginning of the process, when consensus should be reached, and not at the last possible moment, as is currently done. Consequently, inserting superfluous spending provisions into appropriations bills will be more tightly controlled. This alone is ample reason to support your legislation.

In addition, your bill requires committees to reauthorize the departments and programs under their purview every ten years. Today, nearly every federal activity is underwritten by its own essentially permanent and self-perpetuating spending authority. As a result, Executive agencies have license to automatically devour money. It's often been said that the closest thing to immortality is a government program. This is unfortunately true, but your bill would render that witticism anachronistic.

Furthermore, your bill's measures for curtailing spurious demands for ''emergency spending'' will save taxpayers millions upon millions of dollars every year; no more allocations for such ''unforeseen threats'' to the commonwealth as dangerously non-existent parking garages. All told, the Comprehensive Budget Process Reform Act is a well-constructed and perfectly reasonable proposal worthy of passage.

We will seriously consider rating Congress' vote on this bill. The time for budget reform is long overdue. We're glad that you have taken the initiative to make it a reality.

Sincerely,

GROVER NORQUIST.

NATIONAL TAXPAYERS UNION
Washington, DC, May 9, 2000.

Hon. JIM NUSSLE,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN NUSSLE: On behalf of the 300,000-member National Taxpayers Union, (NTU) I write to endorse H.R. 853, the Comprehensive Budget Process Reform Act, and to urge all Members to work toward its passage.

The end of the year ''omnibus appropriation,'' ''emergency spending,'' and ''supplemental appropriation'' bills that have characterized Congressional budgeting and spending over the last decade clearly demonstrate that the current budget process used on Capitol Hill is incapable of instituting, or ensuring, fiscal responsibility and discipline in Washington. The result has been end of the year spending sprees initiated by a President bent on hijacking the budget process in order to spend the surpluses resulting from the hard work of American taxpayers. Clearly, a mechanism for fiscal responsibility in Washington is needed.

Your bill moves Washington in that direction. By giving budgetary limitations the force of law, requiring clearly distinguished standards for emergency spending, and requiring accountability for federal programs, H.R. 853 will provide some much needed restraint on the federal spending train that is currently out of control.

Once again, NTU endorses the Comprehensive Budget Process Reform Act, and encourages all Members to work toward its passage.

Sincerely,

ERIC V. SCHLECHT,
Director, Congressional Relations.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my dear colleague, the gentleman from Florida (Mr. GOSS), for yielding me the appropriate time.

Mr. Speaker, I rise in opposition to this rule which fails to protect veterans, student loans, and prescription drugs from possible elimination. Last week, the Committee on Rules, my colleagues, refused to make in order three excellent amendments that would have made great improvements to this bill.

The gentleman from New Jersey (Mr. HOLT) offered an amendment to exempt student loans from the sunset requirements in this bill. Without the Holt amendment, our student loan programs are on the chopping block every 10 years. And, Mr. Speaker, I believe that American families want that program protected.

I believe they also want Medicare and prescription drug benefits protected, and last week, the gentlewoman from Nevada (Ms. BERKLEY) offered an amendment doing just that. But, unfortunately, Mr. Speaker, the amendment of the gentlewoman from Nevada protecting Medicare was also defeated by my Republican colleagues.

The gentleman from New York (Mr. FORBES) offered an amendment protecting veterans programs from the chopping block, but my Republican colleagues, once again, decided not to make his amendment in order either.

So this budget process reform bill will endanger student loans, Medicare, and veterans programs, and, Mr. Speaker, I am afraid that is only the beginning. First of all, this bill changes the budget resolution from a concurrent resolution to a joint resolution and, in doing so, this bill slows down a process that is already too slow.

As long as one party controls the White House and one party controls the Congress, there will never be serious negotiations on a budget resolution. Mr. Speaker, different parties have no reason whatsoever to compromise with one another at the budget resolution stakes of the process.

As everyone knows, the budget resolution is only a political statement, and I believe the majority in Congress should have the opportunity to set out their own plan in the budget resolution. By requiring the budget resolution be signed into law, my colleagues will stall the appropriations process even further, while Congress and the White House struggle and struggle to agree.

Mr. Speaker, as it is, our appropriations process takes far too long. This joint resolution is going to make that deadline even more difficult to make than it already is.

Secondly, Mr. Speaker, this bill changes the way we designate emergencies. Now, I agree that far too many spending programs are falling under the category of emergency these days; programs like the Census, which could hardly be called a surprise. But the reason for so many nonemergencies being pushed into that category is because it is impossible to live within the

caps. Emergencies give Congress a way around the caps. So until we have more realistic caps, Congress will continue to resort to emergencies or some other gimmick no matter how high we raise that bar.

Finally, Mr. Speaker, I understand my chairman will offer an amendment changing our budget to a biennial system. As I have said before, many times, I believe biennial budgeting will encourage more supplemental appropriation bills, it will weaken Congress' ability to set budget priorities, and it will require decisions to be made much too far in advance. It is hard enough to predict where we will need to spend the money 1 month in advance much less 2 years in advance.

Although my colleagues made some changes in this bill which does improve the bill tremendously, last week the Committee on Rules made in order amendments to reverse those changes. They removed the dangerous pay-go system that will endanger Social Security and Medicare, then they made in order an amendment to restore it. They removed the automatic continuing resolution which would make it easier to avoid compromise, then they made an amendment in order to restore that, too.

Mr. Speaker, my Republican colleagues did not see fit to protect Medicare, student loans, or veterans programs. They decided those programs, like a lot of the spending programs, should be up for grabs every 10 years, but they made in order amendments restoring portions of the bill that they themselves decided were too unwise.

So, Mr. Speaker, I am asking my colleagues to stand up for student loans, Medicare, veterans benefits and to oppose this rule.

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

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. NUSSLE), who is indeed an author of this and has worked long and hard, and in a very distinguished nonpartisan manner, to bring this process to Members to debate.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to start by giving my appreciation to my good friend from Florida for his good work on the Committee on Rules, and for the Committee on Rules as a whole, for their patience, for their understanding, for the thoroughness in which they have conducted this budget process, reform process.

That is really what we are talking about today, is process. As much as there are a few Members in our body that are rushing to the floor now at the last minute wanting to inject into this a certain level of political substance, let me caution Members that this has been a bipartisan process which has not gone to the level of political substance or political theater.

I would suggest that while there are many viewpoints on exactly how the budget process should be conducted, exactly how our budget should be arrived at, we have, in this process with the Committee on Rules, with the Committee on the Budget, with the Committee on Appropriations, stayed completely away from substantive outcome determinant procedures. This is outcome neutral in its process.

I had to describe this to a group of kids back home in Iowa, and they wanted to find out what I was going to be working on this week. And budget process reform, quite honestly, is pretty much a yawn, I would have to suggest. Even the gentleman from Massachusetts would probably agree with me on that. But I told them, I said, it is a lot like when we play the game Monopoly. We dust off the board game, Monopoly, and we open it up and look on the back of the box and it never tells us who is going to win the game. It never says one player gets to pass go and collect $200 but another does not; one specific player gets to be the shoe today and another gets to be the thimble. Nowhere in the game do we see that. And that is what we have tried to preserve here too.

The gentleman from Massachusetts is correct when he stated that we do not protect specifically prescription drugs or Social Security or student loans, nor do we protect the United States Capitol building. According to our budget process reform, there is nothing in there that prevents us from tearing it down and moving it to maybe even Des Moines, Iowa. In fact, we could get rid of the Energy Department, according to this. There is no protection in there for Energy, no protection for the Commerce Department, no protection in there for any of the programs, the bureaucracies, the agencies, the departments, the buildings, and, even for that matter, the people within them. We could eliminate all sorts of budgets within this. There are no special protections.

There is a reason for that. We do not want to determine the outcome. We want Congress to work its will. But we also believe it needs to be real. The gentleman from Massachusetts said this is nothing but a political document. That is what is wrong. That is what is wrong. From the time this bill was first introduced, back in 1974, when the Committee on the Budget was first established, when the budget process was first established, it was established because the Committee on Appropriations, the Committee on Ways and Means, the Congress as a whole could not come together and understand what the final outcome was going to look like.

It established a reconciliation process, so that before anything began, everyone had to sit down and look and see what it was going to look like, just like a normal home budget would look like. What are we going to spend, generally, how much money are we taking in, how much money do we think we should expend. The Committee on Appropriations should be allowed to put in the details. The Committee on Ways and Means should be allowed and have the power to put in the details. But someone had to come in and put an umbrella over the entire document, and that is the reason why the Committee on the Budget and the budget process was first instituted.

So the question today is, is the process broken? Yes, the process is broken. We should not mess with a process if it is not broken. But go back and pick a year, any year my colleagues want to pick in the last decade, except for 1997, interestingly enough, and I will come back to that. Pick a year, any year, and every single year there was chaos, there were train wrecks, there were final negotiations at Andrews Air Force Base between the Congress and the President scrambling, with sometimes only three people in the room. And I see the smiles on the faces. Sometimes the Democrats were in the majority and it was the Republicans in control of the White House.

Neither side can be happy with the current process that gets us to a train wreck. So we said what year worked? 1997 worked. Why did it work? Why did we finally get to a balanced budget for the first time in 40 years? Because the Congress and the President sat down early in the process and came up with a memorandum of agreement that decided what the big picture was going to look like; how much money were we taking in in taxes; how much generally we were going to expend in spending; what was the national debt going to look like; what was Social Security going to look like, and they put together a memorandum of agreement. The big picture.

From that, we had success. We wrote this bill to encourage that success in the future, and that is why we should support this rule and this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HALL), a member of the Committee on Rules.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

This rule makes in order the Dreier amendment. Actually, it is the Dreier-Luther-Regula-Hall amendment, which establishes a 2-year budget process for Congress and the administration. As a former member of the Ohio General Assembly, which follows a 2-year budget process, I learned the value of considering budgets on a 2-year cycle instead of devoting each year to spending bills.

In 1982, shortly after joining the House Committee on Rules, I was appointed to a task force on the budget

process. At that time, I favored a biennial budget, and since then I have not changed my mind. Passing budgets and appropriation bills for 2 years will increase funding stability, permitting more efficient management of government programs. It will also reduce the amount of time Congress spends on considering the appropriation bills, allowing us to spend more time on serious problems that we have with oversight.

□ 1315

Under the current budget process, we are constantly missing deadlines for making decisions on spending. Moreover, our record on oversight in the last few years is poor. Many have blamed the unacceptable performance on the lack of time we have to spend on oversight.

A 2-year budget process should free up time for House Members to spend on oversight. Properly carried out, oversight will give Congress greater insight into the execution of the laws that we pass and improve Government performance.

The biennial budget process amendment has support on both sides of the aisle. It is an experiment worth trying.

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

Mr. GOSS. Mr. Speaker, I am again privileged to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, let me begin by extending my congratulations, since he is walking out of the Chamber, I am going to mention him first, and that is to my very good friend the gentleman from Ohio (Mr. HALL) and fellow member of the Committee on Rules.

Now that he is out of the chamber, the gentleman from Florida (Mr. GOSS) is still here; so I would say that the distinguished vice-chairman of the Committee on Rules, the gentleman from Florida (Mr. GOSS), has done a great job.

And even though he is no longer in the chamber, I am going to say the name of the gentleman from Iowa (Mr. NUSSLE). He did a spectacular job in his presentation that he just made here. Maybe he is in the cloakroom and is able to hear my words here.

There are a lot of people who have spent a great deal of time working on this issue of budget process reform, and we are beginning what is clearly an historic debate. For the first time in over a decade, the House will debate fundamental reform of the budget process.

The bill that we will be making in order with this rule is a product of the work of both the Committee on the Budget and the Committee on Rules and the efforts that we have put in for a long time. It also represents a landmark process in which those two committees of jurisdiction over the budget process have come together in a bipartisan manner. And I have got to stress that word ''bipartisan'' again.

The gentleman from Maryland (Mr. CARDIN) has been working for years and years on this with the gentleman from Iowa (Mr. NUSSLE) and with the gentleman from Florida (Mr. GOSS) and with the rest of us, and it is due to their spectacular leadership that we have gotten to the point where we are today.

As the gentleman from Iowa (Mr. NUSSLE) said just a few minutes ago, it is very clear that the budget process that we have now does not work. It is a disorganized patchwork of decades' old rules and laws.

The bipartisan Comprehensive Budget Reform Act will make the process more rational, it improves accountability, and it strengthens enforcement in the budget process. Is it a panacea to all the ailments of society? No. Is it a cure-all for all of the challenges that we face on the budget process? No. But I will tell my colleagues, it is a very, very important step, which enjoys, again, bipartisan support.

One item in here I will say, as a Californian, that I think is a very important aspect is the issue of dealing with natural disasters. We all know that they are a fact of life, whether it is hurricanes in Florida, or ice storms in upstate New York, or floods in Iowa, or in my home State we all know what we get, we get earthquakes in California, we know that there is going to be some kind of disaster and it will have an impact on the budget.

This bill requires the President and the Congress to face reality and set aside a disaster reserve fund within the budget. We do not need to pit the victims of Mother Nature against those who desire sound fiscal policies. This is just one of the many sensible reforms that have been put into place in this bill.

The rule also makes in order a number of amendments for Members with very, very diverse views on this issue. Such amendments include biennial budgeting, which the gentleman from Ohio (Mr. HALL) mentioned and I will be offering later, an automatic continuing resolution, and pay-go.

All of these amendments are very important reform issues, and they deserve to be fully and openly considered in this debate, which is what this rule actually does.

Now, I will take just a moment to talk about this issue which I feel so strongly about, and that is the question of biennial budgeting. That process could lead to the most significant change in the budget process that we have had in over a quarter century. Really, since the 1974 Budget Empowerment Act was put into place, biennial budgeting would be the most sweeping reform.

The enormous amount of resources that are expended by the executive branch in preparing multiple annual budgets at the same time would be diverted to long-term strategic planning and improving the performance of Federal programs. Again, this effort is put together with strong bipartisan support and enjoys the strong support of President Clinton, who, in his budget submission earlier this year, called for biennial budgeting.

Vice President AL GORE, the presumptive Democratic nominee for the President of the United States, he is a strong proponent of biennial budgeting.

Governor George Bush of Texas, the presumptive nominee and I hope the next President of the United States, is in fact a strong proponent. He has a 2-year budget process in Texas and believes that we should do it here in Washington, D.C.

When combined with other significant bipartisan budget reforms contained in the base bill, I believe that the biennial budget amendment which I will be offering represents a whole package of very comprehensive reforms.

I urge my colleagues to resist the harsh partisan politics and to come together on what will be, as I said, a significant Government reform package that will benefit the American taxpayers. There will be tremendous taxpayer dollars saved if we can move in the direction of bringing about biennial budgeting and some of these other budget process reform issues.

So I want to again congratulate all of those who have been involved: the gentleman from Florida (Mr. GOSS), the gentleman from Ohio (Mr. HALL), the gentleman from Maryland (Mr. CARDIN), the gentleman from Iowa (Mr. NUSSLE) and others who have worked on this measure and to congratulate them for their hard work and to say that I urge my colleagues to vote in favor of this rule that we will be offering and also in favor of the budget process reform package and vote ''yes'' on the biennial budgeting amendment.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. FORBES), the author of one of the amendments.

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

Mr. Speaker, I rise today in opposition to this rule and, unfortunately, in opposition to this bill, a bill that enjoys bipartisan opposition.

Like many of my colleagues, I certainly want to see us reform the budget process so all Americans can understand how we are spending their tax dollars.

Sadly, this bill does nothing to make the process better. Instead, I would suggest, it is going to make it worse.

And nothing, I might add, nothing in this bill would end the annual political standoff that we see, the so-called train wrecks that characterize this budget process. There is nothing in this bill that would end those kind of stalemates.

Unfortunately, this bill would give to the executive an inordinate amount of power. Currently, in these coequal branches of Government, we have the right of the executive to offer up his or her budget and the right of the legislature to, in turn, offer up their budget and then negotiate. But to require a joint resolution is to abdicate to the President an inordinate amount of power that takes away from the legislature its right to do the budgeting. I think that is inappropriate.

I regret that this rule does not contain an amendment that I think is necessary. It takes a certain program for veterans and makes it uncertain. The majority would have us believe, for some reason, that they do not do this. But I would remind my colleagues that in this bill that we will be soon debating, this bill protects the certainty of Social Security while at the same time opening up an uncertainty for veterans' programs, for Medicare programs, and others.

I had offered an amendment, frankly, that I hoped would be in bipartisan spirit accepted so that we could tell our veterans' community that, as we try to reform a budget process, we are not going to every 10 years subject them to the possible elimination of veterans' programs or Medicare programs.

So I find it curious that they went to a great degree here to protect Social Security programs but they would not protect the Medicare programs, they would not protect the veterans' programs. I think this is a major weakness of this bill. It suggests to our veterans' community that the budget reform process is somehow more important than protecting a compact that we made with veterans so long ago.

I urge my colleagues to look at the mail in their office from many veterans' organizations who are concerned about the tenuous nature that this leaves their programs in. I urge my colleagues to defeat this rule, to allow the committee to go back to the drawing board, include some protections for veterans, include protections for senior citizens, and then take another look at this budget reform process and start over again, take the good things out of it like emergency spending reservations and some of the things that we might want to get done here.

Let us reform the process, but let us not make it worse, as this legislation would do. It would not avoid the annual train wrecks, the standoffs that we see between the President and the Congress; and I think it is a fallacy to suggest otherwise.

Mr. GOSS. Mr. Speaker, may I inquire as to the time remaining on both sides, please?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Florida (Mr. GOSS) has 15 minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 21 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. GEKAS).

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

Mr. Speaker, the Committee on Rules, very properly in my judgment, has acceded to my request long-standing now to include in the debate on the new budget process an amendment which would bring about forever an end to Government shutdowns.

Lest there be anybody in the United States or in the western hemisphere who does not recognize the possibility and reality of a Government shutdown in the United States, let me remind everyone, for the record, that, in the last 20 years, more than 17 times the Government of the United States was at shutdown or near shutdown because of the inability of the Congress to pass appropriations bills and complete the budgets by September 30, the last day of the fiscal year.

What happens in that case? When the budget is not completed, the next day, October 1, the Government automatically shuts down.

How have we prevented that in the past when we have prevented it? By passing temporary continuing resolutions to keep the flow of appropriations going until the negotiations can be completed for a new budget to be adopted.

Well, that always leads to a further deadline and yet another deadline; and each time that deadline appears for the completion of a budget, lo and behold, Government shutdown or a threat of Government shutdown.

What does that mean?

It means not just that the Smithsonian Institute has to shut its doors, as happened several times while tourists are waiting to get in and unable to do so because the Smithsonian Institute is out of business with a Government shutdown, as is every other institution of our Government.

That is so embarrassing and so shameful and so inappropriate that my legislation has to be passed simply to avoid the shame of a Government shutdown.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman and colleague from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is so important that we discuss and debate how we can improve the budget and the budget process.

Right now we are approaching $1.8 trillion in annual spending. We are dealing with overspending in the past that has left us with approximately a $5.7 trillion total national debt.

We are going to talk about ways we can improve this process. We are going to talk about the hopeful ideas to increase the efficiency of budgeting and spending. But the bottom line is the intestinal fortitude and the will of the Members of Congress to do a better job.

It does not make any difference if we have a 2-year budget with biennial or 1 year. I think biennial, by the way, shifts more power to the administrative branch. It does not matter if we have supplemental appropriations bills. It boils down to the determination, the will power to do a better job in the way we spend taxpayer dollars. That is the bottom line.

The debate is going to be good. I congratulate the Committee on Rules for getting this before us.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

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

Mr. Speaker, before any of us can speak on this floor, we first have to take an oath to defend the Constitution of the United States.

That Constitution was created by our Founding Fathers because they had a huge suspicion of power, especially executive power. That is why they created an Article I of the Constitution, the Congress of the United States, an independent branch of Government. And to keep it independent and to make certain that we would never have excess power in the hands of the executive, they lodged in this institution the power of the purse.

□ 1330

Today if we pass this proposal, we are walking away from our constitutional obligation to defend the power of the purse. The chairman of the Committee on Rules is absolutely right. There is absolutely nothing partisan about this debate. This is a debate about power and the use and misuse of power and how you best maintain checks on that use of power.

I think there are two fundamental problems with this proposition. First of all, because we create a joint resolution instead of a concurrent resolution when the budget resolution passes, that means for the first time the President imposes himself right in the middle of Congress' obligation to define its own budget resolution. So the President gets two kicks at the cat: once when he submits his budget and then another when he puts together a huge budget summit out at Andrews or some other place like they have been in the

past, and the President will come to totally dominate that debate. And every rank and file Member of this place will be on the outside looking in, passing notes in, hoping that a handful of people on the inside will give them an occasional listen. We do not want to do that.

Secondly, it will enhance the power of the Senate vis-a-vis the House. The House has a Committee on Rules but the Senate runs on unanimous consent and a system of holds, and in order to get anything done in the Senate, the Senate leadership is going to be vulnerable to having any Senate chairman come to them and say, ''I'm not going to vote for your budget resolution unless you add my authorization bill to the budget resolution,'' and you will have a huge incentive to have everything but the kitchen sink added in the Senate.

Secondly, we have another problem with this proposition, and that is 2-year budgeting. Right now every year, every agency of government has to justify every action to the people's representatives. What will happen if we move to a system of 2-year budgeting is that we will move to a system of permanent supplementals and it is far more difficult to control spending on supplementals than it is on regular appropriation bills, because again in the House we have a germaneness rule, but in the Senate there is no germaneness rule. And so they can add virtually anything they want. That in my view weakens the House vis-a-vis the Senate; it allows Senators to add amendment after amendment and project after project. House Members will not have that same privilege or opportunity. And most of all, it makes the agencies of government even more independent of legislative power than they are right now. Because once you have passed an agency budget, they have their money for a 2-year period and they do not have to come to this House for anything.

Now, Members will say, ''Well, but if you have supplementals, they'll have to come back here for those.'' That is true. But supplementals are always to add money to their programs. They are programmatic supplementals. They have nothing whatsoever to do with agency staffing levels, agency bureaucratic structure, and so they will have been able to pocket what they want on the administrative end of their budgets, and that means that they will be far more immune to the legitimate Congressional questioning of their actions than they are right now. I think in the end that makes this institution fundamentally weaker in constitutional terms than it is right now, both vis-a-vis the executive branch of government and vis-a-vis the other body. I think both actions would be a mistake.

I would urge the House to cast a bipartisan ''no'' on this proposition when we get the opportunity.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, last week I appeared before the Committee on Rules to focus attention on one section of H.R. 853 that threatens to undermine the American public's confidence in Medicare. I am referring to provisions in title IV that require authorizing committees to establish a schedule for sunsetting and reauthorizing all mandatory spending programs, including Medicare, over 10 years and that limit the authorization of any new mandatory program to 10 years.

Congress needs to ensure that taxpayers' funds are spent wisely. However, the authorizing committees already have both the responsibility and authority to conduct such oversight. Lack of effective oversight is not a consequence of the way that the budget process operates. Nor is it due to the permanent authorization of fundamental programs such as Medicare. In fact, the authorizing committees regularly review the programs under their jurisdiction and report legislation updating them.

The Committee on Ways and Means has regularly held hearings on Medicare and has proposed a number of reforms in recent years to modernize the program. For instance, we are now considering creating a prescription drug benefit for seniors that would, I hope, become part of Medicare. Why would we want to create the uncertainty of limiting a prescription drug benefit to only 10 years? And why should Medicare itself be put on a schedule that might call into doubt the future of the program? Such outcomes would do little good and possibly great harm.

For these reasons, I urge my colleagues to vote against this legislation that weakens our existing budget process, our committees and the entire Congress and brings uncertainty to such programs like Medicare that millions of older Americans depend on for their very survival. I am puzzled and dismayed that my colleagues on the Committee on Rules refused to consider my amendment to exclude mandatory spending programs such as Medicare from this measure. I urge a ''no'' vote on this legislation.

Mr. GOSS. Mr. Speaker, I am happy to yield 3 minutes to the distinguished gentleman from the great State of Delaware (Mr. CASTLE), the former governor.

Mr. CASTLE. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in total support of the rule which I think allows amendments, some of which I will support, some of which I will not, but really in strong support of the legislation. I have been sitting here listening to this debate and it is sort of like inside baseball only it is inside Congress where we have various Members of Congress standing up and saying, well, this committee is going to have to give up jurisdiction or power to another committee, we have other people getting up and saying that the most likely things to always be reauthorized such as Medicare and veterans benefits and others may be threatened if we do away with this in 10 years, which is nonsense, that is never going to happen.

My view is the public really does not care about this. What the public cares about is that we spend their money wisely. The public also cares greatly that we sit down with the President of the United States and that together, even though we are in different parties and have differences of opinion, which we should, that we sit down and we work out a budget process which is fiscally sound and which accommodates the problems that exist in the United States of America. They are not interested in the committee fights. They are not interested in the politics of Congress. They are not interested in the politics of Washington. They are interested in good spending of their money.

Believe me, this legislation, this process, budget process reform legislation more than any legislation I have seen since I have been here incorporates, particularly with some of the amendments which are hopefully going to be addressed to it, the aspects of budgeting which would make a huge difference in terms of how we present ourselves to the public by making sure that the money we spend is not just for the district of a particular Member of Congress or committee or whatever it may be but in the best interests of the people of the United States of America. So I applaud all those people who put it together.

I would like particularly to address just one aspect of it because I do not have unlimited time, and that is the emergency spending provisions. I have been pushing for this since I arrived in the Congress some 7 or 8 years ago now, because I am a strong believer that we should limit how we spend emergency spending. In 1994, we passed legislation to prevent nonemergency spending from being added to emergency spending bills. That sounded all well and good at the time. I thought it was a good act until I realized you can call anything an emergency here in the House of Representatives.

What is the problem with emergency spending? The problem is it is completely unrestricted, it is very open-ended, there is no accountability for it. You do it on requests that come in from various sources, States, in the case of emergencies, military or whatever it may be. There are absolutely no limits. It is not counted against the other money which we have spent. We do not appropriate it. In spite of the fact they do that in virtually every State in this country, we do not do it

in the Congress of the United States. This is extra money which is added to the debt that we have in this country. So as a matter of course, I think we are taking the wrong steps with respect to how we are handling emergency spending.

How do we do this? We basically set forth in this legislation a sum of money equal to a 5-year rolling average, we set up a group which will look at that, will look at the emergencies as they come in, make the decisions, make sure that the appropriations are made through our regular appropriations process, not added to the debt and then they will do the accounting as that money is spent. It is pretty simple, it is a little more complex than that, but it is the way to go.

It is a good bill, that is a good measure, it is something we should pass, it is bipartisan, and I hope we get a strong bipartisan vote in favor of the rule and the bill.

Mr. GOSS. Mr. Speaker, I am happy to yield 4 minutes to the distinguished gentleman from California (Mr. COX), who has been instrumental in providing a good deal of the substance for this particular piece of legislation.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time. It is in fact my purpose to rise to thank the gentleman from Florida (Mr. GOSS) and the gentleman from Iowa (Mr. NUSSLE), who chaired the budget task force that produced this product, along with the gentleman from Maryland (Mr. CARDIN) and, of course, the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget, and also the gentleman from Texas (Mr. STENHOLM), who did such good work on this in his capacity as a member of the task force, and the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules. All of the people who are associated with this project are owed a great debt of gratitude by the Members of this House and indeed by the other body as well, because proposals to overhaul the badly broken budget process have been under debate and under consideration in this Congress for as long as I have been here.

I came to Congress 12 years ago, having already spent 2 years working as a lawyer for President Reagan in the White House trying to overhaul our badly broken budget process. President Reagan in 1986 appointed a White House working group on budget process reform, a Cabinet level working group, that put together many of the recommendations that have found their way into this legislation.

I did not know at the time that 2 years later I would be a Member of this House myself, but in my initial term in Congress I was the cochair of a task force on budget process reform that produced legislation very similar to this that had over 100 sponsors the first year that it was introduced. I introduced that legislation in successive Congresses. In the 105th Congress it had over 200 sponsors. The legislation was introduced and authored on the Senate side, in the other body, by the gentleman from Mississippi (Mr. LOTT).

What is before us right now is not about Republicans and Democrats. It is not about more spending or less spending. It is not about higher taxes or lower taxes. It is about doing business properly, in an organized way. It means that we are going to have a budget first and spending second. In this legislation, it is made very plain that we are not to get to the business of spending money until we have agreed between the executive branch and the legislative branch on the outer limits of what we think we can afford. It is the same way that anyone would produce a budget in the private sector, in a nonprofit organization or in your own home.

In Congress, too often for many years we have simply spent money on what we considered to be worthy projects and added it up at the end to find out what our budget was. Our budget was nothing more or less than the residue of all those small decisions, or all those relatively small decisions. Our budget, since 1974, has been a nonbinding resolution.

□ 1345

We can ignore it if we please. We can even not pass a budget if we please. We have supplemental bills that come to the floor whenever there is a natural disaster that break the budget. If we happen to have a horrible earthquake or flood in a given year, no provision is made for it, no forethought, as if these things had never happened before in our country. So, in a cash budget, all of the money runs out of operations in that current year.

None of these things is consistent with the way a significant substantial operation in America today conducts its business. Least of all, is this the way a trillion dollar annual enterprise should run its business? The Budget Process Reform Act, which I am very, very happy to see come to the floor under this rule, gives us an opportunity, a first opportunity after many, many years of effort, to rationalize all of this work that we do here.

Also one more important thing needs to be said about this: The process will become increasingly transparent, understandable to our constituents. The budget process has been very arcane in the past. Making it clearer for everyone to understand inside of Congress and outside of Congress is yet another noble objective of this legislation.

Mr. Speaker, I want to commend the rule for being broad and including many amendments, and I want to commend the legislation to all of my colleagues.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. Speaker, I rise in opposition to the rule. I speak on one aspect of the bill and the rule, and, although it is only one aspect, I think it is a serious enough problem that it warrants the rejection of the rule. The Comprehensive Budget Process Reform Act, H.R. 853, contains serious problems that I think could actually weaken Congress' ability to budget. Unfortunately, the rule before us today does nothing to improve this flawed bill.

Last week I proposed an amendment before the Committee on Rules to address one section of the legislation that is particularly troubling, the section that calls for Federal mandatory spending programs to be sunsetted. Others have addressed this problem today. If this language becomes law, important benefits that our constituents rely on, Medicare, veterans' benefits, student loans, will lose their permanence and their existence will be made subject to the whims of future Congresses.

My amendment would have exempted the Federal student loan programs from these provisions. Unfortunately, the amendment was not made in order.

Now, many of us would like to see improvements in the budget process. I sit on the Committee on the Budget and I can imagine some improvements we should make. But I do not believe a majority of Members, Republican, Democratic or independent, really believe that the problems in the budget process are due to the permanent authorization of essential programs such as student loans.

The Committee on Rules should have, I think, shown more willingness to work in a bipartisan fashion and allowed my amendment to be considered. The people we represent, America's students and their parents, need to know that the Federal student loan program will be there when they need it. These programs and the legislation that created them were designed to give stability and certainty to the financial future planning process. Their existence should not be subject to the whims of a future Congress and President, regardless of which party is in power.

We want our families to plan ahead for college education for their children, and they should know that the student loan program will be around for the long term. They should know that the student loan program will be around for the long term, that they can count on it for their future planning.

Mr. Speaker, for these reasons, I urge my colleagues to defeat the rule, so that my amendment and other amendments to improve this bill may be offered.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from California (Mr. CUNNINGHAM) is recognized for 2 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I rise in opposition to this bill. We have bipartisan support in opposition to this bill.

I think the gentleman from Wisconsin (Mr. OBEY) spoke eloquently about some of the pitfalls of the existing conditions of the bill as it exists right now. My friend, the gentleman from Delaware (Mr. CASTLE), talked about exchange of power and that our people do not care. Well, the framers of the Constitution understood that too much power in the hands of a single source will corrupt, and it will.

I want to tell my friends on the other side of the aisle, it is a very frustrating process, both for them and for us as well, but I think the framers of the Constitution understood that, and it should be difficult to pass things, because if too much power on the left is there, too much power on the right is there, then it is going to be lopsided, and the framers understood that it should be difficult so that no single group can tilt the scales.

Is it frustrating? Absolutely. But the gentleman from Missouri (Mr. GEPHARDT) talks about in-house, he says ''Republicans are our adversary; the Senate is our enemy.'' That is because a single Senator can stop legislation over there. That is too much power in one hand. This body is going to attempt to do the same thing by shifting the power to the White House.

Imagine, the President's budget failed 425 to 2 in this body, and 94 to 6 in the Senate because it was a political bill, too much power. Can you imagine what would have happened if we had given that power to the White House?

The Constitution, under Article I, says that Congress shall initiate spending bills. By that, the President has two whacks at it. As has been mentioned before, that is a spreading of power, and that is good.

What this bill attempts to do I believe is wrong. I would support the Gekas amendment.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking minority member on the Committee on the Budget.

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

Mr. Speaker, I would be the first to admit that the budget process needs an overhaul, but not this overhaul, not this bill, for many reasons. It is not the right fix. Parts of it I agree with, but many parts of it not only are not the right fix, I think they would be counterproductive.

Back in 1990, we sat down in earnest with the budget process as part of the budget summit agreement, and we made some budget process changes that laid the foundation for deficit reduction throughout the last decade and for the surpluses that we enjoy today. We adopted what we call a ''pay-as-you-go'' rule, a pay-go rule, with respect to tax cuts and entitlements. Basically, we said nobody can worsen the deficit. If you want to propose a tax cut, you have got to have an offsetting tax increase or an offsetting decrease or cut in entitlement, or permanent spending, and if you want to add to or liberalize the entitlement benefit, you have to identify a revenue stream to pay for it or diminish some other entitlement benefit so it is deficit neutral.

This rule served us well. But recently, in recent years, we have flouted it, and flouted it with impunity. We started this budget year, this legislative session, with a major tax cut bill.

I stood right here in the well of the House and said this bill violates pay-go. It also violates section 303(a) of the Congressional Budget Act, which basically says that pieces of legislation of this significance, whether they are spending legislation or tax legislation, will not be considered until we have a budget resolution. It was ignored.

Now, today, we bring this bill to the House floor which would change the architecture of our budget process, and yet the most significant fault right now, the most significant fault with our budget process, is the fact that the discretionary spending ceilings that we established back in 1990, set again in 1993, reset again in 1997, are an anachronism today. They are out of date.

The ceiling which we legislated several years ago for fiscal year 2001 is $541 billion. The 302 allocation to the Committee on Appropriations and the budget resolution that the Congress passed exceeds that ceiling by $60 billion. That is not small change. That is not a non-trivial excess.

The 302 allocation is $600.3 billion, $60 billion above the ceiling. We have got that problem, and the consequence of it, if we do not do something about it, is sequestration, an automatic process we set up for across-the-board cuts. The committee and the Congress were able to avoid it by function 920, unallocated cuts in the budget resolution. That is just treading water. We have got that problem.

We today started the appropriations process with the military construction appropriations bill. The first order of business, if we are starting the appropriations process, should be to adjust these ceilings, because we all know that the appropriators are not going to cut those 13 bills down to $541 billion. They will be lucky to bring them in at $600.3 billion.

If we were earnest, sincere about amending the budget process, we would do something about the pay-go rule and violations like the bill we brought to the floor where section 303(a) was just totally ignored, and we would do something right now, here and now, with the most immediate and relevant problem with the budget process, and that is, the fact that we are well above, inevitably going to be far above, the discretionary spending ceiling, and we are going to trigger sequestration.

That is the order of business today, and that is why we ought to vote down this rule and get down to what we really should be doing in the way of budget process and budgeting.

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

Mr. Speaker, I ask my colleagues to vote no on the previous question. If the previous question is defeated, I will offer an amendment to make in order three amendments: An amendment by the gentlewoman from Nevada (Ms. BERKLEY) to protect any new prescription drug benefits and Medicare programs; an amendment by the gentleman from New York (Mr. FORBES) to protect veterans benefits; and an amendment by the gentleman from New Jersey (Mr. HOLT) to protect student loan programs.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment I will offer in the CONGRESSIONAL RECORD, to appear immediately before the vote on the previous question.

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

There was no objection.

Mr. MOAKLEY. Mr. Speaker, I urge my colleagues to vote no on the previous question.

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

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

The SPEAKER pro tempore. The gentleman from Florida is recognized for 4 minutes.

Mr. GOSS. Mr. Speaker, I will just take a minute to close up here.

Mr. Speaker, first of all I think that the gentleman from Wisconsin (Mr. OBEY) hit it pretty well on the head in his remarks that this is really not a partisan matter, and it is certainly not a partisan rule. Consequently, I cannot think of a reason not to support the rule. The rule is, I think, a good rule, and it clearly will get us to the debate, which is the purpose of rules.

We have been having a lot of conversation here and testimony about the elements and the substance of the legislation. The purpose is to get that forward into the debate mode, and that is what this rule purports to do.

I think obviously there are differing opinions on the various pieces that we have talked about on our budget process reform. We know we need some reform. Some think it is too much, some think it is too little, some think we have the right pieces, some think we have the wrong pieces. Obviously, we

should have the debate. The rule gets us to the debate. I suggest we follow the logic of that, vote for the rule, get on with the debate and vote up or down the pieces you like or do not like.

As for some concerns we have heard a little bit about here on these three carveouts that were not made in order in the Committee on Rules, I suppose it would have been possible to make a bunch of carveouts for special elements and special programs. I do not know where one stops and starts that process. Do we leave out the environmentalist issues? Do we leave out the defense issues? Do we leave out one program or another at the expense of another? It seemed to us on the Committee on Rules, at least on the majority side, if you give one carveout, you tilt the budget process. We are talking about budget process reform, with a clean slate. Consequently, we did not make those amendments in order.

Now, those amendments have been, I believe, mischaracterized, perhaps inadvertently, as sunset. I do not believe the word ''sunset'' shows up anywhere, and I think if you go to your word processor, I do not think you are going to find any program sunsetted, certainly not veterans or students or the Medicare programs.

So I would suggest what is happening here is that perhaps over some confusion about the word ''sunset,'' which is not warranted in any way, that what we are calling for in budget process reform is enhanced transparency, enhanced accountability and enhanced oversight.

□ 1400

Now, if enhanced oversight, that is reviewing programs every 10 years or so, which is kind of the thing we are sent here to do on behalf of the people we represent who pay us our salaries, is threatening, then that is a debate we can have; but I suggest that really our responsibility is to make sure the taxpayers' dollars are being used wisely, and I believe that is called oversight.

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

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the gentleman is correct. I used the word ''sunset'' when I should have said ''sunset like.'' It was not a sunset; it was just looking at it after 10 years and then deciding whether to sunset it.

Mr. GOSS. Reclaiming my time, I appreciate the clarification. The brilliance of it, I am sure, will shine through immediately to everybody.

In any event, there is no sunsetting and the fact that we are reviewing programs every 10 years, I hope, does not come as an alarm bell. I hope it comes as confidence that Congress is doing its job. That is, as I said, what we are supposed to be here for.

I do not feel that there is anything except politics involved in these things that suggest even that somehow veterans' programs are going to not survive after 10 years or students' programs or so forth.

It reminds me of those Meals on Wheels scares and the school lunch scares that we went through a few years ago that were made out of, well, I guess I will not say what they were made out of but they were not true, and I do not think that these are serious worries. I think these are perhaps political debating points and they do not deserve much attention.

Therefore, I am going to ask that we move the previous question and we support the move for the previous question and then we support the rule and then we support those elements of this good legislation that we like.

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

Mr. MOAKLEY. Mr. Speaker, the amendment to H. Res. 499 that I previously spoke of is as follows:

AMENDMENT TO BE OFFERED IF THE PREVIOUS QUESTION IS DEFEATED

AMENDMENT TO H. RES. 499, PROVIDING FOR THE CONSIDERATION OF H.R. 853

On page 3, line 8 after ''Rules'' add ''or in section 2 of this resolution'' and at the end of the resolution, add the following:

''Section 2. The following amendments shall be considered as if they appeared after the amendment numbered 7 in House Report 106–613.

8. An amendment to be offered by Representative BERKLEY of Nevada, or a designee, debatable for 20 minutes.

PROTECT THE MEDICARE PROGRAM

Strike section 411 and insert the following new section:

SEC. 411. FIXED-YEAR AUTHORIZATIONS REQUIRED FOR NEW PROGRAMS.

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

''(b) LIMITATION OF DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

''(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years.''; and

(2) by redesignating subsection (c) as subsection (d), striking ''(a) and (b)'' both places it appears in such redesignated subsection (d) and inserting ''(a), (b), and (c)'', and inserting the following new paragraph in such redesignated subsection (d):

''(3) Subsections (b) and (c) shall not apply to any new prescription drug benefit.''.

Strike subsection (a) of section 421 and insert the following new subsection:

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivisions:

''(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years; and

''(C) exempt the medicare trust fund from the provisions of subdivision (B).''.

9. An amendment to be offered by Representative FORBES of New York, or a designee, debatable for 20 minutes.

PROTECT VETERANS' BENEFITS

Strike section 411 and insert the following new section:

SEC. 411 FIXED-YEAR AUTHORIZATION REQUIRED FOR NEW PROGRAMS.

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

''(b) LIMITATION ON DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

''(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years.''; and

(2) by redesignating subsection (c) as subsection (d), striking ''(a) and (b)'' both places it appears in such redesignated subsection (d) and inserting ''(a), (b), and (c)'', and inserting the following new paragraph in such redesignated subsection (d):

''(3) Subsections (b) and (c) shall not apply to any new veterans benefit, program, and compensation.''.

Strike subsection (a) of section 421 and insert the following new subsection:

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivisions:

''(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years; and

''(C) exempt veterans benefits from the provisions of subdivision (B) program, and compensation.''.

10. An amendment to be offered by Representative HOLT of New Jersey, or a designee, debatable for 20 minutes.

PROTECT STUDENT LOAN PROGRAMS

Strike section 411 and insert the following new section:

SEC. 411. FIXED-YEAR AUTHORIZATIONS REQUIRED FOR NEW PROGRAMS.

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

''(b) LIMITATION ON DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a

bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

''(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years.''; and

(2) by redesignating subsection (c) as subsection (d), striking ''(a) and (b)'' both places it appears in such redesignated subsection (d) and inserting ''(a), (b), and (c)'', and inserting the following new paragraph in such redesignated subsection (d):

''(3) Subsections (b) and (c) shall not apply to any new student loan program.''.

Strike subsection (a) of section 421 and insert the following new subsection:

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivisions:

''(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years; and

''(C) exempt student loan programs from the provisions of subdivision (B).''.

Mr. GOSS. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on ordering the previous question.

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

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 13, as follows:

[Roll No. 185]

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

NAYS—200

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
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
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—13

Ackerman
Campbell
Danner
Franks (NJ)
Largent
LoBiondo
McCollum
McIntosh
McNulty
Millender-McDonald
Nadler
Stupak
Udall (NM)

□ 1421

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

Messrs. METCALF, MOORE, and HOUGHTON changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 185, I was detained by constituents and was unable to get to the floor in time. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. LoBIONDO. Mr. Speaker, I regret I was attending a family funeral today and unable to be present for the following rollcall votes, 183, 184 and 185. Had I been here I would have voted "yea" on all three votes.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 499 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 853.

□ 1424

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. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on

the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes; the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 10 minutes; and the gentleman from California (Mr. DREIER) and the gentleman from Massachusetts (Mr. MOAKLEY) each will control 15 minutes.

The Chair understands that each committee will consume or yield back its entire time as just mentioned before the next committee is recognized.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

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

Mr. Chairman, I would like to commend a number of Members on both sides of the aisle for their work on budget process reform. There are maybe a few Members of Congress and a few people watching who may think that this all of a sudden just came up in the last couple of weeks, but it did not.

In fact, I remember talking to Members of Congress when I first arrived as a freshman Member who were concerned about that year's budget process, 1990, when, as we may recall, as the body may recall, Members of Congress and administration officials were being shuttled back and forth from Andrews Air Force Base in a very ''democratic process'' in order to try and arrive at the end year result of what the budget would look like.

There were probably only a handful of people in this entire country divvying up the final $1.3 trillion worth of spending tax increases, at that point. There were just a few Members in a little barracks, I guess, right off of Andrews Air Force Base, and they were making the final decisions of what was then the budget process.

At that point, as a freshman Member, and just about every year since, I made the commitment that this is something that I wanted to do. Well, there were many people that I worked with. I certainly could not and did not do this alone.

I first would like to commend my partner in this, and that is the gentleman from Maryland (Mr. CARDIN). The two of us were given the task of sitting down and trying to take all of the good ideas from Members since the 1974 Act was passed and to try and put them together in a comprehensive bill that addressed many of the problems that we were facing at that time.

□ 1430

So I want to commend the gentleman from Maryland (Mr. CARDIN), the gentleman from Minnesota (Mr. MINGE), the gentleman from Texas (Mr. STENHOLM), the gentleman from New Hampshire (Mr. SUNUNU), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Ohio (Mr. KASICH), so many people, the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. BARTON), that we stand on their shoulders as we work together.

Why is this process broken, or how do we know it is broken? Well, one does not have to go back to my very first year as a freshman to 1990. Just go back to 1995, the government shutdown. Everybody certainly remembers that. In fact, that is the poster child for budget process reform. The same is true with 1998 when we did not even get a budget, did not even pass a budget that particular year.

So we have a number of different dynamics that proved to us as Members that the process is broken. So one can pick any year one wants and see a number of opportunities for the budget process to break down.

We also considered just about every alternative that was put before the Congress, both past and present. We considered every kind of lockbox one can imagine. We considered joint resolutions. We considered concurrent resolutions. We considered all sorts of things which people outside might glaze over in their eyes. They may not even be following.

But as I explained to a group of young people that I spoke to back in my district when they were asking me what I was going to be working on this week, I told them budget process reform. Of course, they do not quite understand what that would mean.

I said, well, it is the rules in which we govern our behavior in coming up with a budget. Those rules are not much different than when one dusts off that old Monopoly box that one pulls out from under one's bed, and one dusts it off because one has not played it in a while. So one is trying to remember the rules. One opens the box, and one looks on the back of the box, and there it says very clearly the non-outcome, in other words, it does not determine the outcome, but it says how one plays the games in a fair way so that the process can work its will, and that the players can achieve their end result on their own, based on those rules.

That is what we tried to do here. We did not game it. We did not say there is a special rule for this or a special rule for that. We did not take advantage for the Committee on Ways and Means or the Committee on Appropriations or any of the authorizing committees. We said, what is the best way for us to get a common sense result?

So what did we do? We looked back and we said, since 1994, when has the process worked? Do my colleagues know what? Mr. Chairman, we could only find one year where the budget process truly worked. Do my colleagues know what year that was? That was the year that we did not follow the budget process. It was 1997.

Let me remind my colleagues what happened. Early in that year, Democrats and Republicans met with both the House, the Senate, the administration together, and they said, how can we make sure that the budget process works? They came up with what was called a memorandum of agreement. That memorandum of agreement set out the aggregate numbers by which the entire year worked. It said what taxes were going to be. It said what spending was going to be. It said debt reduction, how we were going to reduce the deficit.

Together in a memorandum of understanding, the White House, together working with the Congress, they came up with what was the framework for probably one of the most successful years of budgeting since 1974. So it was that process that we used as a boilerplate for this particular bill.

Now, since we wrote the bill and in the last few days when this bill has been coming to the floor, I have been having three typical conversations. One is, of course, Members who support the reform. They are very happy that we can prevent government shutdowns, that we can stop with the game playing and the political documents as part of a budget bill because it has to be real.

If we make it a joint resolution, it means the president of either party cannot come to the Congress in February and submit a budget that is dead on arrival, leave for 9 months, and come back when there are negotiations at Andrews Air Force Base. It means that the Congress and the Committee on the Budget cannot put a political document out on to the table and leave and check out until October when the budget should have been done and we are already on the government shutdown, and they come back in to try to fix everything. It means that the process has to be real. It should not be political. It should not be a game. We are talking about $1.8 trillion of one's hard-earned money that is being spent, that is being taxed, that is being used for the betterment of our country. We should have a process that works.

The second kind of conversation is from Members who I have to honestly suggest to my colleagues find a certain amount of advantage from our current chaos. I would suggest to my colleagues those are probably Members

who find themselves in that last room on that last day putting the finishing touches on a 15,000-page bill. That is not me. That is not the gentleman from South Carolina (Mr. SPRATT). That is probably very few of us in this room right here today.

So are my constituents from Iowa being represented in that process? I would suggest to my colleagues no. Are my friends who are here today listening to the debate? Are their constituents being served by that process where one has no input, where the House is not working its will? I would suggest to my colleagues that it is not. It does work for those Members who observe a certain advantage of being in that room and taking advantage of that chaos.

The final group of people are those who are concerned about bringing the White House into the process. Mr. Chairman, should not the White House be in our budget process? I mean, I realize that my colleagues are all walking around here today suggesting that maybe we can do it all by ourselves, but did that not, in some respect, contribute to the government shutdown? Did that not, in some respect, contribute to the chaos and the confusion of years past when, all of a sudden, at the end of the year, be they a Republican majority or a Democratic majority, because the process was not real, at the last minute, in order to avert a government shutdown, had to rush into a room and try and finally put a finishing touch on that bill?

By excluding the President from this particular provision, what we end up doing is not make it real, not make it realistic. More so, we send a false sense of security to our constituents suggesting that, as long as we continue to have votes on all these bills, things must be proceeding successfully, when we all know with a wink and a nod that they are, in fact, not.

Now, there are some committees that have some specific concerns that have been coming up to me as well. One are the authorizing committees. For those of my colleagues listening, those are the committees, such as the Committee on Agriculture, the Committee on Transportation and Infrastructure, the Committee on Commerce, committees such as that. They are in charge of authorizing the many departments, laws, and agencies of our government.

They are concerned that if, in fact, we create a budget law at the beginning of the year, that, in fact, the Committee on Budget could decide to do all of the work for those other committees. I would suggest to my colleagues, not only is that protected in this legislation, but it is protected by the Speaker, and it is protected by the rules of our House. We do not have the ability to circumvent any jurisdiction at all in this bill. Do not buy the arguments that suggest otherwise.

The Committee on Appropriations. The Committee on Appropriations have some concerns with this bill. Why? Well, number one, I say very respectfully, and if I was a Cardinal, as they call them, one of the chairmen of the subcommittees of the Committee on Appropriations, I might kind of like this, too. But I am, of course, invited as one of the Cardinals into that final room to write the bill, and, of course, I kind of like that opportunity. So they oppose the bill because the current amount of chaos and confusion that gets us to that end result advantages that committee.

There are other committees, such as the Committee on Transportation and Infrastructure that has suggested that mischief might be created by that as well. But, again, I would suggest to my colleagues that all they are trying to do is to determine the outcome before the House gets to work its will.

I would just like to suggest to my colleagues, in closing, my part of this that we have an opportunity today to fix a process that is broken. Oftentimes, we come to the floor, and we do not have a broken process. But even the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget, has worked on this, his staff. While they have not been in agreement, I respected his opinion on this and his input on this.

Even though we may want to agree on this, I would suggest to him that we have an opportunity today to fix the process that he knows is broken. In fact, the gentleman from South Carolina admitted that during the debate on the rule. This may not be exactly the best way in everybody's estimation, but it is a start, and we should not kill this bill on the floor today.

There is a reason why we have not reformed the process since 1974. The reason is, quite honestly, because people see some advantage in there to them, personal, jurisdictional advantage. What we have come up with is a nonoutcome determining solution to this process. It has been an arduous task, to say the least, but we feel we have brokered a compromise that works well and allows the House today, as we debate this bill to work its will and to make a determination that does, in fact, fix this final process.

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

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

Mr. MCDERMOTT. Mr. Chairman, this is sort of an interesting bill because it is kind of inside baseball. Nobody outside this building or outside this Hill really cares about it. But, therefore, it ought to be possible to have an honest discussion about what this is really all about.

This, in my view, is a repeal of the Committee on the Budget. It really is saying we are done with it, but we are not going to do it directly because we do it by three mechanisms.

One is, we say that the budget document has to be signed by the President. Now, let us just suppose, in the worst case, we have George Bush as President and a Democratic House of Representatives and a Republican Senate, and they fight, and they fight, and they fight, and we never get a budget resolution done? Now, what happens? Is the government paralyzed? Do we close down? No, we just go on, and they make it easier by repealing the May 15 deadline.

The Committee on Appropriations just goes about their business as though there was no budget resolution. We do not need a budget resolution essentially is what this says. Because if it gets snarled up in a fight between the White House and the Houses here, we will just go right ahead.

But the real hooker, the real fast ball in under one's fingers in this bill is the automatic CR. This establishes an automatic CR that goes in perpetuity at the year 2000 levels. If nothing else happens, that is what we have got. Now, God bless the Committee on Appropriations. Their problem is going to have to be to reduce the funding in some things before they vote for things that increase the funding in other things.

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

Mr. MCDERMOTT. Yes, I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Chairman, only to let the gentleman from Washington know that we did take that automatic CR out of the bill. There will be an amendment later, and my colleagues can decide whether they want that as part of this bill.

Mr. MCDERMOTT. Mr. Chairman, I want to make the Members aware of that issue because I know it is coming. Everybody who fears that the shutdown of 1995 is going to say we have to put that in there.

So those three elements will kill the Committee on Budget.

Mr. NUSSLE. Mr. Chairman, I yield 1½ minutes to the gentleman from New Hampshire (Mr. SUNUNU), a member of the Budget Reform Task Force.

Mr. SUNUNU. Mr. Chairman, I think it is always a good sign when one brings a piece of legislation to the floor like this one that is rooted in common sense, and the only opposition that can be put up is to argue against elements that are not even in the legislation. I think that is an indication of the strength of the bill, and I rise in strong support of it.

This is budgeting process. It is not necessarily exciting, but it is important. This legislation does a few basic things to put us back on a ground of common sense and fiscal responsibility. We give the budget resolution

the teeth of law, allowing the President the opportunity to sign it into law, and thereby enable us to know where we are headed at the beginning of the process and make the outcome that much better.

We set aside for emergencies. Everyone in America would think that that makes sense to budget for emergencies or contingent funds at the beginning of the year. But we do not do it in Congress. As a result, we are caught in an endless cycle of supplemental and emergency appropriations where we have to exceed whatever our every budget caps might have been put into place.

We will take up the opportunity to look at 2-year budget cycles, which would give us an opportunity to improve the budget cycle by improving our capacity for oversight, to make sure that taxpayer funds are spent effectively.

The bottom line is that this legislation gives a better planning process to all of Congress. It improves the accountability that is in the system and puts us on a road to greater fiscal discipline and restores public confidence in the way we fund government. It is not a cure-all. The opponents of this legislation will raise some legitimate concerns. But the objective is to incrementally improve the budget process and restore public confidence in the way we do business here in Congress.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this bill. I do want to commend those who have worked on it in good faith. I know that their intention is good. But this is a flawed remedy. It is not a convincing remedy. It might well do more harm than good.

I think we will all agree that the budget process is not working well. But it is a mistake to believe that endless procedural tinkering is the answer.

□ 1445

The problem is not mainly a flawed process. The challenge to us as Members is to use the existing process responsibly, and yet in recent years that has just not been done. In 1998, for the first time, Congress failed to even adopt a budget resolution. And for the past 2 years, the leadership has allowed Congress to approve budget resolutions that could not possibly be implemented, and then has facilitated waiving as many rules as necessary in order to break or circumvent or ignore those budget resolutions.

So if the budget process is broken, it is not so much that we need to tinker with the machinery as to use that machinery responsibly. We need to adopt realistic budget plans and then comply with the existing rules. The bill before us purports to address our problems by more tinkering with the machinery. But I think it looks for a fix in the wrong direction.

One of the best examples of this is the misguided proposal for biennial budgeting, and I will be able to address that, as will other Members, when the amendment process begins. Let me focus for now on the base bill and the proposal to make the budget resolution a joint resolution. That would bring the President into the process and would require his signature on the budget resolution.

I understand very well the attraction of this. I can remember times in the Reagan and Bush administrations when as Democrats we wished for a way to bring the President to the table earlier, to share responsibility for putting our fiscal house in order. But I believe the advantages of doing this are outweighed by the likely disadvantages.

First of all, I think this would invite further delays in the budget and appropriations process, beyond those we already experience. It would halt the process in years when the President or the Congress could not agree. I know there is supposed to be a fail-safe mechanism whereby we would then revert to a concurrent resolution. But when that kicked in, the process would already be way behind.

And then, finally, once the President and the budget committees found themselves negotiating over a real statute and not a planning document, they might very well succumb to the temptation to directly legislate, to load all kinds of controversies that properly belong in the reconciliation process or in authorization bills onto the budget resolution.

So this bill would take power away from the committees of this body and move it toward the Committee on the Budget, and away from the Congress as a whole and move it toward the President. I urge my colleagues to vote ''no.''

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, let me thank the gentleman for yielding me this time.

Mr. Chairman, let me just make a couple points, if I might. First, I want to compliment my friend, the gentleman from Iowa (Mr. NUSSLE), for the manner in which we developed this proposal. It was done in a bipartisan way, an honest effort to try to improve the process around here.

Let me make three points, if I might, first in regards to the joint resolution. In response to my friend from North Carolina, there is no opportunity to add, other than the budget requirements in the budget resolution. And if we do not enact the budget resolution, we report back to the current process. So there is really no danger there.

But the key here is to try to get the White House and the Congress engaged on the same page on the budget document of this country. Why is that important? In the last 10 years, we have only passed a budget on time twice, once under Democrats, once under Republicans. In the last 10 years, we have only passed the appropriation bills on time once. We have had summit after summit, we have had violations of the rules after violations of the rules, and what this all means is that the Congress is not as strong as it needs to be. None of us like a summit. We are all neutered in that process except for a few of us. This empowers each one of the Members in this body as well as the institution itself to be stronger.

Number two, emergency spending. Look what we have done with emergency spending in this body. Through the 1990s, we had 18 supplemental appropriation bills and 21 regular appropriation bills that included emergency spending. Much of this was not even emergency spending. It is time to reform this process and this legislation does it.

And number three, it is time for us to start moving towards accrual accounting. Members should try explaining to their business leaders why we are still on a cash basis accounting system. That allows us to play gimmicks with the budget, which is wrong. This is a good first step.

I urge the Members to please read what is in this document, because there are statements being made that are just not true. We do not sunset any of the entitlement programs under this bill, but it sets up a way in which we can start reviewing government spending in a more responsible way.

I urge my colleagues to support the underlying reform bill. It will make us stronger as an institution.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in very strong support of this bill. It is not a perfect budget process reform bill, but it is the most perfect budget process reform bill we can get to the floor, and I am for it.

A lot of the talk we will hear against it is really inside baseball against the prerogatives of certain committees or, in some cases, perhaps certain specific Members. I think the fact that we have to have a joint resolution signed by the President early in the process is a very positive step.

We have sat around here, those of us that have been in the body a number of years, and watched President Clinton demand more spending to sign the appropriation bills, or watched President Reagan or Bush demand less spending. Why not bring the President and the Congress together at the beginning?

In terms of the emergency day fund, how many emergency supplemental bills have really been just about emergencies? Not very many. This bill has a

real definition and actually does try to budget for emergencies. I think that is a very positive step.

It does not have the 2-year budget biennium that we hope will be passed on the amendment, but if we pass that, that will be a good step, and I will speak later on other amendments as they come forward.

Mr. Chairman, I rise today to express my support for H.R. 853, the Comprehensive Budget Process Reform Act, introduced by Congressman NUSSLE. As a cosponsor of this legislation, I am very glad to see this important measure considered here today.

The American people are sick and tired, like I am, of the same old budget story coming out of Washington at the end of every year. The process in which we now fund our government has become one big staring contest—waiting to see who will blink first. Each year, hot political issues and scare tactics are used to hold up and stall the federal budget process so that at the end of the year some can attempt to cater the final budget numbers to be most appealing to their constituencies, regardless of whether or not the spending direction and levels are good for the country as a whole. This political game must be ended and sanity must be brought back to the federal budgeting process.

Since joining Congress, I have been a strong supporter of budget process reform. I believe that budget process reform is an essential key to reaching and maintaining a balanced budget. Passage of meaningful process reform would leave its mark on this Nation for generations to come. In fact, I have introduced budget process reform legislation in this Congress, H.R. 2293, the ''Budget Enforcement Simplification Trust'' Act, or the ''BEST'' bill. This legislation, along with H.R. 853, recognizes the need for discipline and order in making spending and revenue decisions at the federal level.

There are many issues that H.R. 853 addresses that should be central to any budget debate. For example, I support the idea of a joint resolution. A joint, rather than the current concurrent, resolution would bring the President into Congressional budget deliberations and make him accountable for its success or failure. And, because the President would have the authority to veto an unacceptable resolution, a joint resolution would require Congress to pay attention to Presidential concerns. Unlike the current budget process, this new framework would make both the Executive and the Legislative branches stakeholders in the resolution's outcome and require them to agree on overall spending and revenue levels, annual deficits, total debt levels, and on the allocation of resources among budget functions and committees.

I understand that an amendment will be offered today to strike the provision in H.R. 853 that changes the budget resolution from a concurrent resolution to a joint resolution. I would hope that my colleagues would oppose this amendment and keep this important provision in the bill.

I am also grad to see included in H.R. 853 the creation of a Reserve Fund which would replace the ''emergency'' supplemental appropriations bills which have become a catch-all for non-emergency spending schemes. Disbursements will be only for certified natural disasters with tough procedures to ensure spending on only its designed purposes. An ''emergency'' should not be defined as a requirement lacking budgeted funds. Congress has become too reliable on labeling increases in spending as an ''emergency'' designation, when in fact, the emergency at hand does not coincide with the spending levels considered.

H.R. 853 also budgets for insurance programs on an accrual basis, which is the budget records net cost or receipts on a present value basis at the time the government commits to provide insurance. While I did not offer a similar provision in my BEST bill, I also see merit in this responsible treatment of insurance program transactions.

While Congressman NUSSLE's bill, H.R. 853, contains many similar provisions to my BEST bill, there are a few differences in the two. One main difference is the fact that my budget process reform bill calls for a biennial budgeting process, while H.R. 853 retains the annual budget and appropriation process.

I do want to elaborate some on this distinction between the use of biennial budgeting as compared to an annual budget and appropriation process. Today, an amendment will be offered by Rules Committee Chairman DRIER that will establish a two-year budgeting and appropriations cycle and budget timetable. I appreciate the efforts of Chairman DRIER in working to offer this important amendment and feel that this will go a long way to make an already good bill even better. I urge my colleagues to support his amendment.

There are many sound arguments as to why and how biennial budgeting would help make the federal budgeting process more reliable and sensible. First of all, budgeting for a two year cycle would force Congress to be more careful in their spending habits and encourage members to be more responsible in the amounts and directions in which they allocate taxpayer dollars. Far too often, pet projects are added on to annual appropriations bills at the last minute, usually without the proper scrutiny of Congress. With one budget process every two years, the opportunities for that kind of spending would be cut in half.

Federal agencies would also be more efficient and cautious in how they use their funds because of the length and stability of their funding over a two year cycle. In addition, Congress would be able to exercise better oversight over these government agencies and programs to ensure that the financial commitment involved is sound fiscal policy for the country to undertake.

However, the most important aspect of biennial budgeting in my opinion is not what enacting it would do for Congress, but rather what it would allow Congress to accomplish. Each year, both parties state the many goals and accomplishments they hope to pass in order to improve the life of the American people. And each year, achieving these goals are becoming more and more difficult because of the time that is required to be spent on the annual appropriations process.

Imagine how productive Congress could be if instead of having to deliberate over every dollar the government will see that given year, we could commit more time to the different issues that most of us came here to work toward. I want to spend more time helping small business and small communities by cutting taxes and wasteful spending in our government and pushing for legislative proposals that give more freedom for the American people to work toward a better tomorrow. I think every Member would tell you that he or she would like to have more time and resources to pursue the types of issues that they were all sent to Congress for in the first place. Biennial budgeting can help to make that happen.

Again, I applaud this House for taking up budget process reform legislation here today. It is time for Congress to free up this process and allow this body to stand for more than annual appropriations battles. It is time for us to start spending our time and the American taxpayers' dime more wisely.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I rise in reluctant opposition to this bill. I want to commend the gentleman from Iowa and the gentleman from Maryland for their work on it, but I do not think this bill is fully done.

I have to say, Mr. Chairman, that we can come up with any budget process we want, but if the Members are not going to abide by it, it will not make any difference in the world. We could be back here, and probably it will not be any of us, but someone will be back in 10 years, if we enact this, saying, boy, the budget process is broken, we have to change it again. It ultimately comes down to the Members of the House and the Senate being willing to abide by it.

If we look at the reforms that were enacted in 1990, the pay-go and caps, when those were put into law, Congress actually abided by those for a number of years, until the Congress decided it did not want to. It was not a single party, it was a bipartisan effort that led the way. So whatever change is not going to make a good deal of difference.

Now, there are some good things in here dealing with emergency spending, although some of the language was changed, which I will talk to the gentleman from Iowa (Mr. NUSSLE) about later, I think the accrual funding is good, but I do think this idea of moving the goalpost, which is in effect what we have done, we have decided we are going to move the goalpost back up the field 50 yards rather than having it at the back, by having the fight with the President early on rather than later. The problem with that is, I think, that they might push the fight to the very end of the year and make it much more difficult. It may work, it may not, but I do not think it solves the problems that our colleagues are trying to solve.

I think they made an honest attempt. I do not think this bill is fully done yet. And, again, this is a matter of human nature. Nothing that we

change in the process will make that much difference. So I think we should send this bill back to committee and work on it some more.

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

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me this time. I oppose this bill as written, though I think it is indeed well intended.

For more than half a century biennial budgeting has been considered and rejected by many States. In 1940, some 44 States used biennial budgeting. Today, less than half do.

The bill will cause harmful delays, reduce accuracy in forecasting and planning, and obstruct legislative control in the budget process. Under this bill, harmful delays will result because a joint resolution, as is proposed, takes longer than a concurrent resolution, as is in current law.

Worse, Mr. Chairman, under this bill, from the time items within a budget are formulated to the time such items are implemented would be extended in a way that no one could be assured of accuracy.

Budget cycles for Federal agencies could extend over 2- or 3-year periods, and forecasting and planning would be affected by economic swings, inflation, and unanticipated need. Fiscal control would become elusive and fanciful. And, also, many of our colleagues believe we use emergency spending measures far too often now. Imagine how often we would be tempted to use emergency spending measures if we were unable to get help to citizens in need due to the inherent sluggish budget process. I welcome the amendment that addresses this issue.

Moreover, the President and small groups of legislators would exercise inordinate power in a process where a determined minority could frustrate the will of the majority.

Mr. Chairman, the goals of the Comprehensive Budget Process Reform Act are laudable and we should commend the purpose of it. However, this bill gives us little more than we already have and threatens much of what we are required to do. Defeat this bill as it is currently written. We seek to fix things that are not broken and will result in breaking those things which we seek to fix.

Mr. Chairman, I rise in opposition to this bill.

For more than half a century, Biennial budgeting has been considered and rejected by many states.

In 1940, some 44 states used biennial budgeting. Today, less than half do.

Many states have considered and rejected biennial budgeting because it causes harmful delays; reduces accuracy in forecasting and planning; and constricts legislative control in the budget process.

Under this Bill, harmful delay will result because a joint resolution, as is proposed, takes longer than a concurrent resolution, as in current law. Not only would Congress be forced to await action by the President to pass a budget, but appropriations bills could not move until a budget is passed.

Current law, allowing appropriations bills to come to the House Floor after May 15th is repealed by this Bill.

Mr. Chairman, many of our colleagues believe we use emergency spending measures too often now. Imagine how often we will be tempted to use emergency spending measures if we are unable to get help to citizens in need due to an inherently sluggish budget process.

And, imagine the mammoth bills we would construct, with add-on provisions of every sort and kind, while attempting to pass a budget bill that must be passed before this Government can spend money.

Worse, Mr. Chairman, under this Bill, from the time items within a budget are formulated to the time such items are implemented would be extended in a way that no one could assure accuracy.

Budget cycles for Federal agencies could extend over two or three year periods, and forecasting and planning would be affected by economic swings, inflation and unanticipated needs. Fiscal control would become illusive and fanciful.

Moreover, the President and small groups of legislators could exercise inordinate power in a process where a determined minority could frustrate the will of the majority.

Senate Rules, different from House Rules, would empower Senators in a way never before seen.

Do we really want to surrender our role as representatives to the President and small bands of Senators?

Mr. Chairman, the goals of the Comprehensive Budget Process reform Act are laudable. But, we already have the authority to exercise regular oversight and to adopt multi-year budget plans.

Why do we need a Bill to reaffirm that role? We have already stood for the protection of Social Security. Why do we need a Bill to make that stand again? We can already reauthorize or rescind spending programs. Why must we restate that authority? And do we really want to expose entitlement programs to the perils of biennial budgeting?

Mr. Chairman, we need, and the American people demand, predictability in our budgeting; calculated choices in deciding how much, for what purposes and when to spend; reliability as we proceed; and certainty in how we operate as we shape the budget of the United States.

This Bill gives us little more than we already have and threatens much of what we are required to do.

Defeat this Bill. It seeks to fix what ain't broke, and will result in breaking what it seeks to fix.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time, and I compliment him on his leadership in standing up and offering a rationale on this issue we can all heed.

The Budget and Impoundment Control Act of 1974 was crafted for the purpose of giving the Congress a coequal role with the President in setting the budget of the United States. That law created a process whereby the Congress, after reviewing the administration's spending and policy priorities, would establish priorities and investment levels that reflect the appropriateness of our ideas, the people's body, and the people we represent.

This bill turns that initiative on its head. The joint resolution proposal brings the President into this Chamber and gives him three cracks at the budget ball; his budget, our budget, and the appropriation bills. That is a formula for failure. That is a formula for surrender of the prerogatives of the legislative body to the executive body.

Some of the advocates for this bill decry the 1990 budget summit, but, ironically, they are creating a formula for annual budget summits. Budget targets and committee allocations will be negotiated by the Committee on the Budget, the House and Senate leadership, and the President, without the participation of authorizing committees and the rank-and-file Members of this body. Most of us will be shut out of the process.

If my colleagues do not think so, think back on 1997. Three years ago. Three years ago this week we considered the 1997 Balanced Budget Act. Well, the gentleman from Pennsylvania (Mr. SHUSTER) and I offered a substitute to increase highway and transit spending, adjusting the deal by one-third of 1 percent. What did we hear? ''A deal is a deal,'' intoned colleagues on both sides of the aisle. ''Do not break the deal,'' said a panicked White House, ''Stick to the deal,'' said the Committee on the Budget.

At 2 a.m. in the morning, when I got a chance to debate the issue, I said, ''Who is a part of this deal? Not me. Not the gentleman from Pennsylvania. Not most of those in the Chamber. We did not have anything to say about the deal. So why are we being asked to support it?'' Well, that is where we will be if we pass this goofy idea.

□ 1500

With this bill, we will be in that kind of debate every year, eliminate functional categories from the budget resolution. We even take away our ability to offer amendments to the leadership-negotiated deal.

Well, the budget process is where we set our priorities, where we decide what the values are for America. It sets the priorities for the future. It is a process where every Member of this Chamber ought to have a voice and a say and have an equal role. This proposition cuts us out of that role. We ought to defeat this bill.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I thank my colleague for yielding me the time.

Mr. Chairman, this proposal that we are considering this afternoon gives us in the House of Representatives an opportunity to move ahead with a very ticklish task of developing a budget and trying to improve the rigors of the budget process in several different respects.

It is always easy to criticize progress and to say, oh, there is a parade of horribles here. If we try something new and different, we may have problems. Well, I submit that is really not the issue. The issue is do we have problems with the way we are currently handling our budget responsibilities. And indeed we do. The problems are legion.

One of them is that we do not find out until September or October of each year whether or not we have agreement with the White House. So one of the challenges is how can we move this dispute up to an earlier point in the year. This particular proposal does that.

The same thing for emergencies. The same thing for accrual accounting and a variety of other things that would represent improvements in the budget process.

I urge my colleagues to vote in favor of this proposal.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the Comprehensive Budget Process Reform Act. While this bill will not fix everything that is wrong with the budget process, I believe it is a step in the right direction.

The current economic trend we are enjoying will not last forever. Now is the time to increase accountability for spending taxpayers' dollars, strengthening enforcement of budgetary decisions, promote long-term budget planning, and encourage fiscal discipline.

This bill requires a binding budget resolution to compel the President and compel the Congress to agree, from the start, on levels of spending and not at the last moment, as is currently done.

Furthermore, this bill forces both the Congress and President to budget up front for long-term liabilities. It sets aside a strategic reserve, something we should have done years ago instead of the supplemental budgets that become Christmas trees. It closes existing loopholes in budget enforcement.

In addition, it will limit the authorization of any new spending program to not more than 10 years, and requires committees to submit a plan for reauthorization for all programs within 10 years.

I urge my colleagues to pass these important reforms.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, let me talk about my concern about this 2-year budget process.

I think that the worst thing we could do is allow the executive branch to have any more influence than they have. I mean, they send a budget over to us. Every year we dispose of that budget in one way or the other. If we dispose of it 1 year and we had 2 years, we would have little or no influence over the departments.

I was talking to the gentleman from Connecticut (Mr. LARSON) from Connecticut. They used to have a 2-year budget. They have to open their budget up every year and go through the same process they would ordinarily. But the problem with then having influence with the departments, they have no personnel in there, they would have none of the things that they are really interested in in their budget.

So what they would be doing, the process things that are so important to the changes that happen, the supplemental appropriation, all of the things that they need to do to make sure that things are operating smoothly would have to be taken care of every year. They would have to open the budget up. And yet all their personnel and things they are really concerned about would be taken care of every year.

Our Constitution is clear. We start the process. The Senate would have an inordinate influence because they have no rules over there and they would be able to add to any budget anything they wanted to add. And if my colleagues believe that we can see ahead 2 years, we get more changes from the Department of Defense, we get them before the committee, and the only real ability we have over them is to say, look, the budget is coming up and we will try to work things out. If we do not have that leverage, we are not going to have an influence over the Department of Defense or any other department at all.

But the one that is really going to benefit is the White House. The White House is going to have that much more control. We pass about 95 percent of what they want. The control we have would be then limited.

I ask Members to vote against this idea, which I think sets us back and reduces the influence of the House.

Mr. NUSSLE. Mr. Chairman, I yield to my friend, the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am reminded of a Rodney Dangerfield line where he comes home one night and his wife is packing and he says, ''What is the matter, dear?'' She says, ''I am leaving.'' And he asked her, ''Is there another man?'' She looked at him and said, ''There must be.''

When I look at this system that we have today, the way we put a budget together, the way we are going to spend $1.83 billion this year, I look at that and I say, there must be a better way. Because, essentially, what we have now is we have no rules. I mean, the House has one set of rules, the Senate has a different set of rules, and the President of the United States has no rules.

What is the President's target this year?

If we do not have the same target, if we do not have the same rules, how will we ever get there, how will we know where we are?

This is just simply a reform package that says we are all going to have the same set of rules.

I submit that not a single Member of this body can defend the system that we have today, let alone explain it. There must be a better way. This, I think, is one better way. If my colleagues have a better idea, we are willing to listen.

Mr. SPRATT. Mr. Chairman, could the Chair advise me how much time is remaining on our side?

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) has 3½ minutes remaining, and the gentleman from Iowa (Mr. NUSSLE) has 4 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I will stipulate that the budget process is broken, and I will stipulate that the gentleman from Iowa (Mr. NUSSLE) and the gentleman from Maryland (Mr. CARDIN) have worked in earnest and in good faith to come forth with solutions, some of which I agree with, but not all of them. In fact, I think there are provisions in this bill that could compound our budget problems rather than solving them.

At the core of the bill is a new idea: that we make the budget resolution a joint resolution rather than a concurrent resolution. Basically, this means that the President has to sign it before it is effective. And when and if he does sign it, of course, it becomes law.

Now, frankly, I think that idea is not without merit. It could be the device for bringing the President and the Congress together earlier in the process rather than later in the process. But, in reality, we are all politicians and we know that these budget compromises are usually made at the 11th hour because that is usually when our back is against the wall and we have to come to some kind of decision.

The chances are that we would not have an agreement, not have closure with the White House, particularly in a divided government. And, in that event, this bill would not facilitate the process, it would not improve the process; it would only delay the budget process well into the month of June.

Now, if a joint resolution which becomes law is the chosen vehicle for the

budget resolution, it also becomes a moving vehicle which is an occasion for passing all sorts of laws, not just budget laws, but other things too.

The text of the bill recognizes this problem and tries to prohibit these extraneous matters from being attached to the budget resolution. But we all know that the Committee on Rules in this House is master at overruling such prohibitions, waiving points of order. And in the Senate, the other body, there are hardly any germaneness rules, and 60 Senators can override anything.

So this moving vehicle becomes a vehicle for passing all kinds of laws. It opens the door to one-shot riders, such as some prohibition on abortion spending across the board, and to major legislation.

The President and the leadership might get together and decide they want to ram something through in a hurry, bypass the authorizing committees. That is why the Committee on Transportation, among others, has said this has insidious potential, this could open the door to all kinds of diversions.

What do we get if we do make it through this process, if this joint resolution does, in fact, get adopted? We get a shell of a resolution. The irony of this bill is they elevate the status of it to a law, and then they gut it if it is meaningful content.

What we get is about six or seven numbers. This debate is not about programmatic choices, it is about numbers. And because this particular bill would take the budget functions and put them in the report; would take the one power that the committee has, the power of reconciliation directives and put that in the report and downgrade the status of the two, we diminish the status of the debate on the floor.

The one opportunity when we come to the floor and have a debate on programmatic priorities is taken away from us, because we are not talking about programmatic priorities. There are no more budget functions in the resolution before us. They are just aggregate numbers, discretionary spending, defense spending, nondefense spending, surpluses, and things of that nature.

So, this takes us back, it does not take us forward. I do not think this is an improvement on the process. That is why I think we should vote down the base bill and go back to work on real solutions to our budget problems.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. COX), my friend who wrote the original budget process reform bill quite a few years ago.

Mr. COX. Mr. Chairman, I want to thank the gentleman from Iowa (Chairman NUSSLE), the chairman of the task force that is bringing this legislation to the floor; as well as his colleague, the gentleman from Maryland (Mr. CARDIN); the gentleman from Ohio (Mr. KASICH), chairman of the Committee on the Budget; the gentleman from Texas (Mr. STENHOLM), who, on the Democratic side, did so much work on this bill; the gentleman from New Hampshire (Mr. SUNUNU); and the gentleman from California (Mr. RADANOVICH), Members who spent a great deal of time making this happen.

A dozen years ago, Mr. Chairman, President Reagan stood at the rostrum just before us addressing Congress with his State of the Union message and he demanded that Congress reform the incomprehensible Budget Act of 1974. President Reagan submitted legislation to do just that.

I know, because, as a White House counsel, I drafted that legislation, brought it to Capitol Hill, and then 2 years later, as a Member of Congress, had the opportunity to introduce it here, with over 100 sponsors.

By the 105th Congress, that legislation had over 200 sponsors. And thanks to the leadership of the Members whose names I have just recalled, this bill is on the floor today 14 years later.

The ideas are the same. Rationalize this budget process. Make it a law, not a nonbinding resolution. Give us discipline. Plan for disasters. All of these reforms are in this legislation. It is the most important vote, perhaps, that we will cast this year. I urge an ''aye'' vote.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise in support of this bill. It is not a perfect bill, but it is a good bill.

I would like to focus my comments on a provision that I have supported since I came to the Congress, a sunset requirement that requires Congress to review all programs at least every 10 years.

The bill also provides that any new program created by Congress ought to have its authorization limited to no more than 10 years.

There is no provision in H.R. 853 that would terminate any current programs under any circumstances. I cannot understand why some of my colleagues are opposing such a common sense requirement.

I am very disappointed that some have resorted to scare tactics, suggesting that this bill would somehow threaten veterans' programs, student loans, Social Security, or Medicare.

The bill does no such thing. It simply requires that we, as Members of Congress, do our job in reviewing Government programs, see what is working, see what is not working, figure out what needs to be changed, what else we should be doing at least once every 10 years.

The Committee on Agriculture already lives with this requirement. Every 5 years we have a farm bill. This requirement that the farm bill be reauthorized every 10 years does not threaten agricultural programs. I do not see why some suggest this bill does.

Support it.

The CHAIRMAN. The gentleman from Iowa (Mr. NUSSLE) has 2 minutes remaining.

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I have an opportunity here to fix something that is broken. That is why I proposed the particular bill that I did in a bipartisan way with so many different Members.

The excuses today are flying. Everyone says, well, the process is broken. Everybody admits it. There are very few coming to the floor today suggesting that it is not. The question is how do we fix it.

Most of the excuses regarding this particular method of fixing it surrounds whether or not the President should be involved in the process. And the complaint is that the President should not be involved in this process.

Well, wake up, my colleagues. The President is involved in this process. First, he has got to propose the budget. That is the first thing that has to happen.

Is it a realistic budget? I would submit to my colleagues that there has not been a President probably since the 1970s that did not submit a political document as their draft. I see my very good friend the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, nodding his head.

□ 1515

Both parties, is that not true? That is what is wrong. This is not a political exercise. This should be a practical exercise. Can you imagine a family paying its bills for the mortgage, for the lights, for the gas, for the water, paying for their kids to go to college and at the end of the year they gather all those checks together and they say, ''Oh, we've got a budget. Just add all these up and that's our budget.'' That is basically what we do here. That it is okay to have the President involved at the end of the process but not at the beginning of the process I suggest to my colleagues is a fallacy. We need to include to make this process responsible to the White House and the Congress early in this process.

There have been some that have suggested that in fact there would be a summit meeting. Well, heaven forbid we would actually have a conversation with the White House, be they of any particular party, prior to the last possible moment of the year when three or four people get to sit in a room and write the final bill.

Folks, wake up. The process is broken, it needs to be fixed. This is an opportunity to do so. Vote for the bill.

The CHAIRMAN. The time allocated to the Committee on the Budget has

expired. It is now in order to conduct the portion of the debate allocated to the Committee on Appropriations.

The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. I thank the gentleman for yielding me this time, Mr. Chairman. I am reminded, since one of my predecessors at this dais today talked about Rodney Dangerfield, I read a comic strip once in Dog Patch, Little Abner. It seems they had a problem going in the Dog Patch. There was a gigantic curve, an S curve on the steep embankment and people were always running off the embankment. They were breaking their arms and their necks and their legs. So they formed a committee such as has been done here today and they came up with a resolve. The resolve the committee came up with was to build a larger hospital. That does not solve the problem. Neither does this underlying bill here today resolve a problem.

How could anyone in the United States House of Representatives not understand the Constitution sufficiently to be against this measure? Why delegate what authority you have as Members of the Congressional body to the President of the United States regardless of who he is? Some of us hope we have a Republican President in the next 4 years and therefore we would be advantaged, you might think. But the fact that we are delegating all of our constitutional authority is absolutely wrong and a big mistake.

What we are seeing here today are the same things that the Committee on the Budget has been leaning toward for a great number of years. They want to authorize and they want to appropriate. Now they want to lock in their suggestions, their power by getting the President of the United States involved in the process. This issue that we are debating today is not something for next year, it is not something for a biennial budget, it is a law that will be here until it is repealed by the Congress of the United States and some future President signs it, which you would never get a President to do. He would veto a repeal of this mistake if indeed we were to pass it.

I urge my colleagues today to take a close look at what they are doing. There are many things in this bill I support. I support biennial budgeting, for example. Some of my colleagues are against biennial budgeting. But we can bring up biennial budgeting and we can debate that issue without involving this complicated, new idea that a great many members of the Committee on the Budget have come up with as a way to resolve a problem.

This is not the resolve. This is causing a greater problem for this Congress and leading us into dangerous territory when we delegate our constitutional authority to the administrative branch of government. I urge my colleagues to vote against the underlying bill.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, absolutely the budget process is broken. The problem is that what is being proposed today will make it even worse.

The major argument that is being used for adopting this proposal is that too much time is spent in the budget and appropriations process and we have to find a way to shorten it. By making the budget a joint resolution which requires a signature by the President rather than a concurrent resolution which does not, you double the length of time that it will take for us to finish our job, because it requires Congress to reach agreement with the President not once but twice during each budget cycle, once on the budget resolution and the second time on each and every appropriation bill that will work their way through here. That is a prescription for having us never finish our budget business.

Secondly, we also have the problem of 2-year budgeting, which apparently is going to be attached to this proposal. The problem that I see when you move to 2-year budgeting is that we wind up living in a permanent racetrack of supplementals. We have too many supplemental appropriations now when we set the budget for a year in advance. If you set the budget for 2 years in advance, the world is not static, wars happen, disasters happen, economic disruption happens, and that means we will be required to push through more and more supplementals. When that happens, there is a huge shift of power that takes place if we are in a 2-year budget versus a 1-year budget.

First of all, we will transfer an unparalleled amount of power to the Senate, because Senators do not have to work under a rule of germaneness. If we pass an education supplemental through here, the Senate can go through and add anything they want to it because they do not have a rule of germaneness. We have a Committee on Rules that requires a rule of germaneness. That fundamentally transfers power to the Senate.

Secondly, we have a total abdication of power to the agencies. It is hard enough right now to get unelected agencies to follow the instructions of the elected officials of the Congress. And if they do not have to pay any attention to us until the last 18 months of a budget cycle, you know that they will be even more obstreperous than they are right now in dealing with Congressional intent in any legislation. To me, that creates an even more unresponsive government than we have right now.

I would make just this one point. We are the last independent legislative body on the face of the Earth. The reason we are is because we hold tightly and fiercely to the power of the purse. It is only when you have the power of the purse firmly in the hands of this House that this House can meet its constitutional responsibilities to protect liberty, to protect justice and to protect the country against the abuse of power that comes from anyone who does not have to seek anyone else's approval for their conduct.

It is no accident that every President for as long as I have served here, including the one who serves now, wants to see 2-year budgeting and wants to see a joint resolution approach to the budget. It is because Presidents by nature want all the power—95 cents out of every dollar in every budget we have passed except 2 over the last 20 years has gone where Presidents have wanted that money to go. The other 5 percent is the difference between having a President and having a king. And when you move from 1-year budget to a 2-year budget and when you move from a resolution which is a congressional product to a resolution that requires the blessing of the President, then he controls the process at every juncture. And when we allow that to happen, we violate the very constitutional oath that we took to uphold the Constitution and within it Article I, which speaks to the duty of the Congress to stand independent, not on our behalf but on behalf of the people we represent.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding me this time on this critical issue of importance to this House and to the balance of power in this country. I could not agree more with my colleague from Wisconsin who just spoke. There are many, many times when he and I disagree, many, many times. But on this he has never been righter. At the heart of this is the constitutional power of the House of Representatives.

Just a couple of thoughts, Mr. Chairman. The Budget Act of 1974, it was a reform. This also is posed as a reform. Since that reform in 1974, we have created $5 trillion in deficit spending. So that budget reform has been a disaster.

The second item is by allowing for 2-year budgets, we are now going to have to make assumptions on revenue and spending over 2 years. We cannot get it right over 1 year now. How in God's name are we going to plan for 2 years? So we go to a 2-year budget, we do not get our budget completed, we run on

these automatic continuing resolutions. It is a mindless, Band-Aid approach to budgeting. We lose all incentive to resolve the budget issues each year because we go on automatic pilot.

What happens when we are on automatic pilot? One supplemental Christmas tree after another. Without the thought process that goes into the authorizing bills and the appropriations bills, we are on automatic pilot, we conjure up these supplementals, we cover them up with Christmas tree ornaments at the taxpayers' expense to get them through the process, and we completely blow the budget process even further wide open. If we want to continue to produce trillions and trillions of dollars in deficit spending, this is the right reform, Mr. Speaker, but if we want to exhibit and exert fiscal control, allow us to continue annually, one year at a time, to create a budget and to do it with the proper balance by using the authorizing committees to authorize the appropriations and the appropriations process to continue as it has the past several years in a proper way.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Dreier amendment and I rise in opposition to the underlying bill and in support of responsible budgeting that meets America's priorities and reflects their values. I understand the concerns of this amendment's sponsors and I support their goals. Vigorous Congressional oversight is vital if we are to safeguard public funds and ensure that Federal agencies follow Congressional directives. But biennial budgeting will not improve oversight or guard against increased spending. In fact, it will have the opposite effect. Biennial budgeting will reduce the oversight that the Congress has over government spending.

Agency heads, Cabinet secretaries, administrators, they all have to come to the Congress every year to justify their requests, to explain their actions, and to face tough questions. Why would Congress want to relinquish the power of the purse strings? With the biennial budgeting, these agencies have to only come every 2 years. We would have then less assurance that the agencies will spend money in the right way.

I also challenge the principle in the underlying bill of sunsetting entitlement programs after 10 years. Does this include Social Security and Medicare? Why do we want to sunset Social Security and Medicare and deal with it every 10 years? Yesterday we had indication that there are those who would privatize the Social Security system. Is this another way in fact to threaten those bedrocks of our commitment generationally to seniors in this country? It makes no sense at all for us to be talking about sunsetting Social Security or Medicare or other entitlement programs every 10 years.

□ 1530

This is a blueprint for bad budgeting. It fails to meet the needs of Americans. Support responsible budgeting that is responsive to the needs of working families. I call on my colleagues to reject the underlying amendment and to reject the Dreier amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, last year a similar bill was introduced. The Committee on Appropriations asked that it be referred to the committee, and, after thorough consideration, we reported the bill with a negative recommendation.

Some of the things that we were concerned about have now been taken out of this basic bill, which makes us a little more happy. However, there are amendments made in order that would restore some of those items that we really do not want to see in this bill. So we will deal with those as they come.

I was going to use this chart later in the debate on the two year budget amendment, but I want to use it now since the gentleman from Wisconsin (Mr. OBEY) made such a compelling case as to how this bill would drag out the the budget process by involving the executive branch of government at this early stage.

What I want all of our colleagues to know is if you look at this chart, every one of these months that are colored red are days that the Committee on Appropriations lost in dealing with its 13 appropriations bills. We lost all of that time, 6½ months, before we could even begin our work because we did not have a budget resolution. Until we have a budget resolution which allows us to make our 302(b) assignments, we cannot begin the actual markup of our legislation.

Now, if you look at the green color, that is how many days have gone by since we got the 302(a) allocation. Since that time, the committee went to work very rapidly. We have already marked up six of our 13 bills in subcommittee, and we have already marked up four of our major bills in committee. We already passed earlier today one of our primary bills, and we have others prepared to go to the floor. So we have done that much appropriations work in the couple of weeks that are colored green.

If we extend the time it takes before we can actually begin our work for another 2, 3 or 4 weeks, we are not going to be able to get to the end of the fiscal year and have our work completed. We promised the leadership on both sides of the aisle that we would complete our work expeditiously, and we are well on target to do that. Any further delay in the budget process takes time away from the appropriations process, and, Mr. Chairman, time is not on our side, as you can see from this calendar.

So rather than finding ways to extend the length of the budget process, we should be trying to find ways to reduce the time of the budget process, to give more time for the Committee on Appropriations to deal with the 13 appropriations bills in subcommittee, in full committee, on the House floor and in conference committee with the other body.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I often quote my friend Archie the cockroach, and Archie said once, ''Did you ever notice when a politician does get an idea, he gets it all wrong?'' I think that can be said of the remedy that is being proposed for the budget process problems.

But Archie also said something else that I think is useful in this context. He said, ''Man always fails because he is not honest enough to succeed. There are not enough men continuously on the square with themselves and with other men. The system of government does not matter so much. The thing that matters so much is what men do with any kind of system they happen to have.''

That would be my message with respect to the budget resolution. Whether we get our work done on time depends on how serious we are, it depends on how political both sides of the aisle are, and it depends on what determination we have to compromise.

The problem with this proposition which is being set up today is that if a President does not want to compromise with the Congress on a budget, he can delay his approval of the initial budget resolution forever before he signs it. And then after he signs it, he can delay action on every appropriation bill again, and it strings you out forever. I would say to my conservative friends here, I do not think that is the result that you want, but that is the result you are going to get if this proposition passes.

I would also say that every authorizing committee needs to understand that they will be out of business if this proposition passes, because Senate authorizing chairs who have not been able to have their way with House authorizers, when the budget resolution goes to the Senate they will say (because they operate in a body that has to run on unanimous consent so that any one Member can throw a monkey wrench into the gears) so every authorizing Chair will be able to say, ''Mr. Leader, if you don't put my authorizing bill in here, if you don't put my banking bill in, if you don't put my farm bill in, if you don't put my interior bill in, I 'ain't' going to vote for your budget resolution.''

That means that every House authorizing committee will be dealing with a

Senate authorizing committee in a budget summit situation where they get buried in larger issues, and that is not the way this Congress is supposed to run.

The reason this Congress survives as a vibrant institution is because of each of our individual expertise which we apply to the areas that we work with in our committees. I urge you not to destroy that by putting the President in the middle of it all.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, just following up a bit on what the gentleman from Wisconsin (Mr. OBEY) suggested, what is eventually going to make us successful in the way we budget, in the way we appropriate, in the way that we oversee administration, is the willingness of the Members of Congress, of the House and the Senate, to be more diligent, to have some guts, to have some intestinal fortitude, to make sure we are doing the right thing to best of our ability. Whether you have a 1-year budget or a 2-year budget, whether you have the President sign on to something early on or later on, if Congress wants to be, excuse the expression, lazy and shift more power to the administration, we are going to lose what made this republic great in the first place. Our forefathers, when they wrote this Constitution, gave us a powerful legislative branch and a less powerful executive branch. Biennial budgeting puts this at risk and may diminish us in terms of our effectiveness as a democracy and a republic.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just urge the Members to pay very close attention to the debate today. We are not talking about just a run-of-the-mill piece of legislation. We are talking about a decision that this House would have to live with for a long, long time in policy and procedure on some of the most important things that we do.

Mr. Chairman, of all the legislation we consider, the bills that really have to pass are appropriations bills. So let us be careful that we do not create some procedure or way to conduct a budget process, an appropriations process, that cannot work, that results in longer delays than under the current budget process.

I just ask Members to be very careful in how they listen to the debate and how they choose to vote on some of the amendments and on the final package, whatever condition that final package is when we go to a final vote.

The CHAIRMAN. The time allocated to the Committee on Appropriations having expired, it is now in order to conduct the debate on the time assigned to the Committee on Rules.

The gentleman from Florida (Mr. GOSS) and the gentleman from Massachusetts (Mr. MOAKLEY) each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

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

Mr. Chairman, I would like to focus my time on a couple of the rules changes in H.R. 853 that are designed to increase accountability. We think that is a reform. Accountability in Federal spending we think is something that most taxpayers feel we can do better about.

Not surprisingly, some the reforms have been demagogued by opponents of accountability, in my view fostering unwarranted anxiety among some of our Nation's students, perhaps, and some of our veterans and some of our senior citizens, if they have not gotten the full understanding of what is actually in front of us. There is no need to worry. We are advocating good oversight and advocating more accountability, and I think all of those groups, in fact, all Americans, favor those types of accomplishments here.

Currently our rules state you cannot appropriate money unless a program has been authorized first. That is the normal order. Despite this rule, however, in FY 2000 we appropriated $120 billion in taxpayer money to 137 programs that lack authorization. Now, that is just by our count. Probably somebody else could find more unauthorized programs, unauthorized programs that were funded in the appropriations process.

To encourage committees to do a better job, we think that H.R. 853 adds a requirement that they provide specific timetables for authorization of those programs under their jurisdiction, and we have picked a 10-year time period, thinking that is a very fair chunk of time. While we still will be able to waive the rule and no program will be punished, as is the situation now, we think that providing some added sunshine in a 10-year period with oversight is going to give us greater accountability, and it certainly is going to create an incentive for more accountability and for the authorizers to do their jobs.

Another rule changed would simply require that any new programs have a fixed year authorization. In our view, it makes sense that Congress should take a look at new programs it creates. We do not get it right every time the first time it turns out, and so maybe making a requirement that if we have a new program every 10 years or so, we ought to take a look at it and see if it is working and doing what we actually thought it was supposed to do.

But, be clear, no matter what, the school lunches are still going to be served; we are still going to have senior prescriptions; we are still going to have our veterans services, and everybody getting their benefits. It is all going to happen. This process is not going to change that. There may be votes about policy change or appropriations amounts, but the process is not going to take away anything from anybody, and, hopefully, will give benefits to people that they lack now in terms of greater accountability and oversight.

I think to argue otherwise indicates either a lack of understanding about how things really work here, or, worse, a desire perhaps to exploit anxieties for partisan reasons to some of our most vulnerable Americans. In either way, that is wrong, not acceptable, and not part of the spirit of the good substance we are trying to accomplish in this legislation.

I encourage all Members to read the details of H.R. 835 before voting later this evening. It is a good bipartisan bill that promises nothing more than a better framework within to make our budgetary decisions. We have the joint budget resolution, we have the emergency rainy day fund, baseline budgeting reform, budgeting for unfunded liabilities, the Byrd rule reform, increased authorization oversight requirements, a lot of things we talk a lot about here. Well, we have brought them to the floor for debate, we are going to debate them under the rule and have a chance to vote them up or down.

On top of that, there are several other issues that we did not include in the bill because we knew they were controversial, but we know that they will be debated in the amendment process, or we assume they will. I think of the lockbox, the continuing resolution and those types of things, we will be able to debate those too. So we will have some accountability on where we really stand when we talk about reform of our process here. I think that is a good outcome, and I think certainly worth our time.

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

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

Mr. Chairman, this bill really hides an inability to govern behind procedural changes, and I urge my colleagues to oppose it. This bill changes our current budget resolution from a concurrent resolution to a joint resolution. The difference between the two is a concurrent resolution is created by Congress to guide the way through a budget process, whereas a joint resolution, on the other hand, is signed by the President and becomes law.

□ 1545

Because it must be agreed upon by both the Congress and the President, a joint resolution necessarily takes

much longer than a concurrent resolution.

Mr. Chairman, our budget process is already slow enough. Under this bill's proposed joint resolution, the Committee on Appropriations cannot begin their work until a budget resolution is worked out and that, Mr. Chairman, as pointed out by the gentleman from Florida (Mr. YOUNG), could take an awful long time.

If my Republican colleagues had a history of finishing the appropriation bills well before October 1, this proposal would not seem quite as ridiculous, but as it stands now the history leaves a bit to be desired.

In the 104th Congress, my Republican colleagues, led by Speaker Gingrich, refused to compromise and failed to enact the 13 appropriation bills on time, and as a result they shut down the Federal Government for a period of 28 days.

In the 105th Congress, my Republican colleagues compromised on everything and passed a bloated omnibus bill that still has people shaking their heads.

Last year, my Republican colleagues could not reach agreement amongst themselves and as a result they failed to pass a budget resolution for the first time since the Budget Act was enacted back in 1974.

This year, my Republican colleagues have already given up on keeping spending below their caps and at some point, Mr. Chairman, Congress must summons the will to make the budget process work. It is not the fault of the Budget Act that we cannot fund everything we would like to fund and still reduce the deficit. Congress must make that tough decision, and there is just no way around it.

Another way my colleagues are hoping to avoid budget decisions is by making them far in advance. My good friend, my chairman, will offer an amendment to change our system to a biennial system. The biennial system will cover a much longer period of time and therefore will need to be debated for even a longer period of time.

It eliminates one year of Committee on Appropriations review. It tightens the reins on executive branch officials. Furthermore, Mr. Chairman, budget predictions are notoriously inaccurate. If we limit ourselves to making budget decisions every other year, our projections will be even further off the mark.

It is a radical change from our current system and if my colleagues are determined to make these changes, I would urge them to proceed slowly.

Mr. Chairman, I urge my colleagues to oppose this bill.

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

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER), the distinguished chairman of the Subcommittee on Rules and Organization of the House of the Committee on Rules.

Mr. LINDER. Mr. Chairman, I rise in strong support of the Comprehensive Budget Process Reform Act and I want to congratulate my colleagues on the Committee on Rules, the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DREIER) for their commitment to these reforms and specifically their efforts to craft the amendment to establish a 2-year budgeting timetable.

The Comprehensive Budget Process Reform Act is an important institutional reform that will strengthen the enforcement of budgetary controls, enhance accountability for Federal spending, set aside funds in the budget for emergencies and alleviate the tendency toward higher spending.

Specifically, I want to comment on the biennial budgeting amendment that will create a 2-year budget cycle. Before acting on these historic budget reforms, the Committee on Rules held two days of hearings on budget process reform and an additional 3 days of comprehensive hearings focused solely on biennial budgeting. Over and over again, we heard testimony that not only would biennial budgeting not diminish the role of Congress in the budget process, but that it would actually improve legislative branch management of Federal spending.

For example, Dan Crippen, Director of the Congressional Budget Office, stated that ''It seems unlikely that agencies would be less responsive to the Congress simply because they would be requesting regular appropriations every other year. Also, a biennial budget cycle by setting aside time for Congressional action on oversight and authorizing legislation might relieve the appropriations process of time consuming debates on substantive policy issues which can actually improve Congressional control of spending.''

Congress will continue to decide, down to the account level, the exact amount of spending in every appropriation bill just as is done under current law. In fact, biennial budgeting may enhance Congress' control over the budget since the process gives legislators an increased opportunity to review existing policies and expenditures.

On the topic of increased opportunities to review programs, we have taken testimony in the Committee on Rules and in my subcommittee on the need to dramatically increase what is clearly a priority responsibility of ours: The issue of programmatic oversight. In addition to saving time and resources, I strongly believe that this bipartisan, biennial reform proposal will improve oversight and management of Federal spending.

Specifically, the Dreier-Luther-Regula-Hall amendment will permit committees to concentrate on budget and appropriations in the first session, and authorization and oversight in the second session. The 1993 Joint Committee on the Organization of Congress, led by our former colleague Lee Hamilton and the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, recognize that the current budget system is not working effectively and recommended biennial budgeting as a key reform.

In hearings of the Committee on Rules in March, OMB Director Jack Lew stated that ''The primary potential benefit from biennial budgeting is that by concentrating budget decisions in the first year of each 2-year period, time would be freed up in the second year that could be redirected to management, long-range planning and oversight.''

The bipartisan biennial budget amendment will also put the requirements of the Government Performance and Results Act on a logical timetable in conjunction with the development of budgets every 2 years.

Under the new timetable, the GPRA reporting requirements would come at the most optimal time of the budget process to provide committees with the opportunity to utilize the performance information. As a result, we will deliver more efficient services to the American people in the most effective way.

Under the biennial timetable, the President's budget will be submitted to Congress with biennial government-wide performance plans and reports and agencies will submit separate biennial performance plans. The process will effectively give authorizing committees the opportunity to include their views of the GPRA plans and reports as parts of the views they submit to the Committee on the Budget.

Utilizing GPRA in this manner will improve performance by letting us examine the program structures that Congress has put into place to achieve better results for the American people.

It appears clear that the Federal Government is too often preoccupied with budget matters and has limited time to manage and oversee Federal programs or concentrate on long-term planning. In an effort to streamline the budget process and enhance Congressional oversight of Federal programs, I urge strong support for the biennial budgeting amendment and final passage of this historic institutional reform.

Mr. MOAKLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Chairman, this afternoon we are debating budget reform legislation. I do not think there is a Member of this Chamber that has not been embarrassed by the performance of the House

of Representatives and the Senate in the last 5 years in the handling of the budget. We have had massive agreements with the White House, late in the night, late in the session, thousands of pages. We are being asked to vote on things that we have not had an opportunity to analyze. It is an embarrassment to the institution.

We recognize that we must reform the way we do business, and, yes, it could be that if we acted in a much more expeditious fashion earlier under the current budget framework we would not have these problems, but unfortunately it does not seem to be within our power to do that.

I also know that it is tempting to blame the other side of the aisle, to say that therein lies the problem, and assume that on our side of the aisle it would not be a difficulty if we were only in the majority.

Well, I think that we are deluding ourselves. Certainly part of the problem that we face in enacting budgets on a timely basis, in handling the appropriations bills on a timely basis, is attributable to human nature and the difficulty of making decisions and the need to bring things to closure in the heat of the final moments of a session, but this piece of legislation that we are considering today is an effort to move us towards an improved process. It is an experiment admittedly, and like all other experiments there are risks in trying it, but I think that when we recognize the enormity of the problems that we have had and the potential for improvement, it is worth taking that risk.

We talk about the powers of Congress. Now we are comprising the powers of Congress, the prerogatives of Congress, giving more power to the White House, the executive branch. I submit there is nothing that compromises Congress' power in the long-term than the embarrassment of not timely dispatching our affairs.

We need to make progress, and whether or not this would be progress would remain to be seen, but I submit it is worth taking the chance, and therein lies the debate over whether it should be a joint resolution or whether we should continue with the concurrent resolution such as we have had.

There are many other things in this legislation that go beyond the joint resolution issue and the role of the President earlier in the process. I urge my colleagues to recognize that the way that this legislation deals with emergency spending, the way it deals with emergency spending, the way that it deals with accrual accounting, the way that it deals with the baseline and the so-called Byrd rule and other issues, represents a very dramatic and significant improvement over the current budget process.

This bill has been a bipartisan bill in that it was developed by a bipartisan subcommittee of the Committee on the Budget and this ought to have bipartisan support this evening. It ought to be approved.

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Chairman, let me just say that maybe we ought to all take a good close look at our Constitution and the makeup of the United States House of Representatives. We are each elected every 2 years for one session of the Congress. The people who wrote the Constitution and drafted this government that we have, which admittedly is the best government mankind has ever known, said that we would be elected for one session of the Congress. It also says we will have an organizational session and we will elect our leadership and that we will establish our rules.

Each session of the Congress gives the Members of that Congress the authority to set their own rules. If they want biennial budgeting, there is nothing from prohibiting them from establishing a rule in the next session of the Congress, including those Members of the next session of the Congress, to have biennial budgeting for that one session of the Congress. They establish their own rules at each session of the Congress, and what we do here today with this underlying bill is to say that we are going to hamstring future sessions of the Congress. We are going to tell the Members of the next session of Congress, which will convene in January, that they do not have a sufficient intellect level to establish their own rules.

Instead, we are going to say that this session of the Congress is the more brilliant than any succeeding session and, therefore, they must obey the rules that we think are best for them.

This is a wrong Constitutional area that we are debating, and we should vote this issue down unanimously.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. REGULA), the chairman of the Committee on Appropriations Subcommittee of the Interior.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Chairman, I have been a longtime advocate of 2-year budgeting as a management tool. We are the directors of the largest corporation in the world today. We collect taxes and we deliver services.

□ 1600

The challenge to all of us is to deliver these services in the most efficient way, because the more efficient we can be in our distribution of services, the less we have to collect in taxes.

I think we need to think about how we can manage these resources in the most effective way. Two-year budgeting provides that kind of opportunity. Through the first year, we would establish the appropriation for a 2-year budget cycle. I might say, I served in the Ohio State legislature. We did it that way in Ohio and it worked very effectively, and many other States operate on a 2-year budget.

The second year would be devoted to oversight. In our subcommittee, we have had over 25 oversight sessions over the last several years. We have discovered that in so doing, we have found ways in which we can more efficiently write our bills to ensure that the money is used wisely and produces the greatest benefit to the people of this Nation.

I think also another advantage of 2-year budgeting is that we have time to do planning. Too often I find that we are so consumed, we no sooner finish one budget than we start on another one. We do not have time to think about how we can plan effectively.

Just using the Subcommittee on the Interior, for example, I think we need to think about how we can manage the resources that will leave a legacy that will be valuable to the people of this Nation 50 or 100 years from now, because what kind of a legacy they will inherit, what kind of parks and forests and fish and wildlife, and the Bureau of Land Management, the Smithsonian, the Kennedy Center, the National Gallery, what they will be like 50 years from now is being decided today.

Therefore, we need time to do oversight, we need time to do planning, to ensure that we get the best possible management of the resources that come our way as a subcommittee.

Secondly, I think so much time is devoted to establishing budgets that we do not get the time we need to think about the ways in which we can be more effective.

The other advantage I see is that the people that manage these enterprises, the superintendents of parks, the directors of the various agencies, could plan more efficiently in the purchase of products, simple things like gasoline and food and so on, if they could contract on a 2-year basis, if they could manage the resources that they are provided under our appropriations process in a way that would be most efficient in the use of these materials. A 2-year budget would give managers an opportunity to use their time, their resources in a more effective way.

I suspect that most industries have longer than a 2-year budget cycle in terms of managing the resources that they have to produce products for the

marketplace. I think the previous speaker, the gentleman from Alabama (Mr. CALLAHAN) has a point. Perhaps we ought to try it. But I believe, based on the experience that our States have had with 2-year budgeting, that it is an effective tool in terms of management of the resources available.

I believe we should certainly try this, because as government and life gets more complicated, it becomes more important than ever that we have time for oversight, that we have time to visit facilities. We have found in our subcommittee if we can get out and look at some of our facilities, if we have time to do that, that it helps us a great deal in making the decisions that will provide a legacy for future generations that we can all take pride in.

Certainly, we are elected by the people, as the previous speaker said, to make policy decisions. That is the role of the Members of this body. That is the separation of powers.

We constitutionally have a responsibility for policy, and the executive branch has the responsibility for executing that policy. To do it well, I believe a 2-year budget cycle would be very constructive.

Mr. Chairman, I rise in support of the two-year budget amendment that we will consider later today. I consider two-year budgeting as a management tool.

As Members of Congress, we are the directors of the largest U.S. enterprise—namely the U.S. Government. We can no longer view the federal government as just a provider of services. In today's world—with increasing populations and increasing needs—we need to approach the federal budget in a more business-like manner. We need to determine how we can manage resources and provide services to the American public in the most efficient way within our budget constraints.

I believe that two-year budgets would provide us with a mechanism to budget more efficiently and to provide more oversight over federal spending. In the first year we would appropriate funds. The second year would be devoted to oversight and planning for the next budget cycle.

A two-year cycle would reduce significantly the number of repetitive votes that Congress takes on budget issues every year. It would allow more time for oversight hearings.

Since becoming Chairman of the Interior Subcommittee, I have chaired more than 25 oversight hearings to closely examine the more than 30 agencies funded in the bill.

These hearings have allowed Members of the Subcommittee to explore management reforms within these agencies that encourage the agencies and programs to be run more efficiently. A two-year budget would allow for more oversight and follow-up to ensure that reforms are fully implemented.

Furthermore, I believe a two-year budget process would allow agencies to be more effective. It would allow program managers and agency heads to do their planning on a two-year cycle.

As a practical matter, they could contract for supplies for a two-year period instead of just one. They wouldn't spend as much time putting together a budget every year and preparing the huge budget justifications that are sent to Congress every year.

A two-year cycle would give agency managers more time to engage in long-term planning and in implementing management reforms.

Historically, we have not viewed the federal government as a management challenge. I believe that it is time to do so. A two-year cycle would allow the time necessary to explore and implement positive management policies for the federal government. I urge you to support the two-year budget amendment.

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I stand to address the Congress and ask them to vote no on H.R. 853 because, number one, it weakens the power of the authorizing committees. It weakens the power and the utilization of the Committee on Appropriations. It weakens the power of each Member of Congress.

With that diminution, I ask each Member to think about why should we change this process. There is absolutely nothing wrong with the process that we use in budgeting now. It is not the process, it is those of us who administer this process, where we put in many times a lot of partisan wrangling and we put in a lot of intramural arguments. Whatever we put into it to make the process lasts too long. That is what is wrong.

If we were to take this process seriously and use it for the time appointed, then we would notice that the budgeting process would end up as we wanted it to.

I want to remind this Congress, I stood on the floor of Congress and spoke against it the last time we gave power to the President in determining line item vetos. I was not shouted down, but I was voted down.

Here we go again, now, giving power to the President for something each of us was elected to do. That was to make solid decisions in a time certain for the budgetary process.

I have lived through this biennial budgeting situation in the State of Florida. It did not work there and it will not work here. Sooner or later, we would just become a Congress of supplemental kinds of bills that would come up when there is something that we need to do something quickly on that we had not thought about.

I want to tell the Members that there will be things that come up because of the economic conditions and other conditions that happen in this great country of ours.

Mr. Chairman, many of the things we have heard about the biennial budget will not happen if we properly do our jobs and think timely and decisively in expediting it.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, the gentleman from Alabama made a point which I think bears repeating. Every day we recognize the fact that Congress cannot bind future Congresses in terms of the action that they will take. But if we pass this legislation today, we are enabling future presidents to bind future Congresses, because if we pass this proposal and discover, as we most assuredly will, that it does not work the way we intended, we will not be able to change it without the permission of the President of the United States. That is not a position which any independent legislative body should be in.

Secondly, on 2-year budgets, there is a vast difference between multiyear planning and multiyear budgeting. I favor long-term planning. I favor 5- and 10-year planning. But when we go to a 2-year budget, we put the House at a huge disadvantage vis-a-vis the Senate.

In the House, we have germaneness rules, so if we pass an Interior supplemental through the place, no one can attach an education item or an agricultural item to it. We stick to the subject. But in a world of 2-year budgeting, we will have constant supplementals. When supplementals move through this body and move to the Senate, we will have individual Senators free to add any item they want to any supplemental that moves through there. That means a giant loss of control of spending and it means a giant transfer of powers and prerogatives to the Senate.

Most perniciously, I believe it ruins our ability to keep agencies on a short leash. The healthiest thing that occurs in this town is in the annual appropriation process, when senior program managers discover that they are not ordained by God to follow policies of their own making. They have to answer to the Congress. The problem is that if we put them on a 2-year leash rather than a 1-year leash, it will be very difficult to get them to follow congressional intent in legislation that we pass.

People will say, ''oh, well, don't worry about it; as long as they need supplementals, they will need the support of the Congress''. But supplementals are different than regular appropriation bills. Supplementals add money only to programs. They do not deal with personnel levels, they do not deal with agency size. That is where we really have control over agencies, and we should not give that control up.

Mr. MOAKLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is really difficult to believe the majority is serious about

reaching agreement on the budget early with a Democratic president. Given the history and the failure to even seek consensus with the Democratic colleagues in the House on a budget resolution, it is very hard to believe, why would they give up the opportunity to clarify their differences with us? Given their history, my guess is that the majority would rather send the President a resolution he has to veto. That slows up the process. It does not help.

Mr. Chairman, we agree the process has not run well lately, but what makes them propose what they propose does not help. I think it will make things worse. I now urge a no vote on the bill.

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

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

Mr. Chairman, I recall very well Members feeling some frustration, to say the least, at the end of the budget cycle for the past few years, thinking, gosh, we need to do better on this. Why does not the Committee on Rules and the Committee on the Budget and the people responsible get together and give us some choices?

We filed a bill at the end of the last session just because we listened. We went through a couple of years of hard work, a lot of effort, to focus on issues that Members wanted to debate. We filed that bill. This year we have worked from that bill, taken the controversial issues out, brought them forward, and left the controversial issues available for amendment, and in addition, brought forward some other amendments that we know will have a lot of Member appeal, such as the biennial budget process that my good friend, the gentleman from California (Mr. DREIER) of the Committee on Rules has championed so long and ardently.

We think we have provided some good choices out here for debate. I think that any effort to get away from the chaos at the end of the budget year is right.

Our good friend, the gentleman from Wisconsin (Mr. OBEY) has gotten up and said that bad things can happen. Yes, bad things can happen any time. I think the idea of getting together early with the President at the beginning of the session and working out an arrangement is a very good idea, but if it does not work, we have a fallback. The fallback is where we are now, so nobody loses power. We do not have these dire consequences that I keep hearing about.

I think it is also true that if the other body decides that they wish to get off the subject of the budget matter, that there are provisions in this for a self-destruct mechanism, so that the dangers are not as great as they have been outlined.

I think these are worthwhile changes. They deserve our careful attention during the debate, and I hope we will see strong support for good process reform.

Mr. OBERSTAR. Mr. Chairman, I rise in strong opposition to H.R. 853, the Comprehensive Budget Reform Act.

JOINT RESOLUTION

H.R. 853 changes the current non-binding concurrent resolution to a joint budget resolution that would be signed by the President and have the force of law. Such a process would weaken the role of Congress (particularly the House of Representatives), authorizing committees, and rank-and-file Members.

We know this from history—think back to the major budget agreements of the past decade, beginning with the 1990 Andrews Air Force Base budget summit during the Bush Administration. These agreements were negotiated by the House and Senate Leaderships and the President, without the participation of authorizing committees or rank-and-file Members. In practice, creating a budget resolution with the force of law means we will have these budget summits each and every year. Budget targets and committee allocations would be negotiated by the Budget Committees, the House and Senate Leaderships, and the President, without the participation of authorizing committees or rank-and-file Members. Most Members would be shut out of the process.

In addition to the budget being negotiated by the House and Senate Leaderships and the President, the bill eliminates Members' ability to alter this Leadership-negotiated package. Members would no longer have the ability to offer amendments to either the reconciliation instructions or the functional allocations assumed by the joint budget resolution because these times would now only be included in the report accompanying the law.

Finally, I am extremely concerned that once we head down the road of a statute implementing budget policy, the Budget Committees, the House and Senate Leaderships, and the President will use this must-pass legislative vehicle to legislate their agendas. Look at the tens and sometimes hundreds of legislative riders included in the Omnibus Appropriations Acts of the last several years—the last thing this Body needs is more Leadership-driven, must-lass legislation.

Given the experiences of past budget summits, it is unlikely that this process will include authorizing committees, including those Members with the most specific issue expertise, or rank-and-file Members. We will simply be urged: "Don't break the deal"—a deal in which almost all of us will have had no input. I recall that three years ago this week, the House considered the 1997 Balanced Budget Agreement negotiated by the House and Senate Leadership and the President. The Gentleman from Pennsylvania, Mr. SHUSTER, and I offered an amendment to increase highway and transit infrastructure investment, adjusting the deal by one-third of one perecent—one-third of one percent. "A deal is a deal," intoned our colleagues. "Do not break the deal," said a panicked White House. "Stick to the deal," said the Budget Committee. As I said then, "Who are a part of this deal? Not me, and not many in this Chamber. We did not have much to say about the deal, so why are we being asked to stick with it?" We lost that vote by two votes and it made TEA 21 impossible in 1997. Now, the proponents of this bill want us to have that debate each year. Moreover, by eliminating the functional categories from the budget resolution, they want to even take away our ability to offer amendments to alter their Leadership-negotiated package.

EFFECT ON TRANSPORTATION COMMITTEE PROGRAMS

I also rise in opposition to H.R. 853 because I am concerned about the impact of this bill on transportation trust funds. I believe that this bill will undermine the enormous progress we have made in infrastructure investment with the Transportation Equity Act for the 21st Century (TEA 21) and the Aviation Investment and Reform Act for the 21st Century (AIR 21), and will make it more difficult to reauthorize these programs in the future.

H.R. 853 does not acknowledge the important budget reforms contained in TEA 21 and AIR 21—including the reform that transportation revenues must be used for transportation purposes. Rather than updating the budget process to reflect a link between transportation trust fund spending and transportation trust fund receipts—a budget process change that was mandated by the overwhelming majority of the House in TEA 21 and AIR 21—H.R. 853 merely strengthens the old budget process, which assumes that transportation trust fund revenues are no different from general revenues.

H.R. 853 would also shift power to entities that are institutionally opposed to the trust fund reforms that our Committee achieved in TEA 21 and AIR 21, and would effectively shut most Members and committees out of the budget process. As a former Member of the Budget Committee (1987–1993) and a Member of this Body and the Transportation and Infrastructure Committee for 25 years, I know that the Budget Committee and the Office of Management and Budget have always opposed the trust fund reforms that the Transportation Committee has advocated and an overwhelming majority of this House have supported.

Not only does H.R. 853 fail to institutionalize the trust fund reforms enacted in TEA 21 and AIR 21, it assumes flat spending from transportation trust funds for purposes of calculating the budget surplus after TEA 21 and AIR 21 expire. This assumption is made despite the fact that transportation trust fund revenues will continue to increase each year as our economy and highway and air travel continue to grow. A flat-spending assumption would result in a return to the old days of trust fund surpluses being used for non-transportation purposes. If the link between trust fund revenues and trust fund spending is to be maintained, budget procedures and the assumptions for transportation spending must reflect the annual growth in trust fund revenues.

CONCLUSION

Do not be lulled into thinking that this bill simply changes a technical House procedure. This bill significantly alters the congressional budget process. The budget process is where we decide priorities for America's future. It is the process where, to a large degree,

we decide what our values are, and put a price tag on them. It is a process in which all Members and all committees should play a role H.R. 853 will shut Members out of that process.

I urge all Members to vote ''no'' on H.R. 853.

Mr. BENTSEN. Mr. Chairman, I rise in reluctant opposition to H.R. 853, the Comprehensive Budget Process Reform Act of 1999. I commend the gentleman from Iowa, Mr. NUSSLE and the gentleman from Maryland, Mr. CARDIN for their hard work, but in the end this bill is not yet ready for adoption.

My colleagues argue that this bill will fix the ''broken'' budget process. While this bill may correct some deficiencies in the current law, no bill is going to fix what is the real problem—the behavior of the members of this body and the Senate. For years following inclusion of pay-as-you-go rules and discretionary spending caps amendments to the Budget Act in 1990, the Budget Act had an effect on law rather than serving as a mere target. It was not until 1998 that the process fell apart when members on both sides of the aisle felt compelled to violate the caps by abusing the Emergency spending designation. In 1999, Congress did the same thing. The primary problem with the budget process lies not with the system or the end game, but rather Congress and the Administration. There were legitimate concerns, greater defense, education and agriculture spending demands weighed against other domestic priorities, but rather than honestly argue the needs to the American people and raise the caps, we chose to engage in budget subterfuge. That is not a flaw in the process so much as human nature.

While this bill includes some good reforms such as a tighter designation for emergency spending to stem abuse and bringing the use of accrual accounting to the federal budget process, it is flawed in converting the concurrent budget resolution to a joint resolution signed into law by the President. This is intended to move the end game to the front of budget cycle but it is a little like moving the goal posts from the end of the field to the middle. The practical effect is to shift more power to the Executive branch at the expense of the Congress. As a result, the appropriations process will be delayed and the end game will be extended throughout most the year. Unintended by its proponents, this could result in greater, not less, politicization of the budget process.

Moreover, as a joint resolution, the budget resolution would be vulnerable to having certain other pieces of legislation the Congressional leadership favored attached. The drafters of H.R. 853 have inserted a weak provision aimed at preventing the budget resolution from becoming a major legislative vehicle but it cannot assure this body the budget resolution will be free from being taken hostage by an abortion amendment or, more likely, an amendment to raise discretionary spending caps or alter the pay-as-you-go rules to let projected budget surpluses be used to ''pay for'' large tax cuts.

With regard to the biennial budgeting amendment which Representative DREIER plans to offer, I believe it is unrealistic and unworkable. The GAO has cautioned against biennial budgeting and cites ''difficulty in forecasting'' as the major force behind an increasing number of states abandoning biennial budgeting, in favor of annual cycles. Under H.R. 853, agencies would have to begin to put together budgets for the second year of a two-year cycle at least 28 months before the year would start. Such long lead times will certainly result in decisions that become outdated. During the intervening period, there would inevitably be findings concerning the effectiveness of various programs and changes needed in those programs from GAO reports, Inspector Generals' reports, and research studies. Proponents of biennial budgeting assert that it will free up time for more oversight. They overlook the fact that a significant amount of oversight is conducted by the appropriations committees in the course of reviewing agency budget requests annually. But, I believe that if we adopt biennial budgeting, we will be creating new problems. We will be constructing a system that lacks flexibility to address GAO findings or developments in a program or substantial changes in our nation's economic conditions.

Mr. Chairman, while I oppose H.R. 853, I support its commitment to limit use of emergency spending outside the spending caps only for true emergencies. There can be little question that in recent years, the emergency supplemental appropriations process has been abused and loaded with billions of dollars of spending which do not meet the true test of an ''emergency.'' We must, as a body, reign in emergency spending. H.R. 853 would create a reserve fund for emergencies and specifically defines ''emergency'' as ''loss of life or property, or a threat to national security'' and an ''unanticipated'' situation that is sudden, urgent, unforeseen and temporary.

Mr. Chairman, I will also oppose the Gekas Automatic Continuing Resolution Amendment to avoid a government shutdown. We debated this in the House Budget Committee last year. I opposed a ''freeze'' of appropriations in event of a budgetary stalemate because I believed it would give Congress and the Administration an out, as opposed to compelling that the hard work of passing the budget and appropriations bills is done. Rather, I suggested that any automatic continuing resolution not be a disincentive to compromise. My amendment would have set the automatic continuing resolution at 75% of the previous year's appropriated level in order to fund essential functions, but low enough to spur the Congress and Administration into action.

Finally, Mr. Chairman, I will oppose the Ryan amendment to eliminate the on-budget surplus from the pay-as-you-go rules. While the intent of this amendment is to free up on-budget surpluses for tax cuts or new mandatory spending instead of being used for debt relief, its real impact would be to allow Congress to leverage tax cuts or new spending on the basis of long-term budget projections. And, if the projections are wrong, such tax cuts or spending would be ultimately backed by sequestration against Medicare, Medicaid or tax increases if the projections are wrong. This amendment is a redo of Gramm-Rudman-Hollings, allowing Congress to make long-term spending and tax commitments with uncertain offsets.

Accordingly, Mr. Chairman, I rise in opposition to H.R. 853. Rather than insure an expedited budget process, H.R. 853 will create new barriers to formulating a federal budget and interfere with effective oversight.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 853, the Comprehensive Budget Process Reform Act. We may all agree that the current budget process does not run as smoothly as we may like; however, this bill does not adequately address the inefficiencies in the budget process. The problem with the budget process is that for the last three years, the Leadership has engaged in conduct that has hindered this process.

In 1998, we failed to adopt a budget resolution and for the last two years Congress approved budget resolutions that were difficult to implement. To work through these problems the Congress had to waive rules to circumvent the budget resolutions. This bill does nothing to address this issue.

H.R. 853 will significantly hamper our ability to agree on a budget by requiring a joint budget resolution. Requiring the President to enter the process early in the year by transforming the joint budget resolution into an omnibus budget law, while simultaneously curtailing the ability of the appropriations committees to press forward if a budget has not been agreed to by May 15, will delay rather than speed up our budget process.

Contemplate how much deliberation occurs between the House and the Senate on the budget resolution, just imagine how delayed this process will be with the interjection of the President. In the years where the President and Congress are in serious disagreement as to budget priorities, disagreements are likely to linger into the waning days of future legislative sessions.

The budget resolution would be transformed into ''must pass'' legislation that may likely entice the Leadership to attach bills they favor. This is true of provisions in this bill to change Congressional budget procedures that include measures to impose discretionary caps or actual appropriations, as well as provisions to impose caps on entitlement programs from responding to changes in unemployment, poverty, the health status of our nation, and other such programs.

The removal of functional levels and reconciliation instructions from the budget resolution to a budget committee report is unwise. Relying on an aggregate budget amount without debating the details of specific functions may result in significant budget cuts in discretionary spending without the opportunity for vigorous debate on the virtues of each budget request.

Some may argue that debating budget functions obscure the ability to debate a set aggregate amount. On the other hand, we need to analyze budget functions to make the aggregate number more meaningful in addressing the needs of the nation. My amendment sought to reinstate a process that ensures that the American people's needs are sufficiently addressed by the Congress during the budget process.

Finally, I do not support the Drier Biennial Budgeting Amendment because biennial budgeting and appropriating will not ease

Congress's ability to meet deadlines, enact authorization provisions or engage in more meaningful oversight. Biennial budgeting will further complicate an already complicated process.

Biennial budgeting will not assist Congress pass budget or appropriations bills on time. No matter whether the fiscal year begin on July 1 or October 1, Congress often finishes its appropriations work approximately one month after an imposed deadline. The real concern with biennial budgeting is that appropriations' debates will fall into the second year, as Members become less willing to compromise.

In addition, budget projections change too quickly for biennial budgeting. The events of the nation and world change from year-to-year. It would be increasingly difficult for the Congressional Budget Office to project budgets for two years. The difficulty in forecasting for biennial budgets will likely create a need for supplemental appropriations. Thus, the impetus for biennial budgeting would diminish.

As Martin Luther King, Jr. once said, "Our nettlesome task is to discover how to organize our strength into compelling power." The Congress's task is to organize our best ideas on meaningful budget reform and not measures which will exacerbate the complexity of our nation's budget process. We can do better and we must do better.

Mr. SHAYS. Mr. Chairman, I strongly support H.R. 853, the Comprehensive Budget Process Reform Act. This bill represents the most fundamental revision of the Congressional budget process since 1974.

H.R. 853 contains a variety of critical reforms, including changing the Budget Resolution from a concurrent resolution to a joint resolution that would have to be presented to the president and therefore would have the force of law.

This would improve the budget process in two ways. First, it would force the president to play a formal role in the budget process, rather than only engaging in the final stages of the appropriations process.

Providing for formal executive participation through a joint resolution would avoid year-end scrambling to finance government programs. It would also encourage the president to submit a realistic budget because he will be compelled to defend it.

Second, a joint resolution would force interbranch agreement on aggregate spending levels prior to agreement on details. Currently, since the president does not have to approve the Budget Resolution, gaining approval on the final spending measures presents a greater challenge.

Forcing an early agreement on the principles in the Resolution will make coming together on the details of budget bills much easier in the fall. Moreover, this bill is still sensitive to the likelihood of an earlier budget "train wreck" by enabling Congress to adopt a concurrent budget resolution under expedited procedures if the president vetoes the joint budget resolution.

In other words, H.R. 853 provides incentives for the president to sign an agreement on principles, but allows the process to move forward if he does not.

The bill also requires the president and Congress to set aside a reserve within the budget for emergencies. This reserve would be equivalent to the five year historical average of emergency spending. The reserve could only be used for emergencies that meet both of the following criteria: (1) funding for "loss of life or property, or a threat to national security" and (2) an "unanticipated situation."

This important provision will prevent supplemental appropriations bills that are stuffed with fraudulent "emergency" spending. Unfortunately such bills have often become vehicles for pork-barrel spending rather than ways to alleviate the suffering of Americans who have experienced genuine crises.

I would like to thank Congressman NUSSLE and other members of the House Budget Committee's bipartisan task force on the budget process for bringing this bill to the floor. I urge my colleagues to support it.

Mr. DINGELL. Mr. Chairman, certainly the budget process could benefit from useful progressive reform. However, the bill we are considering is neither useful nor progressive. It can properly be described as deform. As long as the majority lacks the political courage to set realistic spending caps, we will continue to see the abuse of the budget process that we have become accustomed to under Republican control of the Congress. Where more than $34 billion, including the cost of the census, is declared an "emergency." These "emergencies" are nothing but an absolute circumvention of the budget process and a parliamentary exercise to evade hard choices.

Let history be our guide and let us examine how the budget process has operated under Republican control.

I would observe that last year Congress failed to even adopt a budget resolution for the first time since the Budget Act was signed into law. Why, because the budget process was broken? Hardly. Because the Republican majority in Congress could not agree with itself on a budget resolution. Rather than negotiate a bipartisan document, the majority chose not to draft a budget at all. This unprecedented failure is not an indictment of the budget process but rather of the majority's incompetence.

In the 104th Congress, under the leadership of then-Speaker Newt Gingrich, the Republican majority could not agree with the President on the budget, failed to pass the regular 13 appropriations bills on time, and proceeded to shut down the government for 28 days. Why, because the budget process was broken? Hardly. Because the Republican majority was unwilling to compromise and negotiate in good faith with the President. Like little children, the majority took their toys and went home. This was not a result of a flawed budget process but of flawed leadership in the Congress.

The Republican majority, having learned their harsh lesson from the rebuke of the public for such fiscal recklessness, reversed course in the 105th Congress and gave in on everything. The result was an unseemly, bloated omnibus bill that contained everything—including the kitchen sink. Why, because the budget process was broken? Hardly. It was another example of the irresponsible manner in which the majority runs the Congress and once again demonstrated their remarkable inability to govern.

H.R. 853 continues in this rich tradition of flawed proposals and failed ideas. It should rightly and properly be relegated to the scrap heap, to reside next to the Contract with America, where it will, with good fortune and the good Lord's mercy, rust in peace. I urge my colleagues to defeat this bill so we can move on to the people's business.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 4397 shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered read.

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

H.R. 4397

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 "Comprehensive Budget Process Reform Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Effective date.
Sec. 4. Declaration of purposes for the Budget Act.

TITLE I—BUDGET WITH FORCE OF LAW

Sec. 101. Purposes.
Sec. 102. The timetable.
Sec. 103. Annual joint resolutions on the budget.
Sec. 104. Budget required before spending bills may be considered; fallback procedures if President vetoes joint budget resolution.
Sec. 105. Conforming amendments to effectuate joint resolutions on the budget.

TITLE II—RESERVE FUND FOR EMERGENCIES

Sec. 201. Purpose.
Sec. 202. Repeal of adjustments for emergencies.
Sec. 203. OMB emergency criteria.
Sec. 204. Development of guidelines for application of emergency definition.
Sec. 205. Reserve fund for emergencies in President's budget.
Sec. 206. Adjustments and reserve fund for emergencies in joint budget resolutions.
Sec. 207. Up-to-date tabulations.
Sec. 208. Prohibition on amendments to emergency reserve fund.
Sec. 209. Effective date.

TITLE III—ENFORCEMENT OF BUDGETARY DECISIONS

Sec. 301. Purposes.

Subtitle A—Application of Points of Order to Unreported Legislation

Sec. 311. Application of Budget Act points of order to unreported legislation.

Subtitle B—Compliance With Budget Resolution

Sec. 321. Budget compliance statements.

Subtitle C—Justification for Budget Act Waivers

Sec. 331. Justification for Budget Act waivers in the House of Representatives.

Subtitle D—CBO Scoring of Conference Reports

Sec. 341. CBO scoring of conference reports.

TITLE IV—ACCOUNTABILITY FOR FEDERAL SPENDING
Sec. 401. Purposes.
Subtitle A—Limitations on Direct Spending
Sec. 411. Fixed-year authorizations required for new programs.
Sec. 412. Amendments to subject new direct spending to annual appropriations.
Subtitle B—Enhanced Congressional Oversight Responsibilities
Sec. 421. Ten-year congressional review requirement of permanent budget authority.
Sec. 422. Justifications of direct spending.
Sec. 423. Survey of activity reports of House committees.
Sec. 424. Continuing study of additional budget process reforms.
Sec. 425. GAO reports.
Subtitle C—Strengthened Accountability
Sec. 431. Ten-year CBO estimates.
Sec. 432. Repeal of rule XXIII of the Rules of the House of Representatives.
TITLE V—BUDGETING FOR UNFUNDED LIABILITIES AND OTHER LONG-TERM OBLIGATIONS
Sec. 501. Purposes.
Subtitle A—Budgetary Treatment of Federal Insurance Programs
Sec. 511. Federal insurance programs.
Subtitle B—Reports on Long-Term Budgetary Trends
Sec. 521. Reports on long-term budgetary trends.
TITLE VI—BASELINE AND BYRD RULE
Sec. 601. Purpose.
Subtitle A—The Baseline
Sec. 611. The President's budget.
Sec. 612. The congressional budget.
Sec. 613. Congressional Budget Office reports to committees.
Sec. 614. Outyear assumptions for discretionary spending.
Subtitle B—The Byrd Rule
Sec. 621. Limitation on Byrd rule.

SEC. 2. PURPOSE.

The purposes of this Act are to—

(1) give the budget the force of law;

(2) budget for emergencies;

(3) strengthen enforcement of budgetary decisions;

(4) increase accountability for Federal spending;

(5) display the unfunded liabilities of Federal insurance programs; and

(6) mitigate the bias in the budget process toward higher spending.

SEC. 3. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply with respect to fiscal years beginning after September 30, 2001.

SEC. 4. DECLARATION OF PURPOSES FOR THE BUDGET ACT.

Paragraphs (1) and (2) of section 2 of the Congressional Budget and Impoundment Control Act of 1974 are amended to read as follows:

''(1) to assure effective control over the budgetary process;

''(2) to facilitate the determination each year of the appropriate level of Federal revenues and expenditures by the Congress and the President;''.

TITLE I—BUDGET WITH FORCE OF LAW

SEC. 101. PURPOSES.

The purposes of this title are to—

(1) focus initial budgetary deliberations on aggregate levels of Federal spending and taxation;

(2) encourage cooperation between Congress and the President in developing overall budgetary priorities; and

(3) reach budgetary decisions early in the legislative cycle.

SEC. 102. THE TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

''TIMETABLE

''SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

"On or before:	Action to be completed:
First Monday in February.	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget.	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports joint resolution on the budget.
April 15	Congress completes action on joint resolution on the budget.
June 10	House Appropriations Committee reports last annual appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on annual appropriation bills.
October 1	Fiscal year begins.''.

SEC. 103. ANNUAL JOINT RESOLUTIONS ON THE BUDGET.

(a) CONTENT OF ANNUAL JOINT RESOLUTIONS ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraph (4) and insert the following new paragraph:

''(4) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), and interest; and for fiscal years to which the amendments made by title II of the Comprehensive Budget Process Reform Act of 2000 apply, subtotals of new budget authority and outlays for emergencies;''.

(2) Strike the last sentence of such subsection.

(b) ADDITIONAL MATTERS IN JOINT RESOLUTION.—Section 301(b) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraphs (2), (4), and (6) through (9).

(2) After paragraph (1), insert the following new paragraph:

''(2) if submitted by the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate to the Committee on the Budget of that House of Congress, amend section 3101 of title 31, United States Code, to change the statutory limit on the public debt;''.

(3) After paragraph (3), insert the following new paragraph:

''(4) require such other congressional procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;''; and

(4) After paragraph (5), insert the following new paragraph:

''(6) set forth procedures in the Senate whereby committee allocations, aggregates, and other levels can be revised for legislation if that legislation would not increase the deficit, or would not increase the deficit when taken with other legislation enacted after the adoption of the resolution, for the first fiscal year or the total period of fiscal years covered by the resolution.''.

(c) REQUIRED CONTENTS OF REPORT.—Section 301(e)(2) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (B), (C), (E), (F), (H), and (I), respectively.

(2) Before subparagraph (B) (as redesignated), insert the following new subparagraph:

''(A) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to subsection (a)(1);''.

(3) In subparagraph (C) (as redesignated), strike ''mandatory'' and insert ''direct spending''.

(4) After subparagraph (C) (as redesignated), insert the following new subparagraph:

''(D) a measure, as a percentage of gross domestic product, of total outlays, total Federal revenues, the surplus or deficit, and new outlays for nondefense discretionary spending, defense spending, and direct spending as set forth in such resolution;''.

(5) After subparagraph (F) (as redesignated), insert the following new subparagraph:

''(G) if the joint resolution on the budget includes any allocation to a committee (other than the Committee on Appropriations) of levels in excess of current law levels, a justification for not subjecting any program, project, or activity (for which the allocation is made) to annual discretionary appropriations;''.

(d) ADDITIONAL CONTENTS OF REPORT.—Section 301(e)(3) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, strike subparagraphs (C) and (D), and redesignate subparagraph (E) as subparagraph (D).

(2) Before subparagraph (B), insert the following new subparagraph:

''(A) reconciliation directives described in section 310;''.

(e) PRESIDENT'S BUDGET SUBMISSION TO THE CONGRESS.—(1) The first two sentences of section 1105(a) of title 31, United States Code, are amended to read as follows:

''On or after the first Monday in January but not later than the first Monday in February of each year the President shall submit a budget of the United States Government for the following fiscal year which shall set forth the following levels:

''(A) totals of new budget authority and outlays;

''(B) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

''(C) the surplus or deficit in the budget;

''(D) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending, and interest; and for fiscal years to which the amendments made by title II of the Comprehensive Budget Process Reform Act of 2000 apply, subtotals of new budget authority and outlays for emergencies; and

''(E) the public debt.

Each budget submission shall include a budget message and summary and supporting information and, as a separately delineated

statement, the levels required in the preceding sentence for at least each of the 9 ensuing fiscal years.''.

(2) The third sentence of section 1105(a) of title 31, United States Code, is amended by inserting ''submission'' after ''budget''.

(f) LIMITATION ON CONTENTS OF BUDGET RESOLUTIONS.—Section 305 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(e) LIMITATION ON CONTENTS.—(1) A joint resolution on the budget and the report accompanying it may not—

''(A) appropriate or otherwise provide, impound, or rescind any new budget authority, increase any outlay, or increase or decrease any revenue (other than through reconciliation instructions);

''(B) directly (other than through reconciliation instructions) establish or change any program, project, or activity;

''(C) establish or change any limit or control over spending, outlays, receipts, or the surplus or deficit except those that are enforced through congressional rule making; or

''(D) amend any law except as provided by section 304 (permissible revisions of joint resolutions on the budget) or enact any provision of law that contains any matter not permitted in section 301(a) or (b).

''(2) No allocation under section 302(a) shall be construed as changing such discretionary spending limit.

''(3) It shall not be in order in the House of Representatives or in the Senate to consider any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b).

''(4) Any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b) shall not be treated in the House of Representatives or the Senate as a budget resolution under subsection (a) or (b) or as a conference report on a budget resolution under subsection (c) of this section.''.

SEC. 104. BUDGET REQUIRED BEFORE SPENDING BILLS MAY BE CONSIDERED; FALL-BACK PROCEDURES IF PRESIDENT VETOES JOINT BUDGET RESOLUTION.

(a) AMENDMENTS TO SECTION 302.—Section 302(a) of the Congressional Budget Act of 1974 is amended by striking paragraph (5).

(b) AMENDMENTS TO SECTION 303 AND CONFORMING AMENDMENTS.—(1) Section 303 of the Congressional Budget Act of 1974 is amended—

(A) in subsection (b), by striking paragraph (2), by inserting ''or'' at the end of paragraph (1), and by redesignating paragraph (3) as paragraph (2); and

(B) by striking its section heading and inserting the following new section heading: ''CONSIDERATION OF BUDGET-RELATED LEGISLATION BEFORE BUDGET BECOMES LAW''.

(2) Section 302(g)(1) of the Congressional Budget Act of 1974 is amended by striking ''and, after April 15, section 303(a)''.

(3)(A) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''303(a),'' before ''305(b)(2),''.

(B) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''303(a),'' before ''305(b)(2),''.

(c) EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET.—(1) Title III of the Congressional Budget Act of 1974 is amended by adding after section 315 the following new section:

''EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET

''SEC. 316. (a) SPECIAL RULE.—If the President vetoes a joint resolution on the budget for a fiscal year, the majority leader of the House of Representatives or Senate (or his designee) may introduce a concurrent resolution on the budget or joint resolution on the budget for such fiscal year. If the Committee on the Budget of either House fails to report such concurrent or joint resolution referred to it within five calendar days (excluding Saturdays, Sundays, or legal holidays except when that House of Congress is in session) after the date of such referral, the committee shall be automatically discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar.

''(b) PROCEDURE IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.—

''(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the House of Representatives and in the Senate of joint resolutions on the budget and conference reports thereon shall also apply to the consideration of concurrent resolutions on the budget introduced under subsection (a) and conference reports thereon.

''(2) Debate in the Senate on any concurrent resolution on the budget or joint resolution on the budget introduced under subsection (a), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours and in the House such debate shall be limited to not more than 3 hours.

''(c) CONTENTS OF CONCURRENT RESOLUTIONS.—Any concurrent resolution on the budget introduced under subsection (a) shall be in compliance with section 301.

''(d) EFFECT OF CONCURRENT RESOLUTION ON THE BUDGET.—Notwithstanding any other provision of this title, whenever a concurrent resolution on the budget described in subsection (a) is agreed to, then the aggregates, allocations, and reconciliation directives (if any) contained in the report accompanying such concurrent resolution or in such concurrent resolution shall be considered to be the aggregates, allocations, and reconciliation directives for all purposes of sections 302, 303, and 311 for the applicable fiscal years and such concurrent resolution shall be deemed to be a joint resolution for all purposes of this title and the Rules of the House of Representatives and any reference to the date of enactment of a joint resolution on the budget shall be deemed to be a reference to the date agreed to when applied to such concurrent resolution.''.

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Expedited procedures upon veto of joint resolution on the budget.''.

SEC. 105. CONFORMING AMENDMENTS TO EFFECTUATE JOINT RESOLUTIONS ON THE BUDGET.

(a) CONFORMING AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—(1)(A) Sections 301, 302, 303, 305, 308, 310, 311, 312, 314, 405, and 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) are amended by striking ''concurrent'' each place it appears and by inserting ''joint''.

(B)(i) Sections 302(d), 302(g), 308(a)(1)(A), and 310(d)(1) of the Congressional Budget Act of 1974 are amended by striking ''most recently agreed to concurrent resolution on the budget'' each place it occurs and inserting ''most recently enacted joint resolution on the budget or agreed to concurrent resolution on the budget (as applicable)''.

(ii) The section heading of section 301 is amended by striking ''adoption of concurrent resolution'' and inserting ''joint resolutions'';

(iii) Section 304 of such Act is amended to read as follows:

''PERMISSIBLE REVISIONS OF BUDGET RESOLUTIONS

''SEC. 304. At any time after the joint resolution on the budget for a fiscal year has been enacted pursuant to section 301, and before the end of such fiscal year, the two Houses and the President may enact a joint resolution on the budget which revises or reaffirms the joint resolution on the budget for such fiscal year most recently enacted. If a concurrent resolution on the budget has been agreed to pursuant to section 316, then before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.''.

(C) Sections 302, 303, 310, and 311, of such Act are amended by striking ''agreed to'' each place it appears and by inserting ''enacted''.

(2)(A) Paragraph (4) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking ''concurrent'' each place it appears and by inserting ''joint''.

(B) The table of contents set forth in section 1(b) of such Act is amended—

(i) in the item relating to section 301, by striking ''adoption of concurrent resolution'' and inserting ''joint resolutions'';

(ii) by striking the item relating to section 303 and inserting the following:

''Sec. 303. Consideration of budget-related legislation before budget becomes law.'';

(iii) in the item relating to section 304, by striking ''concurrent'' and inserting ''budget'' the first place it appears and by striking ''on the budget''; and

(iv) by striking ''concurrent'' and inserting ''joint'' in the item relating to section 305.

(b) CONFORMING AMENDMENTS TO THE RULES OF THE HOUSE OF REPRESENTATIVES.—(1) Clauses 1(e)(1), 4(a)(4), 4(b)(2), 4(f)(1)(A), and 4(f)(2) of rule X, clause 10 of rule XVIII, and clause 10 of rule XX of the Rules of the House of Representatives are amended by striking ''concurrent'' each place it appears and inserting ''joint''.

(2) Clause 10 of rule XVIII of the Rules of the House of Representatives is amended—

(A) in paragraph (b)(2), by striking ''(5)'' and inserting ''(6)''; and

(B) by striking paragraph (c).

(c) CONFORMING AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907d(b)(1)) is amended by striking ''concurrent'' and inserting ''joint''.

(d) CONFORMING AMENDMENTS TO SECTION 310 REGARDING RECONCILIATION DIRECTIVES.—(1) The side heading of section 310(a) of the Congressional Budget Act of 1974 (as amended by section 105(a)) is further amended by inserting ''JOINT EXPLANATORY STATEMENT ACCOMPANYING CONFERENCE REPORT ON'' before ''JOINT''.

(2) Section 310(a) of such Act is amended by striking ''A'' and inserting ''The joint explanatory statement accompanying the conference report on a''.

(3) The first sentence of section 310(b) of such Act is amended by striking ''If'' and inserting ''If the joint explanatory statement accompanying the conference report on''.

(4) Section 310(c)(1) of such Act is amended by inserting ''the joint explanatory statement accompanying the conference report on'' after ''pursuant to''.

(5) Subsection (g) of section 310 of such Act is repealed.

(e) CONFORMING AMENDMENTS TO SECTION 3 REGARDING DIRECT SPENDING.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

''(11) The term 'direct spending' has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(f) TECHNICAL AMENDMENT REGARDING REVISED SUBALLOCATIONS.—Section 314(d) of the Congressional Budget Act of 1974 is amended by—

(1) striking ''REPORTING'' in the side heading, by inserting ''the chairmen of'' before ''the Committees'', and by striking ''may report'' and inserting ''shall make and have published in the Congressional Record''; and

(2) adding at the end the following new sentence: ''For purposes of considering amendments (other than for amounts for emergencies covered by subsection (b)(1)), suballocations shall be deemed to be so adjusted.''.

TITLE II—RESERVE FUND FOR EMERGENCIES

SEC. 201. PURPOSE.

The purposes of this title are to—

(1) develop budgetary and fiscal procedures for emergencies;

(2) subject spending for emergencies to budgetary procedures and controls; and

(3) establish criteria for determining compliance with emergency requirements.

SEC. 202. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.

(a) DISCRETIONARY SPENDING LIMITS.—(1) Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

(2) Such section 251(b)(2) is further amended by redesignating subparagraphs (B) through (G) as subparagraphs (A) through (F).

(b) DIRECT SPENDING.—Sections 252(e) and 252(d)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

(c) EMERGENCY DESIGNATION.—Clause 2 of rule XXI of the Rules of the House of Representatives is amended by repealing paragraph (e) and by redesignating paragraph (f) as paragraph (e).

(d) AMOUNT OF ADJUSTMENTS.—Section 314(b) of the Congressional Budget Act of 1974 is amended by striking paragraph (1) and by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

SEC. 203. OMB EMERGENCY CRITERIA.

Section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as amended by section 105(e)) is further amended by adding at the end the following new paragraph:

''(12)(A) The term 'emergency' means a situation that—

''(i) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

''(ii) is unanticipated.

''(B) As used in subparagraph (A), the term 'unanticipated' means that the situation is—

''(i) sudden, which means quickly coming into being or not building up over time;

''(ii) urgent, which means a pressing and compelling need requiring immediate action;

''(iii) unforeseen, which means not predicted or anticipated as an emerging need; and

''(iv) temporary, which means not of a permanent duration.''.

SEC. 204. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.

Not later than 5 months after the date of enactment of this Act, the chairmen of the Committees on the Budget (in consultation with the President) shall, after consulting with the chairmen of the Committees on Appropriations and applicable authorizing committees of their respective Houses and the Directors of the Congressional Budget Office and the Office of Management and Budget, jointly publish in the Congressional Record guidelines for application of the definition of emergency set forth in section 3(12) of the Congressional Budget and Impoundment Control Act of 1974.

SEC. 205. RESERVE FUND FOR EMERGENCIES IN PRESIDENT'S BUDGET.

Section 1105 of title 31, United States Code is amended by adding at the end the following new subsections:

''(h) The budget transmitted pursuant to subsection (a) for a fiscal year shall include a reserve fund for emergencies. The amount set forth in such fund shall be calculated as provided under section 317(b) of the Congressional Budget Act of 1974.

''(i) In the case of any budget authority requested for an emergency, such submission shall include a detailed justification of the reasons that such emergency is an emergency within the meaning of section 3(12) of the Congressional Budget Act of 1974, consistent with the guidelines described in section 204 of the Comprehensive Budget Process Reform Act of 2000.''.

SEC. 206. ADJUSTMENTS AND RESERVE FUND FOR EMERGENCIES IN JOINT BUDGET RESOLUTIONS.

(a) EMERGENCIES.—Title III of the Congressional Budget Act of 1974 (as amended by section 104(c)) is further amended by adding at the end the following new section:

''EMERGENCIES

''SEC. 317. (a) ADJUSTMENTS.—

''(1) IN GENERAL.—After the reporting of a bill or joint resolution or the submission of a conference report thereon that provides budget authority for any emergency as identified pursuant to subsection (d)—

''(A) the chairman (in consultation with the ranking minority member) of the Committee on the Budget of the House of Representatives or the Senate shall determine and certify, pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000, the portion (if any) of the amount so specified that is for an emergency within the meaning of section 3(12); and

''(B) such chairman shall make the adjustment set forth in paragraph (2) for the amount of new budget authority (or outlays) in that measure and the outlays flowing from that budget authority.

''(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to the allocations made pursuant to the appropriate joint resolution on the budget pursuant to section 302(a) and shall be in an amount not to exceed the amount reserved for emergencies pursuant to the requirements of subsection (b).

''(3) PERMISSIBLE COMMITTEE VOTE ON ADJUSTMENTS.—Any adjustment made by the chairman of the Committee on the Budget of the House of Representatives or the Senate under paragraph (1) may be placed before the committee for its consideration by a majority vote of the members of the committee, a quorum being present.

''(b) RESERVE FUND FOR EMERGENCIES.—

''(1) AMOUNTS.—(A) The amount set forth in the reserve fund for emergencies for budget authority for a fiscal year pursuant to section 301(a)(4) shall equal the average of the enacted levels of budget authority for emergencies in the 5 fiscal years preceding the current year.

''(B) The amount set forth in the reserve fund for emergencies for outlays pursuant to section 301(a)(4) shall be the following:

''(i) For the budget year, the amount provided by subparagraph (C)(i).

''(ii) For the year following the budget year, the sum of the amounts provided by subparagraphs (i) and (ii).

''(iii) For the second year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), and (iii).

''(iv) For the third year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), (iii), and (iv).

''(v) For the fourth year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), (iii), (iv), and (v).

''(C) The amount used to calculate the levels of the reserve fund for emergencies for outlays shall be the—

''(i) average outlays flowing from new budget authority in the fiscal year that the budget authority was provided;

''(ii) average outlays flowing from new budget authority in the fiscal year following the fiscal year in which the budget authority was provided;

''(iii) average outlays flowing from new budget authority in the second fiscal year following the fiscal year in which the budget authority was provided;

''(iv) average outlays flowing from new budget authority in the third fiscal year following the fiscal year in which the budget authority was provided for budget authority provided; and

''(v) average outlays flowing from new budget authority in the fourth fiscal year following the fiscal year in which the budget authority was provided;

if such budget authority was provided within the period of the 5 fiscal years preceding the current year.

''(2) AVERAGE LEVELS.—For purposes of paragraph (1), the amount used for a fiscal year to calculate the average of the enacted levels when one or more of such 5 preceding fiscal years is any of fiscal years 1996 through 2000 shall be for emergencies within the definition of section 3(12)(A) as determined by the Committees on the Budget of the House of Representatives and the Senate after receipt of a report on such matter transmitted to such committees by the Director of the Congressional Budget Office 6 months after the date of enactment of this section and thereafter in February of each calendar year.

''(c) EMERGENCIES IN EXCESS OF AMOUNTS IN RESERVE FUND.—Whenever the Committee on Appropriations or any other committee reports any bill or joint resolution that provides budget authority for any emergency and the report accompanying that bill or joint resolution, pursuant to subsection (d), identifies any provision that increases outlays or provides budget authority (and the outlays flowing therefrom) for such emergency, the enactment of which would cause—

''(1) in the case of the Committee on Appropriations, the total amount of budget authority or outlays provided for emergencies for the budget year; or

''(2) in the case of any other committee, the total amount of budget authority or outlays provided for emergencies for the budget year or the total of the fiscal years;

in the joint resolution on the budget (pursuant to section 301(a)(4)) to be exceeded:

''(A) Such bill or joint resolution shall be referred to the Committee on the Budget of the House or the Senate, as the case may be, with instructions to report it without amendment, other than that specified in subparagraph (B), within 5 legislative days of the day in which it is reported from the originating committee. If the Committee on the Budget of either House fails to report a bill or joint resolution referred to it under this subparagraph within such 5-day period, the committee shall be automatically discharged from further consideration of such bill or joint resolution and such bill or joint resolution shall be placed on the appropriate calendar.

''(B) An amendment to such a bill or joint resolution referred to in this subsection shall only consist of an exemption from section 251 or 252 (as applicable) of the Balanced Budget and Emergency Deficit Control Act of 1985 of all or any part of the provisions that provide budget authority (and the outlays flowing therefrom) for such emergency if the committee determines, pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000, that such budget authority is for an emergency within the meaning of section 3(12).

''(C) If such a bill or joint resolution is reported with an amendment specified in subparagraph (B) by the Committee on the Budget of the House of Representatives or the Senate, then the budget authority and resulting outlays that are the subject of such amendment shall not be included in any determinations under section 302(f) or 311(a) for any bill, joint resolution, amendment, motion, or conference report.

''(d) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 316 the following new item:

''Sec. 317. Emergencies.''.

SEC. 207. UP-TO-DATE TABULATIONS.

Section 308(b)(2) of the Congressional Budget Act of 1974 is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies.''.

SEC. 208. PROHIBITION ON AMENDMENTS TO EMERGENCY RESERVE FUND.

(a) POINT OF ORDER.—Section 305 of the Congressional Budget Act of 1974 (as amended by section 103(c)) is further amended by adding at the end the following new subsection:

''(f) POINT OF ORDER REGARDING EMERGENCY RESERVE FUND.—It shall not be in order in the House of Representatives or in the Senate to consider an amendment to a joint resolution on the budget which changes the amount of budget authority and outlays set forth in section 301(a)(4) for emergency reserve fund.''.

(b) TECHNICAL AMENDMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''305(e), 305(f),'' after ''305(c)(4),''.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''305(e), 305(f),'' after ''305(c)(4),''.

SEC. 209. EFFECTIVE DATE.

The amendments made by this title shall apply to fiscal year 2002 and subsequent fiscal years, but such amendments shall take effect only after the enactment of legislation changing or extending for any fiscal year the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or legislation reducing the amount of any sequestration under section 252 of such Act by the amount of any reserve for any emergencies.

TITLE III—ENFORCEMENT OF BUDGETARY DECISIONS

SEC. 301. PURPOSES.

The purposes of this title are to—

(1) close loopholes in the enforcement of budget resolutions;

(2) require committees of the House of Representatives to include budget compliance statements in reports accompanying all legislation;

(3) require committees of the House of Representatives to justify the need for waivers of the Congressional Budget Act of 1974; and

(4) provide cost estimates of conference reports.

Subtitle A—Application of Points of Order to Unreported Legislation

SEC. 311. APPLICATION OF BUDGET ACT POINTS OF ORDER TO UNREPORTED LEGISLATION.

(a) Section 315 of the Congressional Budget Act of 1974 is amended by striking ''reported'' the first place it appears.

(b) Section 303(b) of the Congressional Budget Act of 1974 (as amended by section 104(b)(1)) is further amended—

(1) in paragraph (1), by striking ''(A)'' and by redesignating subparagraph (B) as paragraph (2) and by striking the semicolon at the end of such new paragraph (2) and inserting a period; and

(2) by striking paragraph (2) (as redesignated by such section 104(b)(1)).

Subtitle B—Compliance With Budget Resolution

SEC. 321. BUDGET COMPLIANCE STATEMENTS.

Clause 3(d) of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(4) A budget compliance statement prepared by the chairman of the Committee on the Budget, if timely submitted prior to the filing of the report, which shall include assessment by such chairman as to whether the bill or joint resolution complies with the requirements of sections 302, 303, 306, 311, and 401 of the Congressional Budget Act of 1974 or any other requirements set forth in a joint resolution on the budget and may include the budgetary implications of that bill or joint resolution under section 251 or 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as applicable.''.

Subtitle C—Justification for Budget Act Waivers

SEC. 331. JUSTIFICATION FOR BUDGET ACT WAIVERS IN THE HOUSE OF REPRESENTATIVES.

Clause 6 of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(h) It shall not be in order to consider any resolution from the Committee on Rules for the consideration of any reported bill or joint resolution which waives section 302, 303, 311, or 401 of the Congressional Budget Act of 1974, unless the report accompanying such resolution includes a description of the provision proposed to be waived, an identification of the section being waived, the reasons why such waiver should be granted, and an estimated cost of the provisions to which the waiver applies.''.

Subtitle D—CBO Scoring of Conference Reports

SEC. 341. CBO SCORING OF CONFERENCE REPORTS.

(a) The first sentence of section 402 of the Congressional Budget Act of 1974 is amended as follows:

(1) Insert ''or conference report thereon,'' before ''and submit''.

(2) In paragraph (1), strike ''bill or resolution'' and insert ''bill, joint resolution, or conference report''.

(3) At the end of paragraph (2) strike ''and'', at the end of paragraph (3) strike the period and insert ''; and'', and after such paragraph (3) add the following new paragraph:

''(4) A determination of whether such bill, joint resolution, or conference report provides direct spending.''.

(b) The second sentence of section 402 of the Congressional Budget Act of 1974 is amended by inserting before the period the following: '', or in the case of a conference report, shall be included in the joint explanatory statement of managers accompanying such conference report if timely submitted before such report is filed''.

TITLE IV—ACCOUNTABILITY FOR FEDERAL SPENDING

SEC. 401. PURPOSES.

The purposes of this title are to—

(1) require committees to develop a schedule for reauthorizing all programs within their jurisdictions;

(2) provide an opportunity to offer amendments to subject new entitlement programs to annual discretionary appropriations;

(3) require the Committee on the Budget to justify any allocation to an authorizing committee for legislation that would not be subject to annual discretionary appropriation;

(4) provide estimates of the long-term impact of spending and tax legislation;

(5) provide a point of order for legislation creating a new direct spending program that does not expire within 10 years; and

(6) require a vote in the House of Representatives on any measure that increases the statutory limit on the public debt.

Subtitle A—Limitations on Direct Spending

SEC. 411. FIXED-YEAR AUTHORIZATIONS REQUIRED FOR NEW PROGRAMS.

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

''(b) LIMITATION ON DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

''(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years.''; and

(2) by redesignating subsection (c) as subsection (d) and by striking ''(a) and (b)'' both places it appears in such redesignated subsection (d) and inserting ''(a), (b), and (c)''.

SEC. 412. AMENDMENTS TO SUBJECT NEW DIRECT SPENDING TO ANNUAL APPROPRIATIONS.

(a) HOUSE PROCEDURES.—Clause 5 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(c)(1) In the Committee of the Whole, an amendment only to subject a new program which provides direct spending to discretionary appropriations, if offered by the chairman of the Committee on the Budget (or his designee) or the chairman of the Committee of Appropriations (or his designee), may be precluded from consideration only by the specific terms of a special order of the House. Any such amendment, if offered, shall be debatable for twenty minutes equally divided and controlled by the proponent of the amendment and a Member opposed and shall not be subject to amendment.

''(2) As used in subparagraph (1), the term 'direct spending' has the meaning given such term in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974, except that such term does not include direct spending described in section 401(d)(1) of such Act.''.

(b) ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS FOR DISCRETIONARY APPROPRIATIONS OFFSET BY DIRECT SPENDING SAVINGS.—

(1) PURPOSE.—The purpose of the amendments made by this subsection is to hold the discretionary spending limits and the allocations made to the Committee on Appropriations under section 302(a) of the Congressional Budget Act of 1974 harmless for legislation that offsets a new discretionary program with a designated reduction in direct spending.

(2) DESIGNATING DIRECT SPENDING SAVINGS IN AUTHORIZATION LEGISLATION FOR NEW DISCRETIONARY PROGRAMS.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202) is further amended by adding at the end the following new subsection:

''(e) OFFSETS.—If a provision of direct spending legislation is enacted that—

''(1) decreases direct spending for any fiscal year; and

''(2) is designated as an offset pursuant to this subsection and such designation specifically identifies an authorization of discretionary appropriations (contained in such legislation) for a new program,

then the reductions in new budget authority and outlays in all fiscal years resulting from that provision shall be designated as an offset in the reports required under subsection (d).''.

(3) EXEMPTING SUCH DESIGNATED DIRECT SPENDING SAVINGS FROM PAYGO SCORECARD.—Section 252(d)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202(b)) is further amended by adding at the end the following new subparagraph:

''(B) offset provisions as designated under subsection (e).''.

(4) ADJUSTMENT IN DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202(a)(2)) is further amended by adding at the end the following new subparagraph:

''(G) DISCRETIONARY AUTHORIZATION OFFSETS.—If an Act other than an appropriation Act includes any provision reducing direct spending and specifically identifies any such provision as an offset pursuant to section 252(e), the adjustments shall be an increase in the discretionary spending limits for budget authority and outlays in each fiscal year equal to the amount of the budget authority and outlay reductions, respectively, achieved by the specified offset in that fiscal year, except that the adjustments for the budget year in which the offsetting provision takes effect shall not exceed the amount of discretionary new budget authority provided for the new program (authorized in that Act) in an Act making discretionary appropriations and the outlays flowing therefrom.''.

(5) ADJUSTMENT IN APPROPRIATION COMMITTEE'S ALLOCATIONS.—Section 314(b) of the Congressional Budget Act of 1974 (as amended by section 202(d)) is further amended by striking ''; or'' at the end of paragraph (4), by striking the period and inserting ''; or'' at the end of paragraph (5), and by adding at the end the following new paragraph:

''(6) the amount provided in an Act making discretionary appropriations for the program for which an offset was designated pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 and any outlays flowing therefrom, but not to exceed the amount of the designated decrease in direct spending for that year for that program in a prior law.''.

(6) ADJUSTMENT IN AUTHORIZING COMMITTEE'S ALLOCATIONS.—Section 314 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT IN AUTHORIZING COMMITTEE'S ALLOCATIONS BY AMOUNT OF DIRECT SPENDING OFFSET.—After the reporting of a bill or joint resolution (by a committee other than the Committee on Appropriations), or the offering of an amendment thereto or the submission of a conference report thereon, that contains a provision that decreases direct spending for any fiscal year and that is designated as an offset pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget shall reduce the allocations of new budget authority and outlays made to such committee under section 302(a)(1) by the amount so designated.''.

Subtitle B—Enhanced Congressional Oversight Responsibilities

SEC. 421. TEN-YEAR CONGRESSIONAL REVIEW REQUIREMENT OF PERMANENT BUDGET AUTHORITY.

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivision:

''(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years.''.

(b) REVIEW OF PERMANENT BUDGET AUTHORITY BY THE COMMITTEE ON APPROPRIATIONS.—Clause 4(a) of rule X of the Rules of the House of Representatives is amended—

(1) by striking subparagraph (2); and

(2) by redesignating subparagraphs (3) and (4) as subparagraphs (2) and (3) and by striking ''from time to time'' and inserting ''at least once each Congress'' in subparagraph (2) (as redesignated).

(c) CONFORMING AMENDMENT.—Clause 4(e)(2) of rule X of the Rules of the House of Representatives is amended by striking ''from time to time'' and inserting ''at least once every ten years''.

SEC. 422. JUSTIFICATIONS OF DIRECT SPENDING.

(a) SECTION 302 ALLOCATIONS.—Section 302(a) of the Congressional Budget Act of 1974 (as amended by section 104(a)) is further amended by adding at the end the following new paragraph:

''(5) JUSTIFICATION OF CERTAIN SPENDING ALLOCATIONS.—The joint explanatory statement accompanying a conference report on a joint resolution on the budget that includes any allocation to a committee (other than the Committee on Appropriations) of levels in excess of current law levels shall set forth a justification (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit) for not subjecting any program, project, or activity (for which the allocation is made) to annual discretionary appropriation.''.

(b) PRESIDENTS' BUDGET SUBMISSIONS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(33) a justification for not subjecting each proposed new direct spending program, project, or activity to discretionary appropriations (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit).''.

(c) COMMITTEE JUSTIFICATION FOR DIRECT SPENDING.—Clause 4(e)(2) of rule X of the Rules of the House of Representatives is amended by inserting before the period the following: '', and will provide specific information in any report accompanying such bills and joint resolutions to the greatest extent practicable to justify the reasons that the programs, projects, and activities involved would not be subject to annual appropriation (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit)''.

SEC. 423. SURVEY OF ACTIVITY REPORTS OF HOUSE COMMITTEES.

Clause 1(d) of rule XI of the Rules of the House of Representatives is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) Such report shall include a summary of and justifications for all bills and joint resolutions reported by such committee that—

''(A) were considered before the adoption of the appropriate budget resolution and did

not fall within an exception set forth in section 303(b) of the Congressional Budget Act of 1974;

''(B) exceeded its allocation under section 302(a) of such Act or breached an aggregate level in violation of section 311 of such Act; or

''(C) contained provisions in violation of section 401 of such Act.

Such report shall also specify the total amount by which legislation reported by that committee exceeded its allocation under section 302(a) or breached the revenue floor under section 311(a) of such Act for each fiscal year during that Congress.''.

SEC. 424. CONTINUING STUDY OF ADDITIONAL BUDGET PROCESS REFORMS.

Section 703 of the Congressional Budget Act of 1974 is amended as follows:

(1) In subsection (a), strike ''and'' at the end of paragraph (3), strike the period at the end of paragraph (4) and insert ''; and'', and at the end add the following new paragraph:

''(5) evaluating whether existing programs, projects, and activities should be subject to discretionary appropriations and establishing guidelines for subjecting new or expanded programs, projects, and activities to annual appropriation and recommend any necessary changes in statutory enforcement mechanisms and scoring conventions to effectuate such changes. These guidelines are only for advisory purposes.''.

(2) In subsection (b), strike ''from time to time'' and insert ''during the One Hundred Seventh Congress''.

SEC. 425. GAO REPORTS.

The last sentence of section 404 of the Congressional Budget Act of 1974 is amended to read as follows: ''Such report shall be revised at least once every five years and shall be transmitted to the chairman and ranking minority member of each committee of the House of Representatives and the Senate.''.

Subtitle C—Strengthened Accountability

SEC. 431. TEN-YEAR CBO ESTIMATES.

(a) CBO REPORTS ON LEGISLATION.—Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by striking ''four'' and inserting ''nine''.

(b) ANALYSIS BY CBO.—Section 402(1) of the Congressional Budget Act of 1974 is amended by striking ''4'' and inserting ''nine''.

(c) COST ESTIMATES.—Clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives is amended by striking ''five'' each place it appears and inserting ''10''.

SEC. 432. REPEAL OF RULE XXIII OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

Rule XXIII of the Rules of the House of Representatives (relating to the establishment of the statutory limit on the public debt) is repealed.

TITLE V—BUDGETING FOR UNFUNDED LIABILITIES AND OTHER LONG-TERM OBLIGATIONS

SEC. 501. PURPOSES.

The purposes of this title are to—

(1) budget for the long-term costs of Federal insurance programs;

(2) improve congressional control of those costs; and

(3) periodically report on long-term budgetary trends.

Subtitle A—Budgetary Treatment of Federal Insurance Programs

SEC. 511. FEDERAL INSURANCE PROGRAMS.

(a) IN GENERAL.—The Congressional Budget Act of 1974 is amended by adding after title V the following new title:

''TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

''SEC. 601. SHORT TITLE.

''This title may be cited as the 'Federal Insurance Budgeting Act of 2000'.

''SEC. 602. BUDGETARY TREATMENT.

''(a) PRESIDENT'S BUDGET.—Beginning with fiscal year 2007, the budget of the Government pursuant to section 1105(a) of title 31, United States Code, shall be based on the risk-assumed cost of Federal insurance programs.

''(b) BUDGET ACCOUNTING.—For any Federal insurance program—

''(1) the program account shall—

''(A) pay the risk-assumed cost borne by the taxpayer to the financing account, and

''(B) pay actual insurance program administrative costs;

''(2) the financing account shall—

''(A) receive premiums and other income,

''(B) pay all claims for insurance and receive all recoveries,

''(C) transfer to the program account on not less than an annual basis amounts necessary to pay insurance program administrative costs;

''(3) a negative risk-assumed cost shall be transferred from the financing account to the program account, and shall be transferred from the program account to the general fund; and

''(4) all payments by or receipts of the financing accounts shall be treated in the budget as a means of financing.

''(c) APPROPRIATIONS REQUIRED.—(1) Notwithstanding any other provision of law, insurance commitments may be made for fiscal year 2007 and thereafter only to the extent that new budget authority to cover their risk-assumed cost is provided in advance in an appropriation Act.

''(2) An outstanding insurance commitment shall not be modified in a manner that increases its risk-assumed cost unless budget authority for the additional cost has been provided in advance.

''(3) Paragraph (1) shall not apply to Federal insurance programs that constitute entitlements.

''(d) REESTIMATES.—The risk-assumed cost for a fiscal year shall be reestimated in each subsequent year. Such reestimate can equal zero. In the case of a positive reestimate, the amount of the reestimate shall be paid from the program account to the financing account. In the case of a negative reestimate, the amount of the reestimate shall be paid from the financing account to the program account, and shall be transferred from the program account to the general fund. Reestimates shall be displayed as a distinct and separately identified subaccount in the program account.

''(e) ADMINISTRATIVE EXPENSES.—All funding for an agency's administration of a Federal insurance program shall be displayed as a distinct and separately identified subaccount in the program account.

''SEC. 603. TIMETABLE FOR IMPLEMENTATION OF ACCRUAL BUDGETING FOR FEDERAL INSURANCE PROGRAMS.

''(a) AGENCY REQUIREMENTS.—Agencies with responsibility for Federal insurance programs shall develop models to estimate their risk-assumed cost by year through the budget horizon and shall submit those models, all relevant data, a justification for critical assumptions, and the annual projected risk-assumed costs to OMB with their budget requests each year starting with the request for fiscal year 2003. Agencies will likewise provide OMB with annual estimates of modifications, if any, and reestimates of program costs. Nothing in this subsection shall be construed to require an agency, which is subject to statutory requirements, to maintain a risk-based assessment system with a minimum level of reserves against loss and to assess insured entities for risk-based premiums, to provide models, critical assumptions, or other data that would, as determined by such agency, affect financial markets or the viability of insured entities.

''(b) DISCLOSURE.—When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2003, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities would use to estimate the risk-assumed cost of Federal insurance programs and giving such persons an opportunity to submit comments. At the same time, the chairman of the Committee on the Budget shall publish a notice for CBO in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it would use to estimate the risk-assumed cost of Federal insurance programs and giving such interested persons an opportunity to submit comments.

''(c) REVISION.—(1) After consideration of comments pursuant to subsection (b), and in consultation with the Committees on the Budget of the House of Representatives and the Senate, OMB and CBO shall revise the models, data, and major assumptions they would use to estimate the risk-assumed cost of Federal insurance programs. Except as provided by the next sentence, this paragraph shall not apply to an agency that is subject to statutory requirements to maintain a risk-based assessment system with a minimum level of reserves against loss and to assess insured entities for risk-based premiums. However, such agency shall consult with the aforementioned entities.

''(2) When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2004, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities used to estimate the risk-assumed cost of Federal insurance programs.

''(d) DISPLAY.—

''(1) IN GENERAL.—For fiscal years 2004, 2005, and 2006 the budget submissions of the President pursuant to section 1105(a) of title 31, United States Code, and CBO's reports on the economic and budget outlook pursuant to section 202(e)(1) and the President's budgets, shall for display purposes only, estimate the risk-assumed cost of existing or proposed Federal insurance programs.

''(2) OMB.—The display in the budget submissions of the President for fiscal years 2004, 2005, and 2006 shall include—

''(A) a presentation for each Federal insurance program in budget-account level detail of estimates of risk-assumed cost;

''(B) a summary table of the risk-assumed costs of Federal insurance programs; and

''(C) an alternate summary table of budget functions and aggregates using risk-assumed rather than cash-based cost estimates for Federal insurance programs.

''(3) CBO.—In the 108th Congress and the first session of the 109th Congress, CBO shall include in its estimates under section 308, for display purposes only, the risk-assumed cost of existing Federal insurance programs, or legislation that CBO, in consultation with the Committees on the Budget of the House of Representatives and the Senate, determines would create a new Federal insurance program.

''(e) OMB, CBO, AND GAO EVALUATIONS.—(1) Not later than 6 months after the budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2006, OMB, CBO, and GAO shall each submit to the Committees on the Budget of the House of Representatives and the Senate a report that evaluates the advisability and appropriate implementation of this title.

''(2) Each report made pursuant to paragraph (1) shall address the following:

''(A) The adequacy of risk-assumed estimation models used and alternative modeling methods.

''(B) The availability and reliability of data or information necessary to carry out this title.

''(C) The appropriateness of the explicit or implicit discount rate used in the various risk-assumed estimation models.

''(D) The advisability of specifying a statutory discount rate (such as the Treasury rate) for use in risk-assumed estimation models.

''(E) The ability of OMB, CBO, or GAO, as applicable, to secure any data or information directly from any Federal agency necessary to enable it to carry out this title.

''(F) The relationship between risk-assumed accrual budgeting for Federal insurance programs and the specific requirements of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(G) Whether Federal budgeting is improved by the inclusion of risk-assumed cost estimates for Federal insurance programs.

''(H) The advisability of including each of the programs currently estimated on a risk-assumed cost basis in the Federal budget on that basis.

''SEC. 604. DEFINITIONS.

''For purposes of this title:

''(1) The term 'Federal insurance program' means a program that makes insurance commitments and includes the list of such programs included in the joint explanatory statement of managers accompanying the conference report on the Comprehensive Budget Process Reform Act of 2000.

''(2) The term 'insurance commitment' means an agreement in advance by a Federal agency to indemnify a nonfederal entity against specified losses. This term does not include loan guarantees as defined in title V or benefit programs such as social security, medicare, and similar existing social insurance programs.

''(3)(A) The term 'risk-assumed cost' means the net present value of the estimated cash flows to and from the Government resulting from an insurance commitment or modification thereof.

''(B) The cash flows associated with an insurance commitment include—

''(i) expected claims payments inherent in the Government's commitment;

''(ii) net premiums (expected premium collections received from or on behalf of the insured less expected administrative expenses);

''(iii) expected recoveries; and

''(iv) expected changes in claims, premiums, or recoveries resulting from the exercise by the insured of any option included in the insurance commitment.

''(C) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment, and the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment as modified.

''(D) The cost of a reestimate is the difference between the net present value of the amount currently required by the financing account to pay estimated claims and other expenditures and the amount currently available in the financing account. The cost of a reestimate shall be accounted for in the current year in the budget of the Government pursuant to section 1105(a) of title 31, United States Code.

''(E) For purposes of this definition, expected administrative expenses shall be construed as the amount estimated to be necessary for the proper administration of the insurance program. This amount may differ from amounts actually appropriated or otherwise made available for the administration of the program.

''(4) The term 'program account' means the budget account for the risk-assumed cost, and for paying all costs of administering the insurance program, and is the account from which the risk-assumed cost is disbursed to the financing account.

''(5) The term 'financing account' means the nonbudget account that is associated with each program account which receives payments from or makes payments to the program account, receives premiums and other payments from the public, pays insurance claims, and holds balances.

''(6) The term 'modification' means any Government action that alters the risk-assumed cost of an existing insurance commitment from the current estimate of cash flows. This includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of existing insurance commitments.

''(7) The term 'model' means any actuarial, financial, econometric, probabilistic, or other methodology used to estimate the expected frequency and magnitude of loss-producing events, expected premiums or collections from or on behalf of the insured, expected recoveries, and administrative expenses.

''(8) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(9) The term 'OMB' means the Director of the Office of Management and Budget.

''(10) The term 'CBO' means the Director of the Congressional Budget Office.

''(11) The term 'GAO' means the Comptroller General of the United States.

''SEC. 605. AUTHORIZATIONS TO ENTER INTO CONTRACTS; ACTUARIAL COST ACCOUNT.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $600,000 for each of fiscal years 2001 through 2006 to the Director of the Office of Management and Budget and each agency responsible for administering a Federal program to carry out this title.

''(b) TREASURY TRANSACTIONS WITH THE FINANCING ACCOUNTS.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay the insurance financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above. The authorities described above shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate an insurance program. All the transactions provided in this subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds, and the Secretary of the Treasury shall pay interest on these funds.

''(c) APPROPRIATION OF AMOUNT NECESSARY TO COVER RISK-ASSUMED COST OF INSURANCE COMMITMENTS AT TRANSITION DATE.—(1) A financing account is established on September 30, 2006, for each Federal insurance program.

''(2) There is appropriated to each financing account the amount of the risk-assumed cost of Federal insurance commitments outstanding for that program as of the close of September 30, 2006.

''(3) These financing accounts shall be used in implementing the budget accounting required by this title.

''SEC. 606. EFFECTIVE DATE.

''(a) IN GENERAL.—This title shall take effect immediately and shall expire on September 30, 2008.

''(b) SPECIAL RULE.—If this title is not reauthorized by September 30, 2008, then the accounting structure and budgetary treatment of Federal insurance programs shall revert to the accounting structure and budgetary treatment in effect immediately before the date of enactment of this title.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 507 the following new items:

''TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

''Sec. 601. Short title.
''Sec. 602. Budgetary treatment.
''Sec. 603. Timetable for implementation of accrual budgeting for Federal insurance programs.
''Sec. 604. Definitions.
''Sec. 605. Authorizations to enter into contracts; actuarial cost account.
''Sec. 606. Effective date.''.

Subtitle B—Reports on Long-Term Budgetary Trends

SEC. 521. REPORTS ON LONG-TERM BUDGETARY TRENDS.

(a) THE PRESIDENT'S BUDGET.—Section 1105(a) of title 31, United States Code (as amended by section 404), is further amended by adding at the end the following new paragraph:

''(34) an analysis based upon current law and an analysis based upon the policy assumptions underlying the budget submission for every fifth year of the period of 75 fiscal years beginning with such fiscal year, of the estimated levels of total new budget authority and total budget outlays, estimated revenues, estimated surpluses and deficits, and, for social security, medicare, medicaid, and all other direct spending, estimated levels of total new budget authority and total budget outlays; and a specification of its underlying assumptions and a sensitivity analysis of factors that have a significant effect on the projections made in each analysis; and a comparison of the effects of each of the two analyses on the economy, including such factors as inflation, foreign investment, interest rates, and economic growth.''.

(b) CBO REPORTS.—Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentences: ''Such report shall also include an analysis based upon current law for every fifth year of the period of 75 fiscal years beginning with such fiscal year, of the estimated levels of total new budget authority and total budget outlays, estimated revenues, estimated surpluses and deficits, and, for social security, medicare, medicaid, and all other direct spending, estimated levels of total new budget authority and total budget outlays. The report described in the preceding sentence shall also specify its underlying assumptions and set forth a sensitivity analysis of factors that have a significant effect on the projections made in the report.''.

TITLE VI—BASELINES AND BYRD RULE

SEC. 601. PURPOSE.

The purposes of this title are to—

(1) require budgetary comparisons to prior year levels; and

(2) restrict the application of the Byrd rule to measures other than conference reports.

Subtitle A—The Baseline

SEC. 611. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

''(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year, and, except for detailed budget estimates, the percentage change from the current year to the fiscal year for which the budget is submitted for estimated expenditures and for appropriations.''.

(b) Section 1105(a)(6) of title 31, United States Code, is amended to read as follows:

''(6) estimated receipts of the Government in the current year and the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

''(A) laws in effect when the budget is submitted; and

''(B) proposals in the budget to increase revenues, and the percentage change (in the case of each category referred to in subparagraphs (A) and (B)) between the current year and the fiscal year for which the budget is submitted and between the current year and each of the 9 fiscal years after the fiscal year for which the budget is submitted.''.

(c) Section 1105(a)(12) of title 31, United States Code, is amended to read as follows:

''(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

''(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted;

''(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect; and

''(C) the estimated amount for the same activity or function, if any, in the current fiscal year,

and, except for detailed budget estimates, the percentage change (in the case of each category referred to in subparagraphs (A), (B), and (C)) between the current year and the fiscal year for which the budget is submitted.''.

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting ''new budget authority and'' before ''budget outlays''.

(e) Section 1105(a) of title 31, United States Code, (as amended by sections 412(b) and 521(a)) is further amended by adding at the end the following new paragraphs:

''(35) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.

''(36) a table on sources of growth in total direct spending under current law and as proposed in this budget submission for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.

''(37) a comparison of the estimated level of obligation limitations, budget authority, and outlays for highways subject to the discretionary spending limits for highways (if any) set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 for the fiscal year for which the budget is submitted and the corresponding levels for such year under current law as adjusted pursuant to section 251(b)(1)(D) of such Act.''.

(f) Section 1109(a) of title 31, United States Code, is amended by inserting after the first sentence the following new sentence: ''For discretionary spending, these estimates shall assume the levels set forth in the discretionary spending limits under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted, for the appropriate fiscal years (and if no such limits are in effect, these estimates shall assume the adjusted levels for the most recent fiscal year for which such levels were in effect).''.

SEC. 612. THE CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 (as amended by section 103) is further amended—

(1) in paragraph (1), by inserting at the end the following: ''The basis of deliberations in developing such joint resolution shall be the estimated budgetary levels for the preceding fiscal year. Any budgetary levels pending before the committee and the text of the joint resolution shall be accompanied by a document comparing such levels or such text to the estimated levels of the prior fiscal year. Any amendment offered in the committee that changes a budgetary level and is based upon a specific policy assumption for a program, project, or activity shall be accompanied by a document indicating the estimated amount for such program, project, or activity in the current year.''; and

(2) in paragraph (2), by striking ''and'' at the end of subparagraph (H) (as redesignated), by striking the period and inserting a semicolon at the end of subparagraph (I) (as redesignated), and by adding at the end the following new subparagraphs:

''(J) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function; and

''(K) a comparison of the proposed levels of new budget authority and outlays for the highway category (if any) (as defined in section 250(c)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985) for the budget year with the corresponding levels under current law as adjusted consistent with the anticipated revenue alignment adjustments to be made pursuant to section 251(b)(1)(D) of such Act.''.

SEC. 613. CONGRESSIONAL BUDGET OFFICE REPORTS TO COMMITTEES.

(a) The first sentence of section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting ''compared to comparable levels for the current year'' before the comma at the end of subparagraph (A) and before the comma at the end of subparagraph (B).

(b) Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: ''Such report shall also include a table on sources of spending growth in total direct spending for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.''.

(c) Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by inserting ''and shall include a comparison of those levels to comparable levels for the current fiscal year'' before ''if timely submitted''.

SEC. 614. OUTYEAR ASSUMPTIONS FOR DISCRETIONARY SPENDING.

For purposes of chapter 11 of title 31 of the United States Code, or the Congressional Budget Act of 1974, unless otherwise expressly provided, in making budgetary projections for years for which there are no discretionary spending limits, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall assume discretionary spending levels at the levels for the last fiscal year for which such levels were in effect.

Subtitle B—The Byrd Rule

SEC. 621. LIMITATION ON BYRD RULE.

(a) PROTECTION OF CONFERENCE REPORTS.—Section 313 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (c), by striking ''and again upon the submission of a conference report on such a reconciliation bill or resolution,'';

(2) by striking subsection (d);

(3) by redesignating subsection (e) as subsection (d); and

(4) in subsection (e), as redesignated—

(A) by striking '', motion, or conference report'' the first place it appears and inserting '', or motion''; and

(B) by striking '', motion, or conference report'' the second and third places it appears and inserting ''or motion''.

(b) CONFORMING AMENDMENT.—The first sentence of section 312(e) of the Congressional Budget Act of 1974 is amended by inserting '', except for section 313,'' after ''Act''.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–613. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a

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

It is now in order to consider amendment No. 1 printed in House Report 106–613.

AMENDMENT NO. 1 OFFERED BY MR. DREIER

Mr. DREIER. Mr. Chairman, I offer amendment No. 1 made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DREIER:

At the end, add the following new title:

TITLE VII—BIENNIAL BUDGETING

SEC. 701. FINDINGS.

The Congress finds that—

(1) the annual appropriations and budget process increasingly dominates the congressional agenda and Congress regularly fails to meet the deadlines of the Congressional Budget Act of 1974;

(2) the design of the budget process has led to repetitive and time-consuming budget votes, decreasing the time available for the systematic and programmatic oversight of Federal programs and delaying the enactment of legislation necessary to fund the Government;

(3) Congress' responsibility to improve the efficiency, economy, and effectiveness of governmental operations, evaluate programs and performance, detect and prevent poor administration, waste, or abuse in Government programs, ensure that executive policies reflect the public interest, ensure administrative compliance with legislative intent, and prevent executive encroachment on legislative authority and prerogatives is undermined by the current time-consuming and repetitive budget process;

(4) an annual budget process encourages inefficiency in the management, stability, and predictability of Federal funding, particularly for States and localities;

(5) a biennial budget process will reduce the number of budget-related votes during each Congress, enhance congressional oversight of Government operations, encourage longer time horizons in policy planning and greater stability in fiscal policy;

(6) a biennial budget process was a principal recommendation of the 1993 Joint Committee on the Organization of Congress and the Vice President's National Performance Review;

(7) since the enactment of the Congressional Budget Act of 1974, more than 50 bills addressing a two-year budget cycle have been introduced, 10 biennial budget related provisions were reported by congressional committees, 7 passed either chamber and 4 were enacted; more than 40 congressional or special committee hearings addressed the issue of biennial budgeting; and the Congressional Budget Office, the Office of Management and Budget, and 5 different special task forces or joint committees of Congress have either recommended biennial budgeting or further studies of it;

(8) the adoption of a biennial budget process was recommended by President Reagan in the fiscal year 1989 budget submission, by President Bush in the fiscal year 1990 and 1991 budget submissions, and by President Clinton in the fiscal year 1995, 2000, and 2001 budget submissions; and

(9) a bipartisan majority of Members of the House of Representatives support a biennial budget process.

SEC. 702. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

''TIMETABLE

''SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Eighth Congress) is as follows:

	''First Session
''On or before:	Action to be completed:
First Monday in February	President submits budget recommendations.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1	Budget Committees report concurrent resolution on the biennial budget.
May 15	Congress completes action on concurrent resolution on the biennial budget.
May 15	Biennial appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last biennial appropriation bill.
June 30	House completes action on biennial appropriation bills.
October 1	Biennium begins.
	''Second Session
''On or before:	Action to be completed:
February 15	President submits budget review.
Not later than 6 weeks after President submits budget review.	Congressional Budget Office submits report to Budget Committees.
The last day of the session	Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium.

''(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year during which the term of a President (except a President who succeeds himself) begins, the following dates shall supersede those set forth in subsection (a):

	''First Session
''On or before:	Action to be completed:
First Monday in April	President submits budget recommendations.
April 20	Committees submit views and estimates to Budget Committees.
May 15	Budget Committees report concurrent resolution on the biennial budget.
June 1	Congress completes action on concurrent resolution on the biennial budget.
June 1	Biennial appropriation bills may be considered in the House.
July 1	House Appropriations Committee reports last biennial appropriation bill.
July 20	House completes action on biennial appropriation bills.
October 1	Biennium begins.''.

SEC. 703. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking ''each year'' and inserting ''biennially''.

(b) DEFINITIONS.—

(1) BUDGET RESOLUTION.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking ''fiscal year'' each place it appears and inserting ''biennium''.

(2) BIENNIUM.—Section 3 of such Act (2 U.S.C. 622) (as amended by section 203) is further amended by adding at the end the following new paragraph:

''(13) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.''.

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) CONTENTS OF RESOLUTION.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking ''April 15 of each year'' and inserting ''May 15 of each odd-numbered year'';

(ii) striking ''the fiscal year beginning on October 1 of such year'' the first place it appears and inserting ''the biennium beginning on October 1 of such year''; and

(iii) striking ''the fiscal year beginning on October 1 of such year'' the second place it appears and inserting ''each fiscal year in such period'';

(B) in paragraph (6), by striking ''for the fiscal year'' and inserting ''for each fiscal year in the biennium''; and

(C) in paragraph (7), by striking ''for the fiscal year'' and inserting ''for each fiscal year in the biennium''.

(2) ADDITIONAL MATTERS.—Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in paragraph (3), by striking ''for such fiscal year'' and inserting ''for either fiscal year in such biennium''; and

(B) in paragraph (7), by striking ''for the first fiscal year'' and inserting ''for each fiscal year in the biennium''.

(3) VIEWS OF OTHER COMMITTEES.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting ''(or, if applicable, as provided by section 300(b))'' after ''United States Code''.

(4) HEARINGS.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking ''fiscal year'' and inserting ''biennium''; and

(B) inserting after the second sentence the following: ''On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.''.

(5) GOALS FOR REDUCING UNEMPLOYMENT.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking ''fiscal year'' each place it appears and inserting ''biennium''.

(6) ECONOMIC ASSUMPTIONS.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking ''for a fiscal year'' and inserting ''for a biennium''.

(7) SECTION HEADING.—The section heading of section 301 of such Act is amended by striking ''**ANNUAL**'' and inserting ''**BIENNIAL**''.

(8) TABLE OF CONTENTS.—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking ''Annual'' and inserting ''Biennial''.

(d) COMMITTEE ALLOCATIONS.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)(1) by—

(A) striking ''for the first fiscal year of the resolution,'' and inserting ''for each fiscal year in the biennium,'';

(B) striking ''for that period of fiscal years'' and inserting ''for all fiscal years covered by the resolution''; and

(C) striking ''for the fiscal year of that resolution'' and inserting ''for each fiscal year in the biennium'';

(2) in subsection (f)(1), by striking ''for a fiscal year'' and inserting ''for a biennium'';

(3) in subsection (f)(1), by striking ''first fiscal year'' and inserting ''either fiscal year of the biennium'';

(4) in subsection (f)(2)(A), by—

(A) striking ''first fiscal year'' and inserting ''each fiscal year of the biennium''; and

(B) striking ''the total of fiscal years'' and inserting ''the total of all fiscal years covered by the resolution''; and

(5) in subsection (g)(1)(A), by striking ''April'' and inserting ''May''.

(e) SECTION 303 POINT OF ORDER.—

(1) IN GENERAL.—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking ''for a fiscal year'' and inserting ''for a biennium'' and by striking ''the first fiscal year'' and inserting ''each fiscal year of the biennium''.

(2) EXCEPTIONS IN THE HOUSE.—Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) in paragraph (1)(A), by striking ''the budget year'' and inserting ''the biennium'';

(B) in paragraph (1)(B), by striking ''the fiscal year'' and inserting ''the biennium''; and

(C) in paragraph (2), by inserting ''(or June 1 whenever section 300(b) is applicable)''.

(3) APPLICATION TO THE SENATE.—Section 303(c)(1) of such Act (2 U.S.C. 634(c)) is amended by—

(A) striking ''fiscal year'' and inserting ''biennium''; and

(B) striking ''that year'' and inserting ''each fiscal year of that biennium''.

(f) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking ''fiscal year'' the first two places it appears and inserting ''biennium'';

(2) by striking ''for such fiscal year''; and

(3) by inserting before the period ''for such biennium''.

(g) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305(a)(3) of such Act (2 U.S.C. 636(b)(3)) is amended by striking ''fiscal year'' and inserting ''biennium''.

(h) COMPLETION OF HOUSE COMMITTEE ACTION ON APPROPRIATION BILLS.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking ''each year'' and inserting ''each odd-numbered year (or, if applicable, as provided by section 300(b), July 1)'';

(2) by striking ''annual'' and inserting ''biennial'';

(3) by striking ''fiscal year'' and inserting ''biennium''; and

(4) by striking ''that year'' and inserting ''each odd-numbered year''.

(i) QUARTERLY BUDGET REPORTS.—Section 308 of such Act (2 U.S.C. 639) is amended by adding at the end the following new subsection:

''(d) QUARTERLY BUDGET REPORTS.—The Director of the Congressional Budget Office shall, as soon as practicable after the completion of each quarter of the fiscal year, prepare an analysis comparing revenues, spending, and the deficit or surplus for the current fiscal year to assumptions included in the congressional budget resolution. In preparing this report, the Director of the Congressional Budget Office shall combine actual budget figures to date with projected revenue and spending for the balance of the fiscal year. The Director of the Congressional Budget Office shall include any other information in this report that it deems useful for a full understanding of the current fiscal position of the Federal Government. The reports mandated by this subsection shall be transmitted by the Director to the Senate and House Committees on the Budget, and the Congressional Budget Office shall make such reports available to any interested party upon request.''.

(j) COMPLETION OF HOUSE ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by striking ''It'' and inserting ''Except whenever section 300(b) is applicable, it'';

(2) by inserting ''of any odd-numbered calendar year'' after ''July'';

(3) by striking ''annual'' and inserting ''biennial''; and

(4) by striking ''fiscal year'' and inserting ''biennium''.

(k) RECONCILIATION PROCESS.—Section 310 of such Act (2 U.S.C. 641) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''any fiscal year'' and inserting ''any biennium'';

(2) in subsection (a)(1), by striking ''such fiscal year'' each place it appears and inserting ''any fiscal year covered by such resolution''; and

(3) by striking subsection (f) and redesignating subsection (g) as subsection (f).

(l) SECTION 311 POINT OF ORDER.—

(1) IN THE HOUSE.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking ''for a fiscal year'' and inserting ''for a biennium'';

(B) by striking ''the first fiscal year'' each place it appears and inserting ''either fiscal year of the biennium''; and

(C) by striking ''that first fiscal year'' and inserting ''each fiscal year in the biennium''.

(2) IN THE SENATE.—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking ''for the first fiscal year'' and inserting ''for either fiscal year of the biennium''; and

(B) in subparagraph (B)—

(i) by striking ''that first fiscal year'' the first place it appears and inserting ''each fiscal year in the biennium''; and

(ii) by striking ''that first fiscal year and the ensuing fiscal years'' and inserting ''all fiscal years''.

(3) SOCIAL SECURITY LEVELS.—Section 311(a)(3) of such Act is amended by—

(A) striking ''for the first fiscal year'' and inserting ''each fiscal year in the biennium''; and

(B) striking ''that fiscal year and the ensuing fiscal years'' and inserting ''all fiscal years''.

(m) MAXIMUM DEFICIT AMOUNT POINT OF ORDER.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking ''for a fiscal year'' and inserting ''for a biennium'';

(2) in paragraph (1), by striking ''first fiscal year'' and inserting ''either fiscal year in the biennium'';

(3) in paragraph (2), by striking ''that fiscal year'' and inserting ''either fiscal year in the biennium''; and

(4) in the matter following paragraph (2), by striking ''that fiscal year'' and inserting ''the applicable fiscal year''.

SEC. 704. AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting ''odd-numbered'' after ''each''.

(b) Clause 4(a)(4) of rule X of the Rules of the House of Representatives is amended by striking ''fiscal year'' and inserting ''biennium''.

(c) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking ''each fiscal year'' and inserting ''the biennium''.

(d) Clause 4(b) of rule X of the Rules of the House of Representatives is amended by striking ''and'' at the end of subparagraph (5), by striking the period and inserting ''; and'' at the end of subparagraph (6), and by adding at the end the following new subparagraph:

''(7) use the second session of each Congress to study issues with long-term budgetary and economic implications, which would include—

''(A) hold hearings to receive testimony from committees of jurisdiction to identify problem areas and to report on the results of oversight; and

''(B) by January 1 of each odd-number year, issuing a report to the Speaker which identifies the key issues facing the Congress in the next biennium.''.

(e) Clause 11(i) of rule X of the Rules of the House of Representatives is amended by striking ''the same or preceding fiscal year''.

(f) Clause 4(e) of rule X of the Rules of the House of Representatives is amended by striking ''annually'' each place it appears and inserting ''biennially'' and by striking ''annual'' and inserting ''biennial''.

(g) Clause 4(f) of rule X of the Rules of the House of Representatives is amended—

(1) by inserting ''during each odd-numbered year'' after ''submits his budget'';

(2) by striking ''fiscal year'' the first place it appears and inserting ''biennium''; and

(3) by striking ''that fiscal year'' and inserting ''each fiscal year in such ensuing biennium''.

(h) Clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives is amended by striking ''five'' both places it appears and inserting ''six''.

(i) Clause 5(a)(1) of rule XIII of the Rules of the House of Representatives is amended by striking ''fiscal year after September 15 in the preceding fiscal year'' and inserting ''biennium after September 15 of the year in which such biennium begins''.

SEC. 705. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

''(3) 'biennium' has the meaning given to such term in paragraph (13) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(13)).''.

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) SCHEDULE.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

''(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Seventh Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:''.

(2) EXPENDITURES.—Section 1105(a)(5) of title 31, United States Code, is amended by striking ''the fiscal year for which the budget is submitted and the 4 fiscal years after that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years''.

(3) RECEIPTS.—Section 1105(a)(6) of title 31, United States Code, is amended by striking ''the fiscal year for which the budget is submitted and the 4 fiscal years after that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years''.

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(5) GOVERNMENT FUNCTIONS AND ACTIVITIES.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(7) ALLOWANCES FOR UNANTICIPATED AND UNCONTROLLABLE EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking ''that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted''.

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(9) ESTIMATES FOR FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking ''the fiscal year following the fiscal year'' and inserting ''each fiscal year in the biennium following the biennium'';

(B) by striking ''that following fiscal year'' and inserting ''each such fiscal year''; and

(C) by striking ''fiscal year before the fiscal year'' and inserting ''biennium before the biennium''.

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking ''the prior fiscal year'' and inserting ''each of the 2 most recently completed fiscal years,'';

(B) by striking ''for that year'' and inserting ''with respect to those fiscal years''; and

(C) by striking ''in that year'' and inserting ''in those fiscal years''.

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking ''the prior fiscal year'' and inserting ''each of the 2 most recently completed fiscal years'';

(B) by striking ''for that year'' and inserting ''with respect to those fiscal years''; and

(C) by striking ''in that year'' each place it appears and inserting ''in those fiscal years''.

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking ''each year'' and inserting ''each even numbered year''.

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking ''the fiscal year for'' the first place it appears and inserting ''each fiscal year in the biennium for'';

(2) by striking ''the fiscal year for'' the second place it appears and inserting ''each fiscal year of the biennium, as the case may be,''; and

(3) by striking ''that year'' and inserting ''for each year of the biennium''.

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking ''ensuing fiscal year'' and inserting ''biennium to which such budget relates''.

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) inserting ''and before February 15 of each even numbered year'' after ''Before July 16 of each year''; and

(ii) striking ''fiscal year'' and inserting ''biennium'';

(B) in paragraph (1), by striking ''that fiscal year'' and inserting ''each fiscal year in such biennium'';

(C) in paragraph (2), by striking ''4 fiscal years following the fiscal year'' and inserting ''4 fiscal years following the biennium''; and

(D) in paragraph (3), by striking ''fiscal year'' and inserting ''biennium''.

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''; and

(B) inserting ''and before February 15 of each even numbered year'' after ''Before July 16 of each year''.

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) THE PRESIDENT.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking ''On or before the first Monday after January 3 of each year (on or before February 5 in 1986)'' and inserting ''At the same time the budget required by section 1105 is submitted for a biennium''; and

(B) by striking ''the following fiscal year'' and inserting ''each fiscal year of such period''.

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking ''March 1 of each year'' and inserting ''within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)''.

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking ''May 16'' and inserting ''March 31''; and

(2) striking ''year before the year in which the fiscal year begins'' and inserting ''calendar year preceding the calendar year in which the biennium begins''.

SEC. 706. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

''§ 105. Title and style of appropriations Acts

''(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).'.

''(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

''(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).''.

SEC. 707. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (as amended by section 206(a) is further amended by adding at the end the following new section:

''MULTIYEAR AUTHORIZATIONS OF APPROPRIATIONS

SEC. 318.(a) POINT OF ORDER.—(1)(A) It shall not be in order in the House of Representatives or the Senate to consider any measure that contains a specific authorization of appropriations for any purpose unless the measure includes such a specific authorization of appropriations for that purpose for not less than each fiscal year in one or more bienniums.

''(B) For purposes of this paragraph, a specific authorization of appropriations is an authorization for the enactment of an amount of appropriations or amounts not to exceed an amount of appropriations (whether stated as a sum certain, as a limit, or as such sums as may be necessary) for any purpose for a fiscal year.

''(2) Paragraph (1) does not apply with respect to an authorization of appropriations for a single fiscal year for any program, project, or activity if the measure containing that authorization includes a provision expressly stating the following: 'Congress finds that no authorization of appropriation will be required for [Insert name of applicable program, project, or activity] for any subsequent fiscal year.'.

''(3) For purposes of this subsection, the term 'measure' means a bill, joint resolution, amendment, motion, or conference report''.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 317 the following new item:

''Sec. 318. Multiyear authorizations of appropriations.''.

SEC. 708. GOVERNMENT STRATEGIC AND PERFORMANCE PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''September 30, 1997'' and inserting ''September 30, 2002'';

(2) in subsection (b)—

(A) by striking ''at least every three years'' and inserting ''at least every 4 years''; and

(B) by striking ''five years forward'' and inserting ''six years forward''; and

(3) in subsection (c), by inserting a comma after ''section'' the second place it appears and adding ''including a strategic plan submitted by September 30, 2002, meeting the requirements of subsection (a)''.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking ''beginning with fiscal year 1999, a'' and inserting ''beginning with fiscal year 2004, a biennial''.

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking ''section 1105(a)(29)'' and inserting ''section 1105(a)(28)''; and

(ii) by striking ''an annual'' and inserting ''a biennial'';

(B) in paragraph (1) by inserting after ''program activity'' the following: ''for both years 1 and 2 of the biennial plan'';

(C) in paragraph (5) by striking ''and'' after the semicolon,

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting ''and'' after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

''(7) cover each fiscal year of the biennium beginning with the first fiscal year of the next biennial budget cycle.'';

(2) in subsection (d) by striking ''annual'' and inserting ''biennial''; and

(3) in paragraph (6) of subsection (f) by striking ''annual'' and inserting ''biennial''.

(d) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking ''annual''; and

(B) by striking ''section 1105(a)(29)'' and inserting ''section 1105(a)(28)'';

(2) in subsection (e)—

(A) in the first sentence by striking ''one or'' before ''years'';

(B) in the second sentence by striking ''a subsequent year'' and inserting ''for a subsequent 2-year period''; and

(C) in the third sentence by striking ''three'' and inserting ''four''.

(e) PILOT PROJECTS FOR PERFORMANCE BUDGETING.—Section 1119 of title 31, United States Code, is amended—

(1) in paragraph (1) of subsection (d), by striking ''annual'' and inserting ''biennial''; and

(2) in subsection (e), by striking ''annual'' and inserting ''biennial''.

(f) STRATEGIC PLANS.—Section 2802 of title 39, United States Code, is amended—

(1) in subsection (a), by striking ''September 30, 1997'' and inserting ''September 30, 2002'';

(2) in subsection (b), by striking ''at least every three years'' and inserting ''at least every 4 years'';

(3) by striking ''five years forward'' and inserting ''six years forward''; and

(4) in subsection (c), by inserting a comma after ''section'' the second place it appears and inserting ''including a strategic plan submitted by September 30, 2002, meeting the requirements of subsection (a)''.

(g) PERFORMANCE PLANS.—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking ''an annual'' and inserting ''a biennial'';

(2) in paragraph (1), by inserting after ''program activity'' the following: ''for both years 1 and 2 of the biennial plan'';

(3) in paragraph (5), by striking ''and'' after the semicolon;

(4) in paragraph (6), by striking the period and inserting ''; and''; and

(5) by adding after paragraph (6) the following:

''(7) cover each fiscal year of the biennium beginning with the first fiscal year of the next biennial budget cycle.''.

(h) COMMITTEE VIEWS OF PLANS AND REPORTS.—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end ''Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.''.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2003.

(2) AGENCY ACTIONS.—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to prepare and submit any plan or report in accordance with the amendments made by this title.

SEC. 709. BIENNIAL APPROPRIATION BILLS.

(a) IN THE HOUSE OF REPRESENTATIVES.—(1) Clause 2(a) of rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(3)(A) Except as provided by subdivision (B), an appropriation may not be reported in a general appropriation bill (other than a supplemental appropriation bill), and may not be in order as an amendment thereto, unless it provides new budget authority or establishes a level of obligations under contract authority for each fiscal year of a biennium.

''(B) Subdivision (A) does not apply with respect to an appropriation for a single fiscal year for any program, project, or activity if the bill or amendment thereto containing that appropriation includes a provision expressly stating the following: 'Congress finds that no additional funding beyond one fiscal year will be required and the [Insert name of applicable program, project, or activity] will be completed or terminated after the amount provided has been expended.'.

''(C) For purposes of paragraph (b), the statement set forth in subdivision (B) with respect to an appropriation for a single fiscal year for any program, project, or activity may be included in a general appropriation bill or amendment thereto.''.

(2) Clause 5(b)(1) of rule XXII of the House of Representatives is amended by striking ''or (c)'' and inserting ''or (3) or 2(c)''.

(b) IN THE SENATE.—(1) Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) (as amended by section 707) is further amended by adding at the end the following:

''CONSIDERATION OF BIENNIAL APPROPRIATION BILLS

''SEC. 319. It shall not be in order in the Senate in any odd-numbered year to consider any regular appropriation bill providing new budget authority or a limitation on obligations under the jurisdiction of the Committee on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond one year and will be completed or terminated after the amount provided has been expended.''.

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 318 the following new item:

''Sec. 319. Consideration of biennial appropriation bills.''.

SEC. 710. ASSISTANCE BY FEDERAL AGENCIES TO STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) INFORMATION REGARDING AGENCY APPROPRIATIONS REQUESTS.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the head of each Federal agency which administers the laws or parts of laws under the jurisdiction of such committee shall provide to such committee such studies, information, analyses, reports, and assistance as may be requested by the chairman and ranking minority member of the committee.

(b) INFORMATION REGARDING AGENCY PROGRAM ADMINISTRATION.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the head of any agency shall furnish to such committee documentation, containing information received, compiled, or maintained by the agency as part of the operation or administration of a program, or specifically compiled pursuant to a request in support of a review of a program, as may be requested by the chairman and ranking minority member of such committee.

(c) SUMMARIES BY COMPTROLLER GENERAL.—Within thirty days after the receipt of a request from a chairman and ranking minority member of a standing committee having jurisdiction over a program being reviewed and studied by such committee under this section, the Comptroller General of the United States shall furnish to such committee summaries of any audits or reviews of such program which the Comptroller General has completed during the preceding six years.

(d) CONGRESSIONAL ASSISTANCE.—Consistent with their duties and functions under law, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Director of the Congressional Research Service shall continue to furnish (consistent with established protocols) to each standing committee of the House of Representatives or the Senate such information, studies, analyses, and reports as the chairman and ranking minority member may request to assist the committee in conducting reviews and studies of programs under this section.

SEC. 711. REPORT ON TWO-YEAR FISCAL PERIOD.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committees on the Budget of the House of Representatives and the Senate and the Committee on Rules of the House of Representatives.

SEC. 712. SPECIAL TRANSITION PERIOD FOR THE 107TH CONGRESS.

(a) PRESIDENT'S BUDGET SUBMISSION FOR FISCAL YEAR 2002.—The budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2002 shall include the following:

(1) An identification of the budget accounts for which an appropriation should be made for each fiscal year of the fiscal year 2002-2003 biennium.

(2) Budget authority that should be provided for each such fiscal year for the budget accounts identified under paragraph (1).

(b) REVIEW AND RECOMMENDATIONS OF THE COMMITTEES ON APPROPRIATIONS.—The Committee on Appropriations of the House of Representatives and the Senate shall review the items included pursuant to subsection (a) in the budget submission of the President for fiscal year 2002 and include its recommendations thereon in its views and estimates made under section 301(d) of the Congressional Budget Act of 1974 within 6 weeks of that budget submission.

(c) ACTIONS BY THE COMMITTEES ON THE BUDGET.—(1) The Committee on the Budget of the House of Representatives and the Senate shall review the items included pursuant to subsection (a) in the budget submission of the President for fiscal year 2002 and the recommendations submitted by the Committee on Appropriations of its House pursuant to subsection (b) included in its views and estimates made under section 301(d) of the Congressional Budget Act of 1974.

(2) The report of the Committee on the Budget of each House accompanying the concurrent resolution on the budget for fiscal year 2002 and the joint explanatory statement of managers accompanying such resolution shall also include allocations to the Committee on Appropriations of its House of total new budget authority and total outlays (which shall be deemed to be made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of budget enforcement under section 302(f)) for fiscal year 2003 from which the Committee on Appropriations may report regular appropriation bills for fiscal year 2002 that include funding for certain accounts for each of fiscal years 2002 and 2003.

(3) The report of the Committee on the Budget of each House accompanying the concurrent resolution on the budget for fiscal year 2002 and the joint explanatory statement of managers accompanying such resolution shall also include the assumptions upon which such allocations referred to in paragraph (2) are based.

(d) GAO PROGRAMMATIC OVERSIGHT ASSISTANCE.—(1) During the first session of the 107th Congress the committees of the House of Representatives and the Senate are directed to work with the Comptroller General of the United States to develop plans to transition program authorizations to a multi-year schedule.

(2) During the 107th Congress, the Comptroller General of the United States will continue to provide assistance to the Congress with respect to programmatic oversight and in particular will assist the committees of Congress in designing and conforming programmatic oversight procedures for the fiscal year 2003–2004 biennium.

(e) CBO AUTHORIZATION REPORT.—On or before January 15, 2002, the Director of the Congressional Budget Office, after consultation with the appropriate committees of the House of Representatives and Senate, shall submit to the Congress a report listing (A) all programs and activities funded during fiscal year 2002 for which authorizations for appropriations have not been enacted for that fiscal year and (B) all programs and activities funded during fiscal year 2002 for which authorizations for appropriations will expire during that fiscal year, fiscal year 2003, or fiscal year 2004.

(f) PRESIDENT'S BUDGET SUBMISSION FOR FISCAL YEAR 2003.—The budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2003 shall include an evaluation of, and recommendations regarding, the transitional biennial budget process for the fiscal year 2002-2003 biennium that was carried out pursuant to this section.

(g) CBO TRANSITIONAL REPORT.—On or before March 31, 2002, the Director of the Congressional Budget Office shall submit to Congress an evaluation of, and recommendations regarding, the transitional biennial budget process for the fiscal year 2002-2003 biennium that was carried out pursuant to this section.

SEC. 713. EFFECTIVE DATE.

Except as provided by sections 708, 711, and 712, this title and the amendments made by this title shall take effect on January 1, 2003, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2004.

In section 1(b), at the end of the table of contents, insert the following new items:

TITLE VII—BIENNIAL BUDGETING

Sec. 701. Findings.
Sec. 702. Revision of timetable.
Sec. 703. Amendments to the Congressional Budget and Impoundment Control Act of 1974.
Sec. 704. Amendments to rules of House of Representatives.
Sec. 705. Amendments to title 31, United States Code.
Sec. 706. Two-year appropriations; title and style of appropriations acts.
Sec. 707. Multiyear authorizations.
Sec. 708. Government plans on a biennial basis.
Sec. 709. Biennial appropriation bills.
Sec. 710. Assistance by Federal agencies to standing committees of the Senate and the House of Representatives.
Sec. 711. Report on two-year fiscal period.
Sec. 712. Special transition period for the 107th Congress.
Sec. 713. Effective date.

The CHAIRMAN. Pursuant to House Resolution 499, the gentleman from California (Mr. DREIER) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

□ 1615

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

Mr. Chairman, I rise today along with my colleagues, the gentleman from Minnesota (Mr. LUTHER), the gentleman from Ohio (Mr. REGULA), the gentleman from Ohio (Mr. HALL), the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, the gentleman from Kentucky (Mr. WHITFIELD), the gentlewoman from Missouri (Ms. MCCARTHY), the gentleman from New Hampshire (Mr. BASS), the gentleman from North Carolina (Mr. JONES), and others who worked long and hard on this to offer a bipartisan amendment, and I underscore the word ''bipartisan amendment,'' to establish a biennial budget and appropriations process and to enhance programmatic oversight, management, efficiency, and performance of the Federal Government.

I would like to specifically commend the hard work of the gentleman from New Hampshire (Mr. BASS), my colleague as I mentioned, who is here on the floor. He has been a strong supporter of this. He is a member of the Committee on the Budget.

This is also, I should say, a recommendation, as we pointed out several times, of the bipartisan Joint Committee on the Organization of Congress back in 1993.

Under a biennial budget process, the President would submit a 2-year budget, and Congress would consider a 2-year budget resolution and 13 2-year appropriations bills during the first session of a Congress. The second session of the Congress would be devoted to consideration of authorization bills and for the very important programmatic oversight of government agencies.

Now, Mr. Chairman, I happen to believe that the enactment of a biennial budget process could lead to the most significant government-wide fiscal reform that we have seen in a quarter century. I am not alone in that belief. President Clinton proposed it in his most recent budget. Vice President Gore proposed it as a key component of his reinventing government reform outlined in the National Performance Review Report.

Governor George W. Bush has stated that biennial budgeting is a reform that needs to be done by the Congress. Let me say that again. We have got President Bill Clinton, the presumptive Democratic nominee Vice President Al Gore, presumptive Republican nominee Governor George Bush of Texas, all agreeing on the need for us to have a biennial budget.

Earlier this year, the Committee on Rules held three separate days of hearings on biennial budgeting where we received detailed testimony from 32 witnesses. I should stress the Committee on Rules held three separate hearings, very important hearings, on the issue of biennial budgeting. Thirty-two witnesses, which included the former House Committee on the Budget chairman and Director of the Office of Management and Budget, Leon Panetta, my former California colleague, the current director of the Office of Management and Budget, Jack Lew, 10 academics, the Congressional Budget Office, the Congressional Accounting Office, and 17 Members of Congress, which included opponents like the gentleman from Michigan (Mr. SMITH) and the Speaker of the House and the chairman of the Committee on Appropriations, both of whom testified in strong support of this measure.

Let me tell my colleagues that I recently met with our former colleague, Leon Panetta. He feels very strongly about this. He is a strong partisan Democrat. But, remember, he was chairman of the Committee on the Budget. He served as Director of the Office of Management and Budget, and he served as Chief of Staff to President Clinton.

He stated in his testimony ''a biennial budget built around a 2-year life of the Congress offers a better way for Congress to commit itself to continuing fiscal discipline and to better planning for the coming years.''

Jack Lew stated, ''the primary potential benefit from biennial budgeting is that, by concentrating budget decisions in the first year of each 2-year period, time would be freed up in the second year that could be redirected to management, long-range planning, and oversight.''

My cochairman of the Joint Committee on the Organization of Congress, our former Democratic colleague, Lee Hamilton, now the head of the great Woodrow Wilson Center here in town said ''biennial budgeting would free up Members' time for important work that is now being squeezed out by competing pressures.''

Now, this bipartisan amendment, Mr. Chairman, is the product of months of extensive hearings, technical consultation, and legislative drafting. It addresses comprehensive concerns with uncertainty in projections, weakened oversight, and larger supplementals.

There are only two reasons, only two reasons to oppose this amendment. One either wants to maintain the status quo, which has created government shutdowns and a lot of contention late

in a session. It breeds that annual conflict, and it enhances the level of cynicism that the people have towards this institution. Or one is one of those who supports the idea of a do-nothing Congress. Let us block any kind of reform that might be coming forward.

I will say that I do not think that we should be doing either of those things. I do not think that we should be maintaining simply the status quo, and this Congress is dedicated to doing everything that it can to bring about major reforms. We have an historic opportunity here, again, the first time that we have had a chance to vote on biennial budgeting; and it is the first time in a quarter century that we could offer such a sweeping reform to this budget process which has created so many problems for us.

So with that, I urge strong support of this bipartisan amendment which I am honored to author.

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

Mr. MOAKLEY. Mr. Chairman, I rise to claim the time in opposition to the biennial budgeting amendment.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 20 minutes.

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

Mr. Chairman, although I have the greatest respect for the gentleman from California (Mr. DREIER), my chairman, I believe the biennial system will make our budget process slower and less accurate. A biennial system will make it harder to reach budget agreements because the agreements will have to cover a longer period of time.

Although no one wants to admit it, the pressure to get things finished is what ensures that we address the difficult issues. If Congress did not have that pressure each and every year, we would put off the more controversial issues for later; and that is really no way to govern.

Proponents may argue that authorization bills are crowded off the schedule by appropriation bills. But it is actually policy disputes, not lack of time, that trip up the authorization bills.

According to the Congressional Research Service, Congress spends less than one-fifth of its total floor time on budget bills. Furthermore, we are now in the 15th week of the session, and we have spent only 49 days in formal session.

In addition to slowing things down, biennial budgeting will actually limit oversight. In 1993, the State of Connecticut converted to a biennial budget in order to improve oversight, in order to improve program review. But Connecticut State officials says there has not been any improvement in either of those areas.

There are two reasons for that, Mr. Chairman. Biennial budgeting removes one year of the Committee on Appropriations review, and it shortens the leash on executive branch officials.

It also relies heavily on budget predictions which are notoriously inaccurate. Mr. Chairman, if budget predictions are inaccurate on an annual system, they will be even worse on a biennial system. Decisions will become outdated, and changes will need to be made. But we would be hobbled by an every-other-year system, and our budget will have been slowed down to the point that we could hardly respond.

Congress will be faced with only one choice, pass more supplemental appropriation bills and pile spending upon spending.

Mr. Chairman, I do not need to remind anyone here that supplemental appropriation bills are not a model of fiscal discipline. But there will be no alternative. Congress will fail to predict every single spending need; and as a result, the need for supplemental appropriation bills in the off years will just skyrocket.

The same is true on the State level. States with biennial budget tend to spend more per capita than States on an annual budget because they have to pass additional appropriation bills to keep up with their budget needs.

Mr. Chairman, history shows that States have learned their lesson. In 1940, 44 States had a 2-year budget cycle. Today, only 21 States have a 2-year budget. Those States that have kept the biennial budgets tend to have a small or mid-sized budget. Mr. Chairman, if the States are the laboratories of democracy, we should avoid this at all costs. The Federal Government's budget is neither small, nor mid-sized.

Mr. Chairman, switching to a biennial budget will have very far-reaching implications for the entire Federal budget. It is a brand-new system, a system that has not worked well for larger States. I would urge my colleagues to proceed cautiously. I urge my colleagues to oppose this amendment.

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

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

Let me just say, since 1990, every State that has changed its budget cycle has changed from an annual to a biennial process.

Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman from California for yielding 2 minutes to me. I rise in strong support of the amendment to create biennial budgets and appropriations.

I would point out that passage of such an amendment will remove the bulk of budgeting and appropriations from election years. It increases government efficiency and encourages more responsive spending. It increases the time and quality of oversight and authorizing legislation. It provides budget stability for the States, many of which were forced to abandon their own biennial budgets because of their growing dependence on annual Federal appropriations.

Indeed, by passing biennial budgeting and appropriations, we would be getting back in sync with the States and we would most likely see a reversal in the trend that was brought up by the gentleman from Massachusetts (Mr. MOAKLEY).

Indeed, this bill is supported by the President, both candidates for President, House and Senate leaders, the Committee on Appropriations chairman in the House and the Senate Committee on the Budget chairman.

For once, we have a truly bipartisan amendment to move this Congress forward into the 21st century so that we can be a body that works on real legislative proposals rather than being totally reactive and being totally controlled by the appropriations process.

Indeed, Mr. Chairman, if my colleagues like omnibus spending bills every year, if they like spending late nights until 1:00 and 2:00 in the morning, if they like turning the appropriations process ultimately over to two or three people, out of the hands of even the appropriators, if they like the system that we have now, which is clearly broken, then they will not support this amendment. But if they believe that we can run Congress better, that we can be a Congress that is bold enough to step forward and change fundamentally its process, then they will support the Dreier amendment.

Mr. MOAKLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, the budget conflicts and frustrations of the last 3 years have prompted various proposed procedural fixes for what is mainly a failure of political will and responsibility.

In my view, the most misguided of these proposals is the amendment before us, instituting biennial budgeting and appropriating. This supposed remedy is not only unresponsive to the problem we face, but it actually would weaken Congress' power of the purse and its ability to hold the Executive Branch accountable.

I would like to remind my colleagues that Congress already has the authority to adopt multiyear budget plans and multiyear authorizations. These have been important instruments in achieving advance planning and fiscal discipline. But to go beyond this to biennial budgeting and appropriating would greatly weaken Congress' hand in shaping national priorities and holding the Executive Branch accountable. In fact, annual appropriating is necessary as a complement to multiyear

budget plans, to ensure flexibility, responsiveness, and coequal power with the executive.

Under biennial budgeting, Congress would not be able to react as effectively to congressional oversight, GAO reports, Inspector General's reports, research studies, and other findings that bear on the effectiveness of Federal programs. Agencies would have to begin working in late spring on a 2-year budget, the second year of which would not commence for some 28 months. The President and OMB would make budget decisions 22 to 23 months before the beginning of the second year of a budget cycle.

Biennial appropriations could limit the ability of the Federal Government to use fiscal policy to stabilize the economy during economic downturns. There would be pressure to frequently revise 2-year budgets through supplemental after supplemental appropriations bills. We know from experience that these supplemental appropriations are less deliberative and less systematic than regular appropriations bills, and they are certainly less subject to fiscal discipline and control.

Now, some proponents argue that biennial budgeting would leave Congress more time to conduct oversight of the Executive Branch. That is an ironic claim, for the unique oversight provided through the appropriations process, when agency budgets and performance are gone over line by line, program by program, is one of the most important tools we have in holding the Executive Branch accountable.

Off-year oversight under biennial appropriations would become less intense, less systematic, and most importantly, it would lose the teeth provided by the actual power of decision.

Proponents have talked today about the support from the three most recent Presidents for biennial appropriations, Bill Clinton, George Bush, Ronald Reagan. Why should that surprise anyone? Of course Presidents support biennial budgeting. If that support indicates biennial budgeting is not a partisan issue, it surely makes our point for us that it is an institutional issue. Biennial budgeting would result in a major devolution of power from Congress to the Executive Branch.

We would do our appropriating in the first 9 months of a Congress and become fiscal lame ducks thereafter, with executive agencies less subject to effective scrutiny and direction. That would be a loss, not only for individual Members and individual committees, but it would be a loss for this institution, for our constitutional system of checks and balances, and for the people we represent.

We need to enhance Congress' power and performance in both budgeting and oversight. But moving to biennial budgeting and appropriating would take us in precisely the opposite direction.

I urge my colleagues to defeat this amendment.

□ 1630

Mr. MOAKLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. SMITH), and I ask unanimous consent that he be allowed to control that amount of time.

The CHAIRMAN. Without objection, the gentleman from Michigan (Mr. SMITH) will control and yield time on 10 minutes.

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time, and I yield myself 2 minutes.

In 1940, there were 44 States that had biennial budgets. Today, there are just 20 States that have biennial budgets, with eight of those having biennial legislatures. As we talked to the CRS, as we talked to the executives of budget directors for all of the States, they suggest and claim that a biennial budget transfers power from the legislative branch to the executive branch.

Look, we have not had hearings on this issue. The Committee on the Budget that has jurisdiction on this issue had zero hearings on biennial budgets. The Committee on Rules had three informational hearings. None of the hearings were in Committee on the Budget. Also, we are looking at a situation where, on the 39-page amendment at issue, there have not been hearings anyplace. Informational hearings only in the Committee on Rules.

So if we risk transferring power from the legislative branch to the executive branch, do we really want to charge ahead to make this decision?

Look at this chart. This 20 percent goes to Social Security pretty much on automatic pilot. The Congress has transferred already too much power to the executive branch of government. Medicare, 11 percent, on automatic pilot; Medicaid, automatic pilot; other entitlements, 14 percent, automatic pilot; interest on automatic pilot. Only Defense and the other 12 appropriation bills that represent less than 40 percent of the total budget is in the control of the Congress, and I think we have to be very careful as we move ahead.

The result of the congressional majority, whether it is a Republican or a Democrat, will find it far more difficult and perhaps impossible to pass agenda-setting legislation, like tax cuts, tax increases, whatever, if we lose reconciliation in the Senate.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in opposition to this amendment on biennial budgeting. I am concerned that in our haste to push forward this type of legislation we are overlooking unintended consequences that will drastically affect our budget process.

Despite today's projections of enormous surpluses, these numbers will invariably rise and fall with the economic cycles, with emergencies and other factors that, frankly, are outside of Congress' immediate control.

Last week, CBO updated their projections to show a $40 billion on-budget surplus, which is an increase of $14 billion from their estimate of last month. Over the last 4 years, CBO incorrectly estimated the deficit or surplus for the upcoming fiscal year by $99.5 billion. Given these inevitable fluctuations of our economy and Federal revenues, Congress needs every tool at its disposal to ensure that there are sufficient surpluses each year to meet its target for tax cuts and for debt reduction.

One of the supposed benefits of biennial budgeting is to provide additional time to focus on oversight. The truth of this whole matter is that most experts believe otherwise. They believe that biennial budgeting actually reduces oversight. One of the most important tools that we have in this House, in holding the executive branch accountable, is the appropriations process. Oversight is best accomplished when the agencies are dependent on Congress for funding in the near term and, therefore, more responsive to Congress' intentions.

The President, the executive branch and his agencies, will be less inclined to work with Congress once they receive their funding. In effect, it turns the Members of the House into fiscal lame ducks.

Further, with no regular appropriations bills in the second session, Congress would be forced to consider massive supplemental bills or correction bills to take care of changing priorities, unanticipated events, and emergencies. I truly believe biennial budgeting is not the most effective way to solve our frustrations in the appropriations process.

Mr. DREIER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER), a very able coauthor of this bipartisan amendment.

Mr. LUTHER. Mr. Chairman, before coming to Congress 5 years ago, I served in the Minnesota legislature for 20 years working on 2-year budgets. From that experience, there is no question in my mind that a 2-year budget is a better process. It would also, as has been pointed out, allow time for other important nonbudget issues. I think we all know the number of issues that are not going to be dealt with this year because we are, again, working on budget issues.

Proponents of biennial budgets have already stated the arguments that I agree with in terms of fiscal management, oversight, and cost effectiveness. But I also believe biennial budgets will

add to long-term planning and it will allow us an easier time of making the budget cuts necessary to meet today's and tomorrow's needs.

What is happening today is that we argue the same issues year after year but still have a very difficult time meeting the future needs of our Nation because we are unwilling oftentimes to cut the kinds of things we thought were important years ago. The biennial budget process, I believe, would make it easier to make those difficult decisions.

Due to the initial closing costs associated with shutting down many programs, it is hard to see a lot of savings when we are looking at just 1 year. But if we look out 2 years, we can see the substantial savings. And that is the experience that I had when I worked on 2-year budgets in the Minnesota legislature.

Successful families and businesses do a lot better than 1-year budgets, they plan into the future, and I think it is time we get that kind of thinking here in Washington.

I respect many of the opponents of this amendment, certainly the gentleman from Massachusetts (Mr. MOAKLEY) and the others, and I respect those arguments. But based on the experience I have had working with both 1-year and 2-year budgets, there is no question in my mind that while biennial budgets may not be the total solution, they move us in the right direction.

Mr. DREIER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), the very able coauthor of this amendment.

Mr. WHITFIELD. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of H.R. 853, the Comprehensive Budget Process Reform Act and the biennial budgeting amendment thereto. Both the underlying budget reform bill and the biennial budgeting amendment are the result of extensive study and deliberation during a process characterized by bipartisan cooperation.

The changes in the reform bill and the biennial budget amendment changes address long-standing inefficiencies which hamper the work of Congress and Federal agencies. Each year the Congress is so consumed by the budget process, by the appropriation process, we end up with omnibus bills. We do not know what is in there. This bill increases the accountability for Federal spending, promotes fiscal discipline and encourages long-term planning. It also preserves the progress we have made in reducing the public debt by requiring a vote on legislation that increases the debt.

In my view, the most necessary reform which we will consider today is the biennial budget amendment. Biennial budgeting was a key recommendation of the 1993 Joint Committee on the Organization of Congress and the Vice President's National Performance Review, and as has been said earlier, President Reagan supported it, President Bush supports it, President Clinton supports it, Vice President GORE supports it, Governor George W. Bush of Texas supports it, and I believe that is what we should do as well.

Critics of biennial budgeting allege that a 2-year cycle will reduce the leverage Congress exercises over Federal agencies through the appropriation process, resulting in a shift of power from Congress to the executive branch. I believe the opposite is true. Currently the budget process detracts from Congress' ability to conduct programmatic oversight and reauthorization.

Mr. Chairman, I urge support for the amendment and the reform bill.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 3 minutes.

Can my colleagues imagine that 4 to 5 months after a new Congress is elected in November that they are going to be asked to analyze and evaluate and decide on a 2-year budget? What we are doing, again, by forcing a new Congress into that position, is transferring power to the executive branch.

On oversight. I served in the administration, and it is my firm conviction that the administration, the agencies, the Departments, are much more respectful and responsive to Congress at budget time. If we allow the administration to have this longer leash, a longer leash because they are only obligated to come to Congress half as often, we are going to see an extra transfer of power and a further weakening of the legislative branch.

The authorizing committees are not affected by a 2-year budget. They already have 2-, 3-, 5-year authorization bills. They are the committees that should be doing the greatest part of that work in terms of oversight; evaluating how the administration is performing and assuring that the taxpayers get their money's worth.

Mr. Chairman, does anyone believe Members facing reelection will spend their time going over the dry details of Federal programs? With those States that have biennial budgets, every one of those States comes in for a second year modification of that budget with huge supplementals. Does anybody believe that Members that have 2 years to go or 18 months to go on a new budget are going to be able to get a quorum in those authorizing committees?

Look, I plead with this Chamber. Let us evaluate this idea. Let us not rush into a situation that may very well weaken the legislative branch, which has already been weakened. We have an executive branch that is now passing more laws in the form of promulgated rules than actually the legislature passes. Let us evaluate this idea. Let us have long hearings to make sure that we are not losing further control. Let us have the kind of review that is necessary to consider this kind of dramatic change, after 200 years of annual budgeting. Let us not jump into something new in a 2-year budget that is going to weaken the legislative branch.

Mr. Chairman, I submit for the RECORD an article in Roll Call written by me dated February 28.

ENTITLEMENT REFORM THE WAY TO GO

For 224 years, Congress has wrestled with the budget. As an ex-wrestler and current Budget Committee member, I know that can be both strenuous and challenging.

This has led some Members to seek a ''quick fix'' in an attempt to end the annual struggle. Biennial budgeting, however, is a mirage that distracts us from the real budget problems we face.

Biennial budgeting would be an enormous change in our budget processes, the biggest since at least 1974. The effects on the budget struggle would be far-reaching and very largely negative from the Congressional perspective. Biennial budgeting will deprive Congress of much of the leverage it needs to compete equally with the administration. Specifically, Congress gives up:

Reconciliation in off years. The Congressional majority could lose much of its power in election years to use reconciliation. This will endanger its priorities in election years and would rule out the House tax cut strategy for this year.

Congress could include multiple reconciliation instructions in a biennial budget resolution, but this deprives Congress of flexibility needed to react to changing political and economic needs. The majority would have to fashion its political strategy for the next two years just three months after the preceding election.

Control over the agencies. The annual budget process allows Congress to express its will to government agencies. I know that we were more eager to cooperate with Congress at budget time when I was a member of the Nixon administration. Biennial budgeting will reduce our leverage to hold agencies accountable and encourage defiance.

Budget accuracy and flexibility. Economic forecasting is highly uncertain. The Congressional Budget Office estimate for fiscal 2000 two years ago was for a $70 billion unified budget deficit. That's $240 billion off the current fiscal 2000 estimate of a $170 billion unified budget surplus. The estimate has shifted by $40 billion just since October 1999.

This uncertainty means the President would bargain for high second-year spending, and we would frequently need or be tempted to reopen the budget. When we reopen the budget, we would find ourselves with little leverage against a pre-funded administration that can resist unwanted budget modifications with near impunity. When revenue is lower or spending is higher than projected, the pressure to increase fees, taxes and borrowing, rather than cut the administration, would be considerable.

Leverage over spending. Congress will inevitably grapple with supplemental spending requests in the off years. In the absence of pressure to produce a complete budget, an administration will always have poll-tested and politically motivated requests in off years that will be hard to fend off in the absence of broader budget issues.

As a result, we will pass supplemental appropriations bills in most years that will grow as Members add their own pet election-year projects. All of this threatens even the very modest spending restraint that we've been able to exercise over the last five years.

I find it surprising, then, to hear of growing support for moving from our current annual budget to a biennial budget process. It does seem sometimes that we are on a budget treadmill that never stops. There is no solution, however, in ducking our responsibilities to exercise the power the Constitution grants us. Power atrophies unless it is used, that is what will surely continue to happen to Congressional power is we adopt biennial budgeting.

Members interested in getting a handle on the budget should focus on substance rather than process. The truth is that the discretionary portion of the budget—which is the substance of the 13 annual appropriations bills—makes up just one-third of total federal spending.

The rest of the spending—chiefly, entitlement programs—is on automatic pilot and rising faster than inflation. This growth in entitlement spending puts enormous pressure on the other parts of the budget and will inevitably necessitate higher taxes or a return to excessive government borrowing.

Acting promptly and boldly will bring benefits as well. The unremarked secret of our current budget surplus is the welfare reforms enacted in 1996 and the Medicare changes enacted in 1997. To be blunt, we should still be in deficit without these reforms. But in both cases, one could also argue that the programs have been strengthened.

I have long believed that there are similar opportunities to improve our largest entitlement, Social Security, which is now 23 percent of total federal spending. As chairman of the Budget Committee Task Force on Social Security, I helped develop 18 unanimous and bipartisan findings that could serve as the basis for reform.

After the completion of the task force's business, I also introduced the bipartisan Social Security Solvency Act (H.R. 3206), which is scored to keep Social Security solvent based on these findings.

The effect of this reform (or of similarly reforms such as the 21st Century Retirement Act (H.R. 1793)) would be to dramatically reduce the growth of government spending for decades to come. The charts (not shown here) indicate how significant reform can be.

The first chart shows that federal spending will rise to nearly 35 percent of the nation's gross domestic produce without changes in our entitlement programs, about 75 percent higher than it is today. Needless to say, giant tax increases will be needed to sustain this level of spending.

In contrast, the second chart shows what could happen if we simply adopt the Social Security Solvency Act. Under this scenario, we would experience a gradual reduction in federal spending as we shift to a retirement system based partly on worker-owned accounts starting at 2.5 percent of income and partly on traditional government-paid benefits.

This legislation would also fully restore the program's shaky finances and create opportunities for workers to live better in retirement by making full use of the power of compound interest.

This is not easy work. But if we do nothing, taxes will have to rise to the equivalent of 40 percent of payroll by 2040 to pay for Social Security, Medicare, and Medicaid. Social Security and our other entitlement programs are complicated and alternation carries political risk.

The benefits from this effort, however, will also be substantial. Sound reforms will allow Congress to master the federal budget where gimmicky process reforms such as biennial budgeting are bound to fail.

Mr. DREIER. Mr. Chairman, may I inquire of the Chair how much time is remaining on all sides here?

The CHAIRMAN. The gentleman from California (Mr. DREIER) has 8½ minutes remaining, the gentleman from Massachusetts (Mr. MOAKLEY) has 2½ minutes remaining, and the gentleman from Michigan (Mr. SMITH) has 3 minutes remaining.

Mr. DREIER. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. YOUNG), and let me just say that it has been an honor to work with the chairman of the very important Committee on Appropriations, who has long been a great champion of this issue of biennial budgeting.

Mr. YOUNG of Florida. Mr. Chairman, I disagree with the argument that I just heard about weakening the appropriations process, or weakening the House. I believe that we actually strengthen the position of the United States Congress in our separation of powers, in our separate but equal branches of government, by providing oversight of the hundreds of billions of dollars spent by the agencies of the Federal Government.

Now, if we do not have time to do oversight, we are not strengthening the position of the House of Representatives or the Congress in that whole process. I referred to this chart earlier, and I would ask the Members to look at it again. All of the days and weeks colored in red are days that have gone past, that have expired, that are gone before the Committee on Appropriations ever got a budget allocation.

Now, we cannot assign 302(b) allocations to our subcommittees until we get a 302(a) allocation that comes from the budget resolution.

□ 1645

When we lose more than half of the year before we can even begin to make our allocations, we are losing valuable time in getting appropriations bills considered, passed in the House and the Senate, and approved by the President of the United States. We run out of time and do not have adequate time for negotiations with the Senate or the President, and we do not have time to do the oversight.

And they say, well, do the oversight over here. That is fine, and we do some oversight during this period. But we need to see the President's budget and we need to see the resolution of the Committee on the Budget so we know what kind of oversight we are supposed to provide.

We do a pretty good job as appropriators in oversight. We eliminate a lot of the wasteful programs. There is a lot more to be done. We eliminate a lot of duplicative programs. There is a lot more to be done. And if we had more time to apply to this job rather than having to rush and rush and hurry to get the appropriations bills done before the end of September, we could do more oversight. We could strengthen the hand of the United States House of Representatives and the United States Congress as we deal with the executive branch of Government.

The branches of Government are supposedly, under our Constitution, separate but equal. It seems that in recent years, the executive branch has become more equal than any other branch, for a lot of reasons. One reason is the confusion that we created in the budget process that was put into effect in 1974. That cost us time and cost us the ability to do the real oversight that we ought to be doing.

So I am a supporter of biennial appropriations, and I know a lot of my colleagues on the Committee on Appropriations are also supporters. I also know that a lot of my appropriating colleagues are not. But I think it is a good move and I think we ought to support this.

While there is a difference of opinion on the Committee on Appropriations, for a number of reasons, it is my opinion, having served on this committee for 27 years that, prior to the time that we had limitations put on us by the Budget and Impoundment Control Act, we had more time to do better oversight. But once the budget act was put into effect and we were given dates that were not realistic as far as appropriations were concerned, we lost a lot of the time that we could use in oversight and in appropriating.

So I would just ask the Members to think about this seriously and consider giving us the opportunity to have time to do this oversight and do it properly by supporting this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of our Committee on the Budget.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, one of the gravest responsibilities that is given to us in Congress is the power to declare war. We have the power to raise armies and navies. We have the power to regulate them. And we have the power to determine when they will be put in the field, when young men and women will be put in harm's way to protect the interests of this country.

Frankly, we do not exercise that power very well. We have the War Powers Act, which gives the President presumptive authority to dispatch troops into conflict; and we have the power to recall them by passing a resolution of dubious legal status. We rarely exercise it. In the 18 years I have been here, I think we have used it twice.

One restraint we have is the knowledge on the part of the President and the executive branch that every year, every year, they must come here hat in hand and ask us to fund the defense

budget of this country. And if they dispatch troops, under the biennial budget, they will have $600 billion to spend, they will have twice the amount that we will appropriate this year in our defense budget and a 2-year lapse of time before they have to come up here and account for how they have spent and used that money.

Unless we have better controls on how we are going to dispatch troops to combat and commit our forces, I do not think we need biennial budgeting. It is one of the few limits we have, however we may exercise it, upon the use of our military in foreign theaters.

I think we should retain that short leash, that 1-year appropriation, to remind the executive that he still must come to Congress for the authority to put our men and women in harm's way.

Mr. MOAKLEY. Mr. Chairman, would the Chair be kind enough to inform all parties of the remaining time?

The CHAIRMAN. The gentleman from Michigan (Mr. SMITH) has 1½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 2½ minutes remaining. The gentleman from California (Mr. DREIER) has 4½ minutes remaining.

Mr. MOAKLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, while I understand the frustrations sometimes we have with the budget process, I come from a State that had biennial budgets. They did not work very well. Let me tell my colleagues why they did not work very well.

In that off year, we talk about having review and oversight. Well, when we do it in the off year, what I found is that it does not work very well, it has no teeth.

It was a time when that oversight is less systematic, it is less intense and, again, it really does not have any teeth. In fact, most of the time it did not happen. So it does not work very well.

This is only chance we have to sit down every year and go over those budgets item by item and agency by agency. And again, by my experience, biennial budgets do not work very well.

If we want to experiment, let us experiment with it. But this is a time that we should not change the process because there is not the oversight that happens in those opposite years.

Mr. DREIER. Mr. Chairman, I yield 1½ minutes to my very good friend, the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in strong support of the Dreier amendment to replace our current time consuming, bloated, and inefficient budget process with the biennial budgeting.

I believe in our budget leaders, Democrat and Republican alike. But the fact is, after being here for so many years, we have got to change the system. We have got to make some reforms. We are going to elect a new President in November, and let us start it out in a correct manner.

When we do this, we are going to be fighting over surpluses and priorities rather than fighting over deficits in the past. And the amount of time spent on the annual appropriations bills both in committee and on the floor leaves us significantly less time to engage in needed oversight activities and enact authorization bills.

Congress routinely funds unauthorized programs because we do not have time to take up the authorization legislation.

For fiscal year 2000, appropriations were provided for 137 programs whose authorization had expired, providing $121 billion for programs that lacked authorization. This is simply wrong.

Part of responsible governing includes funding programs that have gone through the authorization process. Biennial budgeting will allow us time to review and fund programs that merit taxpayers' dollars. That is what the people at home want. They want fairness. They want equity.

Let us have a 2-year budget rather than a 1-year budget, and we will get a lot more done and we will save a lot more taxpayers' dollars.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, we have problems with budgets projections. It should be obvious to everybody how far off our projections are 1 year in advance, let alone 2 years in advance.

Two years ago, CBO projected a $70 billion deficit for the year 2000. The current estimate is that there will be a $170 billion surplus. That is a $240 billion difference.

Budget inflation. Agencies will deal with uncertainty in two year budgets by padding their budget request. This will result in more spending.

Mr. Chairman, Congress has had annual Federal budgets since 1789. Our present budget problems have nothing to do with annual budgets. Our present budget problems have to do with the willingness of Members to take the time to make the effort to oversee and review spending bills in the United States Congress.

When it comes to giving taxpayers their money's worth, whether the budget is 2 years or 1 year, there will be no difference unless there is a willingness of Members to review programs that need to be reviewed. The authorizing committees that now have 2-, 3-, 5-year authorization bills now have the time available to do that.

What is going to happen with an election year when Members want to go home if there is no budget to pass? I urge Members to vote against this amendment.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN), one of the able coauthors of this amendment.

Ms. DUNN. Mr. Chairman, I rise today in support of the amendment offered by my friend, the gentleman from California (Mr. DREIER), to require a biennial budget.

When the gentleman from California (Mr. DREIER) and I served together on the Commission to Reform the House of Representatives in 1993 and 1994, we came out with some pretty important recommendations that then were passed into law when we took over the running of the Congress, for example, the Open Meetings Act, the first ever private audit of the House of Representatives, reduction of staff and committee by a third, which allowed us to run this body at $200 million less than the other party had run it the year before.

But the most important of all of those recommendations is the one that is being considered today on the floor, and that is implementing a biennial budget. It will bring us much more value for our tax dollar by allowing us to focus more on the efficiency of Government and the scrutiny that Federal programs should receive. Biennial budgeting will bring greater trust in Government.

By allowing greater deliberation over budgeting by the legislative bodies, we can assure our constituents that their tax dollars are being spent wisely and judiciously.

I urge my colleagues to support this amendment.

The CHAIRMAN. The gentleman from California (Mr. DREIER) has 2 minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 1½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has the right to close the debate.

Mr. DREIER. Mr. Chairman, the gentleman from Massachusetts (Mr. MOAKLEY) has the right to close?

The CHAIRMAN. As representing one of the committees managing the bill, the gentleman from Massachusetts (Mr. MOAKLEY) has the right to close the debate, as the gentleman from California (Mr. DREIER) is seeking to amend the committee's bill.

Mr. DREIER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this amendment has a great deal of common sense to it. There are a number of statements that have been made that I think need to be refuted.

This argument that the gentleman from Michigan (Mr. SMITH) is making about oversight, biennial budgeting dramatically enhances the ability to have oversight.

The subcommittee of the gentleman from Alabama (Mr. CALLAHAN) can continue with its oversight and appropriations. But, also, we very much want to

have the authorizers spend time on oversight.

It is a constitutional responsibility which, unfortunately, we do not get to do enough of now because we spend so doggone much time on all of these budget disputes that are going on.

This argument that has been made about this transfer of authority down to the executive branch, Jack Lew, a great protege of the gentleman from Massachusetts (Mr. MOAKLEY), who is now our Director of the Office of Management and Budget, said in his testimony, ''While I respect the concern of those who believe that biennial budgeting will shift power between the two branches, I don't share this concern. I do not believe that, under biennial budgeting, executive branch officials would become less responsive to Congress. That is because biennial budgeting would not alter the fundamental reality that, under the Constitution, Congress has the power of the purse.''

Dan Crippen, who is the Director of the Congressional Budget Office, stated, ''It seems unlikely that agencies would be less responsive to the Congress simply because they would be requesting regular appropriations every other year. Also, a biennial budget cycle by setting aside some time for Congressional action on oversight and authorizing legislation might relieve the appropriation process of time-consuming debates on substantive policy issues, which could actually improve congressional control of spending.''

That is what we are trying to get at.

Mr. Chairman, this is the most sweeping reform in a quarter century. It makes so much sense. We have got everyone who is now in the White House and seeking the White House in support of this. We have bipartisan support. The chairman of the Committee on Appropriations, the Speaker of the House, many of the cardinals, many Democrats have joined in support of it.

We should provide this very, very key to the reform of the budget process. I urge an aye vote.

□ 1700

Mr. MOAKLEY. Mr. Chairman, I yield myself the balance of my time. I think the gentleman just made the argument why Presidents want this. It gives them an advantage. Every President wants it. Jack Lew who works for the President is doing a great job carrying out the President's orders because the President knows that it would have the legislature up against the wall in the off years.

Mr. Chairman, I call to the Members' attention an editorial from yesterday's Washington Post urging the defeat of this amendment, ''Fleeing Hard Choices.'' I urge a ''no'' vote on the biennial budget amendment.

[From the Washington Post, May 15, 2000]

FLEEING HARD CHOICES

The House this week may take up a proposal to shift to biennial budgeting. The bad idea suggests that even the members are disgusted with the duplicitous farce in which they now annually engage. It is part of a 15-year effort to find a procedural fix that will somehow magically save them from their own indiscipline. But process can't solve the problem, and as with so many of its predecessors, this is a proposal that would do more harm than good.

The problem is not that the budget takes too much time each year, but that the Republicans particularly persist in pretending that they can spend the same dollars twice. They say as they have since 1981 that they can give a large tax cut, protect Social Security and Medicare, increase defense spending and still balance the budget by cutting other domestic spending. But as everyone understands by now, they lack the votes for such cuts even within their own caucus.

The appropriations process once again has begun. To pay for their tax cut plus all the rest, the Republicans would have to cut domestic appropriations by about 10 percent in real terms over the next five years and more thereafter. A cut that large would do real harm to basic functions of government, but the sponsors aren't required to name specific cuts. They strike their pose, then use accounting gimmicks to crawl back from the abyss to which the pose took them. That's what the budget process has become. It's squalid and demeaning, and members can be forgiven for wanting to engage in it only once every two years. But it's their unwillingness to make hard choices from which they flee.

The choices occur within particular appropriations bills. The Democrats want to increase education spending. The Republicans want at least to match them without doing notable harm in an election year to the health and other social programs with which education competes for appropriations. But in part to pay for their tax cut, their budget calls for a freeze on appropriations for health, education, etc., next fiscal year—not even an allowance for inflation. So they already are resorting to gimmicks. Likewise in the so-called VA–HUD bill, in which they propose to cut overall spending while increasing veterans' health spending. But do they want to offend the big cities by cutting the subsidized housing programs for the poor with which the veterans' programs compete?

Myth and math don't match; truth becomes the victims. But biennial budgeting won't solve that; if anything, it will make it worse. The budget would have to be drawn up more than two years in advance. It would be an exercise in guesswork. There would have to be even more adjustments—''emergency'' appropriations, with all the opportunities for mischief they present—than now. That's especially so because they would postpone until the second year the discipline from which they would give themselves a bye in the first. No procedural fix can take the place of political will.

Mr. STEARNS. Mr. Chairman. I rise in support of the biennial budget amendment being offered by Mr. DREIER.

I became an original cosponsor of the biennial budget resolution because I want to see our budget process improved. As we all know, the budget process often results in gridlock. In the past we have witnessed train wrecks, government shutdowns, and continuing resolutions.

Although establishing spending levels in Washington will always be contentious, there is strong agreement on adopting a two-year, or biennial, budget process. President Clinton, Senate Majority Leader TRENT LOTT, and other congressional leaders have endorsed this streamlined system.

Under a biennial budget the President would submit a two-year budget resolution during the first session of Congress.

Congress then would consider and pass 13 two-year appropriation bills for the President's signature. The second session of Congress would be devoted to overseeing government programs, considering authorization bills, and working on other legislative priorities. Imagine, members of the House and Senate carefully considering legislative proposals and addressing major issues and emergencies at a deliberate and reasoned pace.

The annual budget process has become a tool of political theatrics yielding poor policies. By adopting a biennial budget spending, decisions would be made in the year prior to an election year, putting policy ahead of politics.

Annual budgeting also encourages using accounting gimmickry and wishful thinking. Lawmakers frequently adopt budgets with ambitious out-year spending restrictions; restrictions that rarely materialize. It is easy to promise to make tough decisions next year, beyond the reach of the current budget. Biennial budgeting doubles the period for specific spending levels and holds decision makers more accountable.

Since 1950, Congress has only twice met the fiscal year deadline for completion of all 13 individual appropriation bills. A two-year budget cycle will introduce greater stability to the funding process, decrease political manipulation of federal spending, and enhance the efficiency of Congress and federal agencies. It would also increase the public's confidence in the ability of the federal government to manage its responsibilities. That is the mark of good government.

Adoption of a biennial budget makes sense because it would be an important improvement to our budget process.

Mr. HORN. Mr. Chairman, I rise in support of Representative DREIER's two-year budget amendment. This amendment would create a two-year budget cycle which would save both time and money. That cycle would enable Congress to increase its oversight of Federal programs and Federal spending.

That is long overdue!

Of the functions, we do well when we engage in law making and helping our constituents who have had difficulties with a complicated bureaucracy.

We all know that we do not do enough to regularly examine how the executive branch implements our laws.

Why don't we do a better job of oversight? For one reason is a lack of time in which to do it. Another reason is that our staffs want to develop policy. It is glamorous. The media also enjoys policy, not the hard work.

The really difficult work is to spend weeks and months of going over a lot of paper and interviews with civil servants and clients. In 1994 we put the government performance and results act in the public laws of our nation.

Those of us on Government Reform have urged our colleagues to meet with their political counter-parts in the Executive Branch—the Cabinet Secretary, the Agency Administrator, the Deputy Secretary, the Deputy Administrator, or the various Assistant Secretaries. We need the dialogue between the

principal agents of the President's administration and those of us who have been elected by the people.

As we know, the Results Act is off to a very slow start. The General Accounting Office report on Federal agencies' 1999 performance plans found that only 14 of 35 agencies defined a relationship between their program activities and their performance goals. Few agencies explained how they would use their funding to achieve those goals.

Sustained congressional oversight is essential. Congressional appropriators and authorizers are in the best position to provide that oversight. But they must have the time in which to do so. Congress must demand accurate and timely program performance data from the Federal departments and agencies.

That objective will require agency leadership that is strong committed to implementing all phases of the Government Performance and Results Act.

It will require the Office of Management and Budget to require agencies to justify their funding requests by linking them to the agency's program results.

Finally, it will require greater congressional scrutiny to ensure that the job gets done.

It is time for two year budgeting, and it is time to start linking Government spending with the results of that spending.

I strongly urge my colleague to support the Drier amendment.

Ms. MCCARTHY of Missouri. Mr. Chairman, today we have a historic opportunity to fundamentally change the way we do business in Congress. Implementing biennial budgeting will insert new efficiencies and programmatic oversight into the budget process, provide agencies with more decisionmaking stability with which to plan for future needs, and allow the Congress more time to consider policy matters critical to the citizens.

As is often the case with important policy decisions, Congress can benefit from the experiences of the States. My State of Missouri is among the 23 States that have implemented biennial budgeting. Missouri began using a mixed biennial budget process several years ago (1994–1995 biennium).

The day-to-day operations of the State continue to be authorized on a yearly basis, but our capital improvements budget—about $700 million—operates on a biennium to aid in planning major capital investments and to increase agency oversight.

As with the Missouri experience, a Federal biennial budget will improve both our fiscal and programmatic management, and enable us to become more efficient and more productive. This works in my State; I am here today to say it can also work at the Federal level.

Improvement is vitally needed at the Federal level. Only twice in the past quarter-century has Congress completed action on all 13 appropriations bills by the start of the new fiscal year on October 1.

Since my election to the House of Representatives in 1994, Congress has never gotten all of its budgeting responsibilities completed on time.

In 1995, our inability to act forced a government shut down at the end of the year. In 1996, Congress didn't pass the Budget Resolution until mid-summer and barely completed all of the appropriations bills prior to the fiscal year deadline. In 1997, we didn't bother to pass a Budget Resolution at all.

For the past two years we have only been able to complete work on the annual funding bills by passing an omnibus appropriations bill with less than 24 hours to review a multi-agency appropriation bill containing critically important program funding.

This is no way to allocate precious taxpayer dollars or to do our critically important oversight duties such as finding ways to expand enrollment in Head Start, working in a bipartisan fashion to provide safe streets and schools for our children, identifying strategies to extend the solvency of the Social Security Trust Fund, or debating how we can provide quality health care to all Americans.

Let us take an important step today toward truly reforming how we do our nation's business and adopt biennial budgeting. Biennial budgeting does not eliminate our responsibility to make the difficult choices among spending priorities nor with it cure all the problems within the budget process, but biennial budgeting is a step in the right direction.

I strongly urge the House to adopt my distinguished colleague's amendment to H.R. 853 to establish a biennial budget process, so we can begin a new millennium with a renewed emphasis on cooperation, results, and efficiency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 217, not voting 17, as follows:

[Roll No. 186]

AYES—201

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Crane
Cubin
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Doggett
Dreier
Dunn
Ehlers
Ehrlich
English
Ewing
Foley
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kind (WI)
King (NY)
Kleczka
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Linder
LoBiondo
Lucas (OK)
Luther
Martinez
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Ose
Oxley
Pease
Peterson (PA)
Pickering
Pitts
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Simpson
Sisisky
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Upton
Vento
Vitter
Walden
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Young (AK)
Young (FL)

NOES—217

Abercrombie
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hoyer
Hunter
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kingston
Klink
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lucas (KY)
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pombo
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott

Sherman	Stenholm	Waters
Sherwood	Strickland	Watkins
Shows	Taylor (MS)	Watt (NC)
Shuster	Taylor (NC)	Waxman
Skeen	Thompson (MS)	Weiner
Skelton	Tierney	Wexler
Slaughter	Towns	Weygand
Smith (MI)	Traficant	Wicker
Snyder	Turner	Wise
Spence	Udall (CO)	Wolf
Spratt	Velázquez	Woolsey
Stabenow	Visclosky	Wu
Stark	Walsh	Wynn

NOT VOTING—17

Ackerman	McCollum	Rangel
Campbell	McIntosh	Serrano
Engel	McNulty	Stupak
Largent	Meeks (NY)	Thurman
Lowey	Nadler	Udall (NM)
Maloney (NY)	Owens	

□ 1721

Ms. SANCHEZ, Mr. EVERETT and Mr. FORD changed their vote from ''aye'' to ''no.''

Messrs. PITTS, BLILEY and SWEENEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 106–613.

AMENDMENT NO. 2 OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GEKAS:

At the end of title VI, add the following new subtitle:

Subtitle C—Automatic Continuing Resolution

SEC. 631. AUTOMATIC CONTINUING RESOLUTION.

(a) AMENDMENT TO TITLE 31.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

''§ 1311. Continuing appropriations

''(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year and a joint resolution making continuing appropriations (other than pursuant to this subsection) is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in the preceding fiscal year—

''(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

''(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

''(2)(A) Except as provided by subparagraphs (B), (C), and (D), appropriations and funds made available, and authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the rate of operations provided for in the regular appropriation Act providing for such program, project, or activity for the preceding fiscal year, or in the absence of such an Act, the rate of operations provided for such program, project, or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year.

''(B) The applicable rate of operations for a program, project, or activity for any fiscal year pursuant to this section shall exclude amounts—

''(i) for which any adjustment was made under section 251(b)(2)(A) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 before the date of enactment of this section;

''(ii) provided for emergencies for which an exemption from section 251 or 252 of such Act is granted under section 317(c) of the Congressional Budget Act of 1974; or

''(iii) for which any adjustment is made under section 251(b)(2) (C) or (D) of such Act.

''(C) The applicable rate of operations for a program, project, or activity for any fiscal year pursuant to this section shall include amounts provided and rescinded for such program, project, or activity in any supplemental or special appropriations Act and in any rescission bill for that year that is enacted into law.

''(D) The applicable rate of operations for a program, project, or activity for any fiscal year pursuant to this section shall be reduced by the amount of budgetary resources cancelled in any such program, project, or activity resulting from the prior year's sequestration under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 as published in OMB's final sequestration report for the prior fiscal year.

''(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

''(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

''(B) the last day of such fiscal year.

''(b) An appropriation or funds made available, or authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such program, project, or activity under current law.

''(c) Appropriations and funds made available, and authority granted, for any program, project, or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such program, project, or activity during the portion of such fiscal year for which this section applies to such program, project, or activity.

''(d) Expenditures made for a program, project, or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such program, project, or activity for such period becomes law.

''(e) This section shall not apply to a program, project, or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such program, project, or activity to continue for such period, or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such program, project, or activity to continue for such period; or

''(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

''(1) Agriculture, rural development, and related agencies programs.

''(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

''(3) The Department of Defense.

''(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

''(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

''(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

''(7) Energy and water development.

''(8) Foreign assistance and related programs.

''(9) The Department of the Interior and related agencies.

''(10) Military construction.

''(11) The Department of Transportation and related agencies.

''(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

''(13) The legislative branch.''.

(b) CONFORMING AMENDMENT.—Section 202(e)(3) of the Congressional Budget Act of 1974 is amended by inserting ''and on or before September 30'' before ''of each year''.

(c) CHAPTER ANALYSIS.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

''1311. Continuing appropriations.''.

(d) EFFECT OF AMENDMENTS.—Nothing in the amendments made by this section shall be construed to affect Government obligations mandated by other law, including obligations with respect to social security, medicare, and medicaid.

The CHAIRMAN. Pursuant to House Resolution 499, the gentleman from Pennsylvania (Mr. GEKAS) and a Member opposed each will control 20 minute.

Mr. YOUNG of Florida. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

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

Mr. Chairman, the amendment which we are about to consider is one that we have proposed several times over the last decade, and each year it becomes more important and more salient to the process which we are debating here today, namely, how can we prepare and devise a suitable budget for the people of the United States without the fear

of or actual causing of a shutdown of government?

Let me take you back to December of 1990, because it is important to recognize and for the American people to realize what the nature of this debate is. In that month, you will recall, half a million of our fellow Americans, young people serving in the Armed Forces, were in the deserts of Saudi Arabia, musket in hand, ready to do battle to rescue Kuwait from the Iraqi conquest.

While they were poised, ready to do battle, guess what? The government of the United States shut down. It shut down, and, for all intents and purposes, then the man in uniform, the woman in uniform, was a man without a country, a woman without a country, because the Congress did not have the negotiating ability or brain power to put together a budget to forestall this shutdown of government.

Now, that is the worst example. Since then we have had several shutdowns or threats of shutdown. The most notable one, of course, was in 1995 when the Clinton strategy and the Gingrich strategy collided in such a way that we had a colossal shutdown of government.

What I am asking here today is for us to adopt the amendment which would call for an instant replay on October 1, the first day of the new fiscal year, an instant replay of last year's budget for all those appropriations bills not completed by September 30.

□ 1730

That means that there will never be a shutdown and that the negotiators and the appropriators, like our good friend the gentleman from Florida (Mr. YOUNG), who does a superb job, is not robbed of one iota of his power in the appropriation or his ability to negotiate and to deal with the problems of fashioning a budget, and we would be in a position to proceed with the level of government without interruption.

That is the force and effect of my amendment. Ask the Federal employees and the people who have to run the Federal bureaucracy, the Social Security Administration, the Pentagon, what the people of the United States expect. Like the Smithsonian Institute to stay open for tourism in Washington, do they not have a right to expect that, as the bottom line, government services to be available at all times? Yet we would shut down not just our 500,000 men and women in Saudi Arabia but the Smithsonian Institute as well for the rationale that is employed in the bickering between the White House and the Congress.

I am saying what we want to put in place today is not for this Congress, not for this President. All those who are blindly loyal to the President, this President, or those who are blindly hostile to the President, have to set all of that aside because we are talking about the future budget process for the next Congress and for the next President, not for us who went through these shutdowns and who do not fully understand how it occurred in the first place.

So what we are talking about is good government, better government, for the future. The gentleman from Florida (Mr. YOUNG) wants a staunch, workable system. I know he does, but he opposes this, I learned from a wonderful letter that he sent to me about his rationale, because in his way of looking at things he, as an appropriator, is robbed of the power to negotiate and to bring about an orderly process, as he sees it, of a budget for the year.

I say the reverse is true. If we can have the instant replay on October 1, with no shutdown, a smooth transition into the new fiscal year, he has more power than ever as an appropriator to be able to put all the pieces together for a new budget and all the time unpressured by emergencies and unpressured by special interests that always have a hand in that mammoth last budget that all of us are forced to support because there is nothing else before us except the threat of a shutdown in government.

I implore my colleagues to vote in favor of the Gekas amendment.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), who is a member of the Committee on Appropriations and also a member of the Committee on the Budget.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for yielding this time.

Mr. Chairman, I rise in total opposition to this amendment. No matter how well written an automatic CR might be, there are always special cases that must be addressed with legislation in order to maintain the continuity of operations. The census is a perfect example, as well as many research programs and construction projects, including those that are related to national defense. In practice, this prevents Congress from being able to pass a CR without any changes to any departments or programs. Because of this reality, any automatic CR will have to be supplemented with other legislation in order to work effectively and to avoid the semi-shutdown impacts across the Federal Government. Therefore, even with an automatic CR, we will be in a situation not that much different than what we currently face.

In addition, I am also concerned about the change in context under which appropriations bills are negotiated with the President. Since the individual appropriations bills would no longer be viewed as must-pass, this has the possibility of prolonging negotiations between Congress and the President.

This amendment will remove the backbone from appropriators because there will be no sense of urgency in passing appropriations bills. I understand the concerns of many of my colleagues about the effects of the threat of a government shutdown but government shutdowns can easily be avoided without an automatic CR. Prior shutdowns have not occurred over appropriations issues but over extraneous issues. Short-term CRs written as cleanly as possible have always been signed by the President.

While I support the efforts to avoid any appropriations train wreck at the end of the year, I do not believe the automatic CR will accomplish this goal, and I urge my colleagues to oppose this amendment.

Mr. GEKAS. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER), a staunch supporter of our concept.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the amendment given us today by the gentleman from Pennsylvania (Mr. GEKAS).

Mr. Chairman, it is time for us to give up, which is the budgetary equivalent of a doom's day strategy, a nuclear weapon. It is time to repeal for all time the threat of a government shutdown. It is not a threat to us as much as it is a threat to the people of the United States. It is time for us to say that we do not have to threaten ourselves and the American people to do our job. We do not have to threaten to do something that everyone agrees is stupid, just to give ourselves enough incentive to do our job and to enact appropriation bills.

Mr. Chairman, whenever we propose to end government shutdowns, we always hear the same thing as we have heard. How can we pass appropriations bills without the threat of a government shutdown? One answer is that almost every year we somehow manage to enact one or more supplemental appropriations bills, even though we know for a fact that the government will not shut down if we pass them.

The larger question is this: Are our appropriation bills so bad that the only thing worse than passing them is the totally irrational alternative of shutting down the government?

I, for one, have more confidence in our appropriators and the appropriations process that it will work than that. Even a step towards sanity would be worthwhile. The main reason that I supported the amendment that we just debated and which failed, which provided for a 2-year budget cycle, is that it would mean that at least every other year there would be no threat of a shutdown, but if we can eliminate the threat for just half the time, which unfortunately we did not do, why should

we not go all the way? Why should we not just eliminate this threat?

Let me suggest this: The American people are looking to us. There is no reason for us to threaten the American people, especially there is no reason for us to threaten government employees with the hardship and the burden of government shutdowns just to get us to do our bills. Let us work together. We have proven we can work together this year, but let us put an insurance policy in place that protects the American workers, the American people and government workers; protects them if we are not doing our job, and let us instead insist that the job get done and not threaten the American people if we do not do it.

Mr. Chairman, I strongly support the Gekas amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time.

Mr. Chairman, this amendment, I think, would be a terrible mistake if we passed it. The Founding Fathers over 200 years ago put this system together, a system of checks and balances, and there are consequences to our actions and also to our inactions. The concern here is that if we fail to pass an appropriations bill or several appropriations bills, that portion of the government will not be funded. That has happened once in my 12 years here and I am told the last time it happened before that was 1986. It was not the end of the world. Did it cause some disruptions? It did. The fact of the matter is, there has to be some discipline in the system, and if we do not get our bills done on time and an automatic continuing resolution takes over, all impetus, all momentum, all consequences to not completing our budget work are lost. It is a Band-Aid approach to a very complicated, delicate balance of power that has been working for over 200 years.

This idea of a 2-year budget, the Founding Fathers rejected that. An automatic continuing resolution, I am sure they did not envision that but they would have rejected it, too. What we do here, if we put the government on automatic pilot, the pilot is the President of the United States and we, as the legislators, our job is to be independent of the executive, fiercely independent.

Now, we already had reform in a recent Congress where we passed a line item veto, where we gave power to the President and the Supreme Court said do not do that, you idiots; do not give that power to the President. That is your power; and they gave it back to us, thank God.

Now we are going to yield more power to the President by putting the government out on automatic pilot. We lose our control of the budget process and the President just runs us around. That is not what we want. We want to maintain our independence. Please defeat this bill.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding me this time and for his leadership on this issue.

Mr. Chairman, I rise in strong support of this amendment. We need a continuing resolution, an automatic continuing resolution, for one simple reason. Pause and think a moment. We were elected to run the government, not to stop the government, not to shut it down. The current structure we have in place, and this is no slap at the appropriators for whom I have a great deal of respect, masks two things. The current structure masks either our ineptitude, our failure to come to a reasonable agreement on budget agreements, or it masks our selfishness. The notion that our personal and perceived objectives are more important than the government of the United States, that it is more important that we get our way than it is that we have museums open, that we fund our military, that we send out Social Security checks, some people in this body think their decision-making is so important that it is worth shutting down the government. I disagree with that notion. I think that a continuing resolution maintains the status quo. If one feels that cutting the government is that important, continue the debate and negotiate. If they feel expanding government is important, continue that debate, but in the meantime do not shut down the government. I support the Gekas amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, there is no one in the House that I respect more than the gentleman from Pennsylvania (Mr. GEKAS). I literally have spent hours across the desk from him listening to his philosophy, sort of straining him to tell me some of the great depth of knowledge he has of the great Civil War and his process knowledge of this body.

I would say to the gentleman from Pennsylvania (Mr. GEKAS), I am here today to maybe engage in a colloquy with him to ask him some specific questions.

As the gentleman may know, my niche in Congress is chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and as a result it is up to me to draft a bill each year to bring to the Members to vote on how much foreign aid we are going to give. This is not a real popular position. For example, I would say to the gentleman from Pennsylvania (Mr. GEKAS), we are in the process of reducing aid to Israel, reducing Israel $120 million a year, with an agreement with the Israeli government that this is the right direction we should go, but under the Gekas amendment, as I understand it, there would be no room for that reduction in a continuing resolution.

Israel gets all of their money the first 15 days of the fiscal year. So if indeed that is the case, under the Gekas resolution when would I be able to cut foreign aid, which is what I have been doing every single year I have been chairman?

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. The answer is in two parts. First, when next the gentleman meets with the appropriators to sit down for the new budget he can do it but, secondly, I answer the question with a question. What does the gentleman do now if we come to the end of the fiscal year and a continuing resolution temporary for 2 weeks occurs?

Mr. CALLAHAN. Rerestrict that in the resolution. In the continuing resolution, we deny that early disbursal, and I am saying under the Gekas amendment, as I understand it, and I have great respect for the gentleman's tremendous knowledge of this process, but I am saying in my particular case we do not give foreign aid like an entitlement. We give it to countries based upon their needs.

Mr. GEKAS. My answer to the gentleman is what does he do now under a temporary CR? The same thing.

□ 1745

Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Gekas amendment to provide for an automatic continuing resolution for those appropriations bills which have not been enacted by the start of the fiscal year.

To respond to our previous distinguished speaker, our response is, get the bills done by the end of that fiscal year.

This amendment offered by the gentleman from Pennsylvania (Mr. GEKAS) responds to the American people, who are tired of watching the spectacle of a possible Federal Government shutdown because of an impasse in budget negotiations between Congress and the President.

This amendment simply prevents what all of us want to see prevented.

Mr. Chairman, there have been 17 government shutdowns since 1977. When this happens, those who bear the

real burden of these national embarrassments are not Members of Congress, nor are they those in the upper echelons of the executive branch. Instead, those who pay the price are our senior citizens and our veterans, who rely on receiving their social security and benefit checks on time, and our Federal work force, who find themselves jerked around from one day to the next, sometimes even 1 hour to the next, not knowing or having any control over their only livelihoods.

Let us stop that and support this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have the greatest respect for the gentleman from Pennsylvania (Mr. GEKAS). We are co-chairs on the Biomedical Research Caucus. However, this is just a bad amendment. It is well-intentioned, but I consider this amendment to be the dumbing down of American government.

It means well that we do not want government shutdowns, but what this amendment does is it puts the government on automatic pilot. We might as well pass this and leave town and not come back, because if we have any discrepancy between the executive branch and the legislative branch, nothing will ever get done. All we will do is have automatic CRs that will go one after the other, and we will never take care of policy issues we should be addressing.

Yes, there are times when the government is shut down. We had it during the Clinton administration, we had it during the Reagan administration. Usually the power inures to the executive in that process. Nonetheless, that is how the system works. In the end, we are better off because there is that separation of powers between the branches.

I would encourage my colleagues to oppose this. When we debated this in the Committee on the Budget, I was against it. At the very least, what we should consider is something to do with the essential functions, but not 100 percent, or not a freeze at 95 percent, because we will never do anything around here. We will never make the hard decisions. That is the unintended consequences of what is otherwise a very well-meaning amendment.

I would hope that my colleagues would defeat this, because, as I said, if we pass this, we might as well shut the place down, go home, put the government on automatic pilot, and let the bureaucrats run the operation. I do not think that is what the gentleman from Pennsylvania intends.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, let us go to October 17 of this year. We are here on the weekends, and it is 3 o'clock in the morning. The President has vetoed three or four of our appropriations bills. The Republicans meet, the Democrats meet. We do not know what to do. We are trying to get together.

Sound familiar? That is what happened in 1999, what happened in 1998, what happened in 1997. What do we do? We put everything together in an omnibus appropriations bill for $500 billion. There is not one person in this body that knew what was in that appropriations bill. We brought it all on the House floor and everybody, exhausted, votes for it.

Is that the way to run a government? That is not the way we should do it. There is so much in-fighting and partisanship near the end, particularly in an election year, that we need some failsafe method. This is what the Gekas amendment does, it fully funds 100 percent of the previous years's budget at the funding levels so we can go home and not have these omnibus appropriations bills that are so awful that all of us are embarrassed to go home after voting for them.

I urge my colleagues to think in terms of protecting their constituents, protecting the integrity of this office. If Members do not pass the Gekas amendment for this continuing level, they are corrupting the process. We need to pass this today.

Mr. Chairman, I rise today in support of the amendment being offered by Mr. GEKES—the Automatic Continuing Resolution, or CR.

I do so because an automatic Continuing Resolution is a fail safe provisions that would automatically and fully fund the thirteen appropriations measures should any or all fail to be passed into law. In other words, we would be adding a common sense provision to this budget reform measure.

The CR is a simply and reasonable effort to protect America from the kind of partisan political battle that resulted in shutting down the government and suspending essential government services back in 1995. None of us want this to happen ever again. Passage of this amendment would ensure the uninterrupted continuation of vital services like Social Security and Veterans benefits—the CR remove politics from the appropriations process.

The CR provision is actually quite simple and generous: should any of the bills fail to become law by the end of the fiscal year, they would be funded at fully 100 percent of the previous year's funding levels. In other words, there are no cuts and no elimination of programs as a result of passage.

Today, America is not in desperate need of a dire course of action, but one never knows what the future holds. For the good of our country and the peace of mind of her citizens, we should pass into law this common sense insurance mechanism.

As an original cosponsor of this legislation and a long-time supporter of the sentiments behind the CR, I urge my colleagues to vote in favor of this worthy amendment. I also call upon the president to reconsider his position on this issue for the long-term good of the entire country.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate the gentleman yielding time to me, and rise in strong opposition to the amendment offered by my colleague, the gentleman from Pennsylvania (Mr. GEKAS).

It is with some hesitancy that I do so, but he and I had talked more than once about the fact that the Founding Fathers designed this system almost to stimulate confrontation. The body is made up of two parties, and the debate that takes place between the two parties oftentimes is the healthiest part of the work that we do around here. Sometimes we have a Democratic Congress and a Republican president, and vice versa. Indeed, that dialogue and exchange is very healthy for the process.

The automatic continuing resolution presumes that we cannot get our work done without some way of avoiding that confrontation. Nothing could be worse for our government than that. If we had an automatic continuing resolution in place, there are some pretty dramatic things that could happen in the months ahead. Let me illustrate that point.

The presumption here is that in the 00 year, everything was fine with certain kinds of programming, so we do not need increases for the 01 year. Let me suggest that if the proposal of the gentleman from Pennsylvania were in place, this is what would occur in the defense arena, the area that I have responsibility for appropriating about.

The 01 bill provides for $19.6 billion for national security above last year's bill. In specific categories, the military would be dramatically impacted by this proposal if it were in place. For example, for military personnel, those people we wanted so desperately to help last year, we would lose $2 billion; for operations and maintenance, there would be a reduction of $5.2 billion; for procurement, very important assets for the military, $8.6 billion. The problem goes on and on.

I would suggest very, very strongly that the Gekas amendment, while carefully thought out by the author, is not what we need in this legislation. Indeed, with this amendment, I would urge all of my colleagues to vote no on the entire bill.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, if we came to the end of a cycle, thinking

about those expenditures that the gentleman is talking about for the Pentagon, and we did not have a budget for the military, would the gentleman vote for a temporary CR for 30 days or 45 days? The answer is yes, the gentleman would, and he would be under the same constraints then in not being able to spend.

Mr. LEWIS of California. Taking back my time, the fact is that short-term clean CRs have worked from time to time. It is when we get in confrontations between the administration or between parties that often the process falls apart.

Therefore, I strongly urge my colleagues to oppose this amendment, and if it should pass, to oppose the bill.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), the author of the overall budget reform system that we are debating generally.

Mr. NUSSLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am amazed to hear the debate today, so much discussion about personal and individual power, committee jurisdiction, prerogative, the need to put discipline into a system.

Mr. Chairman, this is not about us, this is about America; We, the people. People come from around the world to see how 260 million people govern a Nation. They do not come here to see how much power the chairman of the Committee on Resources has, they come here to see how it works.

What they cannot believe and what I cannot believe, and what my constituents in Iowa cannot believe, is that if in fact we do come to impasse, that they should be so affected by a government shutdown that everything has to stop because a couple of chairmen, a couple of powerful chairmen, rightfully have an argument, rightfully have a disagreement, and cannot come to an agreement. Therefore, everything has to suffer, everything has to shut down.

The beauty of America is that we have been able to for more than 200 years talk about the power of the people of this country, not individual power of Members of Congress. Let us pass this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Chairman, this amendment is not necessary. It is not necessary as long as we keep our institutional memory and remember what happened among the public the last time we shut the government down. That ought to be impetus enough to get the job done, get the bills passed, and use temporary CRs to breach the gap until we do.

It is not necessary and it is not useful, either. For one thing, it is not good for the institutions, in my opinion. It takes away all incentive for us to enact 13 appropriation bills on time, on schedule, by regular order. It is hard enough for us to do that now. If we pass the CR, it is no sweat, we do not have to get the job done. The automatic CR provision would be there to put $600 billion of spending on automatic pilot. We could not do our job with impunity.

It is not good budget policy. What this effectively does is turn all existing discretionary appropriations into capped entitlements at this year's rate, because unless they are cut by a majority vote, they remain in effect. This backstops existing spending. It takes away all pressure for us to compromise.

Having said that, I do not think we can begin to imagine all of the possibilities of games playing with the budget if this is adopted, not necessarily in this body, although I am sure we are up to it, but in the other body, where they have the power of filibuster. A minority of the Senate, by filibuster, can prevent the enactment of regular appropriation bills and leave the program funding levels at the capped entitlement level in the automatic CR.

The President with his veto has all the more power now, if we pass this bill, because he can veto with impunity. He does not have to worry about the government keeping going because the automatic CR will fill the gap.

We do not need any of these factors overhanging the budget process. This amendment solves very little and it raises all sorts of problems. It should be defeated.

Mr. GEKAS. Mr. Chairman, it now gives me personal pleasure to yield 1 minute to my colleague, the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this amendment. Every year, at the end of the appropriation process, we end up facing the shutdown showdown. Congress and the President disagree on the spending level, and when a stalemate occurs, the threat of a disruptive, costly, irresponsible government shutdown looms ominously over the negotiations.

Who wins those negotiations? The winner is whichever side can blame the other for the shutdown. The politics of who will win and who will get to blame the other side for the shutdown determines the winner. That is no way to run the government.

The gentleman from Pennsylvania (Mr. GEKAS) has a good commonsense solution that says, keep the government running, keep spending bills in dispute constant at the previous year's level. One of the best things about this approach is, as we have heard today, nobody likes freezing things at last year's level. No one likes it. I do not like a freeze, I would like to see lower spending. Others do not like a freeze, they want to see higher spending. The appropriators do not like the freeze, they want to play the role allocated to them of allocating the spending.

The good result of that is that if the Gekas amendment becomes law, there is plenty of pressure from all sides to reach a reasonable compromise, much more likely to be based on policy matters and less likely to be driven by the politics of a shutdown.

I urge a yes vote on this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, the passage of this amendment would be an admission by the Members of this body that we cannot do the job our people elected us to do.

We were elected by our constituents, all of us, to come here and pass on spending and funding the Federal government. Passing this amendment would say, no, we are going to put things on automatic pilot. We do not have the capacity or the ability to pass on individual spending bills. I think that would be a dereliction of our duties.

We would take away the automatic period at the end of the sentence, the October 1 deadline, and therefore these appropriations bills are not must-pass pieces of legislation. We would extend the appropriating process, rather than bring it to a successful conclusion.

Number two, passage of this amendment would put a premium on people opposing and stonewalling and causing inaction. Those who would want to increase spending or those who want to avoid a funding cut for a program or a bill would be automatically strengthened by the existence of the automatic continuing resolution, saying, if we do nothing, the status quo prevails.

□ 1800

Most Members of this body want some change in the status quo, either up or down. Automatic continuing resolution would take away the incentive to make something happen by a deadline. If we remove the deadline of October 1, then I predict nothing will take place. The government will be on automatic pilot. We would have, as the gentleman from South Carolina (Mr. SPRATT) says, capped entitlements. Every program would stay just exactly like it is year in and year out because there would not be the ability in this body to muster a majority of votes to overcome that incentive to do nothing and to cause some change.

So I would hope that the body would reject this amendment by a very large

margin because I think the people that elected us sent us here to decide how we spend their Federal tax dollars, not to sit by on automatic pilot and say I am helpless, I cannot do anything.

I think my colleagues are elected to do something. I think they were elected to represent their constituents in deciding how their taxes were spent. If my colleagues adopt this amendment, they are saying to their folks back home, I cannot affect the process. I am putting it on automatic pilot.

Mr. Chairman, I urge a rejection of the amendment.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the Gekas amendment. Each year, this Congress is faced with a government shutdown. Indeed, as an earlier speaker noted, there have been 17 government shutdowns since 1977. The last speaker made a point that it would be an admission that somehow this would reflect badly on this body.

I want to echo what was said earlier by one of my colleagues from Iowa. This is not about us. I have great respect for the Committee on Appropriations. They work very hard at doing their job. They sort out the priorities and do it very, very well.

But this is not about us. This is about the American people. Quite simply, the American people deserve better. They deserve to know that, if this Congress, working with the President, cannot come to an agreement, the government will not shut down. They deserve to know that they will not become the innocent victims of our inability to reach an agreement.

Let me ask a simple question. I would make the point that if my wife and I could not come to an agreement on our family budget, would we stop feeding our children? Would we stop paying our light bill? Would we stop paying our mortgage? The answer is no, obviously we would not.

Indeed, this is a reasonable proposal, and the notion that the budget would go on auto pilot and nothing would happen is ridiculous. What would happen is that we would debate the spending bills as we should debate them, on the merits in them, without a gun at our head and being forced to say we must reach agreement by a certain deadline or we will hurt innocent people. The notion of hurting innocent people should not be a part of this debate. What should be a part of it is responsible government.

Mr. Chairman, I urge support for the Gekas amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, I worry that the Members believe that there is some easy way to solve these problems. The reason we do not come to a conclusion is because there are legitimate differences between Members, between parties when we are trying to solve them.

Certainly a continuing resolution that is automatic does not solve it. It just puts it off and puts it off again and puts it off again. It is a way for us to find a deadline to solve the problem.

I am talking about the practical results of how we legislate. If we face a deadline, we solve the problem. If we do not, it goes on and on. I have seen it happen for years. I have seen us come up to a deadline and finally pass the legislation.

If my colleagues pass something like this, they may never get the legislation that they want. So they are making a tactical mistake when they try to pass something and think they are going to solve the problem.

I understand the concern of the gentleman from Pennsylvania (Mr. GEKAS), but that does not answer the concern. It does not solve the problem. Every time we run into a conflict and there is no deadline, we just put it off. That is the nature of the legislative business.

So I say to the Members, we make a serious mistake if we think there is some easy way to solve this kind of a problem. Our continuing resolutions allow us to solve the problem.

I remember President Reagan getting up and saying, I will never sign another continuing resolution the rest of my career. Well, I do not remember whether he did or did not, but the point was that was a way of solving the problem. He put the continuing resolution on the desk, and he said, this is 2 feet high, and we should not pass something like this. Well, that got us to the culmination of the session and got us through to the next year.

There are all kinds of ways to avoid it. I am sure if we pass something like this, all we will do is eliminate the deadline, eliminate the possibility of solving the problem.

So I would urge the Members to vote against this amendment that is very damaging to our process.

Mr. GEKAS. Mr. Chairman, how much time is remaining, may I ask?

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Pennsylvania (Mr. GEKAS) has 5½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 3 minutes remaining.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the gentleman from Pennsylvania (Chairman GEKAS) for yielding me this time.

I am pleased to rise in support of the Gekas amendment, which will provide a sustaining mechanism so that whatever conflicts and debates might arise between the branches, between the executive branch and the legislative branch, during our annual exercise of allocating our national resources, we will not suffer needless brinksmanship exercises, we will not have budgetary games of chicken, and we will not have wasteful government shutdowns.

In 1986, the Federal Government shutdown, I was working in the White House for President Reagan at the time. That prompted President Reagan to observe that the 1974 Budget Act, which establishes our current budget process was badly flawed. He proposed budget reform legislation which is essentially the Nussle-Cardin bill that we are getting to vote on today.

The only difference between what President Reagan then proposed and the base text that we have on the floor today is that we lack a sustaining mechanism in the base text. That is what the Gekas amendment provides.

I urge my colleagues to vote aye.

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

Mr. Chairman, I wanted to say to all of those who opposed the amendment on the floor, particularly the ones on our side of the aisle, on the Republican side, that I was elated a few years back when this same proposition came up in the midst of the debate on disaster relief. I was overjoyed when I saw that the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Mr. ROGERS), others who oppose this legislation, voted in favor of the Gekas amendment of that era. The rationale was exactly the same, and the prospects were exactly the same, and the result would have been exactly the same.

It would have been in operation today had the President not vetoed it. It is the fault of the President that we do not have a continuing resolution, an instant replay concept like the one we are proposing here today. He vetoed the disaster relief program that contained the Gekas amendment of that era.

Now, what I am imploring the Members to consider is to replicate that which was said by the gentleman from Maryland (Mr. WYNN) and the gentleman from Iowa (Mr. NUSSLE) that this is not about this Congress and the makeup of the personalities and egos of this Congress. The gentleman from Florida (Mr. YOUNG) and I are going to be friends way beyond our service in the Congress. But both of us can look back, I would presume, to say that we put some mechanism into play as incumbent legislators for the good of the future of our government, the future of our system, the bolstering of our Constitution.

How anyone can say that it would be automatic pilot has to forget the fact that, when we vote for this amendment, we are saying that is what we want for the American people.

We want a continuing automatic transition until the appropriators can work out a budget. I want this bill to pass, not for me or for the gentleman from Florida (Mr. YOUNG), but I want it to pass for the future Congresses of the United States, long after we are gone, to put something stable and something of which we can be proud to know that, forever and ever, never again will the government of the United States shut down, and particularly will that never occur again when we are poised for some emergency action and then become toothless in the face of the inability of the Members of Congress to come to an agreement.

Let us support the Gekas amendment.

Mr. Chairman, today is a great day for the American people. Soon the House will be voting to approve a measure of which all Americans can embrace and be proud—the "Government Shutdown Prevention Act."

Mr. Chairman, unfortunately, the image of government shutdowns from the 104th Congress remains etched in the mind of the American citizen as shameful—and unnecessary—incidents in our nation's history. As taxpayers, they were incensed that the government would choose not to perform its essential duties. As statesmen, we were all embarrassed to have forsaken our obligations to the American people. While the Republican Congress was blamed for the shutdowns, I believe we were all responsible for this disgraceful exhibition of failed governance: the House, the Senate, Republicans, Democrats, and the President.

Before us today is a message to the American people. An affirmation, if you will, in the form of an amendment which states that we, the Congress, will not forsake the American people's trust to deliver essential government services and allow for another shameful government shutdown in this fiscal cycle. We will achieve this by voting for my amendment to provide 100 percent of a Fiscal Year's spending levels to continue through the end of the next Fiscal Year, in the absence of a regularly passed appropriations bill or a continuing resolution.

Since my election to the House of Representatives in 1982, I have witnessed eight government shutdowns. The worst of which occurred when our soldiers were poised for battle in the Persian Gulf. It was at this time that I introduced my first government shutdown prevention bill, what I referred to as an "instant replay" mechanism. At the time, I knew I was facing an uphill battle in a long war. After all, the threat of a shutdown is one of the most effective weapons in the arsenal of legislative politics.

However, I remained vigilant with the image in my mind of our fighting men and women ready to sacrifice their lives as they stood poised for Operation Desert Storm without an operating government for which to fight. I pledged never to let that happen again. Today, I and others proudly stand ready to fulfill that pledge as the House prepares to vote on the Government Shutdown Prevention Act Amendment now before us, so that we can send a clear message to the American people that we will no longer allow them to be pawns in budget disputes between Congress and the White House.

Mr. Chairman, without question, we should have enacted the Shutdown Prevention Act years ago. But we did not. So let us restore the public's faith in its leaders by showing that we have learned from our mistakes by enacting this budget reform. I ask for its adoption and urge all members, Republican and Democrat, to vote for its passage, and especially urge the President to support this "good government" reform measure.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to agree with the gentleman from Pennsylvania (Mr. GEKAS). We are friends. I would say to the gentleman from Pennsylvania (Mr. GEKAS), we live and learn. He referred to how I might have voted on an earlier Gekas amendment, but the situation was considerably different then than it is now.

But I have a great difference with the gentleman from Pennsylvania (Mr. GEKAS), as he said this is what the American people want. They want the status quo. Well, I do not believe that. The reason I do not believe that is that every Member in this House was elected by about the same number of people to represent that district and to do what is right for the country. That is where the people speak.

Now, let me tell my colleagues how the people have spoken in just this year alone. What I am holding here is a stack of legal-sized papers. On each of these pages is a specific request made to the Committee on Appropriations, including requests for changes in the budget and changes in appropriations over last year.

Now, here they are. The Members of Congress have spoken. I hope that they are all listening to this. There are 21,547 requests from Members of this House, mostly to change from the status quo of last year. Now, are the Members that asked for these requests to be considered by the Committee on Appropriations going to be satisfied with the status quo? I do not think so, Mr. Chairman.

To be honest, will the Committee on Appropriations grant every one of these requests? Of course not, because they run close to $90 billion over last year's budget, so we cannot do all of that.

So one thing that appropriators do is go through these lists, and they try to prioritize based which requests have the most merit. Well, the people of America, through their elected representatives in the House of Representatives, have spoken. They do not want the status quo. They want all these changes over last year. Here is the fact and here are the pages. These are the pages and the requests of all members.

But if we have an automatic continuing resolution in place where we enjoy this status quo that makes life easy for all of us, the people's voice will have been muted because these 21,457 requests will not even be considered, let alone adopted.

Mr. Chairman, I oppose this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, I am in strong support of the amendment offered by the gentleman from Pennsylvania, and urge all my colleagues to do the same. During 17 of the last twenty budget cycles, there has been some level of budgetary impasse between the Congress and the President. More often than not, these temporary delays go relatively unnoticed because they are tempered by the passage of a Continuing Resolution (CR) that maintains the current fiscal year's spending levels.

Unfortunately, in 1995, the rancor of the budget battles here in Washington were raised to such a pitch, that their consequences ultimately resonated across the nation. As many of you remember, we reached an impasse so insurmountable that no CR could be passed, and the federal government was effectively shut-down. Overnight, the people we were sent here to represent could no longer count on the federal government to provide the services they paid for. Additionally, roughly 1 million federal employees found themselves without a job or a paycheck during one of the busiest commercial spending times of the year.

Mr. Chairman, more than 56,000 federal employees reside in my district just across the Potomac River. They constitute one of my largest constituencies, and are by far one of the most politically astute groups in the Nation. But more important than that, they are the people who process the millions of social security checks, they are the DEA Agents that intercept drugs before they reach our streets, they are the surveyors at the Department of Agriculture that distribute aid to struggling farmers, and they are the HUD employees who make sure a poor family has its rent covered for the next month.

No one can argue that the differences we have about the federal budget are not of paramount importance. But when the entire federal government is forced to close its door to the American people because of a political dispute in Washington, then we have failed the people we were sent here to represent. I want every member in this August Chamber to keep in mind that when my 56,000 federal employees can't do their jobs, it will be your constituents that will ultimately suffer.

I want to thank Mr. GEKAS for offering an amendment that will provide an automatic CR whenever the political rhetoric reaches such a pitch as to potentially shutdown the Government. I strongly support the amendment and urge all my colleagues to do the same.

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

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 499, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS) will be postponed.

It is the Chair's understanding that amendment No. 3 will not be offered.

It is now in order to consider amendment No. 4 printed in House Report 106–613.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. JACKSON-LEE of Texas:

Section 103(a) is amended by striking paragraph (1) and by striking ''(2)''.

Section 103(c) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

(1) Redesignate subparagraphs (C), (D), (E), and (F) as subparagraphs (D), (E), (G), and (H), respectively.

(2) by striking paragraph (2);

(3) in paragraph (3), by striking ''subparagraph (C) (as redesignated)'' and inserting ''subparagraph (B)'';

(4) in paragraph (4), by striking ''subparagraph (C) (as redesignated)'' and inserting ''subparagraph (B)'' and by striking ''(D)'' and inserting ''(C)''; and

(5) in paragraph (5), by striking ''subparagraph (F) (as redesignated)'' and inserting ''subparagraph (E) (as redesignated)'' and by striking ''(G)'' and inserting ''(F)''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 499, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

Mr. NUSSLE. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Iowa (Mr. NUSSLE) will control 5 minutes in opposition.

The Chair recognize the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I hope that my discussion of this amendment would draw appropriators and budgeters together, because I believe the process of budgeting and appropriating are two very crucial aspects of this House business.

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Call me today the conciliatory lady, the lady who is trying to bring us all together on the process that I think is extremely important.

We all agree that the current budget process does not run as smoothly as we may like; however, this bill does not answer all of our concerns. The problem with the budget process is that for the last 3 years, the leadership has engaged sometimes in processes that do not forward the opportunity for resolution.

In 1998, we failed to adopt a budget resolution, and for the last 2 years Congress approved budget resolutions that were difficult to implement. To work through these problems, the Congress has to waive rules to circumvent the budget resolutions. This bill does nothing to address this issue.

Mr. Chairman, H.R. 853 will significantly hamper our ability to agree on a budget by requiring a joint budget resolution, requiring the President to enter the process early in the year, by transforming the joint budget resolution to omnibus budget law, while simultaneously curtailing the ability of the appropriation committees to press forward if a budget has not been agreed to by May 15. This will delay the process rather than speed it up. So it is important that we look for options.

To interject the President in this is not a good option. The budget resolution will be transformed into a must-pass legislation. It is important, then, to offer an amendment that puts back into the process the actual ability to discuss the budget items as they are noted in the budget process. It gives us the opportunity to be able to discuss thoroughly the needs of education, the needs of Medicare, the needs of Social Security.

In my district, in particular, we are suffering in our public hospital system because of the formula of disproportionate share. It is important, Mr. Chairman, that we have the opportunity to ensure that we discuss these items in a manner that is respectful of the needs of the American people. That vigorous debate in the Committee on the Budget, that vigorous debate that is heard by the Committee on Appropriations is important.

So I would hope that this amendment that strikes language, that would take analysis of the budget functions out of the House budget resolution and place them in the committee report would be accepted and would be viewed as an important feature, an important aspect of the budgeting process for all Americans.

Mr. Chairman, I rise in strong support of my amendment to eliminate H.R. 853's provision taking the analysis of the budget functions out of the House budget resolution and placing them in a Committee report. This Committee report would not permit the debate of each individual budget function; instead, the budget debate would shift to the comprehensive total amount.

The prohibition of debate on individual budget functions would significantly curtail the ability to increase discretionary spending. This amendment reinstates the inclusion of budget functions in the budget resolution. Under my amendment, the budget resolution would continue to set spending targets for the current 20 budget functions.

It is a mistake to remove budget functions and reconciliation directives from the budget resolution, because floor amendments that seek to address where money is spent, not just how much is spent, will no longer be possible. Priorities are often as important as aggregates, perhaps even more so in an era of surpluses. And if we pay inadequate attention to the detailed priorities, the aggregates are more likely to be unrealistic.

With functional levels included in the report and not subject to amendment, the issue of relative priorities cannot be addressed as well as they are now. And with the text of the budget resolution itself including fewer details, those details may take on less importance over time. Such a result will focus the debate on total spending and tax levels, and generally strengthen the position of those who talk about lower taxes and less spending.

Those who favor a series of programs such as Medicare, veterans benefits, education, highways, WIC, child care grants, defense, or environmental protection will be at a disadvantage in the budget resolution debate. This would be a tragic result for our nation.

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

Mr. NUSSLE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, to me, the reason that the budget functions were removed from the budget process as part of the base bill probably makes the most sense, to me, of just about any of the provisions. And the reason is because, as a new Member of the Committee on the Budget, one of the things that I did and one of the things that my staff did as an exercise is we actually tried to make sense of the budget functions and how there was a correlation between those 20 budget functions and the 13 appropriation bills.

So my colleagues understand what I am saying, let me show this chart. This is what the budget currently looks like, and what the gentlewoman is suggesting is that these budget functions need to remain in the budget that we pass. The problem is, there is not one number within these 20 budget functions that correlates to anything in reality later on in the year.

In other words, let me just take an example. Income security is the budget function called budget function 600. As an example, for this last budget there was $252 billion, with a B, billion dollars, set aside for income security. Now, my colleagues might guess what that is, but let me suggest to my colleagues that, first of all, it crossed the jurisdiction of four committees, it crossed the authorizing jurisdiction of seven different committees, and let me just give my colleagues an idea of some of the things that were part of that budget function: The drug elimination grants for low-income housing was in this, Section 8 housing vouchers, homeless assistance grants, child care and development block grant. That was part of the discretionary portion of that budget function.

But see if it makes sense to have, for instance, military retirement as part

of that budget function. Should that not be in defense? Should that not be someplace else? Why do we have budget functions that are never used after the budget is passed? That is the question that we as a budget reform panel asked ourselves.

So, instead of having budget functions that would make it even more difficult for the President and the Congress to come together and make an agreement on the budget overall, what we said was, if we really do want to illustrate these 20 different budget functions, let us include them, but let us not include them on the face sheet of the report. Let us put them in the report language.

It does not mean there is not going to be income security; it does not mean there will not be agriculture; it does not mean there will not be education; it does not mean there will not be all of the other important programs. Nothing is changed. Nothing is eliminated. In fact, all of those programs can increase.

What the gentlewoman is trying to include in here is included already in our bill. What we try and do, however, is take out the confusion of numbers that do not make sense to anybody after the budget is passed. So I would recommend that we vote down this amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

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

The irony of this bill is that it elevates the budget resolution to a joint resolution so that it has the force and effect of law, and then it takes the contents of this newly elevated resolution and literally guts it. It reduces us from what we have now, a debate on programmatic priorities, the different functions in this budget, which are more aligned to programmatic spending than any of the 13 appropriation bills that we have. It takes those and relegates them to the committee report so they lose a lot of their cause and effect.

Secondly, it takes the one power that we have as a committee to sort of move the budget process and require committees to do what the House would have them do, a process called reconciliation, and also relegates it to the report. So having raised the status of the resolution to a law, it then downgrades the contents of them to relative insignificance.

It means that, when we have the budget debate on the floor, we will be talking about big aggregated numbers that do not mean a lot of anything. We will not be coming here to say that we are talking about more for defense or more for health care or more for veterans' health care or more for housing. We will not be able to make that argument nearly as convincingly as we do now because all of this will be tucked away in the report, and all we will have in the resolution itself will be big aggregate numbers which will not necessarily mean anything about individual programs.

This is a good amendment. It should be adopted.

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

The gentleman from South Carolina proposed an amendment in the committee, which I thought was an interesting one when we were debating my base bill. And that is that instead of the budget functions, what we do is have the 302(b) allocations, which for everybody's edification are the amounts that are given to the different 13 appropriation subcommittees. I happened to think that was a fairly ingenious idea, because then the numbers would connect.

Now, having said that, I can see the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Alabama (Mr. CALLAHAN) about ready to come out of their chairs, and I do not think we are probably going to have much success in passing that. The gentleman from Wisconsin does not need to come out of his chair, I would say, because we did not put that in there.

See, I should not have even brought that up.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would inform the gentleman that I was merely making an innocent inquiry about the fate of the Chicago Cubs, that is all.

Mr. NUSSLE. Well, reclaiming my time, Mr. Chairman, let me advise the gentleman that they are losing.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, my colleague may have noticed that I winced when I heard him speak up in the background. I was not quite sure what was happening back there because that was a bold proposal. It was almost heresy because it breaks with the compromise that was reached in 1974.

Mr. NUSSLE. Reclaiming my time, Mr. Chairman, I would agree with the gentleman from South Carolina. That is right.

To conclude, Mr. Chairman, I would suggest that if there was some reality between the numbers, then I think there would be more of a reason to have them in the base bill.

The frustrating thing, I think for both sides, is that these budget functions are confusing. What we tried to do is we pushed them into the report and we put the reconciliation restrictions into the base bill. That way we, as a Congress, could decide exactly what committees made those decisions, if there were changes that needed to be made. It does not change the budget function numbers. It just, to some extent we believe, makes them more realistic and makes them easier to understand.

The current budget functions, as the gentleman from South Carolina knows, if we tried to add them up at the end of the year and make them fit into the budget, rarely do. They rarely have any kind of basis in reality when everything is said and done. So we felt it was important to make this more of a real document and not have the confusion that we feel was part of the original budget law, and that is the reason for that change.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

If we are concerned about priorities for the American people, then we will vote for this coming-together amendment. If we are concerned about veterans' payments, Medicare, WIC, child care grants, education and highways, issues that bring people together, if we care about how the appropriators do their jobs well, and they do it well; how the Committee on the Budget does its job well, and it does it well, then we will give ourselves the opportunity to establish priorities on the floor dealing with the American people.

This is a good amendment, Mr. Chairman, and it brings people together. It allows both committees respectively to do their jobs. I respect the jobs they do, and I would ask my colleagues to vote for the Jackson-Lee amendment that provides for aggregate assessment, and also the ability to discuss these particular programs in a way that will address the issues and concerns of the American people. I ask for the vote of my colleagues on my amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, 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 CHAIRMAN. Pursuant to House Resolution 499, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 106–613.

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TANCREDO:

Subtitle B of title IV is amended by adding at the end the following new section:

SEC. 426. COMMITTEE ON APPROPRIATIONS REPORTS.

Clause 3(f)(1)(B) of rule XIII of the Rules of the House of Representatives is amended to read as follows:

''(B) a list of all appropriations contained in the bill for expenditures not currently authorized by law along with the last year for which the expenditures were authorized, the level of expenditures authorized that year, the actual level of expenditures that year, and the level of expenditures contained in the bill (except classified intelligence or national security programs, projects, or activities).''.

The CHAIRMAN. Pursuant to House Resolution No. 499, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

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

Mr. Chairman, the Tancredo amendment to H.R. 853, the Comprehensive Budget Process Reform Act, would simply expand the reporting requirements for unauthorized programs which appear in the back of the House appropriations reports.

I want to take this opportunity to bring to the attention of the committee and, to help put this thing in perspective, some historical tidbits that I think are interesting.

In 1979, for instance, the Conservative Party leader, Margaret Thatcher, was elected Britain's first female Prime Minister, the Facts of Life began as a four-episode spin-off from an already successful sitcom Different Strokes, and the Legal Services Corporation was last authorized.

In 1980, Mount Saint Helens erupted in May, Ronald Reagan was elected President in November, and the Department of Justice was last reauthorized.

In 1983, the invasion of Grenada, the last episode of MASH was broadcast, and the EPA toxic substance program was last reauthorized.

In 1984, the Olympics came to Los Angeles, the movie Ghost Busters premiered, and the Power Marketing Administration was last reauthorized.

Well, I could go on, there are quite a bit of what I would call interesting tidbits that puts this issue in perspective. We have a lot of programs out there that are continuing to be appropriated for that have not been reauthorized for years. This is a dereliction of our duty, I think, and something we have to draw attention to.

As my colleagues know, the current House rules require a list of all unauthorized programs to appear in the back of the appropriations report. While this current rule is very helpful in ensuring that Congress is aware of the programs that are unauthorized, I believe that much more needs to be done to increase the awareness.

The amendment I propose would simply expand on current rules to include, one, the last year for which the expenditures were authorized; two, the level of expenditures authorized that year; three, the actual level of expenditures for that year; and, four, the level of expenditures contained in that current bill.

I believe this is, although not a gigantic step in the direction I would like to take in terms of reauthorization, it is an important one.

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

The CHAIRMAN. Does any Member seek the time in opposition to the Tancredo amendment?

Mr. TANCREDO. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, we have had an opportunity to look at this amendment. We think it improves and enhances this particular bill and we would like to accept this amendment. We feel that it helps us particularly with the section on oversight, and we thank the gentleman for his work on this cause.

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Mr. TANCREDO. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I rise in strong support of the amendment offered by my friend, the gentleman from Colorado (Mr. TANCREDO).

This is a very simple amendment with a very important purpose, to increase access to Government spending information for Members of the House and the Senate and, especially, to the voting public.

This is a step in the right direction because it brings reform to our Government. It increases accountability, not by creating a new Government program, but by empowering the people with information.

The information required by this amendment answers the questions many of us and many citizens ask when we see un-budgeted spending, questions such as: When did Congress approve this program? How much money was originally approved? How does this compare with current spending levels?

This amendment is important because an informed electorate is crucial to the future of our democracy and informed Members of Congress will also make better decisions.

I urge my colleagues to support this common sense amendment.

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

Mr. Chairman, since coming to Congress a little over a year ago, I have spent a considerable amount of time trying to highlight the problems that I have come across in unauthorized spending. As I say, I know this is not the ultimate answer. It is our attempt to focus a little attention, a little light on the problem.

The chart I have here does not come anywhere near indicating all the programs that are being presently appropriated for without authorization, but it just looks at a couple of things that I think are again interesting.

Department of Justice, the last year it was authorized was 1980. The amount of authorization at that time was $1,954,000,000. The level appropriated in this bill $18,213,926,000. That growth has occurred without any authorization activity.

For fiscal year 2000, according to the annual budget report released by the CBO, there were 247 programs funded in 137 laws, totaling over $120 billion wherein authorizations have expired. Last year there were 198 programs funded in 118 laws, totaling over $101 billion.

I believe that this continuing practice has led to the deterioration of power of the authorizing committees and, thus, the loss of aggressive congressional oversight and fiscal responsibility. It has also led to the shift of power away from the legislative branch toward the administration and Federal bureaucracy.

I recognize that H.R. 853 includes a provision requiring authorizing committees to detail how they will authorize programs within a 10-year period, but I believe it is time that the House adds additional provisions to shine the light on this egregious problem.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 6 printed in House Report 106–613.

AMENDMENT NO. 6 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. RYAN of Wisconsin:

At the end, add the following new title:

TITLE VII—BUDGETING IN AN ERA OF SURPLUSES

SEC. 701. PAYGO REQUIREMENTS AND THE ON-BUDGET SURPLUS.

(a) Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(a) PURPOSE.—The purpose of this section is to trigger an offsetting sequestration in the amount by which any excess of decreases in receipts and increases in direct spending over increases in receipts and decreases in direct spending, caused by all direct spending and receipts legislation enacted prior to October 1, 2002, exceeds estimates of the on-budget surplus.''.

(b) TIMING AND CALCULATION OF SEQUESTRATION.—Section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(b) SEQUESTRATION.—

''(1) TIMING.—Not later than 15 calendar days after the date Congress adjourns to end a session and on the same day as a sequestration (if any) under section 251, there shall be a sequestration to offset an amount equal to—

''(A) any excess of decreases in receipts and increases in direct spending over increases in receipts and decreases in direct spending for legislation enacted prior to October 1, 2002; minus

''(B) the estimated on-budget surplus (which shall not be less than zero),

as calculated under paragraph (2).

''(2) CALCULATION OF SEQUESTRATION.—OMB shall calculate the amount of the sequestration by adding—

''(A) all OMB estimates for the budget year of direct spending and receipts legislation transmitted under subsection (d) for legislation enacted prior to October 1, 2002;

''(B) the estimated amount of savings in direct spending programs applicable to the budget year resulting from the prior year's sequestration under this section, if any, as published in OMB's final sequestration report for that prior year; and

''(C) all OMB estimates for the current year that were not reflected in the final OMB sequestration report for that year; and

then by subtracting from such sum the OMB estimate for the budget year of the on-budget surplus (if any) as set forth in the OMB final sequestration report increased by the amount of budgetary resources cancelled in any such program, project, or activity resulting from a sequestration for the budget year on the same day under section 251 as published in OMB's final sequestration report.''.

(c) PREVIEW REPORTS.—Section 254(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by redesignating subparagraph (C) as subparagraph (D) and by adding after subparagraph (B) the following new subparagraph:

''(C)(i) MANDATORY.—In projecting the on-budget surplus (if any) for the budget year, direct spending and receipts shall be calculated consistent with the assumptions under section 257(b) but shall exclude all estimates of direct spending and receipts legislation for such year enacted after the date of enactment of this subparagraph (as estimated by OMB when such legislation was originally enacted).

''(ii) DISCRETIONARY.—Except as provided by the preceding sentence, the following assumptions shall apply to the calculation of such estimated surplus:

''(I) For programs, projects, and activities for which a regular appropriation Act or a joint resolution (other than pursuant to section 1311 of title 31, United States Code) continuing appropriations through the end of the budget year is enacted, budgetary resources other than unobligated balances shall be at the level provided by that Act with the following adjustments:

''(aa) Include amounts of budget authority provided and rescinded for such year in any supplemental or special appropriation Act or rescission bill that is enacted into law.

''(bb) Reduce the level by the amount of budgetary resources canceled in any such program, project, or activity by a sequestration under section 251 as published in OMB's final sequestration report for such year.

Substantive changes to or restrictions on entitlement law or other mandatory spending law in an appropriation Act shall be counted in determining the level of direct spending and receipts for purposes of calculating the on-budget surplus under this section.

''(II) For programs, projects, and activities for which a regular appropriation Act or a joint resolution (other than pursuant to section 1311 of title 31, United States Code) continuing appropriations through the end of the budget year is not enacted, budgetary resources other than unobligated balances shall be at the level provided for the current year in regular appropriation Acts or a joint resolution (other than pursuant to section 1311 of title 31, United States Code) continuing appropriations through the end of the current year with the following adjustments:

''(aa) Include amounts of budget authority provided and rescinded for such year in any supplemental or special appropriation Act or rescission bill that is enacted into law.

''(bb) Reduce the level by the amount of budgetary resources canceled in any such program, project, or activity by a sequestration under section 251 as published in OMB's final sequestration report for such year.

Substantive changes to or restrictions on entitlement law or other mandatory spending law in an appropriation Act shall be counted in determining the level of direct spending and receipts for purposes of calculating the on-budget surplus under this section. After making such adjustments, further adjust such amount using the assumptions set forth in section 257(c) (1)–(5).''.

(d) DEFINITION OF ON-BUDGET SURPLUS.—Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new paragraph:

''(20) The term 'on-budget surplus' means, with respect to a fiscal year, the amount by which receipts exceed outlays for all spending and receipt accounts of the United States Government that are designated as on-budget. Such term does not include outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, or any other off-budget entity.''.

(e) EXPEDITED RECONCILIATION PROCESS.—Section 258C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) The side heading of subsection (a) is amended by inserting ''OR IN THE HOUSE OF REPRESENTATIVES'' after ''SENATE''.

(2) In paragraphs (1), (2), (3), and (4) of subsection (a), insert ''or House'' after ''Senate'' each place it appears.

(3) In subsection (a)(7), strike ''For'' and insert ''In the Senate, for''.

(4) In subsection (b)(1), insert ''or House'' after ''Senate''.

(5) In the side heading of subsection (b)(4), insert ''OTHER'' after ''THE''.

(6) In subsection (b)(4), strike ''in the Senate from the House'' and insert ''in the Senate or House of Representatives from the other House'', strike ''Senate'' the second place it appears and insert ''Senate or House of Representatives, as the case may be,'', and strike ''Senate'' the third place it appears and insert ''in the applicable House''.

The CHAIRMAN. Pursuant to House Resolution 499, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from South Carolina (Mr. SPRATT) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very simple amendment. The reason why I am proposing this amendment is because our current budget process, our current budget laws, have failed to take into consideration that we are now in an era of surpluses. The budget laws were written in a time when we were knee deep in deficits and we had deficits as far as the eye could see.

I believe that it is very important that, as we redo our budget process, we do it to take into consideration the fact that we now have budget surpluses.

What my amendment would do is to carry out our commitment to allow that the on-budget or non-Social Security surpluses would be used for tax relief or entitlement reform or debt reduction, as current law allows.

Under current law, the budget surplus cannot be used to offset tax relief provisions or increases in mandatory spending. This law, which is commonly referred to as pay-as-you-go, or the pay-go statute, was enacted in 1990. It says that the sum of all tax-and-entitlement legislation could not increase the deficit in any given fiscal year over a period 5 years.

This means that if a tax or spending legislation increased the deficit, it had to be offset with increasing taxes or decreasing entitlement spending, a wise law, for a deficit period.

But what happens when we run into a budget surplus? Mr. Chairman, that is what this amendment addresses. This law updates that. This legislation has been introduced by Members of both sides of the aisle in this Congress and last Congress.

I introduced H.R. 1016 to do just this, which is similar to this amendment. My amendment would simply apply the on-budget surplus to the pay-go scorecard to allow that the surplus could be used for either offsetting tax relief or entitlement reform.

If they want to pass a prescription drug benefit to Medicare, now, under my amendment, if it becomes law, they can do so. If they want to give deductibility for health insurance, if they want to abolish the marriage tax penalty, right now they cannot use that budget surplus. Under my amendment, they can do so.

What we simply achieve in this amendment is catching up with the fact that we have surpluses. If we do not rewrite the pay-go statute to catch up with the current situation, we will spend this money.

Mr. Chairman, what we have seen time and time again this year and last, if there is money left on the table by our constituents overpaying their income taxes, that money will be spent. Make no bones about that.

What this amendment does is play off of the good support and the good policy we have achieved by dedicating all Social Security surpluses toward paying off our public debt.

Mr. Chairman, let me add that, with the passage of our budget resolution, with legislation we have passed earlier, and with the discipline of Congress last year, we stopped the raid on the Social Security trust fund and we are well on our way to paying off our public debt in 12 years.

What this amendment does is address those other surpluses, the non-Social Security surpluses, the on-budget surpluses. And it simply says, after paying that public debt off, after taking Social Security off budget, if constituents, if the American taxpayer still overpays their taxes, that money ought to be used for either changing entitlements like Medicare reform or reducing their taxes. Because, after all, that is what surpluses are, tax overpayments.

It is a very common sense bill. It is a very common sense amendment. It is endorsed and promoted by the National Taxpayer Union and Citizens Against Government Waste.

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

Mr. SPRATT. Mr. Chairman, I yield 5½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this is a little more than a simple amendment. But I do want say to my colleague, the gentleman from Wisconsin (Mr. RYAN), he is one of the more thoughtful Members on these issues, even though we do not always agree, and I respect him for that.

The problem with this amendment, in my opinion, is that this would repeal half of the pay-go rules only if it applies to the on-budget surplus and it would allow the Congress to leverage long-term projections for tax cuts or new spending which might turn out to be wrong.

In the event they were wrong, then half of pay-go would apply and it would apply against things either as tax increases or Medicare or title XX social services block grants or veterans' education or student loans or farm price supports, or quite possibly, and the appropriators should think about this, it might indirectly affect discretionary spending, because if the Congress decided it did not want to have sequestration in the Medicare programs or the farm price support programs, then they would have to revisit the discretionary side of the ledger and make adjustments in there.

My colleagues would be better off, and I oppose this, but they would be better off, quite frankly, repealing all of pay-go rather than doing what they are doing here, which is sort of doubling up the straitjacket that pay-go does.

I appreciate what the gentleman from Wisconsin (Mr. RYAN) is trying to do. He is trying to say, in this new era of bucket surplus, it is time to forget pay-go and move on.

My feeling is, one, we do not know how long this is going to go on for. We do not know how good these projections are. We ought to be dedicating the vast majority of both the on-budget and off-budget surplus to paying down debt because we may well have to borrow in the future for some unforeseen event. But to do this would just rachet tighter and tighter pay-go on a smaller portion of the budget.

And it probably would fail. It would probably go back to the days of Gramm–Rudman-Hollings. I was staff here when Gramm–Rudman-Hollings first came in, and all I can remember was Congress missed, missed, missed and missed through Gramm–Rudman-Hollings.

So it was not until the 1990 Budget Act, and I had left, I was on Wall Street at that time, that Congress then started to follow the spending caps and the pay-go rules.

I think it would be a grave mistake to adopt this amendment. The gentleman from Wisconsin (Mr. RYAN) is well-intentioned, but he either is going to set us up to fail or he is going to set us up to make huge leverage decisions on long-term projections, which very likely could be wrong and make us have to make cuts in these programs or raise taxes in the future. I have not found too many Members in this body on either side of the aisle who are eager to raise taxes.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, to respond, I appreciate the compliments of the gentleman from Texas (Mr. BENTSEN). I, too, believe that he is one of the more thoughtful members of the Committee on the Budget who understands these issues.

I would like to address just a couple of points he makes. I think it is a valid point to suggest that we are locking in projections on this pay-go scorecard fix and that that might, indeed, become a case where those projections do not materialize.

That is why, if we look at the amendment, we have rewritten this amendment so that it takes into account changes in budget projections. Every January, CBO would reanalyze the projections. So every single year we would redo the projections so that the scorecard would be adjusted on an annual basis so that we would not wind ourselves up into the point where we are going to pass a tax cut, say, for example, that uses a credit on the scorecard on old projections. It would be annual projections. And if we would exceed those projections, we would offset that spending.

Mr. BENTSEN. Mr. Chairman, reclaiming my time, I understand that. But they are going to have projections that they are going to get for, say, fiscal year 2001 and then they are going to pass the capital gains tax cut. I do not think they want to pass the capital gains tax cut and do it on an annual basis. I think they want to do it on a long-term basis, and I think it is going to be a problem in how it works.

The point is that they would not want to have to come back and say, well, we set the cap gains rate at 20 percent this year, but because we got new CBO forecast, in order not to have to cut Medicare, we are going to go back and reset it at 21 percent.

For the investor who is holding an instrument for 6 months or a longer period of time, that is going to be quite disruptive. And that is a problem in trying to do this. They either have to try to go all the way or no way.

Mr. RYAN of Wisconsin. Mr. Chairman, if the gentleman will continue to yield, right now if we cut taxes and we pass a tax bill saying it decreases capital gains taxes that is offset with spending cuts or mandatory spending cuts, what this amendment simply says is that the mixture of offsets would be on-budget surpluses or mandatory offsets, and that mixture would be determined by the annual re-estimate of the projection on an annual basis. So that, if they lock in place a capital gains tax cut, say, for 10 years, their on-budget portion which pays for that would adjust on the actual re-estimate every year and any money that comes in above and beyond the surplus projection amount that is required to offset taxes would be dedicated toward offsets coming from mandatory spending.

Mr. BENTSEN. Mr. Chairman, reclaiming my time, I understand what the gentleman is saying. It is well-intentioned. But the point he made is that, if the numbers do not turn out, they have locked in the cap gains tax cut for 10 years and, so, they are going to have to go back and make it up on the mandatory spending side.

That is my point exactly, they do not know for certain. They are going to have to come back and keep reevaluating it. So they may start this where they have a large surplus. Things change and they have to come back and take it out of the Medicare program. I do not think the Members on either side of the aisle are really going to want to do it.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from Wisconsin (Mr. RYAN) has 6½ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 4½ minutes remaining.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I yield to my friend from Pennsylvania, I would like to actually quote Mr. Leon Panetta. Leon Panetta was the former chairman of the House Committee on the Budget when the Democrats controlled the House.

□ 1845

He was the former Budget Director of the Office of Management and Budget and the former Chief of Staff to President Clinton. Recently at a budget symposium, Mr. Panetta said, ''We should set aside a specific amount of the projected budget surplus for either use on entitlement programs or tax cuts, and Members can then fight on how that should be done. But to establish a pay-go account for that purpose and if that pay-go account is exceeded, you then have to pay for any additional spending above that limit.''

Mr. Chairman, this is precisely what my amendment does. It is an amendment that has been endorsed effectively by Mr. Panetta, the former chairman of the House Committee on the Budget, the former chairman of the Office of Management and Budget.

To respond to the gentleman from Texas, who is a thoughtful gentleman on these issues, I say that we are always passing tax relief packages here in the House. The only difference that this amendment presents is that if constituents, taxpayers continue to overpay their tax, that should be factored into it. We should not spend the money on discretionary spending if it shows up in town, if we have brand new surpluses. That money should instead go toward tax reduction or entitlement reform.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I would point out that I think he deserves congratulations for delving so deeply into the land of esoteria here. This is not a very well understood topic and I congratulate him for his conscientious efforts certainly to understand it, which he thoroughly does, but to offer a constructive solution.

I think what this amendment is all about really is honest budgeting, specifically honest budgeting in the age of surpluses. Pay-go is a relic of the era of deficits. It was designed at the time for the worthy purpose of preventing further growth in existing deficits. What the Ryan amendment does is it simply updates this tool so that it will also work when there are surpluses. If, God forbid, we go back to the days of deficits, this tool will continue to work as it was designed, as it was intended, as it worked then. But today, fortunately, we are in a time of surplus and we need to update this tool.

Theoretically, under the current budget rules, if we want to use part of the on-budget surplus, the non-Social Security surplus for a tax cut, the rules say you have got to cut entitlement spending in order to do that. Now, we certainly do not want to cut entitlement spending because we want to lower taxes from the on-budget surplus, and we do not. When we propose a tax cut, what we do is we waive this rule. We pretend it is not there. Well, that is not the right way to do things. That really makes a mockery of the rules of the House.

What the gentleman from Wisconsin is attempting to do is to modify this rule, update it, bring it up to the era of surpluses and make it workable, whether we have deficits or surpluses. It is a good, thoughtful amendment. I urge my colleagues to support it.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, what the Ryan amendment says is that no matter how big the surpluses become in the future that you cannot spend a dime on veterans health care, you cannot spend a dime on education, you cannot spend a dime on cancer research. All you can do is use that money for tax cuts or entitlements, which are the fastest growing portion of the budget. With all due respect, he may define that as being balanced and fair. I think veterans and persons suffering from cancer and people who want their kids to get a decent education would respectfully disagree.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume to say just one thing. That is why we have a discretionary budget. We have a discretionary budget which increases every year for veterans programs, for NIH spending. This money goes toward either tax reform or entitlement reform. Medicare is a very, very important program for every single American in this country over the age of 65. We are simply saying, let us fix Medicare, let us fix our entitlements and let us fix the fact that we have the highest tax burden in the peacetime history of this Nation.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in support of this amendment, along with the others who are simply here because we passionately feel that to secure America's future and protect our children, that we need to limit the growth of government and that we are tired of being on the losing end of those attempts. What we want to do is just put in real, common sense measures that really focus the attention on limiting spending and trying to do the right things in this Congress. This amendment would do that. This amendment would allow the on-budget surplus to offset tax relief or mandatory spending increases.

The Ryan pay-go amendment is endorsed by the National Taxpayers Union and Citizens Against Government Waste. What it does is that under current law, known as pay-go, only tax increases or cuts in mandatory spending may be used to offset other tax relief measures or mandatory spending increases. This amendment would allow the on-budget surplus, not the Social Security surplus, to offset these measures. In essence, this amendment would allow for the budget surplus to be used for tax relief, for mandatory spending reforms such as Medicare reform.

This is bipartisan language that is similar to bills that have been introduced in the past. It is sensible. It is common sensical. I support it and urge all of my colleagues to support it.

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

The gentleman began his amendment by saying that this would allow us to dedicate all Social Security funds to debt reduction. But in truth, the debt reduced, the debt held by the public, would be bought up by the Social Security administrators and there would be a commensurate increase in the debt held by the administrator, the Social Security Administration, for the decrease in the debt held by the public. So in truth there is no real debt retirement. I am in favor of doing that, but that is not really debt retirement. If you want to retire debt, pay off debt, you have got to use the on-budget surplus for debt reduction. If you wipe it out with tax cuts or mandatory spending increases as this would allow, then it will not be there for additional debt reduction, point number one.

Point number two. He says this will protect Social Security. But in truth what he is doing is removing the cushion that does protect Social Security. Suppose we are wrong about future surpluses and suppose we have a big tax cut or a big spending increase premised on the expectation that these projections will actually obtain and they do not obtain, the economy takes a downturn. What happens is that you are into Social Security, because you have removed the cushion, the on-budget surplus that would absorb the downturn in the economy. You are back into Social Security, so it puts Social Security in jeopardy.

To protect Social Security, he reaches back into the past and gets an

instrument, a tool, we called it a club in the closet once, called sequestration. We go back to the old principles of sequestration and Gramm-Rudman-Hollings I and Gramm-Rudman-Hollings II here. If you have a downturn in the economy, if the surplus does not obtain, if you have a tax cut or a spending increase premised on payment out of the surplus and the surplus does not show up in the future, then you have sequestration so that you stay out of Social Security. We had sequestration in Gramm-Rudman-Hollings. How many times did we use it? Once. March 1, 1986. Thereafter, when the law was changed, we never used sequestration again to any substantial extent. It is a phony device. It will not ever happen. In any event, if it does, you will cut Medicare instead of cutting Social Security and the same people are going to be hurt. So this is not a good idea.

Let me tell the gentleman, I respect him. We work together on the Committee on the Budget. He was not here in the 1980s and the 1990s when we grappled with solutions. One of the solutions to the deficit that we came up with was the pay-go rule. The other was the discretionary spending ceiling. The pay-go rule was a reaction to our failed experience under Gramm-Rudman-Hollings. In Gramm-Rudman-Hollings, we said we are going to project the deficit for the future each year, and we had then $180 billion deficits. So we said over 5 years we are going to eradicate this deficit. 180 over 5 equals 36, every year we are going to reduce the deficit by $36 billion until it is zero. It did not happen.

One reason it did not happen is that the first year out of the box, the first year in our experience with Gramm-Rudman-Hollings the deficit went from $180 billion to $221 billion. That was not supposed to happen. The economy made it happen. As a consequence, we were $41 billion deeper in debt than we really thought we were, $41 billion behind the mark where we thought we were going to start. That could happen here. We have been lucky, we have been fortunate, but one day this gravy train could come to an end. The increasing revenues that have fueled the increasing surplus could also terminate. When that happens, all of these spending increases and tax cuts that we are premising on paper are projected surpluses may turn awry. We may find ourselves in deep trouble because we have assumed that they were going to happen. The safe, conservative, responsible and proven way to go is to leave the pay-go rule the way it is and only cut taxes when you identify a revenue stream or an entitlement cut to offset the consequences to the surplus.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, I have rarely heard so much time and effort made into making a pretty simple amendment sound so complicated. It is simple because if you ask anyone in this country what should be done with the on-budget surpluses, they give you a pretty straightforward response. They say, we should increase education funding, we should strengthen Social Security or Medicare, we should get rid of the marriage penalty, give individuals deductibility for their health insurance cost. But the fact of the matter is under the existing pay-go rule, you cannot get rid of the marriage penalty using the on-budget surplus. You cannot strengthen Medicare using the on-budget surplus.

Then how in fact do we do those things? Last year we passed a Medicare update bill. We had to waive the pay-go rule, which is arcane and outdated in an age of on-budget surpluses. How did we eliminate the Social Security earnings limit, which is good bipartisan legislation that everyone in this body supports? We had to waive the pay-go rule. How do we get rid of the marriage penalty? We have to waive the pay-go rule. If you want to do these things, if you want to reduce taxes without cutting entitlements and if you want to strengthen entitlements without cutting other entitlements, you need to waive the existing pay-go rules.

That is what this gentleman's amendment does. It updates them in a common sense way.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment. For those Members who are endorsing pay-go as it is currently structured, it is expiring next year, anyway. We should be supporting this amendment. This amendment not only retains pay-go but it improves and extends pay-go to apply to the fact that we now have budget surpluses.

Mr. Chairman, those who are opposing this amendment are trying to make it more complicated than it is. All we are saying is in the land of budget surpluses, non-Social Security surpluses, when Washington gets flooded with all of this new money, that money should not go toward more frivolous spending. That money should go toward entitlement reform and tax reform or debt reduction. Congress will decide the mixture of those things. It extends and updates pay-go to take into account the fact that we have a surplus era. I urge the passage of this amendment.

The CHAIRMAN pro tempore (Mr. MCHUGH). The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

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

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 499, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. RYAN) will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 106–613.

AMENDMENT NO. 7 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. RYAN of Wisconsin:

At the end of title VI, add the following new subtitle:

Subtitle C—Spending Accountability Lock-box

SEC. 631. SHORT TITLE.

This subtitle may be cited as the ''Spending Accountability Lock-box Act of 1999''.

SEC. 632. SPENDING ACCOUNTABILITY LOCK-BOX LEDGER.

(a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of 1974 (as amended by sections 104(c) and 206(a)) is further amended by adding after section 317 the following new section:

''SPENDING ACCOUNTABILITY LOCK-BOX LEDGER

''SEC. 318. (a) ESTABLISHMENT OF LEDGER.—The chairman of the Committee on the Budget of the House of Representatives and the chairman on the Committee on the Budget of the Senate shall each maintain a ledger to be known as the 'Spending Accountability Lock-box Ledger'. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three components: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

''(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

''(c) CREDIT OF AMOUNTS TO LEDGER.—(1) In the House of Representatives or the Senate, whenever a Member offers an amendment to an appropriation bill to reduce new budget authority in any account, that Member may state the portion of such reduction that shall be—

''(A) credited to the House or Senate Lock-box Balance, as applicable; or

''(B) used to offset an increase in new budget authority in any other account;

''(C) allowed to remain within the applicable section 302(b) suballocation.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the House or Senate Lock-box Balance, as applicable, if the amendment is agreed to.

''(2)(A) Except as provided by subparagraph (B), the chairmen of the Committees on the Budget shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of Senate amendments to that bill, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

''(B) When computing the net amounts of reductions in new budget authority and in

outlays resulting from amendments agreed to by the House of Representatives or the Senate to an appropriation bill, the chairmen of the Committees on the Budget shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the House or Senate Lock-box Balance, as applicable, or that fall within the last sentence of paragraph (1).

''(3) The chairmen of the Committees on the Budget shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

''(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that subcommittee; and

''(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that subcommittee.

''(4) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

''(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

''(e) TALLY DURING HOUSE CONSIDERATION.—The chairman of the Committee on the Budget of the House of Representatives shall maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported. This tally shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 317 the following new item:

''Sec. 318. Spending accountability lock-box ledger.''.

SEC. 633. DOWNWARD ADJUSTMENT OF SECTION 302(a) ALLOCATIONS AND SECTION 302(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 302(a) of the Congressional Budget Act of 1974 (as amended by section 422) is further amended by adding at the end the following new paragraph:

''(6) ADJUSTMENT OF ALLOCATIONS.—Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 318(d)) for a fiscal year, the amounts allocated under paragraph (1) to the Committee on Appropriations of each House upon the adoption of the most recent joint resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 318(c)(2). The revised levels of new budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.''.

(b) SUBALLOCATIONS.—Section 302(b) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: ''Whenever an adjustment is made under subsection (a)(6) to an allocation under that subsection, the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under this subparagraph to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 318(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.''.

SEC. 634. PERIODIC REPORTING OF LEDGER STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: ''Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 318(a).''.

SEC. 635. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 302(a)(6) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: ''As required by section 635 of the Spending Accountability Lock-box Act of 1999, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority is reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays is reduced by $ [insert appropriate amount of reduction] for the fiscal year and each outyear.''. Section 306 shall not apply to any bill or joint resolution because of such statement. This adjustment shall be reflected in reports under sections 254(f) and 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The CHAIRMAN pro tempore. Pursuant to House Resolution 499, the gentleman from Wisconsin (MR. RYAN) and the gentleman from South Carolina (MR. SPRATT) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (MR. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume. I will be very brief in the summary of this amendment. This amendment has been here before. In fact, 321 Members of this body have at one time or another in this or past Congresses either cosponsored or voted for this amendment; 42 Members of the Committee on Appropriations today have either voted for or cosponsored this amendment.

This amendment is commonly referred to as the discretionary lockbox. It simply says this. If you are a Member of Congress and you come to the floor of Congress with an amendment to reduce or cut spending, that money will go toward debt reduction. What it says is that money will go toward debt reduction unless you choose to designate that money to go toward other parts of spending. But today under current law, we have this crazy budget system under which if you go to the floor of Congress, pass an amendment to cut or eliminate spending, save some taxpayer dollars, that program may not be authorized or appropriated but the money you save by law will have to be respent at another part of the Federal Government. That is part of the crazy budget laws we live under today.

Simply put, this amendment says if you want to pass an amendment to cut out some pork barrel spending, to cut some wasteful spending, that money will go toward paying down the national debt rather than being plowed into spending in another form of the Federal Government.

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

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

It is true that this has been voted upon before. We were desperate for solutions and so this was one of the jerry-rigged solutions that we came up with. It has been through committee. It has been on the floor. Let me tell my colleagues what is wrong with it.

□ 1900

We can have a cut here on the House floor or in committee of a particular program that is unpopular amongst Members here in the House. They can have a cut in the Senate of the same amount, or roughly the same amount, of a totally different program. When you then go to conference, there is no coming together on the cut that has been made. The House has decided to cut one thing that is not popular here, the Senate has decided to cut another thing that is not popular there.

The amount is roughly the same, so both Houses have interests in their so-called lockbox accounts that have to be reconciled, but there is no reconciliation on the item to be cut, how that number is to be achieved. They may be at total loggerheads over that particular issue. That is one of the problems with it.

Secondly, you can cut something that is one time, nonrecurring, that would not have any really future prospect of spendout, but nevertheless, it has future consequences for the budget, because, if I understand the gentleman's amendment correctly, once you achieve that cut here on the House floor, if you specify that the cut will be charged to the lockbox account, then you have to reduce 302(a) and (b), and then, having done that, discretionary spending has been reduced overall, the discretionary spending ceiling is not only lowered for that year, but successive years so long as it remains in effect. Even though if this could have

been a one-time nonrecurring item, something that did not have future consequences, it could and will have consequences for the budget.

For all of these reasons, this lockbox idea is an idea whose time has come and passed. We do not need it now. There is no reason to complicate the process with it. I strongly recommend that we do not approve it tonight.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to those two concerns by the gentleman from South Carolina (Mr. SPRATT), who voted for this lockbox amendment in prior Congresses. We have changed it a little bit since the last time the gentleman from South Carolina (Mr. SPRATT) voted for it.

Number one, the conference report must pass for the savings to be realized. We lower the 302(a) after the conference report with the House and the Senate passes.

Number two, it is a 1 year time savings. It happens in the first year. It does not change the 5-year budget resolution window. So I think those are very good points the gentleman has raised. We have taken care of those concerns in this amendment. The gentleman voted for it once before, and I hope he will do so again.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I rise in support of this amendment. It is really very simple. What this amendment is all about, as it says, is if Congress passes an amendment designed, intended, and it passes, to save taxpayer money, then it should do just that. It should not be spent somewhere else.

The Ryan amendment, frankly, is a reasonable and sensible compromise on how that happens. It says any money that is saved through an amendment to an appropriation bill is not going to be used for a tax cut and it cannot be used for additional spending. It simply will be used for debt reduction.

Now, some may point out, well, you know, if nothing else happens, eventually this money automatically will go for debt reduction. But, keep in mind, that is only if it is not spent first on a subsequent bill. I think experience shows that it is very hard for this Chamber and it is very hard for the other Chamber to resist the temptation of spending money that is sitting on the table.

What the Ryan amendment does is it says when this Chamber expresses its will by reducing the spending level, let us make that happen. Take the money off the table. This is a very modest modicum of fiscal discipline, and I urge my colleagues to support this amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (MR. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I am starting a new practice in the House, and also an old practice in the House.

The question I have, and the staff has explained this to me, if an amendment passed, say, to the defense appropriations bill, I will give an example, which, say, cuts the D–5 missile program for $10 billion in the House, and then it passes in the Senate for $5 billion, then you take the average of $7.5 billion and reduce the overall discretionary spending by $7.5 billion, could the committee still then fully fund the D–5 missile and just take it out of somewhere else so Members would think they are voting for one thing but get something else in return?

Mr. RYAN of Wisconsin. Mr. Chairman, if the gentleman will yield, first of all, that would be something that would be operated under a conference report agreement. If one side does one policy and the other does not, that could be changed in conference.

As to the issue of the allocation, not the appropriation of a particular program, the allocation would be changed after the conference report is passed.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (MR. BENTSEN).

Mr. BENTSEN. Mr. Chairman, the question though is this: The Members on the floor of the House would be voting to cut a specific program that they think is going in a lockbox, and the members of the other body would be voting to cut a specific program. But then the members of the Committee on Appropriations could actually go back and fund that program, but we would get credited.

I know it would come to a great shock to everybody that that might happen, that the members of the committee and conference might not follow the will of the House or the other body, but it seems like we are sort of giving a blanket approach to a lockbox, just stick whatever program on there nobody likes, and then we will do that, and then we will cut it and take it out of somewhere else.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, we cannot control what happens in a conference report. We cannot control from this Chamber or from the other Chamber what they do in conference reports. So this amendment does not try to control that, it simply tries to capture the savings from successful appropriations amendments to be used for debt reduction. You cannot control the level.

Mr. BENTSEN. Mr. Chairman, reclaiming my time, my only concern is it would be something people would say we are going to vote against a program we do not like, but we will take it out of a program we like.

Mr. SPRATT. Mr. Chairman, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 1 minute.

Mr. RYAN of Wisconsin. Mr. Chairman, this is a very, very straightforward amendment. All this amendment does is it simply says that if you are a Member of Congress and you want to reduce spending, you want to go after a wasteful program, that means you can then use that money to pay off national debt.

We have some weird laws in this body. I am a new Member of Congress and I am becoming acquainted with these. But one of the weirdest laws that we have here in this body is that if you eliminate or reduce spending in the appropriations process, that money is spent somewhere else in the Federal Government. It cannot go toward paying down our National debt.

All this amendment does, an amendment supported by the National Taxpayers Union, an amendment supported by the Citizens Against Government Waste, all this amendment says is that if you successfully pass an amendment to save money, that that money will go toward paying down the National debt, unless you designate it to go to another account or another spending program within the Federal Government. It is good fiscal discipline, it is bipartisan. I am pleased to have as my cosponsors the gentleman from Minnesota (Mr. MINGE) and the gentleman from New Jersey (Mr. ANDREWS). I am pleased that 321 Members of this House have already voted for or cosponsored this bill.

I ask Members to be consistent. I ask Members to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The amendment was agreed to.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded voted on Ryan amendment No. 7.

The CHAIRMAN. Does any other Member ask for a recorded vote?

PARLIAMENTARY INQUIRY

Mr. NUSSLE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NUSSLE. Mr. Chairman, on the amendment that the gentleman from South Carolina was requesting unanimous consent regarding, what was the determination of the Chair?

The CHAIRMAN. The result on the previous amendment was ''aye'' by a voice vote.

The Chair would make an inquiry of the gentleman from South Carolina.

The amendment just concluded was Ryan No. 7. I understand the gentleman's unanimous consent request to be with regard to which amendment?

Mr. SPRATT. It was Ryan No. 7, according to mine. It is Ryan No. 6, the pay-go amendment.

The CHAIRMAN. The gentleman's request concerns the previous amendment, Ryan No. 6, on which the gentleman from South Carolina asked for a recorded vote. He is now seeking unanimous consent to withdraw his request for a recorded vote.

Mr. RYAN of Wisconsin. Are you talking about the pay-go amendment?

The CHAIRMAN. Yes. Without objection, the request for a recorded vote entered by the gentleman from South Carolina is withdrawn. Does any other Member seek a recorded vote on Ryan No. 6?

If not, that amendment is adopted.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 499, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 2 offered by Mr. GEKAS of Pennsylvania; and,

Amendment No. 4 offered by Ms. JACKSON-LEE of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. GEKAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 236, not voting 25, as follows:

[Roll No. 187]

AYES—173

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blunt
Boehlert
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeMint
Diaz-Balart
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
LaHood
LaTourette
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Norwood
Nussle
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shows
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thune
Toomey
Vitter
Walden
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wynn
Young (AK)

NOES—236

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Portman
Price (NC)
Pryce (OH)
Rahall
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sherman
Sherwood
Sisisky
Skeen
Skelton
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—25

Ackerman
Baker
Barrett (WI)
Bliley
Campbell
Delahunt
Engel
Ganske
Largent
Lowey
Maloney (NY)
Martinez
McCollum
McCrery
McIntosh
McNulty
Meeks (NY)
Nadler
Owens
Oxley
Rangel
Serrano
Slaughter
Stupak
Udall (NM)

□ 1932

Mr. LEWIS of Georgia and Mr. HUNTER changed their vote from "aye" to "no."

Mrs. MORELLA and Messrs. SMITH of Michigan, PETERSON of Pennsylvania, REYNOLDS, and DOGGETT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 499, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 225, not voting 21, as follows:

[Roll No. 188]

AYES—188

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci

Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
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 (CT)
Johnson, E. B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Linder
Lipinski
Lofgren
Lucas (KY)
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Napolitano
Neal
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Simpson
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
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
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Luther
Manzullo
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rivers
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
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Bliley
Campbell
Engel
Ganske
Kaptur
Largent
Lowey
Maloney (NY)
Martinez
McCollum
McIntosh
McNulty
Meeks (NY)
Nadler
Owens
Rangel
Riley
Serrano
Stupak
Udall (NM)

□ 1941

Mr. LUTHER changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LATOURETTE, 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. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes, pursuant to House Resolution 499, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. 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 noes appeared to have it.

RECORDED VOTE

Mr. NUSSLE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 250, not voting 18, as follows:

[Roll No. 189]

AYES—166

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bilbray
Blunt
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Doggett
Dreier
Dunn
Ehrlich
English
Ewing
Fletcher
Foley
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Inslee
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
LaHood
Latham
Lazio
Leach
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
McCrery
McHugh
McInnis
McKeon
Meehan
Metcalf
Mica
Miller, Gary
Minge
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Oxley
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Reynolds
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Terry
Thomas
Thornberry
Thune

Toomey
Upton
Vitter
Walden
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wilson

NOES—250

Abercrombie
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Capps
Capuano
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Forbes
Ford
Fowler
Frank (MA)
Frost
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hoyer
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sherwood
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Snyder
Spence
Spratt
Stabenow
Stark
Strickland
Stump
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Bliley
Campbell
Engel
Largent
Lowey
Maloney (NY)
Martinez
McCollum
McIntosh
McNulty
Meeks (NY)
Nadler
Owens
Rangel
Serrano
Stupak
Udall (NM)

□ 2000

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NUSSLE. 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. 853, the legislation just considered.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Iowa?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 2000, 2001, AND 2002

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 1654, to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002:

Messrs. SENSENBRENNER, ROHRABACHER, WELDON of Florida, HALL of Texas, and GORDON.

There was no objection.

REPORT ON H.R. 4461, DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

Mr. SKEEN, from the Committee on Appropriations, submitted a privileged report (Report No. 106–619) on the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year 2001, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-United States Interparliamentary Group, in addition to Mr. Houghton of New York, chairman, appointed on February 16, 2000:

Mr. UPTON of Michigan,
Mr. STEARNS of Florida,
Mr. MANZULLO of Illinois,
Mr. PAYNE of New Jersey,
Mr. PETERSON of Minnesota, and
Ms. DANNER of Missouri.

There was no objection.

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.

RESPONSE TO ARGUMENTS AGAINST PNTR FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I want to take this 5 minutes to respond to one of the arguments that I have heard against permanent normal trade relations with China.

The argument is that China, its 1.3 billion citizens, and only 7 percent of the world's arable land, does not need United States' agricultural products. USDA's Economic Research Service and private agricultural commodity groups believes China will continue to be a major market for U.S. agricultural products and that China's accession to the WTO will expand that market.

For cotton, China committed to a tariff-rate quota of 743,000 tons for cotton in the Year 2000, increasing to 894,000 tons in 2004. The within-quota duty would be 4 percent and the over-quota duty would decline from 69 percent in 2000 to 40 percent by 2004. Nonstate trade companies get two-thirds of that quota, which means we help avoid the problem we have sometimes had in the past with quotas going unfilled.

The ERS projects that if China did not join the WTO, it would import cotton worth $565 million in 2005. If China does join, ERS projects that its cotton imports would increase to $924 million by 2005.

For corn, China committed to establish a 4.5 million ton tariff rate quota in 2000, rising to 7.2 million by 2004. Here again, ERS projects that China's net imports of corn in 2005 will increase by $587 million if China joins the WTO.

U.S. corn exports to China have averaged about 47 million over the past 5 years. This will increase.

For wheat, China committed to a tariff rate quota of 7.3 million tons in 2000, rising to 9.64 million in 2004. ERS projects that China's net imports of wheat in 2005 will increase from $231 million per year to $773 million if it joins the WTO.

For soybean products, the story goes on. ERS projects that China's net imports of soybean products in 2005 will increase by $180 million if China joins the WTO.

Now, ERS is not alone in the view that China will have to be buying agricultural commodities. According to Worldwatch's Lester Brown, China's water supplies in its grain-producing areas are falling at a high rate. He sees massive grain imports and growing dependence on U.S. grain.

The Farm Bureau also expects great benefits from China's accession to the WTO. U.S. exports to the Asian region as a whole are expected to increase in the next few years.

I would like to conclude my remarks tonight by putting all of these facts and figures into context. For years, we in agriculture have complained about the use of unilateral sanctions to change the behavior of various governments around the world. Recently, we have made some progress on this front, with some restrictions lifted last year that have resulted in sales of some corn to Iran and wheat to Libya.

If we look at what USDA estimates that we in agriculture lost because of the United States' own decision not to trade with certain countries, the total in 1996 was about $500 million. The estimates for this year have to be considerably more than $500 million. That is less than a third of the $1.7 billion we will lose in 2005 if we do not grant China permanent normal trade relations.

All six of the countries currently under sanctions, Cuba, Iran, Iraq, Libya, Sudan and North Korea, together, import only $7.7 billion in food and agricultural products each year. That is about half the $14 billion China imports today annually.

We need to make the right decision on China and stop giving away agricultural markets to our competitors. That is what those of us who support treating China as our competitors do. What sense does it make today for the United States to unilaterally say to any country that we will not sell them our food and medicine, when our ''friends'' sell to that country? That is something that I have failed to understand in some of the arguments against PNTR. It is one thing if we multilaterally, if all of our ''friends'' also agree to use food and medicine as a weapon. That would be a powerful tool. But to do it unilaterally, it seems to me, only punishes our own producers, in this case farmers and ranchers, and it hurts the people of which we are trying to help, and it strengthens the governments of which we are trying to change.

I hope that this and other statements we will hear over the next few days will convince at least 218 of us in this body to do the right thing, to grant permanent normal trade relations with China, to allow them to come into the WTO, and, for the first time in history, have them subjected to the same laws that apply to the rest of the free world. It sure cannot hurt to try it.

FINDING A CURE FOR AUTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, every morning Miami-Dade County Commissioner Jimmy Morales helps his 6-year-old daughter get ready for school. Like many 6-year-old kids, Nora sings along to Britney Spears, N-Sync or Cristina Aguilera. Once at school, she introduces her dad to all of her classmates, gives daddy a kiss and a hug, and sends him off to work.

While to most people this may sound like a normal day in the life of a 6-year-old for Nora, many of these achievements have come only as a result of hard work. Unlike most little girls, Nora would not like to wear ribbons or clips in her hair. She could not look her parents in the eye nor tell them about her day with her grandparents. In fact, Nora's parents were not even sure she recognized her own name.

The reason: 4 years ago, Nora was diagnosed with autism; a neurological disorder which impacts a half a million people in America.

The world through the eyes of an autistic child is a complex puzzle with no solution. Autism affects the normal development of the brain and it impacts in the area of social interaction and communication skills. As a result, children living with autism have a difficult time responding appropriately to their environment. This includes playing with friends and forming relationships, even with their own parents.

Autism is four times more prevalent in boys than in girls, but it does not discriminate. It knows no racial, ethnic, or social boundaries. And family income, life-style and educational level do not affect the chances of autism's occurrence. In fact, according to the Centers for Disease Control and Prevention, no one knows exactly why autism strikes approximately 1 in every 500 individuals.

Autism not only has no known cause, but it has, sadly, no known cure. Sadly enough, the national rates of children being diagnosed with autism are increasing dramatically. For example, in the State of California, the numbers have increased 237 percent in the last 10 years. In my home State, 50 percent of the children diagnosed with autism reside within my community of south Florida.

The pictures that I would like to show to my colleagues and to the viewers tonight that we see here are of Bonnie and Willis Flick, two autistic children residing in my Congressional District who are fortunate enough to receive treatment and intervention therapy to help them cope with every day life.

A good day for Bonnie is similar to the one we just heard about Nora. Bonnie is a high functioning autistic child who attends a very special school, The Learning Experience in Miami. And because autism is a spectrum disease that is manifested in a variety of forms, some children are not as high functioning as Bonnie.

□ 2015

For example, life for Bonnie's autistic brother, Willis, is a bit more difficult. Willis is mostly nonverbal and is not able to tell his mother that he is hungry or sleepy or not feeling well. He is unable to verbally express his joy, anger, or frustration; and that makes life all the more difficult for those around him.

Bonnie and Willis receive professional assistance to help them optimize their potential and learning capabilities. But there are many autistic children who are less fortunate.

As if families of autistic children did not suffer enough distress, one of the biggest challenges facing them is finding health coverage for treatment and therapy of this condition.

Fortunately, Nora's parents, as well as Bonnie and Willis' parents, have been able to work through obstacles to ultimately find the care that their families so desperately need.

Many families, however, are not as fortunate. We must continue to work so that all health insurance and health maintenance organizations include coverage for services to treat autism.

In my Congressional district, the University of Miami operates the Center for Autism and Related Diseases, CARD, which helps hundreds of children and their families whose lives are impacted with autism.

The CARD centers operate throughout the State of Florida and provide free individual and family assistance services as well as training programs for the parent and the professional. These centers focus on finding ways to change the behaviors and perceptions of individuals with autism in a way that will allow them to successfully learn, work, and communicate.

Mr. Speaker, we need to continue to support centers like CARD whose services benefit families struggling through the ordeal of autism.

Last week, the House passed the Children's Health Act, which contains a provision to establish centers of research and expertise. It is establishments like these that will help families of autistic children.

I hope that, on behalf of the Bonnies and the Willises and the Noras in their districts, my colleagues will continue to pass legislation like the Children's Health Act and provide funding to research the causes for this disorder. With continued research, every day we are one day closer to finding a cure for this debilitating disability.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COMBEST) is recognized for 5 minutes.

Mr. COMBEST. Mr. Speaker, the vote on permanent normal trade relations with China may be one of the most important votes that we will cast in years.

China represents an agricultural market that is vital to the long-term success of American farmers and ranchers. Agriculture trade with China can strengthen development of private enterprise in this country and bring China more fully into the world trade membership. We intend to work for that goal and urge all of U.S. agriculture to join with us.

China's participation in the WTO will result in at least $2 billion per year in additional U.S. exports within the next 5 years. That is just U.S. agricultural exports.

By 2005, the largest increases in the annual value of China's net agricultural imports are likely to be $587 million for corn, $543 million for wheat, and $359 million for cotton.

According to the Economic Research Service, net farm income would be higher by $1.7 billion in 2005 and higher by an average of $1.1 billion over the years 2000 to 2009 for each year.

Listen to what agricultural groups are saying about China PNTR. The U.S. wheat growers say that PNTR represents a potential 10 percent increase in U.S. wheat exports. The U.S. pork producers believe that China PNTR will pave the way for an increased value in hogs by $5 a head.

Poultry producers say that because China is already the largest export market for poultry, $350 million in 1999, under PNTR it can become a $1 billion market in just a few years.

Cattle producers believe that a vote against PNTR is a vote against them. They expect to almost triple beef export to China by the year 2005.

Corn growers believe that they have an opportunity to immediately triple their 5-year average of corn exports to China with acceptance to PNTR.

Some who oppose PNTR for China will weigh that China is an agricultural glut and will never buy U.S. commodities. That is not true according to USDA's Economic Research Service. They say that China's accession to the WTO means that U.S. farmers and ranchers can sell an additional $1.6 billion worth of agricultural products in 5 years.

On top of that, $400 million of U.S. fruits, vegetables, and animal products can be sold by 2005 upon China's entry into the WTO. That is $2 billion more of agricultural exports in 5 years. This view is supported by the widespread support among U.S. agricultural commodity groups for China PNTR.

Still, others argue that China is self-sufficient in agriculture production and that it produces enough to feed its own people and does not need U.S. wheat or corn or any commodity. But listen to what the Worldwatch Institute Chairman Lester Brown said. He said that China's water supplies in its grain-producing areas are falling at a high rate. He sees massive grain imports and growing dependence on U.S. grain.

The reality is that no one can predict the future. China imports large amounts of U.S. agricultural commodities right now, some through Hong Kong, $2.5 billion in 1999 of agriculture, fish, and forestry products.

Greater access to Chinese markets means greater opportunities for U.S. high-quality agriculture products. As the diets of the Chinese improve, there will be more demand for high-quality agricultural products and value-added food products. This is what U.S. farmers and the food industry can provide to Chinese consumers.

It must be remembered that China has access to the U.S. market right now. China will become a member of WTO; and after its accession to the WTO, it will still have access to the market. The vote for PNTR will decide whether U.S. agriculture will have improved access to Chinese markets or that we will see that market to the competitors of U.S. agriculture.

We have all heard the argument that PNTR is not necessary and that if Congress rejects China PNTR that U.S. exporters still will attain the benefits of China's WTO accession. But the General Accounting Office says that the full benefits of the November 1999 agreement negotiated by the U.S. will not be available unless Congress adopts China PNTR.

Tariff concessions will be available, but there will be no way to enforce these. No enforcement mechanisms will be available, and the U.S. will not be able to use WTO dispute settlement provisions. The WTO dispute settlement is a critical weapon to ensure U.S. trading rights. The ability to enforce the tariff rate quotas will be undermined. The U.S. could not challenge Chinese export or domestic subsidies that hurt U.S. exports in third countries. We could not enforce the benefits of the sanitary and phytosanitary agreement that was negotiated with the Chinese and is so important to U.S. citrus, wheat, and meat products.

Additionally, the special safeguards provision to protect against import surges negotiated by the U.S. would not be available.

Unless Congress grants China PNTR, there will be no way to ensure that tariff and access concessions will be available to U.S. agricultural exporters. WTO dispute settlement provision will not be available to the U.S. Those who are concerned about making sure China keeps its part of the bargain should support PNTR. Without WTO dispute settlement provisions, any ability to ensure Chinese compliance is severely weakened. According to a May 11, 2000 article in the Washington Post many of China's dissidents back China's accession into the WTO. This is what they are saying:

Bao Tong, one of China's most prominent dissidents, says that Congress should pass China PNTR. Mr. Bao believes that China should be included in as many international regimes as possible so that it must adhere to these international standards. Referring to congressional passage of PNTR, Mr. Bao says, ''It is obvious this is a good thing for China.'' He goes on to say . . . ''I appreciate the efforts of friends and colleagues to help our human rights situation, but it doesn't make sense to use trade as a lever. It just doesn't work.''

Dai Qing, perhaps China's most prominent environmentalist and independent political thinker, says ''All of the fights—for a better environment, labor rights and human rights—these fights we will fight in China tomorrow. But first we must break the monopoly of the state. To do that, we need a freer market and the competition mandated by the WTO.'' According to Ms. Dai, ''One of the main economic and political problems in China today is our monopoly system, a monopoly on power and business monopolies. Both elements are mutually reinforcing. The WTO rules would naturally encourage competition and that's bad for both monopolies.

Zhou Litai, one of China's most prominent labor lawyers and represents dozens of maimed workers in Shenzhen, says, ''American consumers are a main catalyst for better worker rights in China. They are the ones who pressure Nike and Reebok to improve working conditions at Hong Kong and Taiwan-run factories here. If Nike and Reebok go—and they could very well (if the trade status) is rejected—this pressure evaporates. This is obvious.''

Mr. Speaker, there will be irreparable damage done to American agriculture if Congress does not pass PNTR.

THINK ONCE, THINK TWICE ABOUT U.S. TRADE RELATIONS WITH CHINA

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, I would say to our colleagues this evening, think once, think twice about U.S. trade with China, particularly in agriculture.

Recently I read a fascinating report prepared by Dr. Charles McMillian, former editor of the Harvard Business Review. He is a man who understands numbers. And he says, think once, think twice. China has produced an annual glut of agricultural commodities for over a generation. In fact, the United States has registered a consistent and growing deficit in agriculture with China in two-thirds of all agricultural groupings.

It is true with pork. We produced a lot of that in my corner of Ohio. It is true with corn. It is true with citrus,

with vegetables, with fish. Just go down the categories.

China, in fact, in the last decade, had an average annual surplus, that means they are sending more out than taking goods in, in global agricultural trade of $4 billion annually. Just last year, in 1999, the rate of that is increasing to where just in 1999 they had a $4 billion surplus of global agricultural trade over what they imported. So their advantage, essentially, is increasing.

They are rapidly expanding the quantity, the quality, and the composition of products that are being exported to our country, everything from ketchup to rice and, for the first time, in 1999, cotton.

Now, China recorded an overall advantage with the United States in 1985, 1986, 1992, 1993, and 1999 in agriculture. In fact, we have maintained a chronic agricultural trade deficit with them in 17 of 26 agricultural commodity groups, everything from seafood, to tobacco, sugar, cocoa, vegetables, fruits, nut, and various animal parts.

What is even more troubling is that our exports to them have fallen every year since 1995 as China has strengthened our ability to export to them in spite of our bilateral agreements and tariff reductions has decreased.

In fact, our agricultural exports to China in 1999 were a third less than a decade before, while U.S. imports of their agricultural commodities had literally doubled, gone up by nearly 100 percent.

Now, if we think about this, China's agricultural production growth continues to outpace their own growth in domestic demand. Our own embassy in China, our agriculture attache in Beijing, points out that China is struggling to solve its fundamental problems of chronic overproduction.

But it does have an inefficient distribution system. And with capital investment that might occur there as a result of going into WTO, they are going to be able to move that product more quickly around the world.

Particularly key in all of this are China's partnerships with powerful global firms such as Cargill, Archer Daniels Midland, and ConAgra. And of course, those companies export. In fact, Cargill, for example, has been in China since 1973. Cargill really does not care if it sells and markets Chinese corn or U.S. corn.

So the point is there are some agricultural interests globally that will win, but it will not be U.S. farmers because that Chinese corn and pork and tobacco and seafood, and go down all the categories, are going to depress prices even more here at home.

So I would say to people in rural America, think once, think twice about all of this.

It is not clear that, in this recent agreement that the administration signed with China, that any new grain commitments to purchase were actually made. There were some promises that maybe there would be some tariff reduction. But if we look at the tariff reduction that occurred during the decade of the 1990s, it did not result in any more sales.

It is highly unlikely that China will eliminate its non-tariff barriers to agriculture trade. It would put too great a risk on its own sector advancing. Because China, since 1949, has had an agricultural policy that said, we will be food self-sufficient. Starvation propelled them into the most recent half century, and they fully well understand what it means not to be self-sufficient in food production at home.

I think that, as much as we talk about tariffs here and about non-tariff barriers, it is also important to point out that when China gets in trouble internationally, it does something very simple, it devalues its currency, as it did in 1994.

So think once, think twice. China is going to put more downward pressure on U.S. food prices if permanent normal trade relations are approved with China.

I urge my colleagues to vote ''no'' on that measure.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SIMPSON) is recognized for 5 minutes.

Mr. SIMPSON. Mr. Speaker, I rise today in support of the permanent normal trade relations with China.

Some people view PNTR as a gift that the United States would give to China. PNTR with China is, in fact, in the United States' best economic interest.

China is a huge potential market for the United States, as has been mentioned, 1.2 billion people, or 20 percent of the world's population. Our potential to export to them is enormous.

Idaho's share of those exports is significant to a small State with a million people in it. In 1998 alone, Idaho exported nearly $25 million worth of merchandise to China. And in the agricultural sector, we exported $833 million to China.

Future gains are almost certain under the terms of the bilateral agreement and China's WTO accession. Upon accession to the WTO, China's average tariff rate of 22 percent will drop to 17 percent for most products. In the agricultural sector, the reduction is even more significant. The average 31 percent tariff will be reduced to 14 percent for agricultural products on average.

In fact, Goldman Sachs estimates that passage of PNTR will increase U.S. exports to China by $12.7 billion to $13.9 billion by the year 2005.

□ 2030

Although there have been some statements to the contrary that the U.S. can reap all of the benefits of this bilateral agreement when China accedes to the WTO, the fact is that cannot happen unless PNTR is granted to China. That is because one of the cornerstones of the WTO is the concept of unconditional most favored nation or normal trade relations between WTO members.

In the agricultural area, PNTR wheat producers believe that they will see an increase of 10 percent sales to China with PNTR. In fact, the increase of sales of beef will increase even more, I believe, as the current tariff rates are reduced from their current level of 45 percent to 12 percent by the year 2004. China will also eliminate its export subsidies upon WTO accession.

The U.S., and this is important to remember, Mr. Speaker, the U.S. is not required to change any of its market access commitments to achieve all of these benefits. In the high tech sector in Idaho, which is a growing industry in Idaho, the current duties on information technology products such as computers, electronics, fiberoptics, cable and other telecommunication equipment currently average 13 percent but will be eliminated by January 1, 2005. In addition, trading and distribution rights for IT products will be phased in over 3 years. This means that companies in my congressional district, such as Micron and Hewlett-Packard, will be able to build upon their current exports to China which currently average around 6 percent. Mr. Speaker, this is a very important vote for Congress. I understand and agree with the concerns of my colleagues with regards to human rights in China. But I believe that we will change China more by being engaged with China rather than standing back and throwing stones. In fact, it was interesting. Today I had several students from Taiwan in my office. One would think that Taiwan would be opposed to accession of China into the WTO because of the aggressive nature that China has expressed toward Taiwan but these students told me, and I have confirmed with the President elect of Taiwan that they support accession of China into the WTO because they believe that active engagement with China will make China more like Taiwan and will free Taiwan and make them more economically free.

Mr. Speaker, this potentially is the most important vote that we will cast in this Congress. I urge my colleagues to support PNTR for China.

TRIBUTE TO THE LATE JOSEPH L. MOORE, DIRECTOR OF CHICAGO VA HEALTH CARE SYSTEM

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of

the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a man who could be called the personification of a smooth, effective and loyal bureaucrat but also a dedicated protector and promoter of health care for veterans. Joseph L. Moore began his career with the Veterans Affairs Department as a clerk typist but ended it as director of the Lakeside and Westside Veterans' Administration Hospitals in Chicago, Illinois.

Born in Ripley, Tennessee and raised in St. Louis, Missouri, Mr. Moore worked with the Department of Veterans Affairs for more than 40 years. He came to Chicago in 1979 to take over as director of the VA Lakeside Medical Center. He became director of the Chicago VA Health Care System in 1996 when Lakeside administration merged with the Westside VA Medical Center. He was instrumental in facilitating the merger. That will stand as one of his final achievements in the Veterans' Administration. This merger is reported to have saved millions of dollars for U.S. taxpayers.

When Mr. Moore came to Lakeside, the hospital was in need of strong leadership, which he provided. He redid Lakeside and turned it around so that the veterans and their families could be well received and well treated. Just before his death, Mr. Moore was scheduled to receive an award from the Chicago Federal executive board for distinguished services. He served two terms as chairman of the Chicago Federal executive board.

Over 40 years, Joseph Moore championed quality health care services for all veterans. His commitment to the veteran community was without reservation. His integrity and intellect gained him the respect of medical professionals throughout the world. In every endeavor, he demonstrated exceptional leadership, professionalism and dedication to the public and to Federal employees.

Mr. Moore received the Distinguished Executive Presidential Rank award, the highest award given to a civilian employee of the Federal Government, from President Ronald Reagan. He was also the first nonphysician to receive the Distinguished Service award from Northwestern University's Department of Medicine.

He dedicated his life to providing good health care for veterans. As director of Lakeside Medical Center, Mr. Moore was a member of the board of directors for Northwestern University's McGaw Medical Center.

He leaves a legacy of dedication and service to veterans. I am pleased to have known and to have worked with him as he went about the business of protecting and promoting the highest level and quality of health care for men and women who had dedicated and given their lives in the service of this country.

PNTR FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, the vote on permanent trade status for China is vital to our technology and small business interests in North Carolina, but it is particularly important to North Carolina agriculture, so I am glad this evening to come and join a number of other colleagues and talk about this issue. In 1998, North Carolina ranked 11th among the 50 States in the value of agricultural exports totaling $1.5 billion. These exports supported about 22,800 jobs both on and off the farm in our State.

Our State's largest agricultural export, of course, in North Carolina is tobacco. In 1998, North Carolina exported $573 million worth of tobacco leaf. It has been estimated that if flue-cured tobacco farmers could capture just 1 percent of the Chinese market, that is 1 percent, and 1 percent of the manufacturing in China was comprised of American flue-cured tobacco, the stocks in Stabilization would cease to exist and quotas would rise for our farmers.

The North Carolina Rural Prosperity Task Force that was chaired by Erskine Bowles estimated that if China would give our farmers fair access to their markets, North Carolina exports of flue-cured tobacco would increase by as much as 10 percent right away. After suffering a 50 percent loss in income due to quota cuts during the past several years, such an increase would be welcome news to many struggling farmers and their families and to tobacco industry workers in our State and other States.

Today China's tariff that is imposed on tobacco is currently 40 percent. Once China joins the WTO, it would drop to only 10 percent by 2004. The tariff on tobacco products will fall from 65 percent to just 25 percent during that same period.

What must the United States sacrifice to gain these trade benefits? Nothing. All we have to do is make permanent what we have been doing for 20 years. We have been doing it on an annual basis. The U.S. granted China most-favored-nation status, now called normal trading relations status, in 1980. Simply by voting to continue this policy on a permanent basis, the Chinese will be required to reduce their tariffs, revise their trading practices, abide by the rule of law and remove their phony trade barriers on many of our products.

Therefore, the question coming before this House is this: Do we allow the U.S. tobacco growers and other farmers to take advantage of this new access? Or do we shut them out and give our competitors free reign to enjoy the fruits of our hard work and the negotiations that have taken place? To me, the answer is easy, which is why I support PNTR for China.

This does not mean that I am looking at this with my eyes closed. China has problems it needs to address before formally coming into WTO. Of special concern to me is China's use of blue mold as a phony barrier to keep our tobacco farmers from entering into this market. Barring our tobacco from their market based on the contention that blue mold could affect their crop has no basis in science and is a barrier that does not stand the light of day. I have been helping to lead the effort with other Members of this House to make sure that this issue is resolved satisfactorily, and I trust that our USDA and Chinese officials will have an announcement on this in the very near future.

While I have spoken at length about tobacco, China's entry into WTO will also greatly benefit North Carolina's poultry, pork, grain and other industries in our State. The North Carolina Department of Agriculture estimates that poultry, pork and a wide variety of other farmers could also see a steady increase in exports if China is granted PNTR. Last year, North Carolina exported more than $300 million in chicken and turkey products. China is the second leading market for U.S. poultry exports, with North Carolina producers selling tens of millions of dollars worth of poultry to China every year. Under the WTO agreement, China will cut its tariff in half, from 20 percent to 10 percent by 2004 for frozen poultry cuts. There will be no quantity limits at this tariff level, for China has agreed to accept all poultry meat from the United States that is certified wholesome by the United States Department of Agriculture. The same is true for pork. About 60 percent of all meat consumed in China is pork. This will make a big difference for us. I think China PNTR is a win-win for our farmers.

PNTR FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, this evening I want to commend the President, the Speaker of the House, and leaders on both sides of the aisle for their work on China permanent normal trade relations. I commend the gentleman from Texas (Mr. COMBEST) of the Committee on Agriculture and the ranking member the gentleman from Texas (Mr. STENHOLM) for their work on opening markets with China and many other countries. I want to commend Ambassador Barshefsky, Secretary of Agriculture Dan Glickman

and Secretary of Commerce Bill Daley for their work in opening markets to American agriculture and other commodities.

If Congress does not pass PNTR for China, it will be the worst economic policy decision since the Smoot-Hawley act of 1930 that the Congress has made. Smoot-Hawley was based on the idea that our economy can succeed while all other economies of the world fail. This is simply not the case. Failure to pass PNTR will be a step toward the isolation of Smoot-Hawley and a step away from the global business practices which have fueled our economic growth.

PNTR is a good deal for business, workers, farmers, consumers and all Americans. It is an especially good deal for American agriculture. We produce more food than we can consume. With 1.3 billion people, 20 percent of the world's population, China must import food to feed its people. Based on this fact, the agriculture relationship is a win-win situation for both countries.

For the district that I am fortunate to represent, the First Congressional District of Arkansas, China PNTR represents opening the largest market in the world to rice, soybeans, cotton, wheat, poultry, fish, beef, pork and other products. Agriculture is just one example of the tremendous benefits that China PNTR holds for Arkansas and America. This agreement is also good for financial services, insurance, information and technology, automobiles, chemicals, entertainment, telecommunications and many others. When average tariffs for American products that are going into China are cut from 24 to 9 percent, only good things can result for America's economy.

American farmers and businesses can compete on a level playing field with anyone else in the world. This agreement goes a long way towards creating a level playing field between America and China. Additionally, we give up nothing by granting China PNTR. This agreement grants us access to their markets but does not give them any more access to our market than they already have.

□ 2045

If China PNTR does not happen, we will lose out, the rest of the world will gain, other countries in regions from Europe to South America will be doing business and laughing all the way to the bank with their profits. If we do not pass PNTR, the principal effect will be to deny the American economy the benefits of trading with the largest country and the largest population in the world.

I also firmly believe that China's human rights record must improve. The best way to be accomplish this is to bring them into the international community. By trading with them rather than refusing to relate to them, we will be able to have a positive influence on human rights in China.

Another common misperception is that China PNTR is bad for industries which have been hurt by trade. This is simply not true. We will have stronger trade laws under this agreement with a product-specific safeguard and permission to unilaterally retaliate should the Chinese engage in unfair trading practices. This agreement contains strong legal protections for American industries. If we fail to pass PNTR, American business will lose these protections.

Mr. Speaker, this decision is the right one. Trade with China is good from an economic standpoint, from a human rights standpoint, and from a national security standpoint. We must not allow China PNTR to be bogged down by politics. We should pass PNTR because it is the right thing to do for America.

THE DOLLAR AND OUR CURRENT ACCOUNT DEFICIT

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, fiat money, that is, money created out of thin air, causes numerous problems internationally as well as domestically. It causes domestic price inflation, economic downturns, unemployment, excessive debt, corporate, personal and government, malinvestment and overcapacity, all very serious and poorly understood by many of our officials.

But fluctuating values in various paper currencies cause all kinds of disruptions in international trade and finance as well. Trade surpluses and deficits when sound money conditions exist are of little concern, since they prompt changes in policy or price adjustments in a natural or smooth manner. When currencies are non-convertible into something of real value, they can be arbitrarily increased at will.

Trade deficits, and especially current account deficits, are of much greater significance. When trade imbalances are not corrected, sudden devaluations, higher interest rates and domestic inflation are forced on the country that has most abused its monetary power. This was seen in 1997 in the Asian crisis, and precarious economic conditions continue in that region. Japan has yet to recover from its monetary inflation of the seventies and eighties and has now suffered with a lethargic economy for over a decade. Even after this length of time, there is no serious thought for currency reform in Japan or any other Asian country.

Although international trade imbalances are a predictable result of fiat money, the duration and intensity of the cycles associated with it are not. A reserve currency, such as is the dollar, is treated by the market quite differently than another fiat currency. The issuer of a reserve currency, in this case, the United States, has greater latitude for inflating, and can tolerate a current account deficit for much longer periods of time than other countries not enjoying the same benefit.

But economic law, although at times it may seem lax, is ruthless in always demanding that economic imbalances arising from abuse of economic principles be rectified. In spite of the benefits that reserve currency countries enjoy, financial bubbles still occur, and their prolongation, for whatever reason, only means the inevitable adjustment, when it comes, is much more harsh.

Our current state of imbalance includes a huge U.S. foreign debt of $1.5 trillion, a record 20 percent of our GDP, and is a consequence of our continuously running a huge monthly current account deficit that shows no signs of soon abating. We are now the world's greatest debtor.

The consequence of this deficit cannot be avoided. Our current account deficit has continued longer than many would have expected, but not knowing how long and to what extent deficits can go is not unusual. The precise event that starts the reversal in the trade balance is also unpredictable. The reversal itself is not.

Japan's lethargy, the Asian crisis, the Mexican financial crisis, Europe's weakness and uncertainty surrounding the Euro, the demise of the Soviet system and the ineptness of the Russian bailout, all contributed to the continued strength in the dollar and prolongation of our current account deficit.

This current account deficit, which prompts foreigners to loan back dollars to us and to invest in our stock and bond markets, has contributed significantly to the financial bubble. The perception that the United States is the economic and military powerhouse of the world helps perpetuate an illusion that the dollar is invincible and has encouraged our inflationary policies. By inflating our currency, we can then spend our dollars overseas, getting products at good prices which, on the short run, raises our standard of living, but on borrowed money. All currency account deficits must be financed by borrowing from abroad. It all ends when the world wakes up and realizes it has been had by the U.S. printing press. No country can expect to inflate its currency at will forever.

Since cartels never work, OPEC does not deserve credit for getting oil prices above $30 per barrel. Demand for equivalent purchasing power for the sale of oil can. Recent commodity price and wage price increases signals accelerating price inflation is at hand. We

are likely witnessing the early stages in a sea change regarding the dollar, inflation and the stock market, as well as commodity prices. The nervousness in the stock and bond markets, and especially in the NASDAQ, indicates that the Congress may soon be facing an entirely different set of financial numbers regarding spending, revenues, interest costs on our national debt and the value of the U.S. dollar.

Price inflation of the conventional type will surely return, even if the economy slows. Fiscal policy and current monetary policy will not solve the crisis we will soon face. Only sound money, money that cannot be created out of thin air, can solve the many problems appearing on the horizon. The sooner we pay attention to monetary policy as the source of our international financial problems, the sooner we will come up with a sound solution.

HALT DEPARTMENT OF DEFENSE ANTHRAX VACCINATION IMMUNIZATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I am here today to address an issue of critical importance to many Gulf War veterans across our country. Today I sent a letter to Secretary of Defense William Cohen asking for an immediate halt to the Department of Defense anthrax vaccination immunization program. I am grateful 34 of my colleagues have cosigned this letter. They share my deep concerns regarding this flawed defense policy and the urgent need to suspend the program until the Department of Defense obtains approval for use of an improved vaccine.

The following developments in recent months confirm my concerns regarding this program and its impact on the health and morale of our military service members.

The Institute of Medicine Committee on Health Effects Associated With Exposures During the Gulf War, in response to a Department of Defense request, provided a report which stated in summary: ''The committee concludes that in the peer-reviewed literature, there is inadequate/insufficient evidence to determine whether an association does or does not exist between anthrax vaccination and long-term adverse health outcomes.''

An internal legal memo written in March by two Air Force Reserve judge advocates addressed the following crucial question: Are orders currently being given to Members of the U.S. Armed Forces to submit to anthrax vaccinations consistent with Federal law? In summary, the response stated: ''Orders currently being given to Members of the United States Armed Forces to submit to anthrax vaccinations are illegal because they contradict the express terms of Presidential Executive Order 13139 and 10 U.S.C. Section 1107 of 1999.''

On March 22, 2000, the Inspector General, Department of Defense, issued an audit report that documents troubling financial management practices and multiple deficiencies cited by FDA that continue to compromise the program.

The House Subcommittee on National Security, Veterans Affairs and International Relations issued a report on February 17 that was approved and adopted by the full Committee on Government Reform. After a thorough review of the current relevant scientific data and compelling testimony, the subcommittee recommended: ''The force-wide mandatory anthrax vaccination immunization program, until the Department of Defense obtains approval for use of an improved vaccine, should be suspended.'' It went on to conclude that ''use of current anthrax vaccines for force protection against biological warfare should be considered experimental and undertaken only pursuant to FDA regulations governing investigational testing.''

The American Public Health Association Governing Council adopted a policy statement November 10, 1999, urging DOD ''to delay any further immunization against anthrax using the current vaccine, or at least to make immunization voluntary.''

The General Accounting Office presented testimony on October 12, 1999, before the House Committee on Government Reform and stated among other concerns that ''long-term safety of the licensed vaccine has not been studied.''

These adverse symptoms are not new. I held a hearing in my district some time ago and invited Gulf War veterans who were having health problems they believed to be related to the injections they received. I was shocked at the number that came and testified who were truly ill and were not getting recognition of their problems, nor even needed medical help.

It is clear that the Anthrax Vaccination Immunization Program, while well intended, is a flawed policy that should immediately be stopped and reexamined in the light of the growing preponderance of evidence challenging the Department of Defense position. I am calling on Secretary Cohen to take immediate action to suspend the AVIP until DOD complies with the recommendations of the Subcommittee on National Security, Veterans Affairs and International Relations.

I hope this action will send a clear signal to our men and women in uniform. This seriously flawed program does not meet the high standards they deserve.

INSIGHT INTO CAUSES OF RENEWED ISRAEL-PALESTINIAN VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia, (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, we have all seen recent news reports of renewed confrontations between Palestinians and the Israelis. This violence is deeply troubling and cannot be condoned. It is all the more worrisome because the deadline for concluding a Final Status Agreement is quickly approaching. I think it is fair to say that we all hoped the days of such confrontation had passed.

Israel's legitimate interests in stopping terrorism and achieving security are well understood and strongly supported in Washington. Sources of Palestinian frustration, however, are less well known.

The Palestinian aggravation that boiled over recently stems from their view that seven years of peace negotiations have produced few tangible improvements in the lives of Palestinians.

For example, Mr. Speaker, Palestinians continue to see their land confiscated by Israel for the building of roads and Israeli settlements. This issue, among all others may be the most frustrating to Palestinians. Gaining control of their land is the Palestinian goal in peace negotiations. Watching land confiscations continue while negotiating deadlines pass undermines confidence among Palestinians that the peace process is worthwhile.

I would like to share with my colleagues an editorial on land confiscations that appeared recently in the Chicago Tribune. It is written by the head of the Palestinian Final Status Negotiating Team, Yasser Abed Rabbo, and it explains clearly the Palestinian viewpoint on this issue.

Mr. Speaker, achieving a peaceful, stable Middle East is in America's best interest. We have therefore spent considerable time and resources supporting that goal. Israelis and Palestinians have all suffered tremendously because of their on-going conflict and the majority of both peoples clearly long for peace. All parties must renew their efforts and truly seek compromise on their remaining differences so that Israeli and Palestinian people alike see real benefits in peace and support negotiated agreements.

I submit the Editorial written by Palestinian chief negotiator, Yesser Rabbo, from the April 27, 2000 edition of the Chicago Tribune, entitled: "Israeli Settlements Undermine Change for Peace in the Middle East," for the RECORD.

[From the Chicago Tribune, Apr. 27, 2000]

ISRAELI SETTLEMENTS UNDERMINE CHANCE FOR PEACE IN MIDDLE EAST

(By Yasser Abed Rabbo)

The Israeli-Palestinian peace process is based on the acceptance of both sides that no action will be taken that will prejudice the final negotiated arrangement.

From the Palestinian perspective, continued Israeli confiscation of land and the construction of new Israeli settlements, whether approved by previous governments or not, prejudices the final outcome more than all other actions combined. A day does not go by that Palestinians are not confronted by

the expansion of Israeli control of Palestinian lands. Public support among Palestinians for the peace process is rapidly being eroded in face of this increased activity, causing Palestinian negotiators to take a firmer stance in negotiations over land confiscation and settlement activity. Negotiators are making if clear that if settlement activity does not halt, the peace process very well may.

Some see this as a sign of Palestinian intransigence; others have accused us of trying to cause a crisis in order to force the United States to become directly involved in the talks. Both assertions are wrong. For Palestinians, Israeli settlement activity is a critical issue because it makes attainment of our foremost goal more difficult.

We seek to establish an independent state comprised of the West Bank and Gaza Strip. This goal represents an enormous lowering of aspirations on the part of Palestinians. It places under Palestinian sovereignty less than one-fourth of the pre-1948 Mandate of Palestine—and less than half of the territory the United Nations recommended allocating to the Palestinians in 1947. The expansion of Israeli settlements, and the continuing confiscation of Palestinian land, undermine the very reason Palestinians have chosen to enter the peace process: to regain control of our territory.

The U.S. and the international community have repeatedly condemned Israeli settlements as obstacles to peace. It is important to emphasize, however, that the obstacles posed by settlements are not abstract or rhetorical. With each new Israeli settlement or expansion of an existing settlement, new housing units are built, military installations to guard the settlement are expanded and new ''by-pass'' roads devour limited land. With the loss of land, Palestinian towns and villages become less economically viable and more isolated from one another. Most important, the ever-expanding patchwork of settlements and roads risks making it impossible for Palestinians to create a secure, contiguous, governable state. Palestinians do not aspire to become a Middle Eastern Bantustan.

Palestinians' commitment to the peace process is resolute, but it is not absolute. We have made every effort to understand and respond to Israel's concerns. We recognize, for instance, that security is of paramount importance to Israel. The Palestinian Authority is doing all in its power to prevent violence against Israelis. In testimony before Congress last year, Martin Indyk, then-U.S. assistant secretary of state, praised the Palestinian Authority for its commitment to counter-terrorism. Palestinian actions, Indyk said, are ''beginning to pay real dividends in terms of improving the security of the Israeli people.'' The Palestinian Authority has taken these steps even at the risk of alienating and angering some segments of our population, because we understand the consequences for peace if we do not. We know we will never achieve lasting peace unless Israelis believe they will be secure.

Israel, however, has not taken comparable steps to address the Palestinians' greatest concern by halting settlement activity. In November, Israeli Prime Minister Ehud Barak ordered the dismantling of a dozen so-called ''illegal outposts,'' (tiny Israeli settlements that were not authorized by the government) in the West Bank. Barak was applauded by peace advocates in Israel and the West. Palestinians, however, saw no cause for celebration. The fact is, Barak allowed 30 newly built outposts to remain. More disturbing, more than 5,000 new houses for Israeli settlers are being constructed in the West Bank with Israeli government approval and another 3,000 have been authorized. Meanwhile, Israeli authorities have repeatedly authorized confiscation of even more Palestinian land. In Gaza—which many people incorrectly believe is under full Palestinian control—6,200 Israeli settlers remain and Israel has full or partial control of more than 42 percent of the land. The 1,000,000 Palestinians in Gaza are confined to a very small area and are deprived of potable water and employment opportunities.

The Israeli government and people must understand that just as they cannot make peace without security, we cannot make peace in the face of the relentless expansion of Israeli settlements. To talk of peace on the one hand, and to continue destroying Palestinian houses and confiscating Palestinian private property on the other, undermines the process of peace the Palestinians and Israelis both want and need. It is time for Prime Minister Barak to unequivocally declare and strictly enforce a total and permanent freeze on all Israeli settlement activity and cease the confiscation of Palestinian land. To do so would go a long way toward securing the hopes and dreams of both our peoples.

SAY NO TO THE CHINA TRADE DEAL

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

Mr. BONIOR. Mr. Speaker, I am joined this evening by the distinguished gentlewoman from Ohio (Ms. KAPTUR), and I hope to be joined by others, to talk about the China trade deal.

Mr. Speaker, to listen to the lobbyists for permanent MFN, most-favored-nation trade status for China, to listen to them, China today is the last frontier of American business. People have been lusting over the Chinese market since Marco Polo. After all, it is where one-fifth of the population on the face of the Earth lives, it is where the largest market in the universe is. So there has been this constant theme in western civilization of explorer, conqueror, and perhaps ''plunder'' is too strong of a word, but economically plunder I do not think is.

But the reality of all of this is that the Chinese are a very clever people, they are a very bright people, they are a very industrious people, and despite the history of the attempts to change their market to a western market, they have persisted over centuries in fighting that very thing.

□ 2100

We are told it is a market of more than 1 billion customers waiting to be sold, everything from American made SUVs to cheese-flavored dog food. Take one look behind all of this hype and one will discover a different China.

Now, why the gentlewoman from Ohio (Ms. KAPTUR) and I and others are here fighting this issue is because we believe, with all of our heart and our soul, that the issues and the effort that went into making America great was not by itself the free market. The free market unfettered, Darwinian in nature, will not by itself open up the opportunities for American workers and Americans in our society. It was only thus because people were willing 100 years ago, a century ago in our country, to fight for the things that they did not have.

What did they not have? They did not have the right to come together to organize, to form collectively organizations and unions to bargain for their sweat, for their labor, for benefits, so they could have decent wages, health care, pensions, worker's comp, unemployment comp, weekends, holidays, name it.

What we enjoy and take for granted today they did not have and it did not exist, and it happened because people were willing to march, protest, even die, go to jail for these fights. So people were willing to do that.

What else were they willing to do? They were willing to expand our democratic process so that people of color, people of other genders, could participate.

My grandmother came to this country, and one of the first things she engaged in was for the right of women to vote. She was a suffragette. It did not happen automatically. It happened because she and others were concerned enough that went to the streets, they demonstrated, they petitioned, they created a movement called the Progressive Movement of the United States of America that not only gave women the right to vote and created the atmosphere for people to come together collectively in unions to fight corporate power and to provide for their families, and, of course, at this very time in our Nation's history during the progressive movement at the turn of the century we had people taking on the big multinationals and the trusts, the banks, the railroads, and a whole body of law came out of that with respect to antitrust and consumer protection and all of these things that we enjoy today.

Now, why do I preface all of my remarks around this? I do this because these things do not automatically happen because of a free market. They happen because people come together and they form coalitions and they fight for these things and they march and they protest and they sometimes are beaten and, as I said, sometimes they die for them.

We did not have universal suffrage in the United States of America until 1965, and we have it today because of a gentleman who serves with us today by the name of JOHN LEWIS and others

like him who had the courage and the guts to march in the streets, to protest, to fight for the things that they believe in, to get beaten, thrown in jail, to stand up for the rights of African Americans to vote, particularly in the South in this country, where they were denied with such vehemence and such brutality.

These are struggles today that are going on in China, and the question we have to decide for ourselves, as Members of this institution, next week when we vote on this, is that who will we stand with? There is an old labor phrase, which side are you on? And there is a song, which side are you on? Which I cannot sing here because the last guy that came here and sang a song ended up getting beat, and I am not going to replicate that.

It is a very poignant and basic thought. I mean, which side are you on? Are you on the side of Wei Jengsheng, who spent years and years in prison fighting for democracy? Are you on the side of Harry Wu, who fought for the same thing? Or are you on the side of the multinational corporations who see, as their goal, the pot of gold at the end of the rainbow, this market of a 1,200,000,000 people, and all these other values that we care so deeply about they kind of can be pushed to the side? We call them side agreements or side issues or sidelines concerns. That is what this debate is about today: Labor rights, human rights, environmental concerns, religious rights.

If one lives in China today and they try to organize on any one of those four levels, religiously, politically, environmentally or trade union wise, they will end up in jail, in prison. There are tens of thousands of people who are exactly there today because they attempted to do that.

Now, my friends on the other side of this issue, and I have dear friends who I respect and like and admire and it pains me deeply to be opposing them because we share, I think, some of the same values, we would be on the same sides, but they will tell me, they will come to me and they will argue and say, listen, if we only open up the market in China we will have a better chance to educate all of these individuals on these issues of environmental concerns and religious, human rights, labor concerns.

My respective retort to them is this: If that indeed is the formula which they espouse, we have given China over the last part of this decade those very same opportunities through most favored trade status, and it has only gotten worse on all of these scores. On the environment, 5 of the 10 dirtiest cities in the world are in China. Eighty percent of the rivers in China do not have any fish in them because of the toxic pollutants. China produces more fluorocarbons, which eat away at our ozone layer, which causes not only the Chinese but the whole planet incredible environmental degradation and concern.

Two million Chinese die every year of air and water pollution, and I could go on and on and on. So by opening up the market, we have not done a thing about the environmental issue. By opening up the market, they have not done a thing about the issue of religious freedom, where Catholic bishops languish in jail for 30 years, and it is not just Catholics. It is Muslims. It is Protestant pastors. It is a whole host of people who do not agree and who try to organize. It is the Falun Gong. If one tries to form a political organization to challenge the Communist Party and autocratic rule, they will end up in prison like they did when they challenged at Tiananmen Square. Of course, if one opposes the government on labor grounds, they will certainly end up in prison because they understand the labor issue is really kind of the key to all of this. If people can organize for their economic well-being, they will strike back. So the labor leaders are the first ones to get punished and to be isolated.

The China lobbyists tell us, do not talk to us about these issues because we can expand the economy, we can create jobs. Well, the problem is that we are moving to the lowest common denominator. China is a country where the workers average only $30 a month.

This is a report that we are going to talk about. The gentleman from Ohio (Mr. KUCINICH) is here. The gentleman from Ohio (Mr. BROWN) is here with me. The gentlewoman from California (Ms. LEE) is here with me, from Oakland and Berkeley. We are going to talk about this issue. It is called Made in China, the issue of labor, and it is a report done by Charlie Kernaghan by the National Labor Committee and it talks about the sweatshops in China.

If one reads this report, it is absolutely and abundantly clear what the problem is. The problem is that the national multicorporations go into China with the blessings of the Chinese Government. They set up these multinational, very sophisticated, very efficient, very new facilities and they pay people pennies, three pennies, and I am not going to steal the thunder of the gentleman from Ohio (Mr. KUCINICH) because I know he is going to talk about that, as will my friends, the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Ohio (Mr. BROWN) will talk about it; three cents an hour. Some plants pay a little bit more, 22 cents an hour, but the upshot of it is they get slave wages. They are indentured servants to multinational corporations.

Now, let me give an example. It has been estimated that Wal-Mart uses 1,000 contractors in China. They will contract with somebody to set up a factory and they may employ 200, 300, 400, 500, 600, 700 people. Researchers found that Wal-Mart was making Kathie Lee handbags at a factory where a thousand workers were being held under conditions of indentured servitude. Workers were forced to work 12, 14 hours a day, seven days a week, 30 out of 31 days in a month and their pay, as I said, three cents an hour. It is just not Wal-Mart.

Nike has 50 contractors in China, employing more than 110,000 workers. Young women making shoes for Nike in Hung Wah work from 7:30 in the morning until 10:30 at night for an average of 22 cents an hour.

In China, RCA TVs are made by women, some of them 14 years of age, girls, for a base wage of 25 cents an hour. If that is not bad enough, they are fined $10 pay by the company for mistakes they make on the assembly line.

Keds are being made in China by 16-year-old girls who use their bare hands to apply the toxic glue.

I can go on and on and on, but I think one gets the idea here. These people are paid slave wages. They are indentured servants. They live in dormitories, crowded rooms with barbed wire fences around the workplace. They work 30 out of 31 days, often times 15 hours a day, under the most brutal conditions and then they send these shoes here and they sell them for $100, $120. We all know that story.

The gentlewoman from Ohio (Ms. KAPTUR), I do not know if she is going to talk about it tonight, but Huffy Bike is another example of just where you just want to scream at why can they get away with this?

Now, let me just conclude by saying this, and then I will yield to my colleagues to elaborate on this, because I think it is just very critically important.

We have seen this play before. This is nothing new. We have all come to this floor. We had a debate in 1993 on NAFTA, the North American Free Trade Agreement. What is going on here is very quite similar to what happened back then, and what happened back then was this: They passed the North American Free Trade Agreement with the idea that, and they would say this to you, and actually Harley Shaiken has an op-ed piece today in the Los Angeles Times. He is a professor at Berkeley, lays this out very well; they made the same promises then as they are making today. They said labor wages would increase, environmental protection would increase, human rights would increase.

Seven years later, our trade deficit with Mexico has exploded. The 1.2 million workers in the maquiladora, which has doubled since we passed NAFTA, are making on an average 18 percent less in real wages than they made back in 1993; environmental protection, no

such thing. Environmental degradation, we passed the NADBAG to take care of that, not provided any funds to speak of. So the toxics and the pollutants in the Rio Grande which seep into our country and cause hepatitis for people on our side of the border who live on the Rio Grande, as well as the Mexican population, has increased.

□ 2115

So none of this was built in. None of it is in force. As a result, we are suffering. Yes, Americans lost jobs. We lost hundreds of thousands of jobs as a result of NAFTA, good-paying manufacturing jobs. Of course, people got jobs in this country who had lost their jobs to Mexico. On the average, though, they are being paid about half of what they were paid before.

What is happening with this China trade deal is the same thing. Corporations will use that leverage to say to our workers, listen, if you do not take a cut in wages, do not take a cut in benefits, do not freeze this and that, then we are out of here. We are going to China, because we can pay people 3 cents an hour or 22 cents an hour and ship the stuff back here and make a real handsome profit. So our workers are left high and dry. That is what this is about, an export platform for the Chinese.

I just want to say to my friends and colleagues tonight that I have seen this before. We are kind of rushing into this thing again. We are going to have a very tight, close vote on this issue. I am glad that we are having a great debate on this, because it is something the country needs to focus in on.

I was reading this book by Marianne Williamson, the title of which I forget. She talks about the principles in American democracy. The first principles she talks about are the right to freely associate, to freely express yourself, to form organizations; just to have a sense of freedom about who you are and what you say and how you go about your business. Those are kind of the principles that are at stake here.

People say, well, it is for China, it is not for us. But it really is for us, because the longer we deny the Wei Jingshengs, the Harry Wus, the tens of thousands that are in prison today in China, to live the promise of my grandmother and my grandfather, who sat down in those strikes at the auto companies in the 1930s, the longer we deny them the promise to have that opportunity to strike a blow for liberty and justice and freedom of association and decent wages and good environmental protection, and the right to form political parties, the more that is going to play back on us in terms of our own standards, which will continually decrease.

Our wage gaps will widen in this country. We will bifurcate who we are as a society, those who have and those who are struggling to have.

We live, Mr. Speaker, in a globalized world. The rules of the game have changed. The question is, what will they be? I submit respectfully, Mr. Speaker, that those who are advocating for this treaty and that trade deal are advocating a policy that masquerades the past as the future. We cannot use the same formula that was used 100 years ago in a globalized atmosphere.

It is kind of like the Bobby Knight of trade deals: abuse, abuse, abuse; and okay, we will do it one more time, but do not abuse; abuse, abuse, abuse; okay, we will give you another chance, but do not abuse. It does not work. It sends a terrible message. It sends a terrible signal.

I want to thank my colleagues for joining me tonight.

I yield to the gentlewoman from Toledo, Ohio (Ms. KAPTUR) for any comments she might make.

Ms. KAPTUR. Mr. Speaker, I want to thank our leader here this evening for his superlative commitment to the cause of decency and values that we stand for as a free people.

In joining the gentleman this evening, along with our very respected colleagues, the gentleman from Ohio (Mr. BROWN) and the gentleman from California (Mr. SHERMAN), the gentlewoman from California (Ms. LEE) and the gentleman from Ohio (Mr. KUCINICH), I am really proud to join these men and women, and the gentleman from Michigan (Mr. BONIOR) tonight in expressing in more than a minute why this is really a vote about values, and that if permanent trade status is granted in this vote to China, we essentially are placing a stamp of approval on current conditions and saying that this is the system that we want to enlarge in the future.

How can we want to enlarge a system that is based on utter exploitation of people? One cannot operate a company in China unless they have an agreement with the government, with one of the state-owned companies. There was an article in USA Today this week that said that the first 19,000 cars that were sold in China in a General Motors facility that was built there were sold to the owners of the State companies, they were not sold to the workers.

So if that is the kind of system that we want to build for those that have the most, then, by golly, that is what the current system is producing. If we look at the workers in those plants, they are not earning enough to buy what they make.

That is the reason that, under this system that people want to approve permanently, we are amassing greater and greater trade deficits with China every year, more of our dollars going in their coffers than their currency coming here.

Mr. BONIOR. How much is it? I recall about 10 years ago we had about a $6 billion trade deficit with the Chinese, 6 or 7.

Ms. KAPTUR. This year it will be somewhere between $70 and $100 billion. That is the deficit. That is how many more of our dollars go into their coffers. We are the largest funder of the Chinese increasing defense spending and purchases of weaponry and advancement in their Navy, their Army, their Air Force, all of the technology that they are buying, some of it for making some saber-rattling moves towards Taiwan.

The point is that the system that we are currently supporting, and some of the proponents of this want to lock in permanently, would give the very forces that have created this system the kind of go-ahead that frankly I as a liberty-loving person cannot support.

We hear the proponents say, well, but if you do this, you will bring freedom. How do we bring freedom when 110,000 Nike workers inside China who work for contract shops, 50 of them, that we could not even get into or drive by because they are hidden in country, those workers earn pennies an hour. If they earn over 35 cents an hour they are doing well. They work 7 days a week. They have mandatory overtime. If they do not do it, in other words, if they do not work from 7:30 in the morning until 11 at night, three shifts, they lose two day's wages. They are penalized if they do not do the mandatory overtime.

Who can survive in that kind of system? To me, it would make sense that if the United States is taking all these goods, we take over one-third of Chinese exports globally.

Mr. BONIOR. Between 33 and 40 percent.

Ms. KAPTUR. Yes. If we want to exact change in China, why not use our marketplace as the lever? Why go through this complicated process of giving them permanent trade status globally, knowing the kind of indentured servitude that is going on in that country? And I might add there also, particularly with women, because 80 percent of the people who are exploited in that country are women. There is forced abortion. Girls in that country do not have rights to education as women in societies that are free have.

In many ways, I also feel like I am speaking out for them, because I know they cannot speak out in their own country. Yet, this is the kind of system that we are going to hold up and say, well, we as Americans, we endorse this system. That is still a Communist system.

I find this place incredible, that we would have Members of Congress saying, believe them. Every trade agreement we have signed with them during the decade of the nineties, when we reduced, when they said that we will reduce tariffs to allow in goods, if that had happened, our trade deficit would

be getting better. It is getting worse. They are earning more off of us. We are not able to get in there.

Mr. BONIOR. Can we talk about that for just a second before we go on, because that is a really good point. Every trade agreement, as the gentlewoman has just said, in the nineties that we have agreed to with China has not been enforced. They have no enforcement compliance mechanism.

The typical example, and I think the best example, one of the best examples, is intellectual property: software, tapes, you name it; digital products. Ninety-five percent of that stuff in China is pirated. We have an agreement that it is not supposed to be.

In fact, some of the very ministries that put out the rules and regulations that say, you cannot pirate this stuff and sell it, are using pirated material. They just do not enforce or comply with any of their agreements. I could go sector by sector by sector. They have no mechanism to do that.

So when our colleagues come to us and say, listen, this is going to open up my markets to my wheat, my grapefruits, my apples, or to this or that, the answer to that is, they will find a way to keep your stuff out.

Ms. KAPTUR. May I just say something to the gentleman, and I will allow my other colleagues to speak here?

I had a young woman before one of our committees this past week. We were discussing this. She is a Chinese American. Her roommate was shot. Her roommate was a demonstrator in Tiananmen Square in 1989. This young woman who is a physicist and now lives in my community in Ohio became politically active when she saw this happen to her friend who was a democracy demonstrator inside China.

I asked her about this attitude of Americans, this kind of belief. She said, I cannot believe how naive the people here really are. Do you think because China promises something, she is going to do it? Do you, who live under a rule-of-law society, believe if someone signs a piece of paper, they are going to do it? Why are you so naive? Do you not understand what goes on there?

I just wanted to add that to the record this evening, and thank the gentleman so very much for taking out this special order. I know my colleagues will also want to comment. We thank the American people for listening.

Maybe it is important to say if people want to see this report on the website, if they have a website, this is Made in China by Charles Karnighan, and it is at www.NLCnet.org.

Mr. BONIOR. I thank my colleague for her comments, her passion and commitment and steadfastness on this issue. She has been, as always, fabulous.

Mr. Speaker, I yield to my friend, the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Michigan, and thank him for his leadership for a decade on trade issues. His comments tonight about NAFTA just make me sad in the sense that not nearly enough people in this institution have learned the lessons of NAFTA, have learned that NAFTA was an investment agreement that paid no attention to worker rights, paid no attention to the environment, did nothing to raise living standards in Mexico.

In fact, Mexican living standards plummeted after NAFTA. As a result, NAFTA caused even more hardship in Mexico, cost more jobs in the United States, and really locked in a system where Mexican workers do not make enough money that they can buy products from the United States.

That is the tragedy of NAFTA, and the same tragedy on the same stage this Congress is playing out in the legislation to give permanent trade advantages, permanent most-favored-nation status trade advantages to the People's Republic of China.

The gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Michigan (Mr. BONIOR) both talked about the promises made by supporters of giving trade advantages, permanent trade advantages, to China; that if we only would engage with China, if we would only open our markets, that things would begin to change. They talk in terms of China being 1.2 billion consumers, and we should get to those consumers before France or England or Germany does, because there is so much wealth to be created, so many jobs for Americans in selling to China.

But what they do not say is, we have engaged with China with this failed policy for 10 years. We have engaged with China with something called the annual trade advantages to China. Why should we, when it is not working for 10 years, why should we make it permanent so we can have more of the same?

More of the same means a trade deficit, back in 1988 and 1989 when President Reagan, President Bush, and now President Clinton have continued this policy; a trade deficit of $100 million in 1989 that has evolved into, as the gentlewoman from Ohio (Ms. KAPTUR) said, $70 billion plus in the year 1999 and probably $80 or $90 or a $100 billion trade deficit in the year 2000.

We have gone backwards in other ways in these 10 years since we have engaged with China. We have seen more human rights violations. If we pick up something called the country reports, which is what our State Department, the booklet in which our State Department discusses human rights violations, what the Chinese have done in Tibet and other minorities in China, the language used to describe that by our government is similar to the language used, the language that the State Department wrote about Serbia and what it did in Kosovo.

□ 2130

We bombed Kosovo, yet we give trade advantages to the People's Republic of China. It makes no sense. In other issues, forced abortions in China where the government winks and sometimes encourages them. All of that has gotten worse in the last 10 years.

The selling of nuclear technology to rogue States, countries that should not have nuclear technology, that has gotten worse in China. Slave labor has gotten worse in China. Child labor has gotten worse in China. All during this policy of engaging China.

Mr. BONIOR. Religious persecution, Mr. Speaker.

Mr. BROWN of Ohio. Religious persecution aimed at Falun Gong, Christians, Muslims, all kinds of religions.

Mr. BONIOR. Buddhists.

Mr. BROWN of Ohio. Buddhists in China. But they cannot have the supporters of China for permanent trade advantages for China talk over and over that China has 1.2 billion consumers and we need access to them.

What they do not tell us and what their real interest in China is it is a country of 1.2 billion workers, workers that, as the gentleman from Michigan (Mr. BONIOR) said, workers that will be used as an export platform in China where investors will come into China, pay these workers as this Made in China Study has illustrated, pay these workers as little as 3 cents, 5 cents, 10 cents, 25 cents an hour, make them work 12 hours a day, 6 days, sometimes 7 days a week, live in dormitories, 16 people to a room, charge them from their meager 15 cents, 20 cents, 25 cents an hour wages, charge them for their dormitory space, charge them for their food, charge them for their clothing.

So, in essence, these are slave labor workers. It is against the law in the United States of America for us to accept any products from another country made by slave labor. We have called, a group of us, the gentlewoman from California (Ms. LEE), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Michigan (Mr. BONIOR), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Vermont (Mr. SANDERS) have called on the Department of Justice and on the Department of Treasury to enforce that law and to investigate to see if those goods are made by slave labor that we are accepting in this country.

When Kathy Lee handbags made for Wal-Mart are made from workers paid 3 cents an hour, where I come from, we call that slave labor. Those products should not be allowed in our country. We need to know more from our government about what is coming into the country made by slave labor before we vote on this China MFN bill next week.

One other point I wanted to make, Mr. Speaker, is that these companies say they want to democratize, these people lobbying us, the CEOs that walk the halls all over the place in the last couple of weeks, trying to get us to give trade advantage to China, they tell us, if we are in China that things will get more democratic. The fact is, in the last 5 years, in developing countries, investment from the United States, people in the United States investing in developing countries, the amount of money invested in developing countries has moved from democratic developing countries to authoritarian developing countries.

Mr. BONIOR. Mr. Speaker, this is a very good point, and I hope my colleagues pay attention to this, because I think the gentleman from Ohio (Mr. BROWN) has really developed this well. It is an amazing, it is not amazing, but it is disturbing. He has really pinpointed it well, and I look forward to hearing it.

Mr. BROWN of Ohio. Mr. Speaker, in a nutshell, it means that, rather than investing in India, a democracy, American investors, large businesses are moving those investors to countries like China. Instead of Taiwan, a democracy, they are moving those investments to countries like Indonesia. Why? Because they can pay 3 cents, 5 cents, 10 cents an hour, because they do not have to worry about workers speaking out and talking back, because they do not have to worry about their employees trying to form a union and unite and be able to demand better wages. Because it is not a democracy in China, they do not have to worry about environmental laws. They do not have to worry about worker safety laws.

All the values we hold dear in this country simply are nonexistent in a totalitarian-authoritarian country. That is why investors in the West like to invest in China, want this permanent most-favored-nation status for China knowing there will not be democracy, knowing there will not be unions, knowing they will not have to pay high wages, know they will not have to worry about environmental worker safety laws.

That in itself is why we should not believe the promises of the CEOs walking the halls of this Congress, telling us, well, China will live up to its promise, we will live up to its promises, we will make this a more democratic system. Because history in the last 10 years and especially the last 5 years have shown us this is simply is not true.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for his comments tonight and his insights. I think he is absolutely on track on this.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. KUCINICH) and then the gentlewoman from California (Ms. LEE) and then the gentleman from California (Mr. SHERMAN). But I encourage them to engage while we debate this.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding to me. I want to thank him for the leadership that he has shown to this country.

People are really concerned about basic human values, about what is right, about what is wrong. It is a privilege to be here with the gentleman from Ohio (Mr. BROWN) who is my partner from the Cleveland area, the gentlewoman from California (Ms. LEE), the gentleman from California (Mr. SHERMAN) and the other Members, including the gentlewoman from Ohio (Ms. KAPTUR) who participated in this important discussion about the vote which is coming up next week, which would grant China permanent most-favored-nations trading status.

During the presentation of the gentleman from Michigan (Mr. BONIOR), he had talked about a book that Marianne Williamson had written. The title of the book is Healing the Soul of America. I know he remembers because she is a constituent of the people of Michigan.

Mr. BONIOR. Right.

Mr. KUCINICH. Mr. Speaker, she lives in Michigan and is a fine writer. In the preface to that work, she writes, ''Would Jesus, if he were a citizen of the richest nation on earth, choose to feed the poor or fatten the rich?'' She goes on to write, ''All of us are better off when contemplation of holy principles is at the center of our lives. But it is in actually applying those principles that we forge the marriage between heaven and earth, while merely dwelling on principle falls short of the human effort needed to carry out God's will.''

This book, the Healing of the Soul of America is about reclaiming our voices as spiritual citizens. Here in this August Chamber, above the Speaker, the words ''In God We Trust'' symbolize that we do believe in spiritual principles as well as trying to navigate this material world.

In a way, our founders understood that, because, while they believed in the separation of church and State, as I do, they did not believe in an America that would be devoid of spiritual principles, the kind of principles that Marianne Williamson talks about in her book.

When we reflect on the current situation in China, we can ask if the reports that we have in our hands, how they reconcile with spiritual principles. Is it spiritually appropriate for workers to be locked up in a work space working from 7 a.m. to 11 p.m., 7 days a week, and in some cases earning 3 cents an hour. Is that spiritually appropriate?

Because if we as Americans cannot see that clearly for what that represents, cannot see that when an American manufacturer moves jobs over to China, closes down factories in this country, and moves the work to China, closes down jobs in this country where workers are paid $15 an hour, $18 an hour, $20 an hour, and moves those factories to China so they can pay the workers 3 cents and hour, we have to ask is that spiritually appropriate.

I think that every fair-minded American would have to agree that it is not spiritually right, it is not morally right. It is devoid of sensible economics. It is devoid of human values. This is the kind of judgment that we have to make.

When we face the issue of whether or not China should be given permanent most-favored-nation status, which means that we would lose our opportunity to review the conduct of the Chinese Government when it comes to the workers.

I think we have to avoid condemning the people of China in this debate, because they are our brothers and sisters. Those are our sisters working for 3 cents an hour to make Kathy Lee handbags for Wal-Mart at the Qin Shi factory where 1,000 workers are held under companies of indentured servitude, working 12 to 14 hours a day, 7 days a week, 1 day off a month, while earning an average wage of three, count them, 1, 2, 3 cents an hour. Can they buy anything that the United States would ship over there, Mr. Speaker?

Mr. BONIOR. Of course not, Mr. Speaker.

Mr. KUCINICH. Mr. Speaker, I mean it is ridiculous. So what is this trade about? It is about creating a platform in China to wipe out American manufacturing jobs, so dump cheap goods on to the market here, while the major corporations literally make a killing at the expense of the human and worker rights of the people of China.

Let me tell my colleagues where this is going. For those who say, well, that is just China. Let China handle its own problems. Let us send the business over there and create business, and let China lift up its values for the people there.

Well, what will happen is this, as we create an environment in China where people are working under slave labor conditions, earning 3 cents an hour and, in some cases, netting less than that, owing their employer money at the end of a month's work, where they work 16 hours a day, 6 and 7 days a week, at the end of all that, what happens in America? Those same corporations go back to the American working men and women, and they tell American working men and women they are going to have to take a wage cut. We do not want them to have a union anymore to speak for them. They better not complain about their working conditions. Do not go with trying to negotiate with us. There is nothing to negotiate. We are moving to China.

We are in a time right now where we as Americans have to once again say whether or not we believe in the basic principles upon which this country was founded: the principles of liberty, the principles of democracy, the principles of equality, the principles of everyone in this country counted. One cannot do that when one is reducing the value of a human being to 3 cents an hour, to 3 cents an hour.

I think there was a time in history where one of the greatest persons ever to walk this earth was sold out for 30 pieces of silver. Are we going to sell out the people of China and the people of this country for three pieces of copper?

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH) for his comments. They are very poignant and very on target.

Mr. Speaker, I have about 15 minutes left, and I want to share that with the gentlewoman from California (Ms. LEE) and then also the gentleman from California (Mr. SHERMAN).

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I wanted to thank the gentleman from Michigan (Mr. BONIOR) for really helping this House to focus on the basic question of what is right and what is wrong. So often we forget about those issues here.

I want to thank him and the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Ohio (Mr. KUCINICH), the gentleman from Ohio (Mr. BROWN), and the gentleman from California (Mr. SHERMAN) for continuing to help educate this body with regard to really what the right thing to do is in this instance.

As we entered the new century and the new millennium, relations among Nations in the Pacific rim and Africa are becoming very significant. Trade with China represents a substantial component of our country's international commerce. So as Congress has debated United States' trading policies toward China and Africa, I have carefully considered many fundamental issues.

Now, I am a firm believer of self-determination for China. China has chosen communism. Whether we agree with it or not, that is their right. However, it is wrong to round up, to intimidate, and to arrest people, to place them in slave labor camps with no due process, regardless of whatever political or economic system one lives under.

So the time is now for us to send a strong and unyielding message that the United States will not condone mass suffering and oppression. Trade must be open. Trade must be fair. Standards for human rights must be included in all trade agreements. Environmental protections must be in place. Women's rights should be advanced. Worker rights abroad everywhere should be protected. Of course religious freedom should be protected. American jobs should be protected and should not become a casualty of our trade policy.

□ 2145

And, of course, as we have heard over and over again, many argue that the best way to ensure China's respect for all of these issues is to admit China into the World Trade Organization and to grant it PNTR. Well, I disagree, as the gentleman disagrees, and believe an annual review actually provides for this.

Mr. BONIOR. I think that is an important point. What we are asking is that we as a body, as elected people, the representatives of this country, have a chance to talk about this and vote on it so people can understand where we are on this important issue of principles that the gentlewoman has just enunciated once a year. That is what we are asking.

We are going to continue to trade with China. They will continue to bring in 30 to 45 percent of their goods into our market. What we want to do, though, is keep the leverage and the pressure on making sure that these principles are eventually adhered to. We are not asking for all of these things at once. We know that takes time. It took us a long time. What we are asking for, as the gentlewoman from California has well stated, is some very basic things; the right to organize, collectively bargain, the right to deal with child labor and slave labor.

Those are the four basic labor principles we are concerned about. We are not asking that people be paid $4 an hour or $5 an hour. We are asking that they have the right to collectively come together so they can bargain for their wages, so they can form political organizations, so they can worship freely. And then, through those mechanisms, they will be able to express themselves and develop the democratization process and democracy that they yearn for.

Ms. LEE. That is right. Annual review at least provides for an effective mechanism for us to review China's compliance with all these standards. Also, it is the most viable assurance for the American worker.

According to the Economic Policy Institute, over 870,000 jobs are projected to be lost within the next decade. What will happen to these workers here in our own country? If this bill passes, of course, the United States trade deficit will continue to escalate, leading to job losses in virtually almost every State.

Mr. BONIOR. In the gentlewoman's State, as I recall, the figure over the next decade is 84,000, or something close to that.

Ms. LEE. Absolutely. In my State of California we estimate 87,294 jobs lost in the next century.

Mr. BONIOR. And these are good jobs.

Ms. LEE. These are good jobs. And this is very scary. What do we do? We have had many go-rounds of base closures and we are just now beginning to recover. California workers do not deserve this, and I hope people throughout the country understand what the magnitude of this job loss is to American workers.

So we support free trade, I know the gentleman supports free trade, but it must be fair. Our policies also should at least put an end to slave labor in China rather than reward it. And, in essence, PNTR rewards slave labor.

Now, we are not talking about cutting off our relationship with China at all. We want to make sure that our trade relations are such that the people of China and the people of the United States benefit from a fair and free trade policy.

Very seldom do we have these defining moments in the Congress. This vote really does define who we are as a people and as a Nation. And as an African American, whose ancestors were brought here in chains and forced to help build this great country as slaves, I must oppose any measure that allows for the exploitation of people anywhere in the world, whether it is here in America, whether it is in Africa, the Caribbean, or in China.

So I appreciate the gentleman's taking the leadership in this effort and really trying to help all of us in this Congress know that we must do the right thing, because this is our moment to be true to who we are as Americans.

Mr. BONIOR. I thank my colleague for her eloquence and her passion on this issue and for bringing to light some of the real questions that confront us as we approach this vote.

Mr. Speaker, I yield now to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from Michigan for yielding to me.

I am pro trade, I am pro engagement. I am against isolation. I am against protectionism. And I oppose this trade deal. I would oppose this trade deal if it was only for the bad effects it is going to have on human rights in China. I would oppose this trade deal alone for the reasons that it is going to have a bad impact on the American economy. And it would be sufficient to vote against this deal just because of its bad impact on the strategic and political interests of the United States. Yet all three compel a vote against this deal.

This deal leaves out a discussion of labor and environmental standards, but we are told that it is going to cause China and its system of communism and oppression to unravel. But for 10 years we have been giving China everything it wants in the way of trade and for 10 years they have not unraveled

but, instead, have beaten down harder on the voices of dissent. The Soviet Union unraveled with far less trade than what China enjoys with the United States today.

We are told that the dissidents in China want this deal, but are they free to speak their minds, or do they face additional incarceration in the Chinese gulag should they dare to say anything but what they are told?

We do not know what the real dissidents in China think, but we do know what the Central Committee of the Communist Party thinks. Yes, it is divided between the so-called reformers and the so-called hard-liners. They are united on two things: First, they are absolutely dedicated to maintaining the Communist Party's monopoly on power. The reformers are not Democrats, if we are referring to the ''reformers'' in the Communist Party hierarchy. And they are united in wanting this deal because it empowers them, it solidifies their position, it emboldens them, and it delays for a long time the day in which their system will unravel and freedom will reign in China. China, I hope, will have freedom one day, but this deal will not make it closer.

I think we should reject this deal because of American economic interests. This is not a struggle between the heart and the pocketbook. The pocketbook of America must say no. This is an issue of American human rights, the human right to be able to work in manufacturing and make $26 an hour instead of being shuffled off to a fast-food restaurant and told you are not an unemployment statistic and paid $6 an hour.

We have the most lopsided trading arrangement with China in the history of life on this planet; $83 billion of their exports to us, 13 of our exports to them. Our exports to them are actually declining, a level of deficit that is six times the size of our exports.

Now, I know we are told our economy is doing well, but the trade deficit is a cancer inside our economy, and the biggest and most important part of that is the growing trade deficit, the enormous trade deficit with China. This deal locks in that deficit.

Their deficit should not exist. China is a developing country. It needs infrastructure. It needs the kind of factories and manufacturing control systems that we produce the best of. It needs machinery. It needs communication systems. Why are we not selling to China? It is not because of anything written in the documents and the laws of China. It is because the Chinese Communist Party has made a political decision; when in doubt, buy from those countries that are not criticizing you on Taiwan and on human rights. And so they run a trade deficit with the rest of the world, financing it with the huge trade surplus they run with us.

We are told that this deal is going to change things because Chinese business people are going to buy from us. Almost anyone in China who would buy big American goods, almost all those enterprises are owned and controlled by the government. So if the government says that their enterprises are free to buy from us without quotas and tariffs, what does that mean if they make a political decision not to buy? The airline in China will buy as many Boeing planes as they politically decide is appropriate regardless of the published rates, tariffs and quotas.

But what if there was a really politically independent businessperson in China who wanted to buy a huge amount of American goods and got a call from a commissar in the Communist Party saying, Mr. or Ms. Chun, or whatever the person's name happens to be, we know that you will think again. Yes, the American goods are great, they are high quality, they are just what you need. We have lowered the tariffs and we have lowered the quotas, and all the laws of China say you are free to buy. But Mr. or Ms. Businessperson, we know that you will decide that because the gentlewoman from California (Ms. PELOSI) and the gentleman from Michigan (Mr. BONIOR) and the gentlewoman from California (Ms. LEE) make speeches that we do not like, that you will choose to buy goods from somewhere else. We know you will make the right decision, businessperson, because we know you are well educated. We hate to think that you need reeducation.

We are not going to sell any more to China than the Communist Party of China wants us to. And a change in the law in a country where the law is not followed, where the government exercises power through terror and through oral conversations cannot be held accountable in WTO court.

Now, we are told a couple of the last-minute sweeteners to this deal are going to make it better. We are told that someone is going to propose an anti-surge provision. There is no anti-surge provision in the anti-surge provision. What it says in the ''anti-surge provision'' is, if there is a surge of Chinese exports, we are allowed to spend our money, should there be any left in the appropriations process, to reeducate our workers. This is the first time I have heard that we need permission from Beijing to provide assistance to Americans who are displaced by trade.

Second, we are told there are going to be Helsinki style reports on China every year. Every 6 months. Many people have quoted the reports. We have reports coming out of our ears. We could have more reports. We could commission several additional reports. Paper is not going to bring down this government. But if it was, we are free to do that without granting these agreements.

The status quo is unacceptable. But that is not a reason to embrace this deal, because this deal simply solidifies the status quo in place. What it does is that it causes our companies to invest their capital in China knowing that they can then export back to the United States and there is no risk that those exports will ever be stopped. This deal is not going to cause China to buy goods manufactured here.

Now, we are told, well, it does not matter because they just make tennis shoes and toys in China. We could not make those here in the United States. Well, that is not true. Often we do. But, second, if we had $100 million in capital, instead of making a low-tech factory in China, that could be used to make a high-tech factory in the United States, where sufficient technology and capital could allow American workers to compete. But even if we believe that it is impossible not to have these goods produced abroad, let us produce them abroad in a country where freedom exists and where the workers and the people in that country are free to buy American goods should they want to do so.

Let me finally shift to the idea of our strategic interests, because here is where this agreement really lets America down. It takes away any sanction we might have should China deal with Taiwan in an inappropriate way or should China provide nuclear weapons to North Korea, or the technology for them, or, likewise, Iran. It takes away all the tools from the United States. We cannot do anything, except to declare war, which seems unlikely; or make speeches, which seems ineffective. We cannot do anything that costs the Chinese a penny, or a million dollars, should they take action adverse to our security interests.

While it takes away our tools, it gives them tools. Because that same hoard of lobbyists that have been in every one of our offices telling us to vote for this deal now, they will be back next year and the year after that, and they will pull us aside and say, stop talking about human rights in China. It is costing us business. It gives them tools.

I would hope the gentleman from Michigan could be recognized for concluding remarks if he has them. I have concluded my remarks.

Mr. BONIOR. Well, I thank my colleague, and I would just conclude, Mr. Speaker, with this one comment. I want to thank my friend, the gentleman from California (Mr. SHERMAN), the gentlewoman from California (Ms. LEE), the gentleman from Ohio (Mr. KUCINICH), the gentlewoman from Ohio (Ms. KAPTUR), and the gentleman from Ohio (Mr. BROWN) for joining me tonight. I think we have made a compelling case on this issue, and we look forward to engaging the opposition on it as we go forward in the next week before the vote.

I thank my colleagues for their time this evening.

□ 2200

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

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

Mr. MCINNIS. Mr. Speaker, well, it is time for another evening chat. This evening I have three subjects which I think will be of some interest. I hope to be able to have time to address all three of them. But, in order, I am going to speak a little about the trade agreement.

We have had much interesting discussion this evening about trade with China, the different issues, the economic issues, the political issues; and, so, I too will chime in on that, I think from a little bit of a different angle. But, nonetheless, I will spend a little time on that this evening.

I would like to talk to you again about taxes. As you know, I think it is important that we distinguish out there the difference between the parties, the Republicans and the Democrats, when it comes to tax policy in this country.

My discussion and comments this evening will not be talking about a tax cut today. It will be talking about a little historical tax management and which one of those parties really has the experience to manage our taxes.

Then the third thing which I hope we get time for this evening is a fundamental issue to all of us, and that is education.

Let me begin by talking about China. First of all, let us get the economic factors out of the way for the State of Colorado.

My district is the Third District in the State of Colorado. It is representative of all of western Colorado and some of eastern Colorado. To give my colleagues an idea of the geographic size, it is larger than the State of Florida.

We have lots of industry in Colorado. We have a lot of industry in business, primarily small business, in the Third Congressional District. We do have some of the world class ski resorts in the Third Congressional District. We have a lot of international tourists.

In fact, the State of Colorado made a conscious decision some time ago to really try to make an effort at marketing on an international basis. We determined in Colorado that tourism is a good industry to have, that it is better than the smoke-stack industry that we had experienced in some years previous. So we wanted to get a mix. And now, as you know, Denver, Colorado, is one of the leading cities in the country with regards to high tech. And, of course, the Third Congressional District, the mountains of Colorado, is known throughout the world for the beautiful and majestic mountains and the views that we have and so on, and the ski areas that we do have.

But China is a factor in the Colorado economy. I think to just get it out of the way, the economic numbers, because this evening we have heard economic numbers bantered back and forth, so at the beginning of my remarks here I will tell you that China is a very important trading partner for the State of Colorado. It is fourth, in fact, as far as the largest amount of exports to a foreign country for the State of Colorado.

In Colorado our agricultural base, which is very, very important for Colorado, whether it is the cattlemen, whether it is the wheat growers, whether it is the corn growers, regardless, the agricultural base in the State of Colorado through their associations strongly support trade with China.

These associations realize that 96 percent of the consumers reside outside the boundaries of the United States of America. Only within our boundaries do we have four percent of the consumers.

Now, some people tonight that you heard preceding my comments will claim they run away from the word ''isolationist.'' They talk about pro-trade. They talk about pro-small business. They talk about international relations. And then they urge you to vote no on the China bill. When the real test steps up there, they are not pro-trade, they are isolationists.

Now, in some cases, maybe isolation works. It has not worked for the United States of America. We thought for sure that we could make Cuba collapse to its knees by isolating that country. Several presidents ago or so, it did not work. Some day we are going to get capitalism into that country. But our choice of isolation is not going to work with China.

We are not going to isolate China. How are we going to isolate them? We are not going to isolate them. Let us face the facts. And the facts in Colorado are economically, economically, it is a very, very important trading partner.

In the areas that I represent, agriculture is very important. In the cities of Colorado, the largest cities, which I do not represent, high tech is very important.

There are a lot of businesses from small to medium to large in Denver, Colorado, in Boulder, Colorado, in Colorado Springs and Ft. Collins throughout the cities on the front range that think that this China trade is very important for the State of Colorado and for the people of the State of Colorado.

So I am not saying tonight in my remarks that will follow that we should disregard the economic factors of the State of Colorado. They are important. We should not ignore them. It should play an important factor for every congressman's decision when they make that final decision on whether or not to support trade with China.

But what I want to focus about this evening in regards to China is more from a philosophy point of view, I guess, and that is to kind of relate to my colleagues here on the floor my personal experience in China.

Many, many years ago I had the privilege of being selected as one of 10 what they called young leaders in America from across the country to go and visit the country of Taiwan and to go and visit and spend time with their government and, after visiting Taiwan, to go ahead and go across the straits there and visit China and spend time with China's young leaders.

This was a bipartisan group of people. There were five Democrats and five Republicans. And so, we went off on a trip to visit with the governments of these two different countries.

In Taiwan it was very interesting to see what capitalism has done for that country. This is a country that has boomed when it allowed its people the opportunity to improve their life situation, to go and pursue their life dream of having their own business, of being able to make a better mouse trap, of having rewards for their hard work because they come up with a better mouse trap or they have a better invention or they figure out a more productive way to produce.

Taiwan loved capitalism. Taiwan put its arms out and said, we want capitalism in our country. And compare to what has happened in Taiwan to any other country of its size, especially any other country of its size that is socialistic or communistic, compare Taiwan and the economy and the type of lifestyle and the freedoms and the freedom of expression and the art and the music and just, basically, the enjoyment of life in Taiwan, compare it to what you have in China. It is hardly a comparison. It is like between night and day.

What is the answer? Is what brought capitalism to Taiwan isolationism by the greatest country in the world, the United States of America? Was it a conscious decision on behalf of the United States of America to ignore Taiwan and say, look, the best way to break communism and make sure this new regime that went over to Taiwan is not going to practice communism, the best way to do that is isolate them?

We did not isolate them. We embraced them. We said, try capitalism. It works. Throughout the history of the world, every time we have allowed an individual to make life better for themselves through their own labors, it works. Capitalism has proven itself over and over and over again.

In China, they have been very successful at rejecting capitalism. They have been very successful at rejecting individual rights. They have been very successful in restricting the freedom of movement in their country.

In China, the communists have been very successful in making sure that they cannot form political groups, that they cannot have the freedoms as these people hear about just 90 miles away in the country of Taiwan. China has made sure that it has oppressed its citizens, and it has made sure that it has defied the world.

So what do we do about this communistic country, this country that is huge, huge and growing, by what, 20,000 or 30,000 people a day are born in China? We cannot ignore them. Come on, my colleagues that oppose even acknowledging that China is out there. We cannot ignore them. We cannot isolate them. Figure it out.

Now, I went over to China and I had an opportunity to meet some of their young leaders. And I will tell you what really stood out for me when I was in China was how oppressive their government was, but what encouraged me were some of these young leaders seemed to be enchanted by the idea of freedom and enchanted by the idea of capitalism.

I could really see an optimistic viewpoint in their mind that their mighty country, and they were proud of their country, that their country was beginning to, at least, acknowledge that outside of communism there might be an improvement called capitalism.

I saw their signs of encouragement when I was in China. I went to a school. This school was for the very privileged in their society. In China that is the school teachers, the medical doctors, and the government leaders and their top business executives. So it was a private school.

All of the children were beautifully dressed. And, of course, the Chinese children are beautiful children. I guess all children are beautiful. But, really, their dress and their outfits. But do you know what I noticed in their school what made me feel good that capitalism was getting its foot in the door in Communist China was the fact that on the walls of this school they had paintings of Goofy and Mickey Mouse.

Now, some of my colleagues might chuckle at that. Well, what has that got to do with trade? Think about it. Through entertainment, through music, and through many other means, capitalism is beginning to seep into Communist China. It is beginning to get in there.

Now, what amazed me the most about these young Chinese leaders is that a couple three months later, I then hosted those leaders in the United States for a period of about 3 days in the Colorado mountains. Now, they had already been to Washington, D.C., and they had seen this fine building. They had seen this fine body in action. They saw the majestic White House and our other beautiful monuments around here. They were impressed. They liked America.

When they came to the mountains of Colorado, we did some things, we treated them. We gave them each a pair of Levi jeans. Back then that was a big deal. We took them on a roundup camp and sang cowboy songs around the fire. They loved it. But do you know what they enjoyed and they were most enthralled about during that time that I had them and they inform me it was the most interesting thing of their entire trip to the United States, which included San Francisco, which included Colorado, which included Washington D.C.? Do you know what amazed them the most? The grocery store.

I took them to our grocery store, our local city market. They could not believe it. We spent 4 hours. I had allotted 25 minutes to go through the grocery store. They spent 4 hours in that grocery store in Glenwood Springs, Colorado. They went up and down those aisles. They could not believe it, all of these different choices of cereal.

Where is your milk? This is all milk? Yogurt two percent. One percent sour cream. They could not believe it. And the eggs, dozens and dozens and dozens of eggs. We went to the cheese selection. They could not believe all the selections of cheese. And cereal. I mean, we literally opened a couple of boxes of cereal so they could taste the cereal. They were enthralled by an American grocery store.

Then I had to convince them that that American grocery store was not for the exclusive or the wealthy people in our society. I am not sure they ever believed me that anybody in our community of Glenwood Springs or anybody that stopped in Glenwood Springs could go into that grocery store and that the prices that we were paying for items in proportion to what we made per month were minuscule in their terms. What a deal. How did it happen?

And do you know, the rest of the time with those young leaders, do you know what we talked about? We did not talk about the indoctrination of communism. We did not talk about how you can stymie freedom of speech. We did not talk about how you can prevent the people from having music and art. We talked just the opposite.

We talked about capitalism. We talked about freedom of expression. We talked about music. We talked about art. We talked about grocery stores. We talked about the fact you could own your own horses and your own cows and if you wanted to, you could sell them for a profit, if you were a good businessperson, you could make a good living at it. We talked and we talked and we talked.

Now, this story goes on. They then went back to China. I could tell that these people, these young leaders, men and women, were inspired. They really felt an urge that their great country of China could move in a direction that would make it an even stronger country, that they could begin to get their senior leaders to open up their eyes just a little, not dramatic change, because dramatic changes takes time in China.

□ 2215

But it is change, nonetheless, towards capitalism, away from communism.

The last time I ever saw most of them was as they got on that plane. They smiled, they did not want to leave America, in one sense; but in the other sense they could not wait to leave America and get to China, because they wanted to talk to their friends and neighbors about what America had, what America had that China did not have and what America had that China should have. That is why they were anxious to get out of this country.

Well, not too many years later, in fact, just a couple short years, Tiananmen Square occurred, where the government forced down, executed, and, to the best of my knowledge, some of those good friends that I had met were executed as a result of Tiananmen Square. I was very, very bitter. To this day I remain bitter about the way these young people were prosecuted, persecuted and executed by the Chinese government.

It is a tough hump to overcome. These kids, and they were young men and women, they had a lot of promise. They had a lot to take to their country. They did not stay in the United States. They did not want to be Americans. They wanted to go home to their homeland of China and improve the conditions and bring things like small business and capitalism and music and art, open up the world. They never got that opportunity, because the government made sure that they were, as I said, prosecuted, persecuted and executed.

Well, I, for a long time, took the position that the best thing we should do is cut all our ties to China, stop dealing with China. Those SOBs, they killed these people, and you cannot deal with China except through a military takeover at some point, or at least build up your military strength so you never ever have to have China push your own citizens around, and I was convinced that the best thing to do was isolate China.

But I guess with time you begin to think about, is that really working? In the meantime, what we saw was we saw the Iron Curtain collapse. We saw the Reagan Cold War be successful without the firing of one missile. And as I

began to study what broke Russia, what brought Russia to its knees, was it the fact that we isolated them? Was it the fact of our military machine?

Well, both of those factors played into it, and there are other factors I will talk about. First of all, was it the fact we isolated them? We did isolate Russia in some areas, and we should isolate China in some areas, and that is transfer of military secrets.

As you know, the Russians had a very successful spy operation, unfortunately, a couple of traitors in America, U.S. citizens that became traitors. But, nonetheless, we restricted them. We did not allow swapping of even semi-sensitive equipment to Russia. And that is appropriate with China. We should be very, very restrictive about military hardware or civilian hardware that can be converted to military use. We should be restrictive and isolationists in regard to that. If we were not, you could see the proliferation of nuclear weapons going on throughout the world. We have to keep that stuff close to our chest. I am not sure anyone in this room disagrees with that. But when you take a look, did we isolate Russia as a whole, the answer is no. Capitalism began to creep into Russia. That is what happened.

Now, what about the military? Was it our military might that brought down the Russian empire? The answer to that is no. What our military might did, and, by the way, I think every American citizen should be thankful for Ronald Reagan. He stood up to a lot of heat when he called Russia the evil empire. He stood up to a lot of heat when he had our military build up in this country. A lot of people said he was a war monger. Some called him Rambo. Now you do not hear much from those people, because, you know what? Ronald Reagan was right. You need to have a strong military. You need to have the first military in line of every military in the world.

But the military itself did not bring down Russia. What brought down Russia is the heart, the people's heart. Those people in Russia said, you know, there is something better, beyond that wall. There is something better on the other side of the ocean. There is something better about America. What is America doing that they have such good lifestyles?

What is America? The teenagers in Russia were saying look at the teenagers in America. They have this great music. They have these radios. Back then they had these Walkmans. What are they doing in America that we should do in Russia to improve our lifestyle?

Our military strength, make no mistake about it, our military strength kept Russia from attacking us. Our military strength was a critical element in bringing Russia down to its knees. But the overriding factor that brought Russia to its knees or that the Russian people wanted was freedom. They wanted a taste of life that was a lot sweeter. They wanted the freedom of expression. They wanted the freedom of religion. They wanted a lot of freedoms that had been denied to them. And little by little, through Radio Free Europe, remember, that is how we got in there. Today we are going to get in China through the Internet.

Back in the Cold War days we got in through Radio Free Europe. They turned on these radios, and no matter how hard, no matter how decisively the Russian leaders tried to shut down Radio Free Europe or shut down those signals, those Russian people still had radios hidden. They would pull them out at night and listen to the Americans on Radio Free Europe talk about how good things are and how capitalism can work in your country too, that we are not asking you Russians to become Americans; we are asking you Russians to enjoy the freedoms that Russians deserve.

It was through that kind of effort that capitalism began to sneak in. American music and American music plays a very important part. You may say ''that is somewhat exaggerated, Scott.'' It really does play an important part.

As I travel throughout the world, which I have done fairly extensively, almost everywhere I go it is American music being played, and you know the young people that listen to this music, they have good impressions of America. That is where this good music comes from. It worked the same way in Russia. You begin to see American music. You begin to see American products in the wealthier class. The ruling class in Russia had the use of these products, but the common man out there, they noticed them and they wanted them too.

Then pretty soon the operation of the government control began to collapse in Russia, and, what do you know, the Russian empire fell. Whoever thought that the Berlin Wall, that they would live to see the falling of the Berlin Wall? I never imagined it. But that was a remarkable event in our history.

Well, I think we can apply the same type of standards, and I think we ought to look from the same historical point of view as to China.

Now, what about this trade with China? What do we accomplish? Should we do it? As one of the previous speakers, who loves to talk about corporate America and big corporate this and big corporate that, I mean, you know, it sounds like a broken record. Forget talking about big corporate America. Talk about the small businesses.

Talk about, and I wish my colleague were here, talk about the farms and ranches in Colorado. Talk about the corn growers or the wheat growers. Talk about the people that produce chicken eggs. Talk about our dairy farms. There is a lot of people out there we ought to talk about that are not big corporations in America, that are not oppressive business entities in America, that are not out to squash the freedoms of American citizens.

There are a lot of people that work very hard. In fact, they probably work a lot harder than we, and we work hard on this floor, and they work harder than we do in their small business.

Trade means something to them. With the advent of the Internet, you cannot be an isolationist. Some of your colleagues, when you hear from other colleagues and they say, ''Well, look, I am for free trade. I think we should be in on the international business, but, boy, I am sure opposed to NAFTA, and I am sure opposed to China trade. By gosh, I am opposed to any trade like this.''

Come on, you cannot have it both ways. And which way works? Sit down with your colleague, my friends, and say hey, show me the historical basis of where isolationism works, number one, and, number two, tell me how you are going to isolate China. How are you going to do it? You cannot. Isolationism does not work, and you are not going to isolate China.

Now, I have some pretty resentful feelings towards China. I expressed those to you tonight. I lost my friends at Tiananmen Square, so I do have a deep resentment towards the way that those leaders, the leaders at that point in time, treated their young people, and I think that China does have very oppressive human rights, and I think China's communism is not long for lasting. I think in the next 20 years it will break, just like Russia's did. I know I am no fan of China. But it is because of that very fact that I am not a fan of China, that I still contain within my heart some bitter resentment towards the Chinese government, it is because of those reasons that I think we should do exactly the opposite of what my colleagues who preceded me talked about.

I do not think we should isolate China at all. I think the worst nightmare of the Chinese leaders, their worst nightmare, is that their people will begin to get a taste of American music, of American art, of American enterprise, of American freedom of speech, of American freedom of religion.

You know what? That is what those Chinese leaders fear the most. They love it when primarily my Democratic friends stand up here and say isolation or no trade with China. They love you to talk like that, because they know they are too big for you to be any kind of threat at all to them through isolationism. They know you are not going to isolate them. They would just as soon you not try to get freedom in to their people.

My Democratic colleagues, they would just as soon you stand up here and act like this, the ones that oppose this trade. ''My gosh, we cannot do this and that with China.''

You know, you are taking exactly the wrong track, in my opinion. If you want to break China to its knees, and I want to do that, you begin to put free enterprise into that country. And how do you get free enterprise into that country? You get American products over there. You open up trade with this country.

Now, remember, it is in fact true the EU and a number of other trading entities in this world would love for the United States not to trade with China, because 99 percent of the products that we trade with China are nonmilitary products. So let us take the military issue out right away. That 1 percent of military products, let us not trade it. I agree with you, let us isolate ourselves on the trading of any military hardware. I do not object to that at all. I do not think we ought to give China one bullet. If they have to buy it from the Europeans, let them buy it from the Europeans.

But, that said, the other 99 percent of consumer goods, where is your objection? Do you realize that when the Chinese people get to begin to enjoy American products, whether it is a coffee maker, whether it is a disk player, whether it is the clothes, whether it is just a writing pen, I mean, whether it is a pair of skis, I mean, all of these different things, do you realize what happens when a person who has never tasted freedom gets to feel American enterprise? It is like tasting hot apple pie for the first time. You want a second bite. It sticks with you. You like that cinnamon flavor.

That is exactly what is going to happen with China. And then you know what happens? First they begin to get the taste of American products. They want more. And then they begin to want more. More products? Oh, yes, more products.

But what, more importantly, do they want? They begin to say, you know, we want more freedom of movement in this country. In America they can get in their car and they can travel clear across the country. They are not stopped at the borders. They are not searched at the borders. They can go. Why cannot we do that in China?

In America they can voice their opinion. In America they have got this freedom of religion. That is what begins to seep into this country. If you want to bring China around, do not ignore them, do not isolate them. Let us go in there and improve the situation. Let us go in there and look at it from a constructive point of view.

Now, I have heard some of my colleagues talk about, well, we could be at nuclear war with China. China, we will be at war with China within the next 10 to 15 years. Well, I do not downplay your remarks, not at all. I do not downplay your remarks one bit.

□ 2230

In fact, I think the Chinese are a serious enough military threat that we need to get on the ball over here and we need to do two things. One, we need to not allow our President to go overseas and agree with the Russian Government to cut our nuclear arsenal below the red line, which is the line that our military experts say is the minimum we need to sustain the safety of American citizens in a conflict. We need to have a military that is second to none and is by a factor of many much more efficient and much more devastating than the Chinese military.

We need to be prepared, if China were ever to move, to defend ourselves and to protect American citizens. So I do not downplay the military threat at all. I think the United States must be fully prepared militarily to take on China or anybody else in this world that possess or exercises a threat against American citizens or our allies.

I think while we do that, we must, as we did in Russia, simultaneously get the word of free enterprise and get capitalism into China. Remember with Russia we had the nuclear missiles. We put nuclear missiles on the European continent. We shored up NATO but while we were doing all of this, we still had Radio Free Europe working. We still had Radio Free Europe. We kept plugging away. We kept trying to get American enterprise in, get American products in behind those Russian borders. It began to seep, it began to crack, and finally it did crack.

With China, Mr. Speaker, instead of saying, well, we are going to be at war with them in 10 to 15 years so let us ignore them, I say different. I say we should approach China, to the extent that we can, and get the taste of freedom to those Chinese citizens because that is one thing the Chinese Government leaders cannot take away from their citizens. Once they get the taste of freedom, it will be just like the Russian empire. Once they get that taste of freedom, no matter how harsh a leader you are, no matter what you do, that freedom will spread like a strawberry patch. It will grow and it will survive the winter and it will grow the next summer and it will survive the winter and it will grow the next summer and it will grow and grow and grow, and that is what will bring China down.

I hope my colleagues this evening who for the sake of politics are saying that they oppose trade with China, listen to my remarks. Here is a person who has a very bitter taste about what China did to his own friends. Here is a person who in his initial years of reaction to China took an isolationist policy, but here is a person who after having studied the Cuban and Russian model has decided the best way to do it is continue to build the strongest military known in the world's history but at the same time getting that taste of freedom inside the borders of China.

TAX MANAGEMENT

Mr. McINNIS. Well, we have discussed China to the extent that I am going to this evening, but let us move on to a new subject. I notice lately we have obviously in this country, Mr. Speaker, we have a presidential election going this year, very important election. There has been a lot of, I think, play on words or tricks through the use of semantics about, geez, the Republicans want tax cuts; that is all the Republicans want are tax cuts, and we, the Democrats, we want to keep the money, trust us, we want to keep the money and use it to help shore up Social Security. Well, I want to talk a little more about taxes and tax management, because taxes are an important factor.

I am not advocating that today we go out and produce a massive tax cut for the American citizens. There are some specific taxes that I am going to talk about that are punitive, that are punishing, that are unfair, like the death tax, which the Democrats continue to push and push and this administration not only pushes the death tax but this administration attempts to increase the death tax $9.5 billion in the budget they gave us this year.

There is a marriage penalty which when we brought up in front of the Democrats, although they had 40 years to do something about it, there is that marriage penalty when we finally got it up here for a vote many of them voted for it. Now we see the Democratic administration opposing it.

It may never be signed. It is unfair. This is a country where we ought to encourage people to be married. We want to encourage families. We do not want our young people to be taxed just because of the fact they are married, and taxed at an unproportionate rate.

There are those kind of taxes that I think we have an inherent duty, as Congressmen, we have a fiduciary duty to our constituents, to be fair to them. The death tax is not fair. It should not be there. It is nothing but a transfer of wealth.

We are not a socialistic society. We do not, in our society, say go to the wealthy or now in our country go to even the lower middle class or the middle class, capture their assets and give them to the people. We are not a society that says go to the people that work and take away from them the fruits of their labor and give it to the people who do not work. That is socialism, and that death tax is darn close to a defining foundation of socialism and it ought to be eliminated.

What I think we should talk about is tax management. Now as we all know,

Mr. Speaker, those on the Democratic side had control of this House for 40 years. I think it is very interesting, when we have heard the proposals for Social Security, when those who believe that Social Security, the people who are on it deserve more, the people who will be on it some day deserve an opportunity to enjoy the taste of American enterprise by having personal investment accounts, I find it interesting that the people who managed it, the Democrats, for 40 years and got it into the deep hole that it was in now are saying to the American people, my gosh, the Republicans have come up with a good idea; run from it, people, run from it.

How dare any of us think of something different to do with Social Security. How dare any of us talk about a person actually having some choice in their Social Security dollars. Trust us. For 40 years we ran the Social Security and we ran it into the hole, but do not change. My gosh, our historical basis, 40 years of lousy rotten management and now, by gosh, the Republicans are proposing a tax change or a change in the management of Social Security. Well, it is the same thing with taxes. Take a look at what has happened to tax management since the Republicans took control.

Now, I generally do not like to get too partisan in my remarks on the House Floor but this floor is designed for partisan debate, and there is a clear distinction between the Republican Party and the Democratic Party when it comes to tax management. In my opinion, the Democrats manage taxes in every way possible to get the maximum tax dollar transferred from the local and State government to the central government or to the Federal Government in Washington, D.C.

Now when we took control, when the Republicans took control, take a look within those 6 years what has happened with tax policy. I will give an example. This could have happened in any of the 40 years that the Democrats controlled your taxes. It took the Republicans to make this tax change, to manage these taxes.

What did we do? The Republican Party, through our leadership, realized that the one property that most people in this country dream of, that really is the largest asset in most of the homes of this country, in most of the families of this country, is the family home. Yet we found out that the family home, under the tax management of the Democrats the last 40 years, that the sale of this property, the sale of the family's largest asset was being penalized. It was being heavily taxed. So we proposed a new idea, and, of course, we had the typical the sky is going to fall, just like we hear on Social Security. Do not try anything new on Social Security. Stick with us. We have had 40 years of rotten management. Stick with us, trust us, count on us.

The same thing with this tax, but fortunately we have the majority, and the Republicans looked at what individuals and couples pay for their home. Now let me say what the old law was. The old law said that if someone sold their home for a profit, in other words if they bought a house for $1 and they sold that house for $2, they then had to buy a house of equal or greater value to what they sold the last one. So they bought it for $1. They sold it for $2. To avoid being taxed on the $1 of net profit they made, they had to buy a home that had a value of at least $2. They had to do it within an 18-month period of time or they paid a very steep tax on the fact that they were able to sell the family's biggest asset at a profit.

Now there was one exception to that. If one was 55 years old, they got a once-in-a-lifetime exemption of, I think, $125,000 or $150,000. We changed that. We believe that the family home is an asset that most families try and build up equity. A lot of families build up equity in their home that they intend to use for their retirement. A lot of families build up equity in their home that they hope to be able to pass on to the next generation. Why penalize the families on their home? And therein is where the Republicans differed with the Democrats on tax management.

So what did we do? Here is what we proposed, here is what became law. Again, let us look, before the Republican tax bill, an individual, this individual bought a house for $100,000, sold the House for $350,000. The profit was $250,000. The tax, the income that would be taxed is $250,000. Now that is an individual.

Let us take a couple, an example of a couple. Let us say a couple bought a home for $200,000. Let us say that they sold the home for $700,000. So obviously their profit is $500,000. They paid taxes on $500,000. We changed that. Here is what we did, and every one of my colleagues that owns a home ought to pay attention because every homeowner in America gets a tax break if they make a net profit on the sale of their home; every American. For most Americans, Mr. Speaker, it will be the most significant tax break they have gotten in their life. It is significant.

We went and said, all right, up to an amount of $250,000 we are going to charge zero taxes. That is for an individual. So if an individual buys a home for $100,000, sells the home for $350,000, giving us a profit of $250,000, the taxes are zero. Remember back here under the Democrat leadership for 40 years, $250,000 profit, $250,000 that would be taxed. Our $250,000 now, in law, our bill on the Republican side, the tax is zero. The American people get to, Mr. Speaker, put those dollars in their pocket.

Now, what happens to those dollars? Number one, they do not come to Washington, D.C. for redistribution. They stay in their community. They either go buy another house or they buy some additional property or they buy a new car or they put it in a savings account in a bank that turns around and loans it to somebody who wants to buy a new car. That is money staying in the community. That is money that is staying in the family.

Under the Democrat management of these tax dollars that money went to the bureaucracy in Washington, D.C. for redistribution. Under the Republican policy, that money stays in the taxpayer's pocket.

For a couple, most homes in America are owned by a couple, we gave that a $500,000 exemption. So here the couple buys a home for $200,000. They sell the home for $700,000. They make $500,000. Under the Democrats, they pay taxes on $500,000. Under the Republicans, they pay taxes of zero, zero.

Now, whenever one hears the Republicans talk about tax management, they hear some of the Democratic leadership talk about, oh my gosh, if we cut taxes we are going to cut education. Why education? Because they have been out there with their polls, and the polls say, look, if you want to scare somebody tell them they are not going to get the education for their kids. Who would not get scared? We all want a good education.

We heard the same kind of the sky is falling in when we did this tax management policy. Mr. Speaker, have any of you who have owned a home, who have enjoyed this tax management, have any of you out there seen a school close or one school in your county, in your city, in your State or anywhere in this country, one school get one less dollar because we let the American family put these dollars back into their pockets instead of transferring them to Washington?

□ 2245

No. What we see is a record surplus in Washington, D.C. This is good tax policy. This is the kind of tax policy that differentiates between the Republicans and the Democrats.

Let us talk about some other tax policy. Again, keep in mind, here is another difference. I talked about it earlier, but it is important to re-note. With death taxes, Mr. Speaker, we know there is a difference in the parties in this. The administration, the Democratic Party in general, not everyone, but in general, supports these death taxes.

They think it is appropriate to go out to somebody who has worked all of their life, paid taxes on their property, in some cases paid taxes one or two or three times, and the instant they die, send in the governments, get in there and raid their pockets. It is called the death tax.

There is a significant difference. The Republicans want to get rid of it. We

want to eliminate the death tax. It is not fair. It is punitive. It is on property that has already been taxed. It has already been taxed.

Let us talk about the other tax that we managed to get rid of, a little more successful than we have been with eliminating the death tax. Do Members know what happened? Democrats, as soon as we put this in front of them, they voted for it. For 40 years they had an opportunity to get rid of it and they never even brought it to the floor. Once we got it to the floor, this thing went out with unanimous support. Everybody voted for it. Everybody went back to their districts and talked about, hey, look what we are doing for the seniors. Look how good we have been to the seniors.

Let us talk about what that does. What the tax on the seniors did, as many know, we have one particular paragraph, beneficiaries, we know this, aged 65 to 69, full retirement age, could only earn up to $17,000. After that, that is all they could make.

We have an employee shortage. We have a lot of senior citizens who may be senior citizens as classified by age, but they are good workers. They want to be in the marketplace. They want to go to work every day. They are productive.

The philosophy, frankly, of the Democratic Party through their tax management policy, and again, we are talking business, here, and I am not trying to be partisan, but let us talk business, because there is a difference in management. The management that they had frankly was that the $17,000, it should be limited. Once earnings go over that $17,000, they should lose $1 of social security benefit for every $3 they make in the marketplace.

Was that fair? We said no. We did not think so. Do Members know what the Republican policy management was? Do Members know what the Republicans said about this tax? Here is what we do with it, take away the tax that we are putting on senior citizens who want to work.

I appreciate the fact that all my colleagues on the Democratic side voted for it. But I also question the fact, where has it been for 40 years? How in God's Earth could they justify doing that kind of tax? How do they justify a death tax? How could they justify a tax on marriage penalties, penalizing somebody who is married?

Let me mention another tax that helped our economy. In fact, if we talk to a lot of economists, these economists will tell us that one of the most significant factors in the healthy economy we have today is that when we took control, the Republican tax management philosophy was take capital gains, which was then 28 percent, and drop it, drop capital gains, which is exactly what we did. We took it down to 20 percent.

Now, we heard from the other side, of course, the sky is going to fall down, schools are going to close, we are not going to get our highways, and that this is the wrong time to give money back to the American citizens, even though there is a huge surplus.

Do Members know what happened? A funny thing happened. In the last several years, hundreds and hundreds of thousands of American citizens began to buy mutual funds. Hundreds and hundreds of thousands of American citizens began to invest. They begin to recognize that, hey, this is an opportunity. This is a good economy.

Do Members know what? Capital gains all of a sudden, and that is what we call this, capital gains taxation, all of a sudden the meaning of capital gains grabbed a lot of people's attention. When we dropped it from 28 percent to 20 percent, we had an explosive, an explosive economic growth.

That 8 percent may not sound like much, but wait until one is a middle-income person or lower-income person and sells some stock and realizes 8 percent of it, gets a tax break of 8 percent.

Did they close any schools as a result of dropping capital gains from 28 percent to 20? No. In fact, what happened was the money to the Treasury went up like this. We saw more movement in the capital markets. We saw capital being created. Now we had more dollars than we ever had for schools. Now we had more dollars than we ever had for highways. Now we had more dollars for a lot of different needs that we have in this country.

That is important. That is important tax management. Education, for example, and I cannot find anybody that disagrees with this, is one of the highest priorities our Nation should have. We should fund it. I think funding it is in part a responsibility of good tax management.

Members will see in this upcoming election, on their side they are going to try and say, my gosh, do not let the Republicans cut taxes. To be fair to those voters out there, colleagues, I think we all need to talk about the kind of taxes that we want to cut.

I think to be fair out there, they need to say, you know, the Republican leadership wants to do away with the death tax. What do you think about it, people? Is it fair to tax you all your life for property you have earned and made through the American system, and then on your death, tax you, take it away from you, force your family to sell it and transfer it to somebody else, to the bureaucracy in Washington, DC?

When we talk about tax cuts by the Republicans and our tax management policy, ask them if it is so wrong to eliminate the marriage penalty. In our country where we penalize people for being married, what is so wrong with eliminating that? When they talk about the tax policy that the Republicans have, ask how many homeowners who sold their homes would, rather than have paid taxes on those in some cases tens and tens and tens of thousands of dollars, would rather have paid taxes and had a lot more faith in sending that money to Washington, DC than being allowed to save that money and use it in their own community?

That is the kind of tax policy we are talking about. It is the same thing with social security. As we go, they go out to condemn us on social security because of the fact that for the first time in 40 years we have somebody willing to stand up and take the lead. We have somebody strong enough that says, I will take some bumps and bruises, but we have to change the course. We have to continue to give security to the people on social security, and we have to give promise to the people who some day will be on social security.

What is wrong with that? They ought to talk about that, talk about the 40 years of management that preceded these tax reductions, these tax management policies. They ought to talk about the 40 years of management with social security.

My point here this evening is this: All of us, Republicans and Democrats, have a fiduciary responsibility to help fund this government in an efficient and productive fashion. That means that we must deploy good management tactics.

There are times where we may have to have some type of tax adjustment. Do not run away from it. There are times when we have to have a change in the management of social security. Do not run away from it. The best way for us to protect social security for the people today, and every Republican plan I have seen out there gives absolute protection to the people on it today, and frankly, protection from my generation, but it gives promise for the generation behind us. Do not run away from it, analyze it, take a look at it.

I wish they would have analyzed the marriage tax penalty years ago, and what they were doing to seniors who wanted to go out into the marketplace and earn a living. They penalized them for it. I wish they would analyze what they are doing to American families, small businesses, farms, ranchers, with the death tax.

I wish they would analyze some of those things. If they do, they are going to say, look, folks, we cannot give all of the money back, but we can manage some of it. When we manage our taxes, everybody wins. That money stays in the community. It still helps the Federal government. When we keep money in the community, if we want to talk about helping education, keep that money in the local community. That is where we help education.

Mr. Speaker, let me move off the taxes and just kind of wrap up my final

comments with some points I think that are important on education.

I am very excited about education this year. I have seen in Colorado what we are doing with education for the first time I think in 12 years. The Governor of the State of Colorado, Governor Bill Owens, has fully, and his legislature, have fully funded education in Colorado.

We have a new program, the Governors' educational reform program, that was kind of like Reagan when he caught holy heck for his defense program, and Governor Owens has gotten some grief on his education reform. Five years from now or 10 years from now we are going to look back at Governor Owens' reform package and say, you know, he was right. He did a good job.

I am excited about education at the Federal level. I am beginning to see that the American people are beginning to focus more and more on the student in the classroom and less and less on the bureaucracy that is built above that student.

I think the American people are beginning more and more to realize that we need to bring discipline back to the schoolroom; that discipline is a necessary tool to teach our young people.

I think the American people, and it excites me, are beginning to say about our schools, you know, uniforms may not be a bad idea. Let us bring uniforms to our schools. Philadelphia, I think, is the most recent one to try it. They caught some heat.

Somebody said, well, it takes away our freedom of expression, but it introduces a form of discipline back in the classroom. I am excited about these things. Had we not had the debates we have had on this floor and the debates that have been held in our 50 States, probably in every school district in this country, our product of education would not have improved.

It needs to improve. This country has got to have education that is second to none. But just like the taxes, we need management. That is why the Republican leadership has spoken so strongly about discipline in the classroom, about uniforms in schools, about fully funding schools, like they have done, like the Republicans did in Colorado.

Why do I keep saying Republicans? Obviously, I am a Republican. I am proud of what we are doing. At one time many years ago I was not so confident that the Republicans were giving education the attention it needs. Now I am concerned that the Democrats are hanging onto the old ways, the ways that have been proven inefficient, instead of letting us put reforms in these schools that will bring back the basics, math, English, school discipline, the reading.

But as a team, I think we can improve education. I am willing to work with them as a team. I think it is an exciting year. I think the next 3 or 4 years will be even more exciting for education.

Mr. Speaker, in final conclusion, let me say to my colleagues, they should not disassociate themselves or disqualify themselves from talking about tax management. We need to manage those taxes. We have been very successful. Do not run away from trade with China. That may be the very way we break China and bring them around to the freedom of America.

Finally, stick with us on our education agenda. We have an agenda that will improve that product to the student in the classroom, that student that will be the next leader of America.

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for half of the remaining time before midnight, or approximately 32 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House again on a Tuesday night to talk about a subject that I usually discuss with my colleagues in the House of Representatives, and that is the problem we face in our Nation and across our communities in America of illegal narcotics.

We also have an incredibly serious problem with drug abuse that is affecting almost every family in our Nation. If we look at the root of the real problems in our society, criminal problems, disruption in families, serious crimes committed, we need look no further than the problem of illegal narcotics.

I know much of the attention of Washington and some of the Nation was focused here on the events Sunday, on Mothers Day. I think that every American abhors violence. I think it is rightful that mothers would come to this city and plead for an end to violence.

□ 2300

I think that everyone who is a rational human being would be against gun violence, gun violence against another human being, using a weapon to destroy life, to harm an individual. So I think we all abhor that. But what we fail to address really is the core problem.

This past Monday, I had the opportunity to attend the National Memorial and Recognition Service for police officers who had been slain. Some 139 police officers across our Nation were slain this past year. Talking to police officers who were visiting from my community and from around the Nation and speaking to police officers and law enforcement officials as I go about my responsibilities as a Member of Congress, they all tell me the same thing; and that is, that illegal narcotics are at the core and again the source of so many of our crime problems, so many of our felonies committed. So many of the people behind a weapon whether it is a gun, a knife, some other instrument of death and destruction are motivated by illegal narcotics.

In fact, in hearings that I have conducted as chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing after hearing, we have heard individuals testify that illegal narcotics contribute to crime, disruption of our social life. That is 60 to 70 percent of those behind bars, and we now have some 2 million Americans behind bars, are there because of a drug-related offense.

Most of these offenses are not mere possession of small amounts of marijuana. They are not small drug offenses, in some localities misdemeanors. These are multiple felonies. One really has to try hard, according to a New York State judicial survey of those surveying in that State taken last spring. That survey indicated most of the people in New York State prisons are there because of multiple felonies. One really has to try hard to get in prison in some of our jurisdictions, and it takes multiple and very serious offenses to be there.

There are exceptions to that, and we have heard testimony of tough minimum mandatory sentencing. But for the most part, illegal narcotics drives crime in this country. Not only does it drive murders, but it drives drug-related deaths.

In the last recorded year, 1998, we do not have the 1999 figures yet, 15,973 Americans lost their life as a direct result of illegal narcotics, consuming illegal narcotics. These are not the flashy news reports that one sees that are publicized, say, with the action of a young child shooting a young child with a handgun. These are silent, nonetheless deadly incidents of overdose, of young people in the numbers three and four times those lost in one incident in Columbine, a horrible national tragedy. But that horrible national tragedy is repeated three and four times each day if we count all of the drug overdoses across this country.

Our Drug Czar, General McCaffrey, has estimated that the deaths, if we took into account all of the causes related to use and abuse of illegal narcotics, would exceed some 52,000 a year, an incredible impact. As much of an impact as our last major conflict, international conflict, the Vietnam War. Again, a deadly problem for this country and for our society and sometimes pushed into the background.

The march that was held on Sunday focused on violence and in particular gun violence. The media stories, as I have recounted over the past month or two, have focused on several incidents involving guns. A 6 year old shooting a

6 year old, and again the focus was the gun. But the real problem was the 6 year old came from a crack cocaine family. The 6 year old came from a family whose parent was in prison because of narcotics, serious narcotics offenses, an environment that was harmful, an environment that provided the motivation and the setting for a 6 year old to commit mayhem.

Then of course the media focused on, I believe it was, a 12-year-old who brought a gun to school and had all of his fellow students on the floor and threatened them. When asked why he brought that gun to school, he said it was because he wanted to join his mother, be with his mother. She was in prison because of a drug offense. Another tragedy.

Most recently, we had in Washington, D.C., during the spring and Easter Passover break a horrible incident when African American families in our Nation's capital were celebrating a day in our National Zoo; and what took place there was mayhem among young teenagers, I believe a 16 or 17-year-old teenager who fired the weapons in that case, wounding a number of individuals. The focus was again on the gun.

But here is another young individual in our Nation's capital, the victim, not just of gun violence and participating in gun violence, but coming from a home of drug violence. His father is in prison because he was part of a Washington, D.C. drug gang. That is a sad event for our Nation's capital.

But, unfortunately, that sad event has been repeated for the last decade day and day and day again. I cannot tell my colleagues how many times I have come to the capital and read on a Monday or Tuesday of the violence over the weekend. Some of that has been curtailed by tougher enforcement, by change of administration, which is long overdue in our Nation's capital. This year, the drug-related deaths are down. But year after year, 300 to 400 young African American males were slaughtered in this city in a pattern of violence, and almost all of those incidents of death brought about by involvement with illegal narcotics.

I would venture today, if we quizzed our Capitol Police and our Washington Metropolitan Police Officers, they would tell us the same statistics prevail. Sixty, 70, 80 percent of those who are murdered in our Nation's capital, 60 to 70 percent of the violence, the felonies committed in this great city with so many great people, are caused because someone is involved with illegal narcotics.

Here of course we have a city in which most firearms, individual possession of an unregistered firearm is not allowed. We have some of the tightest laws relating to weapons. In fact, most of the weapons that are used in these murders are stolen or illegally obtained.

Again, I think it is important that, rather than to focus on guns, that we need to focus as a Congress and as responsible legislators on the root cause. Certainly the root cause, if we ask anyone involved in law enforcement, is illegal narcotics.

□ 2310

I thought I would recite some statistics relating to other types of violence that my colleagues may not have heard about, and how they too are brought about by the use of illegal narcotics. Most of the cases of child abuse that we read about, if we look a little further behind the news, at the child abuse itself, the motivation that someone has become involved in child abuse is because of drug use.

A study that was recently done indicated that 80 to 90 percent of all referrals for child abuse to social services in Butte County, California, cases were, in fact, drug related. Social service workers estimated that 80 percent of the child abuse cases statewide in California, in that same study, are drug related. Social service workers across the United States attribute 62 percent or more of the child abuse cases to an adult substance abuse problem.

Not only is child abuse driven by illegal narcotics and substance abuse, but the same thing applies to spousal abuse. Spousal abuse attributed to drug use was also reviewed by another study, and we found in the study recently that social service workers across the United States attributed a large percentage of spousal abuse cases to drug-related causes. A full 50 percent of all domestic violence cases involved substance abuse in a study conducted in New York State.

Suicide is also another major social problem, and studies have recently been conducted to see the impact of illegal narcotics and drug use as it relates to suicide. The Substance Abuse and Mental Health Services Administration, also known in Washington as SAMSHA, estimated that 90 percent of the suicide victims have had a mental and/or substance abuse disorder. SAMSHA, again our HHS, Health and Human Services agency, followed up studies of adults with substance abuse disorders and it revealed an inordinately high risk of suicide for those who were victimized by illegal drugs and by substance abuse. Youth who abuse substances combined with serious behavioral problems are much more likely to commit suicide than those without substance abuse problems, this study also found.

Of course, I have related in a previous special order, after conducting a hearing on the problems of methamphetamine in California, we conducted two hearings there, our Subcommittee on Criminal Justice, Drug Policy and Human Resources recently, and I did provide a detailed report in a special order on the methamphetamine problem both in the Sacramento, north central area of California, and also in San Diego, where we conducted our second hearing.

Some pretty startling cases of child abuse, actually beyond description, where children were abandoned by their parents in incredible numbers because of their problems of being addicted to methamphetamine. Methamphetamine causes some of the most irrational behavior in human beings I think I have ever seen recorded. The crack epidemic of the 1970s and 1980s is nothing compared to the methamphetamine problems we are experiencing.

This past week, our Subcommittee on Criminal Justice, Drug Policy and Human Resources conducted a hearing on the question of minimum mandatory sentencing, particularly as it relates to drug offenses, and there is some controversy about how those laws have been applied. But I was startled to learn from one of the witnesses in that hearing what has taken place in this country relating to methamphetamine and crack abuse since 1992, since the beginning of this administration.

One of our witnesses was a United States Sentencing Commission commissioner. That commission has had vacancies, but they have recently been filled and we were pleased to have testimony from that commission provided to our subcommittee so that we can find out what is happening as far as sentencing and also the prevalence of drug abuse in this country.

Submitted for the record of that hearing were several charts, and these charts are exactly as submitted to our subcommittee. This chart is entitled Predominant Drug Type by State, and it covers the period starting in 1992 and going up to 1995 with this series. I think if we look at the lighter yellow here we see crack. In 1992, there is almost very little crack in these States, almost no methamphetamine, which is in the other color here.

In 1993, we see the beginning of methamphetamine abuse, some in the Midwest. We see the spreading of the crack problem. That is 1993. In 1994, we could focus here and we see methamphetamine, crack in the yellow, spreading. In 1995, we see what has taken place.

Now, this is under the policy of the Clinton-Gore administration in their change of emphasis to get away from source country programs; stopping illegal narcotics at their source. The source of crack is cocaine. Cocaine comes from only three countries: Peru, Bolivia, and Colombia. Methamphetamine, most of the precursors, the chemicals used in processing methamphetamine, come from Mexico.

This is the record from 1992, untouched, submitted by this administration's sentencing commission. This is the rest of the story, so to speak; 1996, 1997, 1998, 1999. Again, we are talking

about crack, methamphetamine. Crack in the yellow, methamphetamine in this other color here. Until we get to 1999, when we see almost the entire Nation covered by methamphetamine and/or crack.

□ 2320

This is one of the most telling sets of graphs showing again the dramatic increase in these two drugs across the Nation since 1992.

Now, I have often heard liberal commentators and liberal legislators talking about the failure of the war on drugs. This is a chart that I have not altered in any way, except we have added the Reagan-Bush era during their presidency and the Clinton presidency with this bar and just labeling here.

The chart itself was produced by the University of Michigan, and it really tracks the long-term trend and lifetime prevalence of drug use. I have used this several times in special orders. But, to me, this is the most telling and graphic representation of what took place in a real war on drugs.

Again, the liberals both in the media and in the House and other body would tell us that this is a record of failure. We have a decline in long-term trend in lifetime prevalence of drug use.

And if we took up other illegal narcotics, we would see, again, we could go back to cocaine or to heroin or some of these other narcotics, methamphetamine, which was not even on the charts, but we would see a decline in those illegal narcotics during the Reagan and Bush era.

Now, they will tell us that this is a failure, both failure in the war on drugs, the war on drugs failed. I submit that if we look at this point where the Clinton administration up to the Republicans took over the House of Representatives, we see a steady incline in the use of illegal narcotics, the prevalence of lifetime use. And again, we can bring the other charts that were just supplied by the Sentencing Commission or take charts relating to heroin and other narcotics and we show the same pattern.

Again, this is what they are trying to tell us is a record of failure. This is a record of success. I submit there is absolutely no way the war on drugs was a failure when it was adequately conducted. When it was a multifaceted effort, when we had source country programs where we stopped illegal narcotics where they are produced.

Again, crack and cocaine, it does not take a Harvard Ph.D., it does not take a rocket scientist when we know that crack and its derivative, cocaine and coca, are only produced in a small Andean region are really only capable of being produced in that region, Peru, Colombia, and Bolivia.

When the Republicans took over the House of Representatives, one of the things that they did was try to restore some of the international programs that had been sliced and slashed by the Clinton administration.

The Clinton administration, when it took office in 1993 to 1995 controlled in very large majorities both this body, the House of Representatives, and the other body, the United States Senate. One of the first things that they did was to cut money on the international programs. That would be stopping drugs at their source. Federal drug spending on international programs declined 21 percent in just 1 year after the Clinton administration took office.

Federal drug spending on the international programs decreased from $660 million in 1992 to 1993. And it is interesting, if we look at these years, as they cut international programs, drug use and abuse increased.

The same thing happened with interdiction. Interdiction would be stopping illegal narcotics as they leave the source country before they get to our borders. The prime area of assistance is really in surveillance of illegal narcotics, both at the source so that the host country or the source country can destroy the illegal narcotics at their source or get the illegal narcotics as they are leaving the source from airfields, from waterways, from transit routes.

The United States military has been involved in providing that surveillance information. Unfortunately, one of the first decisions of the Clinton administration, again, back here when we see the beginning of the end of the war on drugs and the failure of, again, fighting illegal narcotics, Federal spending on drug interdiction declined 23 percent in 1 year after the Clinton administration took office, again, with very significant majorities of both Houses here in Congress.

Federal drug spending decreased from $1.96 billion in 1992 to $1.5 billion in 1993. Actually, it went down even more if we take into consideration several years that they controlled this body in large numbers.

This is the Federal drug spending chart on international programs. Again, we see dramatic decreases from the Reagan-Bush era on down to about half. So if we want to see how we can get more drugs from the source into this country, we cut these international programs.

When the Republicans took over in 1995, and it does take several years to get into this process, since then we have been able to get back to 1991 and 1992 figures. However, even with these programs, money which we ask to be sent, for example, to Colombia, funds never made it to Colombia, either through ineptness or through just pure ignoring the will of the Congress.

So even though funds have been appropriated to go back to the equal equivalent of 1991–1992 Bush-Reagan era dollars, the actual resources getting into the war on drugs have not been there.

So this is the era in which there was a dramatic decline. This is the era in which we had a dramatic increase in prevalence of drug use among our young people.

I have a second chart which deals with interdiction, and we see the same pattern again of cutting interdiction, use of military, for surveillance information gathering. The military does not arrest anyone, does not become involved in enforcement. It merely provides that information.

Here again, we have the same pattern of behavior. Back in 1996, the Republicans did up this and in 1998 we are bringing it back. Again, we have to use equivalent of 1991–1992 dollars. So in the past 4 or 5 years of our control of the House and the other body, we have managed to get us back to 1991–1992 levels with great difficulty.

Unfortunately, in the international area, as I said, resources have not gotten to the countries which are producing the illegal narcotics. We have had two success stories, both of those developed by the current Speaker of the House when he chaired the responsibility of the subcommittee, which I now chair, for our national drug policy.

The gentleman from Illinois (Mr. HASTERT) chaired, again, this responsibility and got funds and resources into some of these programs. However, many of the funds and resources, again, were diverted time and again by this administration and did not, in fact, get to Colombia, which is now the main source of heroin and cocaine and illegal substances that are coming into this country.

□ 2330

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair recognizes the gentleman from Florida (Mr. MICA) for the remainder of his hour, or 28 minutes.

Mr. MICA. Mr. Speaker, I will continue part of what I am discussing tonight, which is the history of how we got ourselves into this fix. It is a very difficult situation, made even more so by, again, the incredible quantity of illegal narcotics coming into our borders.

I submit, Mr. Speaker, that there is no more important responsibility for us to attend to as Members of Congress than, first, to keep illegal narcotics from coming into our borders. Stopping illegal narcotics in the international arena is not the responsibility of our local police force, it is not the responsibility of our State police, it is not the responsibility of the localities or the school boards. Our number one responsibility is to make certain that those hard narcotics are kept from our shores, from our borders. Once they

come into the United States, it is very difficult to go after them, and it does take a great deal of resources.

This, again, is a record, in my estimation, of failure, the war on drugs being very systematically closed down. Statistics show, again, a record of success in the Reagan and Bush era. I have not doctored the figures. This is not meant to be partisan in any way. These are in fact the facts.

If we see success with an increase, as the media, the liberals would have you know success, an increase in drug use, then in fact that is success. We have more heroin addicts, more people on illegal narcotics, more deaths, almost double the deaths. Again, if we flip the other charts of the changes in policy made in interdiction and international programs, we can almost trace again the end of any war on illegal narcotics.

Again, these are the results released last week by the administration themselves. I do not know if we can get both of these up here, but from 1992 to 1993, 1994, 1995, 1996, 1997, 1998, 1999, what an incredibly graphic description of what has taken place. This is only with several of the drugs, the very serious narcotics that are affecting our cities and our communities across the land.

Again, the situation with illegal narcotics is affecting all of us. Recently I participated in an International Association of Chiefs of Police meeting, and I asked if I could get from the Drug Enforcement Administration, our U.S. anti-narcotics agency, information about the purity levels of heroin, because I come from an area that has been the victim of heroin abuse, heroin overdose. Deaths now exceed homicides in central Florida, which is the area I represent.

We know that we are getting more and more illegal narcotics in from the source countries because we do not have intervention in place, because we are just back to the 1992 levels and because the administration has thwarted our efforts to stop illegal narcotics coming from their source.

One of the things that startled me in receiving this information on heroin trends in central Florida is, again, we have an incredible death rate, but that death rate is linked almost directly to the purity level of the heroin coming in. In the eighties and seventies the purity level of heroin was in single digits, sometimes very, very low purity. In 1995–1996 that began to change. In fact, we have ranged from 71 percent to 60 percent on average since 1995, the purity rate in central Florida with the heroin that is seized there and analyzed.

What that means is that the heroin is so pure that it is deadly, it is killing in unprecedented numbers, it is killing first-time users, and it is killing those who use heroin with other substances. The only reason the deaths have not gotten worse than they are, and they have increased in the last several years, is that in fact our medical personnel are able to resuscitate more of the victims of drug overdose in central Florida and also around the Nation, but we have a startling increase in number of drug overdose admissions and in emergency rooms.

Part of it is dealing with the deadly heroin that is on the streets of central Florida, again between 60 and 72 percent pure. That compares to a national purity level of between 40 and 37 percent, still very deadly. But the people in my district are particularly vulnerable to, again, a very deadly type of heroin that is coming in.

Now, we know exactly where that heroin is coming in. We have the ability through our agencies, and, again in this case, DEA, Drug Enforcement Agency, to analyze the heroin that comes in and other drugs that come into our borders. They can conduct signature analysis, which basically tells us almost to the field where that heroin or the poppies are grown and where that heroin comes from.

Now we have some 60 to 70 percent of the heroin coming into the United States from Colombia. This is an incredible figure, if you consider that in 1992 there is almost zero heroin being produced in Colombia. In six or seven short years of this administration, through, again, neglect of getting equipment, resources to fight illegal narcotics, again in the source country or interdicting it as it came to our shores, before it came to our shores, we have turned Colombia into the largest producer of heroin.

Following Colombia, is, of course, our good trading partner who we have given so many trade benefits to, underwritten their finances when they faltered, opened our borders in unprecedented fashion to trade and commerce and business, and that is Mexico, which has jumped, again, the media will not report it, but a 20 percent increase in the last two recorded years in heroin production, from 14 to 17 percent of the heroin, black tar heroin on our streets, killing our kids and our young adults and others, is coming from the fields of Mexico, our good trading partner.

So between Colombia and Mexico, and Colombia, of course, is way out there with some 65 to 70 percent of the heroin being produced, none of that being produced some 6 or 7 years ago.

In 6 or 7 years, through the policy of this administration, we also find that Colombia, which was really a single digit producer of cocaine, now produces some 80 percent, according to DEA and other estimates, of the cocaine and crack coming in to the United States of America.

We are fortunate that the plan devised by the gentleman from Illinois (Mr. HASTERT) and the Republicans 3 or 4 years ago to curtail illegal production of cocaine in Peru and Bolivia has stopped production in those countries to the tune of 55 percent reduction in Bolivia, and a 60-plus percent reduction in Peru.

□ 2340

Those two countries were the major producers in the past. The production has shifted and operations have shifted to Colombia which formerly was just a transit country in the last 6 or 7 years. Of course, we all know that Colombia is a disaster. The situation in Colombia gets worse every week. This morning's news, President Pastrana of Colombia suspended a round of Colombia's peace process plan for the end of May, something we have all been trying to work to get accomplished. His action came as a result of Marxist rebels killing a woman in a most horrible fashion. They rigged a bomb around her neck and she was killed when the bomb disposal specialists of Colombia tried to diffuse the dynamite-packed necklace bomb which the Army said had been rigged by the Marxist FARC leftist rebels who demanded ransom from her husband. President Pastrana said to his nation, the men of violence have placed a necklace of dynamite around the hope of all Colombians.

Of course, many people say well, why should we worry about Colombia; why should we be concerned? Of course, we know where the source is, again, of the hard narcotics coming into this country. We know where the death and violence is coming from, and that is Colombia.

Unfortunately, the administration turned its back on this problem since 1993 and has very systematically kept any assistance coming to Colombia and, in fact, even the assistance that has gotten to Colombia has been almost farcical.

Some people may say why is Colombia so important in this, other than the production of illegal narcotics which in itself should justify our involvement? But, in fact, Colombia and the region surrounding Colombia produces some 20 percent of our daily oil supply. Some 35,000 individuals have been killed in Colombia through a war, a civil war, of various factions and that war is being financed by narcoterrorists.

General Barry McCaffrey described Colombia as an emergency situation last year after, again, this region exploded not only with narcotics production but also violence which is now spilling over into the region. In fact, Colombia has become a basket case.

Americans have already died in Colombia. U.S. contract pilots have been killed in Colombia, who have been on missions to eradicate illegal narcotics. Robert Ernest Martin was killed in 1997. Dane Milgrew was killed in 1998 and Jerry Chestnut, another pilot, in 1999. Also in Colombia we have had the deaths of five individuals on July 23, when a U.S. Army reconnaissance aircraft crashed into Southern Colombia

on a surveillance mission. The officers killed there were Captain Jennifer Odom of Maryland; Captain Jose Santiago of Florida, my central Florida area; Chief Warrant Officer Thomas Moore from Arkansas; Private First Class Bruce Cluff of Utah; and Private First Class Ray Kruegar of Texas.

These are some of the deaths that have occurred there, including DEA agents, Special Agent Frank Moreno, who was killed in November of 1998. So indeed we have a great deal at stake in Colombia and, again, if we linked each of the 52,000 deaths last year related in the total picture of illegal narcotics and narcotics abuses and murders and suicides and other things that have brought about death, or the 15,973 deaths in 1998, we could trace a vast percentage of those deaths to Colombian narcotics that are coming across our borders.

So indeed this has been identified by this administration finally as a priority. That is in spite of blocking, at the beginning of the Clinton administration, Clinton-Gore, of course, slashed the drug czar's staff from 112 personnel to 27, and the Democrat-controlled Congress cut the source country and interdiction programs by more than 50 percent. Then appointing just-say-maybe Surgeon General of the United States, Jocelyn Elders, who again I think said just say maybe and the results are very dramatic in the increases of illegal narcotics as they closed down very systematically the war on drugs.

In 1994 and 1995, this administration single-handedly closed down information and intelligence-sharing with Colombia and Peru and slashed U.S. military and Coast Guard involvement in antidrug programs.

If you are going to conduct a war on drugs and if you see why the liberal and Clinton-Gore program to stop illegal narcotics was a failure, if you look at cutting, again, the assistance in these most effective source country programs, the interdiction programs, the Coast Guard programs, taking the military out of the effort, that is why you had no war on drugs. Then to stop information-sharing which is so important to stop the drugs both at the source and as they leave the source and interdict the drugs before they come into our borders year after year, this administration blocked assistance to Colombia again through a bungled decertification of Colombia, a direct action of the President, without providing a waiver to give Colombia the needed assistance.

The latest part of the fiasco, again by the Clinton-Gore administration, is news that we received this week. It was in the Washington Times and other papers across the Nation, the U.S. Sends Colombia Unsafe Shells from 1952. Now since I came to Congress in 1993 we have done everything we can to get this administration to get resources to Colombia because we knew narcotics were going to be produced there more; we knew they were going to be transited from there. We knew it was the source of death and destruction coming to our shores. The latest part of the fiasco is even after the Congress appropriates money, the administration supplied recently, and this is within the last few weeks we have sent our staff down to check on the ammunition that is being sent there, the manufacturer actually said that these shells and this ammunition which was produced in 1952, which we have given the Colombians with some of the taxpayer money, is, in fact, unsafe. The story, of course, gets even worse because for at least some 4 or 5 years we have been trying to get helicopters, and in this case Black Hawk helicopters, which could be most effective to go into the mountains, eradicate narcotics, go after drug traffickers. It is very difficult in Colombia, with the high Andean regions, to go after traffickers without the right resources.

This is another headline, Delay of Copters Hobbles Colombia in Stopping Drugs. This is 1998, and I could take these headlines back to 1997 and 1996, time and time again.

□ 2245

Time and time again, the administration blocked equipment getting there. Finally when they declared an emergency last August, we were able to get at the end of last year three Black Hawk helicopters to Colombia. They were sent there without proper armoring, so just recently they have gotten them into the position where they are combat ready. Now we find the ammunition was sent down there in fact was outdated and may be in fact dangerous for the Colombians to use.

This story continues to get worse. We asked the President and the administration to send surplus military equipment to Colombia. We had in mind equipment that could be used. We unfortunately learned, and we do have quite a bit of surplus military equipment, that Colombia was provided with dilapidated trucks, military trucks, and the cost of actually rehabilitating them was high. I think some of them were used in an arctic terrain and not suitable for the mission at hand. Unfortunately, Colombia had to turn these down because it would have cost them more to rehabilitate them than to use them.

Finally, again, how important it is to have intelligence and surveillance information available to stop illegal narcotics. Peru has been great about stopping illegal narcotics. President Fujimora, who has eliminated 60 percent of the production in that country, has used in the past, when we were able to get information, surveillance information to him, a shoot-down policy which in fact has resulted in, again, that lowering of production, the lowering of transiting of, in this case, particularly cocaine coming out of that country.

This is a March 13 headline from the Washington Post. ''U.S. Officials See Trend in Colombia: Lack of Air Support Hindering the Drug War.'' I have said before, there has not been a drug war in this country since 1993. We have tried to restart it in the last 2 or 3 years, but every time we get on course, we find the administration diverts resources.

They diverted resources to Haiti. The Vice President diverted some of the planes for surveillance to check on oil spills in Alaska. The President diverted military resources to Kosovo, to Bosnia, and to any one of the number of other deployments, and took them out of in fact action and the war on drugs.

The inability to provide surveillance is now, for the first time, resulting in an increased production in Peru, according to reports we are getting, in cocaine. Without source country programs, without interdiction, without surveillance and intelligence, the missions fail.

I do not want to just talk about the failure of the Clinton record. I must say that what we have done is the Republican majority in a positive fashion I think has been on target. We have gotten our levels of funding for source country back to 1991–1992 levels. We have not only concentrated on source country, but also on interdiction, trying to get those resources where they were not diverted.

In these cases, we see in March again a third time the administration is making a fatal mistake and again closing down our war on drugs, if there ever was under this administration a war on drugs.

The Republicans have funded a $1 billion campaign, an education and media campaign. Maybe Members have seen those ads on television. We hope they are effective. We are testing them in various markets. We are going to do everything to see that we reach our young people in education and prevention.

That $1 billion through our efforts, and the administration, of course, wanted to spend the $1 billion, but we thought it was important to have also donated an equivalent amount, at least. So with that compromise we will now have $2 billion in that program, both through direct taxpayer funding and through private sector donations.

We have dramatically increased the amount of money for prevention. In fact, one of the primary goals of this administration was to treat our way out of this problem. We see examples like Baltimore, Maryland, where they have gone from just a handful of heroin addicts to now one in eight in the population of Baltimore is an addict, a

drug addict. They could not treat their way out of the problem. It has grown out of control, while the murder rate has stayed dramatically high in that city.

The liberals would have us believe that the war on drugs is a failure. The liberals would have us believe that if we liberalize the policy, we can just treat people out of this problem. In fact, Baltimore is a great example of that philosophy gone wrong. Thank goodness they have a new mayor, a new philosophy, and are instituting it at this time. I am very pleased with the action they have taken after we conducted a hearing in the city of Baltimore, and now we will have a new police chief, someone more inclined to zero tolerance and tough enforcement, to bring the death and destruction in that great city on our East Coast to a halt.

Those are some of the things that the Republicans have done, again, in spite of opposition.

I wanted to close tonight, I only have a few minutes more, and talk about something else we have asked the administration to do. That is since 1992. If we are going to go after, again, illegal narcotics and those who deal in death and destruction, then we prosecute those people.

We have been after the administration, because in 1992 we were having prosecutions in Federal courts for drug offenses at the rate of nearly 30,000. In 1996, the administration dropped to 26,000. So we have been hammering the administration to go after prosecution of drugs.

This is almost an embarrassment, again, if we are going to have a war or serious efforts against those who are dealing in death and destruction, contributing to the thousands and thousands of deaths and mayhem around, and 70 percent of the crime, this is their record. Now, I will say that in 1997 and 1998 they started up, but they are getting just back to the level of 1992 with our hammering.

This is prosecution. Then we found this last week when we had in the U.S. Sentencing Commission, the Commissioners, we found a report that was provided recently that shows that Federal drug offenders are spending less time in prison, according to a study that was released about the same time as their testimony. So we had prosecutions down, we were trying to get prosecutions up, but then we find that the administration is now reducing sentences and drug offenders, and this case serious drug offenders, are spending less time in prison. It seems like everything is being done to thwart a real effort against illegal narcotics.

RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0035

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 12 o'clock and 36 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4205, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–621) on the resolution (H. Res. 503) providing for consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEKS of New York (at the request of Mr. GEPHARDT) for today, on account of state convention.

Mr. LARGENT (at the request of Mr. ARMEY) for today and May 17, on account of attending a funeral.

Mr. LOBIONDO (at the request of Mr. ARMEY) for today until 3 p.m., on account of a death in the family.

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. BERRY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, on May 23.

Mr. THUNE, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

(The following Member (at the request of Mr. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. RAHALL, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 434. An act to authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and to reauthorize the trade adjustment assistance programs.

H.R. 1377. An act to designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the ''John J. Buchanan Post Office Building.''

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse'';

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Appropriation, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 434. To authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 37 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, May 17, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7623. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Ports Designated for Exportation of Horses; Dayton, OH [Docket No. 99–102–2] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Johne's Disease in Domestic Animals; Interstate Movement [Docket No. 98–037–2] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7625. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Foreign Acquisition [DFARS Case 98–D028] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7626. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7627. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7312] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7628. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7316] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7629. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7630. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification of 28 Preamendments Class III Devices into Class II [Docket No. 99N–0035] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7631. A letter from the Director, Regulations Policy and Management, FDA, Department of Health and Human Services, transmitting the Department's final rule—Clinical Chemistry Devices; Classification of the Biotinidase Test System [Docket No. 00P–0931] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7632. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Information Processing Procedures; Obtaining, Submitting, Executing, and Filing of Forms: Change of Addresses [Docket No. 00N–0784] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7633. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole by Catcher Vessels Using Trawling Gear in the Bering Sea and Aleutian Islands [Docket No. 991228352–0012–02; I.D. 040500A] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7634. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–322, ''Money Transmitters Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7635. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–339, ''District of Columbia Emancipation Day Temporary Amendment Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7636. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–320, ''John Wilson Campaign Fund Transfer Amendment Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7637. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–338, ''Attendance and School Safety Temporary Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7638. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–337, ''Workforce Investment Implementation Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–336, ''School Governance Companion Amendment Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7640. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–344, ''Omnibus Police Reform Amendment Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7641. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–333, ''Long-Term Care Insurance Temporary Amendment Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7642. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–329, ''Choice in Drug Treatment Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7643. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–327, ''Alcoholic Beverage Control New Grocery Store Development Temporary Amendment Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7644. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–335, ''Electricity Tax Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7645. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–326, ''Elimination of Unlicensed Group Residential Facilities Temporary Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7646. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–325, ''Moratorium on Conversion of Existing Public Schools into Charter Schools Temporary Amendment Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7647. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–324, ''Approval of the Extension of the Term of District Cablevision Limited Partnership Franchise Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7648. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–323, ''Closing of Public Alleys in Square 252 S.O. 98–144 Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7649. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–321, ''Tobacco Settlement Model Act of 2000'' received May 16, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7650. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7651. A letter from the Chairman, Federal Trade Commission, transmitting the Fiscal Year 1999 Performance Report; to the Committee on Government Reform.

7652. A letter from the Secretary of State, transmitting the first Annual Performance Report; to the Committee on Government Reform.

7653. A letter from the Vice President, Communications, Tennessee Valley Authority, transmitting the Statistical Summary for Fiscal Year 1999, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

7654. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Business Loan Program—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7655. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Liquidation of Collateral, Sale of Loans—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7656. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Installment Sales by Accrual Method Taxpayers [Notice 2000–

26] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7657. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: Gaming Industry The Applicable Recovery Period Under I.R.C. 168(a) For Slot Machines, Video LOTTery Terminals And Gaming Furniture, Fixtures and Equipment—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7658. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property—received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7659. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Fringe Benefits [Rev. Ruling 2000–13] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKEEN: Committee on Appropriations. H.R. 4461. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–619). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Permanent Select Committee on Intelligence. H.R. 4392. A bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 106–620). Referred to the Committee of the Whole House on the State of the Union.

[May 17 (Legislative Day of May 16), 2000]

Mrs. MYRICK: Committee on Rues. House Resolution 503. Resolution providing for the consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes (Rept. 106–621). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself, Mr. CONYERS, Mr. GEKAS, and Mr. NADLER):

H.R. 4460. A bill to amend the Internet Tax Freedom Act to extend the moratorium applicable to State and local taxes on Internet access and electronic commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 4461. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. BACHUS (for himself, Ms. MCCARTHY of Missouri, Mr. ISTOOK, and Mr. DELAHUNT):

H.R. 4462. A bill to provide for the simplification of sales and use taxes on interstate commerce and to ensure that such taxes are equitably applied; to the Committee on the Judiciary, and in addition to the Committee on Rules, 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. BONO (for herself, Mr. LOBIONDO, Mr. TALENT, Mr. WATKINS, Mr. FOLEY, Mr. SISISKY, Mr. DUNCAN, and Ms. GRANGER):

H.R. 4463. A bill to amend the Internal Revenue Code of 1986 to allow the empowerment zone employment credit for additional empowerment zones and enterprise communities and to increase funding for such zones and communities; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Ms. VELÁZQUEZ, Ms. MILLENDER-MCDONALD, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. PHELPS, Mr. BRADY of Pennsylvania, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. GONZALEZ, Mr. MOORE, and Mrs. JONES of Ohio):

H.R. 4464. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to make grants and to enter into cooperative agreements to encourage the expansion of business-to-business relationships and the provision of certain information; to the Committee on Small Business.

By Mr. HAYES:

H.R. 4465. A bill to provide for reciprocal trade in textile and apparel goods between the United States and other countries, and for other purposes; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 4466. A bill to provide for certain additional benefits for individuals receiving trade adjustment asssistance; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 4467. A bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under such act, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HUTCHINSON (for himself, Mr. SMITH of Washington, Mr. MCCOLLUM, Mr. MICA, Mr. SNYDER, Mr. ROGAN, Mr. DICKEY, Mr. JENKINS, Mr. BOSWELL, Mr. MORAN of Kansas, Mr. DICKS, Mr. CALVERT, Ms. HOOLEY of Oregon, Mr. PICKERING, Mr. BERRY, Mr. RYAN of Wisconsin, Mr. DOOLEY of California, Mr. SESSIONS, Mr. WAMP, and Mr. BRADY of Texas):

H.R. 4468. A bill to authorize the Drug Enforcement Administration to provide reimbursements for expenses incurred to remediate methamphetamine laboratories, and for other purposes; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. CAMP, and Mr. ENGLISH):

H.R. 4469. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and 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. RANGEL:

H.R. 4470. A bill to amend the Internal Revenue Code of 1986 to provide that the excise tax on air transportation shall not apply to amounts paid for mileage credits for individuals residing outside the United States; to the Committee on Ways and Means.

By Mr. SANFORD (for himself, Mr. LEACH, Mr. JACKSON of Illinois, Mr. CAMPBELL, Mr. SERRANO, Mr. DOOLEY of California, Mr. PAYNE, Mr. CONDIT, Mr. THOMPSON of California, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. PAUL, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. NETHERCUTT, Mr. WEYGAND, Mr. VENTO, Mr. BALDACCI, Mr. NEY, Mr. RANGEL, Ms. ESHOO, Ms. HOOLEY of Oregon, Mr. HALL of Ohio, Mr. SHAYS, Mr. BOUCHER, Mr. MARTINEZ, Mr. DELAHUNT, Mr. GEJDENSON, Mr. CLAY, Mr. HILLIARD, Mrs. CLAYTON, Mr. LARSON, Mr. TAYLOR of Mississippi, Mr. SHOWS, Mrs. TAUSCHER, Mr. FARR of California, Mr. OWENS, Mr. MOAKLEY, Mr. HOUGHTON, Mr. CLYBURN, Mr. MARKEY, Mr. MORAN of Virginia, Mr. MEEHAN, Mr. SANDLIN, Ms. PELOSI, Mr. MCGOVERN, Mr. HINCHEY, Mr. CUMMINGS, Mr. OLVER, Mr. STUPAK, Mr. BACA, Mr. CAPUANO, Ms. DANNER, Mr. MATSUI, Ms. LEE, Mr. PORTER, Mr. STRICKLAND, Mr. TIERNEY, Mr. BROWN of Ohio, Ms. MCCARTHY of Missouri, Ms. MCKINNEY, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. CRAMER, and Mr. MORAN of Kansas):

H.R. 4471. A bill to allow travel between the United States and Cuba; to the Committee on International Relations.

By Mr. STEARNS (for himself and Mr. HOSTETTLER):

H.R. 4472. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid for health insurance and prescription drug costs of individuals; to the Committee on Ways and Means.

By Mr. WYNN (for himself and Mr. RUSH):

H.R. 4473. A bill to amend the National Telecommunications and Information Administration Organization Act to establish a program to distribute funds to State educational agencies to advance the use of technology to effectively teach our students computer skills and improve the general educational performance of students, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and 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. KUYKENDALL (for himself, Mr. ABERCROMBIE, Mr. BATEMAN, Mr. HORN, Mr. SCARBOROUGH, and Mr. UNDERWOOD):

H. Con. Res. 327. Concurrent resolution honoring the service and sacrifice during periods of war by members of the United States merchant marine; to the Committee on Armed Services.

By Mr. PORTER (for himself, Mr. LANTOS, Mr. GILMAN, Mr. SMITH of New

Jersey, Mr. DELAHUNT, Mr. PITTS, Mr. KUCINICH, Mr. PAYNE, Mr. DIAZ-BALART, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. SHAYS, Mr. CASTLE, Mr. BERMAN, Mr. ENGEL, Mr. SANDERS, Mr. HORN, Mr. RAHALL, Mr. BALDACCI, Mrs. MORELLA, Mr. GUTIERREZ, Mr. OBERSTAR, Mr. CAPUANO, Mr. STARK, Mr. OLVER, Ms. LEE, Mr. WAXMAN, Mr. RUSH, and Mr. UDALL of Colorado):

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WYNN introduced a bill (H.R. 4474) for the relief of Valentine Nwandu; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 141: Mr. FROST and Mr. BRADY of Pennsylvania.

H.R. 177: Mr. FRANK of Massachusetts.

H.R. 353: Mr. OWENS, Mr. SPRATT, Mr. OXLEY, and Mr. MOLLOHAN.

H.R. 363: Mr. CRAMER.

H.R. 366: Mr. EVANS.

H.R. 531: Mr. BILBRAY, Ms. BROWN of Florida, Mr. JEFFERSON, Mr. GORDON, Mr. REYNOLDS, and Mrs. ROUKEMA.

H.R. 534: Mr. SCARBOROUGH.

H.R. 557: Mr. LEACH.

H.R. 583: Ms. ESHOO and Mr. JEFFERSON.

H.R. 632: Mr. REYES.

H.R. 664: Mr. BACA.

H.R. 742: Mr. LIPINSKI.

H.R. 828: Mr. MCHUGH.

H.R. 860: Mr. MATSUI, Mr. KLINK, and Mr. LIPINSKI.

H.R. 1044: Mr. TERRY.

H.R. 1050: Ms. MCKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CAPUANO, and Ms. MILLENDER-MCDONALD.

H.R. 1130: Mr. BONIOR and Mr. LEACH.

H.R. 1217: Mr. BOYD, Ms. MCKINNEY, and Mr. FLETCHER.

H.R. 1278: Mr. ALLEN.

H.R. 1304: Mr. HASTINGS of Florida and Mr. LEWIS of Georgia.

H.R. 1366: Mr. KNOLLENBERG, Mr. HINOJOSA, Mr. DEAL of Georgia, Mr. TERRY, and Mr. COX.

H.R. 1592: Mr. KUYKENDALL.

H.R. 1621: Mr. GORDON.

H.R. 1622: Mr. ACKERMAN and Mr. WHITFIELD.

H.R. 1634: Mr. RYUN of Kansas and Mr. PETRI.

H.R. 1640: Mr. BONIOR, Mr. ROTHMAN, and Mr. RAHALL.

H.R. 1798: Mr. STARK.

H.R. 1839: Mr. BRYANT and Mr. WAMP.

H.R. 1850: Mr. GREEN of Wisconsin.

H.R. 1976: Mr. JEFFERSON and Mr. ENGLISH.

H.R. 2066: Mr. JONES of North Carolina, Mr. WATKINS, Mr. DELAHUNT, Mr. LEACH, and Mr. CALVERT.

H.R. 2141: Mr. PASTOR.

H.R. 2289: Mr. HINOJOSA.

H.R. 2308: Mr. EVANS.

H.R. 2495: Mr. PICKETT, Mr. WEINER, Mrs. BONO, and Mr. FILNER.

H.R. 2512: Mr. JACKSON of Illinois, Mr. INSLEE, Mr. SCOTT, and Mr. SAXTON.

H.R. 2613: Mr. WAMP, Mr. NETHERCUTT, and Mr. WHITFIELD.

H.R. 2738: Mr. DEUTSCH.

H.R. 2774: Mr. INSLEE, Mrs. LOWEY, Mr. STARK, Mr. MCGOVERN, Mr. MATSUI, and Ms. WOOLSEY.

H.R. 2892: Mr. CANADY of Florida and Mr. WHITFIELD.

H.R. 2953: Mr. HOEFFEL, Mr. LATHAM, Mr. FILNER, and Mr. NEAL of Massachusetts.

H.R. 3000: Mrs. JONES of Ohio and Ms. WOOLSEY.

H.R. 3082: Mrs. BIGGERT and Mr. COYNE.

H.R. 3142: Mr. MURTHA.

H.R. 3168: Mrs. THURMAN, Mr. BAKER, and Mr. BARTLETT of Maryland.

H.R. 3193: Ms. RIVERS, Mr. BRYANT, and Mr. HALL of Texas.

H.R. 3219: Mr. WICKER.

H.R. 3299: Mr. COLLINS.

H.R. 3324: Mr. EVANS.

H.R. 3433: Mr. GREEN of Wisconsin, Mrs. KELLY, Ms. WOOLSEY, Mr. MATSUI, Ms. BROWN of Florida, and Ms. BERKLEY.

H.R. 3514: Mr. SHAW and Ms. DELAURO.

H.R. 3544: Mr. SHAW, Mr. FOSSELLA, Ms. DELAURO, and Mr. BOEHNER.

H.R. 3573: Mr. FRANK of Massachusetts and Ms. SLAUGHTER.

H.R. 3580: Mr. JEFFERSON, Mr. MOORE, Mr. STEARNS, Ms. RIVERS, Ms. DEGETTE, Mr. KUYKENDALL, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KIND.

H.R. 3624: Mr. BORSKI.

H.R. 3625: Mr. LATHAM, Mr. CANADY of Florida, Mr. THORNBERRY, Mr. SPENCE, Mr. BARRETT of Nebraska, Mr. GARY MILLER of California, Ms. ROS-LEHTINEN, Mr. BEREUTER, Mrs. BIGGERT, Mr. RAHALL, and Mr. WALDEN of Oregon.

H.R. 3628: Mr. HORN, Mr. COOK, and Mr. FALEOMAVAEGA.

H.R. 3633: Mr. SKEEN, Mr. WAXMAN, Mr. SHAYS, Mr. JOHN, Mr. VENTO, Mr. INSLEE, Mr. CASTLE, Mr. BENTSEN, Mr. COOK, and Mr. KENNEDY of Rhode Island.

H.R. 3661: Mr. STUMP.

H.R. 3669: Mr. BASS, Mr. GRAHAM, Mr. PETERSON of Minnesota, and Ms. DUNN.

H.R. 3694: Mr. FOSSELLA.

H.R. 3766: Mr. FORBES, Mrs. MCCARTHY of New York, and Mr. MCDERMOTT.

H.R. 3826: Mr. LAMPSON, Ms. WATERS, and Mr. ABERCROMBIE.

H.R. 3842: Mr. TOOMEY, Mr. KASICH, Mr. HINCHEY, Mr. HALL of Ohio, Mr. VENTO, Mr. LATOURETTE, Mr. FLETCHER, Mr. NEY, Mr. COOKSEY, Mr. CONDIT, Mr. HILLIARD, and Mr. MARKEY.

H.R. 3909: Mr. PORTER, Mr. CRANE, and Mr. MANZULLO.

H.R. 3916: Mrs. KELLY, Mr. WHITFIELD, Mr. SUNUNU, Mr. PRICE of North Carolina, Mr. RADANOVICH, Mr. WELDON of Pennsylvania, Mr. SPENCE, Mr. SESSIONS, Mrs. MCCARTHY of New York, Mr. DOOLITTLE, and Mr. HOEKSTRA.

H.R. 3985: Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. YOUNG of Florida, Mr. SHAW, Mr. FOLEY, Mr. MILLER of Florida, Mr. GOSS, Mr. MICA, Mr. DAVIS of Florida, Mrs. MEEK of Florida, Mr. BOYD, Mr. CANADY of Florida, Mr. DIAZ-BALART, Mrs. THURMAN, Mr. STEARNS, Mrs. FOWLER, Mr. CLAY, and Ms. BROWN of Florida.

H.R. 4033: Mr. SCOTT and Mr. HASTINGS of Washington.

H.R. 4046: Mrs. CAPPS, Mr. UDALL of Colorado, and Ms. ESHOO.

H.R. 4048: Mr. GREENWOOD, Mr. LOBIONDO, Mr. UNDERWOOD, and Mr. ENGLISH.

H.R. 4069: Mrs. JONES of Ohio, Mr. GORDON, Mr. KIND, Mr. BACA, Ms. BERKLEY, and Mr. CHAMBLISS.

H.R. 4082: Mr. DICKEY, Mr. BERRY, Mr. STRICKLAND, Mr. TURNER, Ms. PRYCE of Ohio, Mr. BISHOP, Mr. COOKSEY, Mr. MORAN of Kansas, Mr. MASCARA, Mr. BARRETT of Nebraska, Mr. KINGSTON, and Mr. BONILLA.

H.R. 4168: Mr. OBEY and Mr. VISCLOSKY.

H.R. 4170: Mr. STUMP and Mr. POMBO.

H.R. 4178: Mr. SMITH of Texas.

H.R. 4191: Ms. SLAUGHTER, Mrs. THURMAN, and Mr. KUCINICH.

H.R. 4200: Mr. EVANS and Ms. CARSON.

H.R. 4201: Mr. HALL of Texas and Mrs. EMERSON.

H.R. 4207: Mr. PETRI, Mr. LIPINSKI, Ms. KAPTUR, Mr. EVANS, Mr. LUTHER, Mr. LANTOS, and Mr. HINCHEY.

H.R. 4213: Mr. MCHUGH, Mr. HOEKSTRA, Mr. ISAKSON, and Mrs. KELLY.

H.R. 4260: Mr. TERRY and Mrs. EMERSON.

H.R. 4271: Mr. EWING, Mr. WOLF, and Mr. DEAL of Georgia.

H.R. 4272: Mr. EWING, Mr. WOLF, and Mr. DEAL of Georgia.

H.R. 4273: Mr. EWING, Mr. WOLF, and Mr. DEAL of Georgia.

H.R. 4274: Ms. DUNN, Mr. GOODLATTE, Mr. UPTON, Mr. MCINNIS, Mr. WHITFIELD, Mr. NEY, and Mr. FLETCHER.

H.R. 4288: Mr. GILLMOR.

H.R. 4329: Mr. COOK and Mr. METCALF.

H.R. 4375: Mr. EVANS, Mrs. MINK of Hawaii, and Mr. DEUTSCH.

H.R. 4395: Mrs. CHRISTENSEN.

H.R. 4399: Mr. HASTINGS of Florida and Mrs. MEEK of Florida.

H.R. 4424: Mr. RODRIGUEZ.

H.R. 4441: Mr. BLUNT.

H.J. Res. 9: Mr. VITTER.

H.J. Res. 98: Ms. SANCHEZ, Mr. HOYER, Mr. CONYERS, Ms. BERKLEY, Mr. THOMPSON of Mississippi, Ms. ESHOO, and Mr. SCOTT.

H. Con. Res. 177: Mr. DIXON.

H. Con. Res. 268: Mr. PETRI.

H. Con. Res. 297: Mr. SMITH of New Jersey.

H. Con. Res. 308: Mr. WAXMAN and Mr. STARK.

H. Con. Res. 318: Mr. OBEY and Mr. LAFALCE.

H. Res. 237: Mr. LEVIN.

H. Res. 347: Mr. HINCHEY, Mr. ROHRABACHER, Mr. GEJDENSON, and Mr. LANTOS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4205

OFFERED BY: MR. HILL OF INDIANA

AMENDMENT NO. 1: At the end of title XXVIII (page ____, after line ____), insert the following new section:

SEC. ____. ECONOMIC DEVELOPMENT CONVEYANCES OF BASE CLOSURE PROPERTY AVAILABLE OUTSIDE OF BASE CLOSURE PROCESS.

(a) AUTHORITY TO MAKE CONVEYANCES.—Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) ECONOMIC DEVELOPMENT CONVEYANCES.—(1) In the case of a military installation to be closed or realigned pursuant to a law or authority other than a base closure law, the Secretary of Defense may transfer real property and personal property located

at the military installation to the recognized redevelopment or reuse authority for the installation for purposes of job generation on the installation.

''(2) The transfer of property of a military installation under paragraph (1) shall be without consideration if the redevelopment or reuse authority with respect to the installation—

''(A) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment or reuse authority during at least the first seven years after the date of the transfer under paragraph (1) shall be used to support the economic redevelopment of, or related to, the installation; and

''(B) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) For purposes of paragraph (2), the use of proceeds from a sale or lease described in such paragraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

''(A) Road construction.

''(B) Transportation management facilities.

''(C) Storm and sanitary sewer construction.

''(D) Police and fire protection facilities and other public facilities.

''(E) Utility construction.

''(F) Building rehabilitation.

''(G) Historic property preservation.

''(H) Pollution prevention equipment or facilities.

''(I) Demolition.

''(J) Disposal of hazardous materials generated by demolition.

''(K) Landscaping, grading, and other site or public improvements.

''(L) Planning for or the marketing of the development and reuse of the installation.

''(4) The Secretary may recoup from a redevelopment or reuse authority such portion of the proceeds from a sale or lease described in paragraph (2) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in paragraph (2).''.

(b) BASE CLOSURE LAWS.—Subsection (e) of section 2391 of title 10, United States Code, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

''(4) The term 'base closure law' means—

''(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); or

''(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

(c) RETROACTIVE APPLICATION.—Notwithstanding section 2843 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2216), the authority provided in section 2391(c) of title 10, United States Code, as added by subsection (a)(2), shall apply with respect to the conveyance of the Indiana Army Ammunition Plant in Charlestown, Indiana, authorized by such section 2843.

H.R. 4392

OFFERED BY: MR. ROEMER

AMENDMENT NO. 1: At the end of title III add the following new section (and conform the table of contents accordingly):

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.

Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—Not later than February 1 of each year, the Director of Central Intelligence shall submit to Congress a report containing an unclassified statement of the aggregate appropriations for the fiscal year immediately preceding the current year for National Foreign Intelligence Program (NFIP), Tactical and Intelligence and Related Activities (TIARA), and Joint Military Intelligence Program (JMIP) activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.''.

H.R. 4392

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: At the end of title I, insert the following new section (and conform the table of contents accordingly):

SEC. 106. PROHIBITION ON USE OF FUNDS TO ENTER INTO CONTRACTS WITH PERSONS IN VIOLATION OF THE BUY AMERICA ACT.

No amounts authorized to be appropriated under this Act may be used to enter into, renew, or carry out a contract with any private person who has been found, under section 3(b) of the Act of March 3, 1933 (41 U.S.C. 10b(b) popularly known as the ''Buy America Act''), by the head of an agency or Department of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) to have failed to comply with the provisions of the Act of March 3, 1933 (41 U.S.C. 10a et seq.).

H.R. 4392

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 3: At the end of title III, insert the following new section (and conform the table of contents accordingly):

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates, and revises as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120, 113 Stat. 1613) (relating to a description of the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development).

SENATE—*Tuesday, May 16, 2000*

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

PRAYER

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

Sovereign God, our Help in all the ups and downs of life, all the triumphs and defeats of political life, and all the changes and challenges of leadership, You are our Lord in all seasons and for all reasons. We can come to You when life makes us glad or sad. There is no circumstance beyond Your control. Wherever we go, You are there waiting for us. You are already at work with people before we encounter them. You prepare solutions for our complexities, and You are always ready to help us resolve conflicts even before we ask. We claim Your promise given through Jeremiah: ''I have plans for you: plans for good and not evil, to give you a future and a hope.''—Jeremiah 29:11.

Lord, our only goal is to please You in what we say and accomplish. Bless the Senators in the decisions they make and the votes they cast. Give them, and all of us who work with them, Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all. In Your holy name. Amen

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Ohio is recognized.

SCHEDULE

Mr. VOINOVICH. Today, the Senate will be in a period of morning business until 11 a.m. with Senators MURKOWSKI, KENNEDY, and DORGAN in control of the time. Following morning business, the Senate will resume consideration of S. 2521, the military construction appropriations bill. Senators who have general statements on the bill are encouraged to come to the floor during this morning's session.

As a reminder, votes are possible throughout the day's session and throughout the remainder of the week. Notification will be given as votes are scheduled. Senators can expect votes on Mondays and Fridays during the consideration of the appropriations bills. I thank my colleagues for their cooperation.

Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, 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 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska, Mr. MURKOWSKI, or his designee, is recognized to speak for up to 45 minutes.

The Senator from Alaska is recognized.

NATIONAL ENERGY SECURITY ACT OF 2000

Mr. MURKOWSKI. Mr. President, I am going to take advantage of this time to speak on behalf of the National Energy Security Act of 2000.

For the benefit of the Chair, this is the result of a 10-member task force appointed by the Majority Leader, which he asked that I chair. The Task Force included Senators NICKLES, CRAIG, HUTCHISON, COLLINS, DOMENICI, SNOWE, ROTH, SANTORUM, and SMITH of New Hampshire.

The bill before us is S. 2557. The purpose of the legislation is to address a harsh reality that it is currently hard to identify just what the administration's policy is toward energy in this country at this time, other than to increase imports of crude oil coming into the country. The Majority Leader charged us to examine the impacts of increased U.S. dependence on foreign energy sources and the resulting increased energy cost to American consumers.

It is estimated that the increase in the price of crude oil, which has risen from roughly $10, $11, $12 a barrel a year ago, to as high as $34—and it is currently about $30—has resulted in an increase, if one could compare it to a tax increase, of about $100 billion to the American consumer.

If you have taken a cab in Washington, DC, you have noticed there is a little sticker that says they are going to charge 50 cents extra because of the increased cost of gasoline. If you have taken an airplane lately, you have noticed a surcharge from $20 to $40 on your ticket. So the multiplier is out there, Mr. President, and it is a significant factor in adding to inflation.

So at the leader's request, we have established a very simple goal for our energy security through this legislation. The goal of the bill is to decrease America's dependency on foreign oil to less than 50 percent by the year 2010. It is kind of interesting, but the current administration figures indicate that since President Clinton has come to office, we are currently consuming 14 percent more oil than we did approximately 7 years ago and producing 17 percent less.

There is indeed a need for an energy policy. This is what the National Energy Security Act of 2000 proposes to establish.

We anticipate achieving the goal of reducing our imports of oil through a number of considerations.

One is enhancing the use of renewable energy resources—including hydro, wind, solar, and biomass. We spend a good deal for experimental funding for these renewable sources. But the reality is we have a long way to go before they are going to take a major share of our energy production.

Second, we are proposing to conserve energy resources and improve energy efficiencies.

Third, we propose to increase domestic energy supplies, including oil, gas, and coal.

The bill also addresses the concerns of regional consumers, particularly in the Northeast.

It allows the Department of Energy's Secretary Richardson to create a home heating oil reserve and strengthen the weatherization program.

It establishes a State-led education program to encourage consumers to take action to minimize seasonal price increases and shortages of home heating fuel.

It provides incentives for construction and rehabilitation of private home heating oil storage facilities.

The purpose is very simple. Imported energy should supplement our domestic energy supplies—not supplant them.

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

The administration has looked for a quick fix and has pointed fingers. We understand that the American energy supply problem cannot be solved overnight. It is going to take a long-term view. We have to take it one step at a time. But it is time to begin taking those steps and that is a process we further today.

The administration continues to lull the American public into a sense of indifference about energy supplies and the energy situation and has really hidden behind a slight decrease in prices at the pump. However, I would suggest these reductions in price are not here to stay.

I refer to an article that appears in the Wall Street Journal of May 16 entitled ''Tight U.S. Gas Markets Boost Oil Prices''—a price of $30, and a year ago it was $12 or $13.

What about the inflation factor? A significant indicator is the increased cost of energy.

What about the balance of payments? One-third of our $300 billion deficit balance of payments—$100 billion—is the cost of imported oil.

As a consequence, we have had an opportunity to hear from consumers all over the country stung by the high prices of heating oil, particularly in the Northeast corridor. And it is fair to say that as we go into the summer, this particular area of the country, which is approximately 30-percent dependent on oil-powered generation, will experience substantial price increases as a consequence of increased energy demand, particularly for air-conditioning.

It is estimated that electricity costs in the Northeast region may double what they were last year and in some cases triple.

The idea is that the older oil-fired power generation facilities are the last to come online, and ordinarily there is a windfall profit associated with that. Whatever it takes to support financially the cost of the higher generating resource—namely, oil—the other energy sources, whether they be gas or coal, rise to that price level—a practice known as ''uniform pricing.'' The consumer is stuck as a consequence, and prices go up as a result of the windfall profit.

Finally, as the economies of Asia, Europe, and the United States continue to grow in the context of a set energy market, there will be increasing demands for energy resources by the fourth quarter of this year, again leading to tightening of petroleum supplies and a corresponding increase in prices.

Many of us in this body on both sides of the aisle have made statements that the administration really lacks an energy policy. If you go back and recognize that in 1973 and 1974 we were 34-percent dependent on imported oil, today we are 56-percent dependent. And last month we got up to 61-percent dependence.

The realities are, if we look to increasing imports to offset our increased consumption as well as the rest of the world, we are going to be paying the piper because, as indicated in this article today, we can look to OPEC and we can look to Venezuela, but, nevertheless, they have indicated self-discipline, and the price range is expected to be somewhere between $22 and $28 a barrel, which suggests, if you will, that the discipline to maintain this price is there.

I see another Member of our task force is on the floor and intends to speak on this.

As I have outlined our proposal in general terms and identified our goals—I again point out the realization that we want to protect energy security, we want to protect consumers and low-income families, and we want to increase domestic energy supplies—it should be noted that the last written statement from the administration about its proposal on energy was a narrow one. It came out during the last week of April from the Office of the Secretary of Energy, entitled ''Energy Secretary Richardson Announced Six Short-Term Actions to Help Prevent Power Outages.''

I think it is appropriate to highlight just what this contains because clearly it does not address increased production.

It specifically states in the six points:

First, to work with agencies to identify opportunities to reduce liquid consumption and Federal water problems during times of peak demand.

I assume that means we are going to shut off water and our irrigation projects.

Second, it urges the Federal Regulatory Commission and State utilities to commission, solicit, and improve targets that will help reduce electric demand.

So we are going to propose an increase in the price of electricity to ensure that people reduce their consumption.

Third, explore opportunities for use of existing backup generators during power supply emergencies.

I wonder if we are going to confiscate the private sector generators.

Fourth, conduct an emergency exercise with State and local governments to help prepare for outages.

It looks as if they are pretty much giving up the ship and are preparing for those outages as opposed to generating more energy.

Fifth, work closely with the utility industry to gain up-to-date, relevant information about potential grid-related problems.

They are going to keep us informed.

Lastly, they are going to prepare public service announcements. So we will know what is coming.

I hardly think that fits the bill as we address the need for precise energy policy and the realization that the administration lacks an energy policy of any kind.

In conclusion, let's relate the position the administration has taken with regard to energy.

There is no effort to spur domestic oil and gas production.

There is no effort to open up the area of the Rocky Mountain overthrust belt to encourage exploration for gas.

There is no effort by the administration to loosen the noose they have put around the neck of our domestic energy industries.

They are refusing to resolve the nuclear waste issue.

They have refused to recognize hydro as a renewable resource and are proposing in some cases to take dams down out west.

If you identify the energy resources and recognize the position of the administration, it is quite clear that they do not have an energy policy. That is why I commend the leader and the other members of the task force for developing a plan that is a workable, achievable plan that will substantially address the emergency associated with our energy situation in this country. I again refer to this as the National Energy Security Act of 2000.

I see the leader on the floor, and perhaps at this time he wishes to introduce the bill and make some remarks.

ENERGY SECURITY ACT OF 2000

Mr. LOTT. Mr. President, it is my pleasure this morning to introduce and cosponsor, with the distinguished chairman of the Energy and Natural Resources Committee, S. 2557, the Energy Security Act of 2000.

There is a dark cloud on the horizon for America's future and for our economy and for job creation. This cloud could cause serious problems in the future. That cloud is the fact that we don't have a national energy policy. Despite a lot of rhetoric that we do—there is nothing to worry about—there is plenty to worry about.

The American people remember the long lines we faced at the gasoline stations in the 1970s. At that time, we were dependent on foreign oil for much less than 50 percent, probably around 45 percent at the time. We passed legislation in an attempt to deal with that problem and, for a variety of reasons, the prices came back down. The problem was not resolved, and the problem is much worse today.

In today's Wall Street Journal, for instance, there is an article entitled ''Tight U.S. Gas Market Boosts Oil Prices.'' I ask unanimous consent to have the article printed in the RECORD.

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

[From the Wall Street Journal, May 16, 2000]

TIGHT U.S. GAS MARKET BOOSTS OIL PRICES

(By Alexei Barrionuevo)

A tight U.S. gasoline market drove world crude-oil prices back to nearly $30 a barrel yesterday, and analysts say little in the short term will help arrest the run-up.

This time, the worry isn't about a shortage of oil, but a confluence of gasoline-related issues and a hot economy.

In the past five weeks, wholesale gasoline prices have shot up 30% out of concerns about refinery production, new environmental regulations and a patent dispute. That has left the false impression that crude is in short supply, pulling crude-oil prices up more than $4 a barrel.

The drop in retail gasoline prices, which normally trail wholesale prices by a month or more, has stopped dead in its tracks, with the average U.S. price at $1.46 a gallon of regular unleaded, according to the Energy Information Administration. With U.S. refineries expected to get little help from foreign sources this summer because of new environmental gasoline requirements, price spikes are possible.

The new surge in oil prices is also bound to intensify inflation concerns. Analysts have dismissed the significance of a creep up in consumer prices earlier in the spring, saying that it was a temporary trend driven by the jump in oil prices and would likely recede once oil prices fell.

Since the Organization of Petroleum Exporting Countries loosened up production in late March, the attention has turned to refiners, who must crank up production to meet summertime demand. Refiners, who had cut production and scheduled more maintenance work over the winter amid depressed margins, now are trying to catch up in a hurry. U.S. refiners are currently running at about 92% of capacity and will need to kick production up to 97% to meet expected demand.

Gasoline inventories continue to be low, in part because of demand for a federally mandated cleaner-burning gasoline to be required in about one-third of the U.S. beginning June 1. European and Venezuelan refiners, which usually provide a total of 400,000 to 500,000 barrels a day of gasoline and gas components, have had difficulty making the fuel. And some ''blenders,'' which are critical to upgrading foreign gasoline, particularly in the Northeast, are holding off on reformulated gasoline because of concerns about gas patents held by Unocal Corp., which has been pursuing violators.

Add to all that strong gasoline demand despite the steepest pump prices in years. ''High prices pull down demand but income pulls it up, and right now income is winning out over price,'' said Larry Goldstein, president of Petroleum Industry Research Foundation in New York.

U.S. officials, who two months ago put heavy pressure on OPEC to increase production when oil hit $34 a barrel, are scrambling once again. Energy Secretary Bill Richardson met with OPEC President and Venezuelan Minister Ali Rodriguez over the weekend to urge OPEC ministers to open up the taps a bit more next month.

Mr. Richardson, who thinks $30-a-barrel oil is too high, is expected to discuss new visits to producing countries at a White House meeting today focusing on oil and electricity issues, government officials said. ''I will continue to do what we said we would do, monitor the oil market and stay in touch with producing countries and others,'' Mr. Richardson said yesterday in La Jolla, Calif.

With the current run-up in crude prices, OPEC is entering territory where its price-band mechanism could be tested. The band, agreed to in March, gives Mr. Rodriguez power to direct changes in production based on a 20-day average of prices that translate to roughly $24 to $30 a barrel for West Texas Intermediate.

Even if prices are within the band, most analysts expect OPEC to vote to put more oil on the market at its meeting next month. ''We are now talking about prices that make a number of producers uncomfortable,'' Mr. Goldstein said. Only three countries—Saudi Arabia, Kuwait and United Arab Emirates—have spare capacity, and most of it is in Saudi Arabia.

Speaking yesterday, Mr. Rodriguez said there is ''no inclination to increase production,'' but that oil prices would ''return to an acceptable level.''

Mr. LOTT. It says in this article that crude oil prices were back up to nearly $30 a barrel yesterday, and for the last month our dependency on foreign oil was in the range of 60 percent. This is going to have an effect on the price of fuel oil. It will have an effect on the price of gasoline. It will have an effect on the economy. While we saw some leveling off or some general slide back, we have done nothing to secure our country's energy future.

Earlier, I tried to put in place some reduction in the Federal gasoline tax, to stop until the end of the year the 4.3-cent Federal gasoline tax that was added back in the early 1990s and say if nationwide gas reached an average of $2 a gallon, we would suspend the entire Federal gasoline tax for the balance of the year. The Senate was not inclined to go along with that.

My purpose was a wakeup call—first, that gasoline prices are probably not going to go down; more than likely, they will go up. But the wakeup call was bigger than that, to try to make people realize that we don't have a national energy policy.

What are we going to do? I ask the American people: Do we feel safe with the idea we are dependent on foreign oil, OPEC oil, oil from Iraq, oil from Libya? I don't. What if they decide not only to turn down the spigots but to turn the spigots off? What would America do? Within 30 days we would be in serious trouble.

Now, we have a strategic oil reserve, and that was a very wise decision; it could be helpful in dealing with a national security emergency. It would help deal with a crisis created if the spigot should be cut off. However, I think to not have a plan to be less dependent on foreign oil is irresponsible. We can't tolerate it.

So what are we going to do? We know now we are dependent on the foreign oil imports to the tune of 56 percent of oil consumed, compared to 36 percent imported in 1973 when we had the Arab oil embargo. Even the Department of Energy predicts America will import at least 65 percent of foreign oil for our energy needs by the year 2020. Secretary Richardson even admitted that the administration had been caught napping when energy prices began to rise a few weeks ago.

We appointed a task force to deal with this problem, to look at it, to see what we could do to address our energy needs for the future. It is a multifaceted proposal, not only aimed at gasoline or oil but across the spectrum. This task force has been working to find these reasonable solutions to give us more of our own energy supplies. Chairman MURKOWSKI has headed that task force. This task force has been a diverse group, including Senators from all over the country—Senator CRAIG from Idaho, who is on the floor; Senator NICKLES from Oklahoma; Senator HUTCHISON from Texas; also Senators from the Midwest and Northeast, including Senator COLLINS of Maine; Senator SNOWE; Senator ROTH of Delaware; Senator SANTORUM of Pennsylvania, Senator SMITH of New Hampshire. They have worked together and have come up with a proposal that I think will make a real difference. It will encourage alternative sources. It will try to enhance the use of renewable energy resources, including hydro, nuclear, coal, solar, and wind.

We need to increase our domestic supplies of nonrenewable resources, including oil and natural gas. In my own State of Mississippi, and in the gulf off the coast, we have a tremendous supply of natural gas. Natural gas is relatively cheap and is a very clean source of energy. Yet there is no incentive to make greater use of natural gas. We have more oil deposits. We know it. Some of them are in marginal wells, some are in large areas such as off the coast of Alaska. We have to do something to take advantage of these resources, give incentives to take advantage of them.

I absolutely support the effort by the Alaskan Senators who advocate getting the oil off the coast of Alaska in what is commonly referred to as ANWR.

We should also look at unique needs within the country, in the Northeast where they have extraordinarily cold weather, compared to my part of the country, where people are dependent on home heating fuel. We need to strengthen the Department of Energy weatherization program. We need to establish a State-led education program to encourage consumers to take actions to minimize seasonal price increases and fuel shortages. We should authorize the expensing of costs associated with building new home heating oil storage. We should authorize the Secretary to build a home heating oil reserve. If we don't do that, more than likely there will be a problem in the Northeast next year. We have a number of tax incentives that would encourage more production. We would provide relief for marginal wells.

By the way, these so-called marginal wells are responsible for 50 percent of

U.S. production, so they may be marginal but they are significant. It allows for expensing of oil and gas exploration costs. It would delay rental payments. The 1999 Taxpayer Relief Act had a 5-year carryback provision, and that is included.

Finally, there is an expansion of tax credits for renewable energy to include wind and biomass facilities. Some people say we shouldn't be giving any kind of consideration or breaks to people who are out there trying to produce more oil and gas; they may not need it; it may not be good for the environment.

What do you mean? That is the most fallacious argument of all. It can be done safely and cleanly and we need that resource. The alternative is to go ahead and continue to be dependent on OPEC and other countries for our energy needs. It is irresponsible.

This is a broad package. It is a good package. I thank Senator MURKOWSKI and the task force for their work. We will talk more about it later. I encourage my colleagues on both sides of the aisle to take a look at this. This is something that should not be partisan. It is not partisan. It should be bipartisan. It will help our country all across the Nation both in terms of energy needs and in terms of energy production. This is not something that is aimed only at this administration. I emphase this administration has no plan to deal with this problem, but this administration is going to be leaving shortly. What are we going to do about the future? We need to come together. We cannot continue down the path we are headed. If we do, I predict disaster looms on the horizon. I want to make sure that we make our best effort to do something about it so we can avert this disaster.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I ask how much time remains on our side.

The PRESIDING OFFICER. The Senator has 32 minutes.

Mr. MURKOWSKI. I thank the Chair.

MEASURE READ FOR THE FIRST TIME—S. 2557

Mr. LOTT. Mr. President, in order to have this important bill placed on the calendar, I ask for the first reading of S. 2557.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2557) to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Mr. LOTT. I ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

Mr. LOTT. I yield the floor.

Mr. MURKOWSKI. Mr. President, I believe the Senator from Idaho would like to be recognized to speak for 10 or 15 minutes.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Idaho.

Mr. CRAIG. Mr. President, this is an important day in the Senate. I think it is important for us to let Americans know there is a group of their national leaders who are focused on developing a national energy policy for this country. You have heard the majority leader of the Senate speak for just a few moments. He touched on some very critical questions that I think Americans are asking when they go to the gas pump and they find, as they have found for the last good many months, that their energy costs are going up dramatically. But high oil prices are doing more than raise the price of gasoline. With spikes in electrical production during this last heat spell on the east coast, we are going to find that when the power bill gets to that consumer, his or her power bill has gone up substantially.

As a result of sustained high oil prices, several weeks ago the majority leader convened a task force in the Senate, led by Senator FRANK MURKOWSKI, who is chairman of the full Energy and Natural Resources Committee. I, as chairman of the Republican Policy Committee, served with that task force and today our work product has been introduced. But this is a work product that resulted not by just a group of us coming together to decide what was a better idea, it is a product of a good many hearings held by the Senate Energy and Natural Resources Committee to explore the effects of the cost of energy now and in the future on the American consumer.

As a result of that, S. 2557 has been introduced today. That is better known as the National Energy Security Act for 2000. The legislation is designed to do a number of things, but its overall objective is to reduce our dependence on imported crude oil below 50 percent. Crude oil and gas prices shot up earlier this year. At the time we were importing about 55 percent of our crude oil needs. Now, according to the latest Energy Information Administration figures, U.S. dependency on foreign crude oil as of May 5, is just over 60 percent. We are getting about 9.2 million-barrels-a-day from somewhere else in the world. The U.S. is now importing about a million barrels a day more than we were importing in January of 1999.

In addition, the U.S. is importing more finished petroleum products. That is a rather new phenomenon. We have seen the tearing down of many of our refineries during the last good number of years for failure to retrofit to meet Clean Air Act requirements because there was no cost incentive to do so. In fact, there has not been a major refinery permitted in the U.S. since 1975. Now we are importing more finished product.

In January of 1999, our daily import level of motor gasoline, for example, was about 441,000 barrels per day. During the week ending May 5, according to the Energy Information Administration, the U.S. imported an average of 562,000 barrels a day of motor gasoline.

In other words, if the average consumer were looking at a chart graphed along with these increases we have just talked about, the price of gasoline would be going up and so is our reliance on imports. We are no longer the masters of our own destiny. We no longer control the future of energy in this country. That is a sad day for Americans, when that reality is in front of us. It is something I think this country has to deal with.

The Energy Information Administration estimates our dependency on imports could rise to more than 65 percent by the year 2020. At the rate we are going, my guess is we will be there long before that.

For the last nearly 8 years, the Clinton-Gore administration has refused to develop an effective national energy policy. The administration has published national energy plans and, I will be blunt, I do not think they are worth the paper on which they are printed. Here is exactly why. Their plans pay only lip service to the need to increase domestic oil and gas production. They have consistently underfunded research into more efficient and clean use of coal for electric generation. Yet the U.S. has an abundance of coal that we ought to be using in an effective and environmentally sound way. They have underfunded research into how we can improve the efficiency and safety of our nuclear generating stations. And they have refused to recognize hydropower as a renewable resource.

The Presiding Officer and I come from an area of the country where hydropower is king. Many of our rivers are dammed to produce an abundance of electrical energy, and our electrical energy costs to consumers are the lowest in the Nation, while our environment is generally very clean. Yet as the chairman of the Energy Committee said just a few moments ago, this administration has, as a policy, not recognized hydroelectricity as a renewable resource. Quite the opposite: It proposes that we ought to start removing dams from our rivers for environmental reasons and without regard for existing economic uses.

Instead of strong producing policies for our country and incentives for producers to produce more energy, the

Clinton-Gore administration has focused its attention on solar energy and wind power and energy from biomass, and demanded significant increases in Federal money to encourage more use of these resources. There is nothing wrong with supporting renewables. I support renewables. I think most in the U.S. Congress do. We have been subsidizing solar and wind now for more than 25 years, but they meet only about 3 percent of our total energy demand. I think renewables, including hydropower, must play a role in meeting the needs of the U.S., but the real solution lies in boosting oil and natural gas production and finding cleaner, more efficient ways to use coal. That is where our research dollar ought to be going because that is the only way we will be able to meet the demands of the marketplace.

The bill Senator LOTT has just introduced is the product of several months of discussion and analysis that I have already outlined. The committee was chaired by Senator FRANK MURKOWSKI. Let me take just a few more minutes and explain a the major steps the bill takes to improve our energy future.

The bill would require the Secretary to report annually on progress toward limiting our dependence on foreign oil down to no greater than 50-percent. The Secretary must lay out legislative and administrative steps to meet that goal and recommend alternatives for reducing crude oil imports. To increase our use of natural gas, the bill creates an interagency working group to design a policy and strategy for greater use of natural gas.

The bill extends authority to the Strategic Petroleum Reserve and prevents drawdown of the reserve until the President and the Secretary of Defense agree that a drawdown will not threaten our national security.

Our bill contains a title to protect consumers and low-income families, and to encourage energy efficiency. It expands eligibility for residential weatherization programs, creates a program to educate consumers to help them avoid seasonal price fluctuations, and also establishes a heating oil reserve to help the Northeast deal with shortages and severe price fluctuations.

Our bill also contains a title addressing increased use of other domestic energy sources like coal and more efficient use of our nuclear and hydro resources. It also requires the Federal Energy Regulatory Commission to report on how costs for relicensing hydroelectric facilities can be lowered.

The bill also authorizes a Federal oil and gas leasing program for the Arctic National Wildlife Refuge in Alaska, one of the remaining great potential sources of crude oil in this country, with estimated yields of well over 16 billion barrels, the kind of production that could come in at about 1.5 million barrels a day and do that for nearly 20 years or more. Despite that potential the Clinton-Gore administration opposes going there to explore for oil.

The amount of additional domestic production would, if added to today's domestic production, reduce our 60-percent dependency below the 50-percent mark that our legislation seeks. I think 50 percent is a responsible goal, not only one demanded by the public but demanded by the Congress and that should be supported by this administration and future administrations.

The bill also contains provisions to streamline and reduce the costs associated with gas and oil leasing on Federal lands to enhance domestic production and to encourage small oil producers to keep low-volume wells operating during harsh economic times.

Finally, we have included in the legislation tax credits for wind and biomass energy and electrical production from steel-making facilities and tax incentives for residential solar use. In other words, we want to encourage all kinds of energy. We do not want to pick and choose and decide that some do not fit our policy or our lifestyle. What this public wants is a market basket full of reasonable energy sources at reasonable costs. It is to our benefit, it is to our economy's benefit, and it is to the world's benefit that we drive these technologies as well as conventional forms of energy production.

What is the policy of the Clinton-Gore Administration? My colleagues have seen it in action. We saw our Secretary of Energy walking around the Middle East with a tin cup: Oh, sheik, oh, sheik, if you are from the Middle East or if you are from Venezuela or if you are from Mexico, please, turn on your valves and give us a little oil. Please, please, it may hurt our lifestyle.

How sad it is that our great country has been reduced to that kind of policy. The legislation Senators LOTT and MURKOWSKI have introduced today can help us regain control of our energy destiny from the Middle East and OPEC.

The news today reported there is a huge new discovery of oil in the Caspian Sea which is years away from production, and if it comes online, it will be in a politically unstable place in the world over which we have little or no control.

Does the average consumer going to the gas pump every day want to have to turn to the East and ask a sheik to turn on a valve so that he or she can get to work at a reasonable cost? I doubt that, and that is what this legislation is about. That is why Senator MURKOWSKI, Senator LOTT, I, and others have joined together to offer up this legislation as a national energy policy for this country, not only to direct this Congress, but to direct this administration and future administrations to an achievable goal of reducing foreign crude oil imports below the 50-percent level and recognizing the great creativity in this country to produce energy in abundance, at low cost, and through a variety of resources.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, how much time remains on the special order?

The PRESIDING OFFICER. Eleven minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I compliment my friend from Idaho. He has outlined very carefully the basic underlying theme, which is we are proposing an energy policy. That energy policy is enunciated in the National Energy Security Act of 2000, S. 2557, which was introduced by the leadership this morning and on whose behalf the Senator from Idaho has spoken.

We have—I emphasize this—we have laid down an energy policy for this country. I suggest there is not one Member who can identify specifically what is the administration's energy policy. We know what it is not. Let's take nuclear power. We know they are opposed to it. They will not address the issue of nuclear waste.

We know they are against domestic oil and gas production.

We know they are against hydroelectric power expansion.

We know they are against new natural gas pipelines.

What are they for then? It is pretty hard to identify until one begins looking at the record of the Secretary in trying to generate relief from the oil shortage we are experiencing.

I will speak about the oil shortage specifically because it is very real and is identified on this chart.

This chart is designated by quarter, this is global demand and global supply for each quarter this year. The reality is, by the end of the fourth quarter, the demand will exceed the supply by about 2 million barrels a day. I could spend a lot of time on this chart and show where the oil comes from—OPEC, Iraq, OPEC supply, non-OPEC supply—but we have a basic economic factor where we have more demand than supply. When we have that kind of situation, the price goes up and the American taxpayers pay through the nose. Last year, oil was $11, $12, $13 a barrel. Earlier this year, we saw $34-a-barrel oil. Currently we are at about $29 to $30.

Where are we looking to accommodate this increase demand with this administration? We are looking to Iraq—of all nations of the world, Iraq. Think about it. This next chart shows our imports from Iraq. They were very small through 1997. In 1998, they began to jump up. The specifics are, in 1998 we imported 300,000 barrels a day from

Iraq; currently, we are importing 700,000 barrels a day. How quickly we forget that in 1990 and 1991 we fought a war with Iraq. We lost 293 American lives. There were 467 wounded. There was a cost to the American taxpayers of approximately $7.4 billion.

What have we done since then? We have enforced a no-fly zone. That is very similar to an aerial blockade.

What has it cost the taxpayers of this country since the war? It has cost the taxpayers approximately $10 billion just to keep Saddam Hussein fenced in.

The American press does not even print this anymore. We get the figures from the French press of what is going on over there. Enforcing the no-fly zone in Iraq has required more than 240,000 sorties since the end of the gulf war at an average cost of $7 million an hour. We have flown 21,000 missions since 1998. We have bombed them on more than 145 days since Desert Fox in December of 1998. Since December of 1998, Iraq reports 295 of their citizens have been killed and 860 wounded in airstrikes. Airstrikes on Iraq occur almost daily. Where are we looking for oil? Iraq. What kind of a foreign policy does this administration have?

Saddam Hussein seems to be deliberately luring us, sadistically using his own people as bait, into killing innocent Iraqis for sympathy to lift the no-fly zone. At the same time, he is dramatically increasing his own military capacity. What is happening? He is smuggling out an awful lot of oil. What is he using the funds for? Every Member of this body should get a classified briefing from the Intelligence Committee and find out for themselves what he is doing. It is a very dangerous situation with which we are going to have to reckon at some point in time, and God help us.

U.N. sanctions certainly have not done the job. What we are doing with Saddam Hussein is rewarding him. Iraq will export $8.5 billion in oil this year, and it is estimated the smuggling will generate approximately $400 million which goes to enrich Saddam Hussein and goes to his Republican Guard which keeps him alive.

Think about it. We are looking to Iraq for our oil. What is Iraq looking towards? This is a bizarre pattern.

If we think about it, it is fairly simple. It is so simple that I hope my colleagues will reflect on its significance. He uses the money we send him for new arms—new biological technology—we take his oil, and we fill our warplanes. And what do we do? We go bomb him. Then we buy some more of his oil, send him some money, and the process starts all over again.

We are spending billions and billions of dollars to contain Iraq's expansion, and billions and billions of dollars to permit Iraqi expansion by increasing their refining capacity. As we do this we are risking the lives of American service men and women, our security, the security of our allies, and the American way of life, if you will, pursuing an energy policy which can only end in a tragedy.

I think today my colleagues who have joined the leader in the introduction of the National Energy Security Act of 2000 have put forward an energy plan, an energy policy. It is up to the administration now to match it. Because so far the only thing the administration has done is to come out with six very weak short-term actions: to help prevent power outages which would terminate the generation to Federal water projects; it would encourage price increases; it would explore the opportunities for the inventory of generators held by the private sector; it would conduct emergency exercises; it would work with the utility industry to update information; and prepare public service announcements.

What kind of an energy policy is that?

I see my good friend, the junior Senator from Texas, seeking recognition.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Two and one-half minutes.

Mr. MURKOWSKI. I yield the remainder of our time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2½ minutes.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska for heading the task force that put together a balanced approach, with a clear goal—a simple goal—of reducing foreign oil dependence in the United States of America to under 50 percent by the year 2010, so that 10 years from today we could have what I think is a very modest goal of 50-percent capability in the United States of America to produce the oil and gas needs of our country.

It does not take a rocket scientist to see what has been happening to oil prices over the last 3 years. First, we went down so low that the little guys could not make it. We lost thousands of small well producers because they could not make it on $10-a-barrel oil. They could not meet their expenses. So they went under and they capped the wells.

When a well is capped, it is almost impossible to reopen it because it is so expensive. These are wells that produced 15 barrels a day or less. We are not talking about gushers. We are not talking about thousands of barrels a day, which some do produce in other parts of the country. We are talking about 15 barrels a day, a barely break-even proposition at any price, but certainly not at $10.

What we are trying to do is take the artificially low prices and the ridiculously high prices that we see today because we are dependent on foreign imported oil, and say: What will allow us to stabilize these prices? What will allow us to stabilize these prices is exactly what is in the bill we are introducing today and which we hope Congress will act on before we leave; and that is, we encourage the little guys by giving them a floor—just as we do farmers—when prices go below $17 a barrel. We would just give them a tax credit so they could stay in business.

The Senator from Alaska talked about many of the other parts of this bill. I hope we can have bipartisan support so we can stabilize the prices for consumers in America and jobs in our country.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for a clarification from the Chair.

It is my understanding that the Republican side of the aisle was given 45 minutes in morning business, and they were to complete that at 10:15. But they started a little late, and now it is after 10:25. I want a clarification that the Democratic side, in morning business, will be given the entire 45 minutes allocated.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Mr. President, I hope I do not have to object. I do want to resume my military construction bill at 11 o'clock, as in the previous order.

Mr. DURBIN. If I might respond to the Senator from Montana, his colleague from Alaska started late. He was to start at 9:30. He started about 10 minutes late. We have waited over here until the Senator from Texas, the Senator from Alaska, and the Senator from Idaho all had their chance to speak. I think we have accommodated them. We only want to use the 45 minutes we were allocated in morning business.

Mr. BURNS. I have no objection.

Mr. BIDEN. I have no objection.

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

Mr. DURBIN. I don't know if the Senator from Delaware has a request at this time.

The PRESIDING OFFICER. Under the previous rule, the Senator from Massachusetts has 35 minutes and the Senator from North Dakota has 10 minutes.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be allotted 10 minutes, in addition to the time that is available.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, of the 35 minutes allotted to the Senator from

Massachusetts, I ask unanimous consent that the Senator from California, Mrs. BOXER, have 5 minutes and that I be allocated 5 minutes, and then the Senator from North Dakota be recognized for his 10 minutes, and then the Senator from Massachusetts for the remainder of his time.

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

The Senator from California.

Mrs. BOXER. I thank our assistant floor leader, Senator DURBIN, for arranging this time.

THE MILLION MOM MARCH

Mrs. BOXER. Mr. President, I had a tremendous honor this weekend to march in the Million Mom March, along with about 750,000 citizens of this great country. They were moms; they were dads; they were grandmas and grandpas; and children in strollers.

We really all had in our hearts one wish for Mother's Day—to turn around the gun violence that is plaguing our Nation.

It was quite a march. It was quite an event because the emotion was high. The spirits were high. Perhaps the most touching part of it, for me and for many others, was the presence of so many moms and dads whose families have been touched by gun violence, whose children have been killed by gun violence, cut down by gun violence, maimed by gun violence.

The victims were there with a message: That they want to make sure other families never have feelings of pain and loss and anguish which will last all their lives.

I am embarrassed to say to my constituents that this Congress has done nothing—nothing at all—to reduce gun violence in our country. After Columbine, we passed five sensible gun measures—very modest, good, sensible gun measures—such as making sure every handgun is sold with a safety lock, and others that are very sensible: closing the gun show loophole so that a mentally imbalanced person or a criminal cannot walk into a gun show and simply be handed a gun—hand the cash over and get the gun with no background check.

We know the background checks work, but they don't apply to gun shows. So Senator LAUTENBERG offered a very important amendment and it was added to the juvenile justice bill to close that gun show loophole. Vice President AL GORE cast the tie-breaking vote. We know that will keep guns out of the criminals' hands. But what has happened in this Senate? Nothing. The power of the gun lobby can be felt in this Chamber—the power of the money of the gun lobby, the power of the threat of the gun lobby, and the gun lobby rules in this Senate, the gun lobby rules in the House of Representatives, and the gun lobby says if one of the candidates is elected President—namely, George Bush—they will run an office out of the White House.

Mr. President, enough is enough. Let's look at the deaths from gun violence in our country. There were 58,168 deaths in Vietnam over 11 years. They were tragic deaths. People were cut down in the prime of their lives. In 11 years, there were 58,168 deaths. Let's look at the last 11 years in America—the war on our streets, the war in our schools and, yes, even the war in our churches and Jewish community centers, where gunmen come in and cut people down in the prime of their lives; and they cut children down. There were 395,441 gun deaths in the 11-year period.

Now, we stopped the war in Vietnam—Democrats, Republicans, Independents, people of every race, color, and creed. We stopped that war. We can stop this war. But I will tell you, it isn't going to be easy. The gun lobby is not going to make it easy. We have to have courage. There are those of us in this Senate who are going to be on this floor from now on, in the name of the million moms who marched with the dads, the grandmas, the grandpas, and the children. We are going to be here. We are going to be here day after day. We are going to force this Senate to look this issue in the eye, to look families in the eye, to bring out the five sensible gun control measures that are in the juvenile justice bill. What excuse is there since Columbine High School, where 13 people were killed? Thirteen kids are killed every day.

Thank you, Mr. President. We will be back on this issue.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from California. Every day in America, 13 mothers receive a phone call or a knock on the door, a word from a neighbor, and their lives are changed. Every day in America, 13 mothers learn that one of their children has been killed by a gun. Every day in America, 13 mothers have a pain in their heart that will be there for a lifetime.

This last Sunday, I went to Chicago, IL, on the banks of Lake Michigan. Our Million Mom March chapter came together, and thousands of people came out. They were inspired, of course, by the fact that it was Mother's Day and that we were addressing this issue because it is a family issue, and especially an issue that mothers take to heart because mothers, by their nature, protect their children. They came forward on the banks of Lake Michigan in Chicago and here on The Mall in Washington, DC, and in Los Angeles, and in cities across America, to say: Let us protect our children; protect our children from the gun criminals who menace our neighborhoods, our communities and our schools; protect our children from the gang bangers who spray these bullets from semiautomatic and automatic weapons across playgrounds, day care centers, and bus stops; protect our children from careless gun owners who insist on their constitutional right to own a gun but will not accept their moral responsibility to store it safely away from children; protect our children from a gun lobby in this town that has made a mockery of democracy, which owns this Chamber and owns the House of Representatives, which stops us in our tracks; protect our children from the indifference of millions of American families who know what I say is true but who didn't come to the march, who don't call a Congressman or a Senator and just shake their heads and say, ''It's politics, it's hopeless; they don't listen, they don't care.''

The Million Mom March was an inspiration to so many people. It was an inspiration to me because at the end of the march in Chicago, the Bell Campaign, which sponsored it, invited the families of gun victims to come forward and literally ring a bell for their victim. They started coming slowly from the crowd, and then the numbers increased. The procession went on and on and on—black, white, brown, men, women, brothers and sisters, sons and daughters, breaking down in tears as they pealed that bell for a gun victim.

I stood there, as a Member of the Senate, humbled by that experience, trying to imagine for one brief moment what it must be like to receive that telephone call or that knock on the door. I vowed I would come back to this Chamber this week and begin a personal campaign, a personal crusade to make the Senate act on this issue. To think that it is 1 year after Columbine and we have done nothing—we have not passed a bill to keep guns out of the hands of criminals or kids; we have been totally stopped by this gun lobby—it is a disgrace, a disgrace to this Chamber, to the Congress, and to this country. The million moms who came forward are watching and waiting and praying that before this ends, we will do something.

The National Rifle Association bought a full-page ad in the Washington Post Friday criticizing the Million Mom March. Here is what they said: ''It is a political agenda masquerading as motherhood.''

I have a message for the National Rifle Association. This was no masquerade; this was the real thing. These were real families who have endured the pain and suffering of gun violence. They are coming forward and challenging you, gun lobby, National Rifle Association, and challenging us in the Senate and in the House to do what is right for America, to reduce gun violence, reduce the pain, and reduce the suffering.

There is no excuse for the fact that, for 1 year, the Republican leadership in

the House and Senate has refused to bring a bill to the floor so we could vote and send to the President a bill to keep guns out of the hands of criminals and kids. You will hear more about this issue.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

FEDERAL RESERVE BOARD MEETING

Mr. DORGAN. Mr. President, a meeting started 1 hour and 5 minutes ago at 20th Street and Constitution Avenue here in Washington, DC. The Federal Reserve Board is meeting in a large room in a building that takes up nearly the entire block.

No one in this Chamber is allowed at that meeting. No ordinary American citizen is allowed at this meeting. The door is locked. They are meeting behind closed doors at the Federal Reserve Board to decide how much they want to raise interest rates once again.

I think it is important to allow people to see who is meeting. Here are the pictures of the folks at the Fed—the Federal Board of Governors. The ones with the stars are the regional Federal Reserve bank presidents who will make the decision this morning.

They increased interest rates last June, in August, in November, in February, and again in March. In North Dakota, in Idaho, in Illinois, and in California, the average American household is now paying $1,200 a year in additional interest charges as a result. If you have a $100,000 mortgage, you are paying $100 a month more for your mortgage payment. Why? Because the Federal Reserve Board feels that too many people are working in this country and that our economic growth ought to be slowed.

If you ask them about the circumstance, they would say: We really have controlled inflation; it is because we have increased interest rates that inflation has been under control.

That is like the weatherman taking credit for the sunshine. The fact is, this economy has worked in spite of the Federal Reserve Board.

This Federal Reserve Board, under Mr. Greenspan's tutelage, has added nearly a three-quarters of 1 percent increase in the real Federal funds rate during his term versus the 20 years prior. It has added nearly a two percent increase in the real prime rate during the Greenspan years versus the prior years. They have leaned and tilted their interest rate policies towards the big banking center interests, and against the consumer's interest and against the taxpayers' interests.

By what justification would they increase interest rates this morning? This morning the Consumer Price Index came out. It is flat; plumb flat. The Producer Price Index from last month was down. The core inflation rate is down.

By what justification will the Federal Reserve Board decide to charge higher interest rates on the American people? They say, in a Washington Post article by John Berry, that the new theory of the Fed is that if worker productivity is up in this country, it puts pressure on the economy, and, therefore, they should raise interest rates to slow down the economy.

What a prosperous notion. It used to be when I came to the floor and indicated that the Fed complained workers were getting more money, or there was a threat that they would get more money but their productivity wasn't rising, the Fed used to say that is inherently inflationary. Now what they say is that it doesn't matter how productive they are; in fact, the more productive they are, the more likely it is the Fed wants to raise interest rates.

Talk about people flying blind. I learned to fly an airplane about a quarter century ago. I remember that as you do your solo cross-country flying the airplane, you have to learn to rely on instruments. How do you know where you are going? You have to read your instruments? The fact is, the Federal Reserve Board doesn't have instruments that work anymore.

To the extent you could picture a group of bankers in gray suits and wearing goggles, with a leather helmet and a silk scarf—to the extent you could picture them flying and flying blind—I respectfully say they are flying in the wrong direction and are perfectly happy to do so even when told.

The thing that I find interesting is this: We have an economy that has been remarkably strong. The Fed has been remarkably wrong all along. They have said our economy cannot grow more than 2½ percent, and if it does we are going to have more inflation. It has and we haven't.

They have said that unemployment can't go below 6 percent. If it does, we will have more inflation. Unemployment has been below 6 percent for 5 years, and inflation has been down.

The Federal Reserve Board has been wrong about the performance of this economy. Yet as they write about the Fed, they simply take what the Fed says, print it, and they print no discussion about the alternatives. So we have no real debate about this.

The interesting thing is 30 years ago a one-quarter percent increase in interest rates proposed by McChesney Martin caused an outcry in this country. It was front-page headlines. Lyndon Johnson was President. He called this guy down to the ranch in Texas and put pressure on him all the weekend. It was front-page news. Today the Fed can go behind closed doors and raise interest rates one-half percent, and nobody seems to mind.

All of these chairs are largely empty in the Senate. I wonder where people are. What if someone were to bring to the floor of the Senate a proposal that said, what we would like to do is increase taxes on the average household in this country by $1,210 a year. If there were a proposal to increase taxes in the amount of $1,210 a year, all of these chairs would be full. There would be a raging debate, and all of the folks would come to the floor to talk about taxes. They would be hollering and bellowing.

But guess what. You can increase interest rates five, six, or seven times by the Federal Reserve, and impose an additional $1,210 a year interest charge on the average household, and there is not a whimper.

Again, let me give credit where credit is due. All of these folks look alike. They largely think alike. All of them wear gray suits. All of them have a banking background. When they close the doors and lock the American citizens out down at the Federal Reserve Board, they are going to make a banking decision.

What is the banking decision? They increase interest rates on the American people in order to protect the big banking center interests.

The point is this: There is no inflation. There is no evidence of inflation.

It is going to be uncomfortable for the Fed. But of course they do not deal with comforts. Once they close the doors, they have all the comforts at hand.

Just this morning the Consumer Price Index was announced, and it is flat; no inflation.

Just this morning—a little over an hour ago—they went into the room, closed the doors, and locked everybody else out. Guess what they are going to decide. They will announce that they have decided, despite the fact there is no inflation, because American workers are more productive that justifies an increase in the interest rates.

Why if the American worker is more productive should the American worker not be entitled to a better share of income? Of course, they should. That is not inflationary. But the Federal Reserve Board has now concocted this goofy new theory that says if the American worker is more productive, they must impose an added charge on the average American.

You talk about people who can't think. I don't understand. Maybe they need to loosen all those neckties. But there is something wrong at the Fed.

I would be happy to yield for a question.

Mr. HARKIN. I thank the Senator for yielding. I thank him for bringing us back to this point about the Fed behind closed doors. When they raise the rates, this is really a hidden tax, is it not, I ask the Senator.

Mr. DORGAN. It certainly is, and it is a tax that was not a part of any public discussion and imposed in a room with the doors locked.

Mr. HARKIN. No representation for the American people.

Mr. DORGAN. No representation.

Mr. HARKIN. I want to ask the Senator another question. The decisions they make today are behind closed doors. Does the Senator know how long it will be before we will be able to look at the detailed books to find out why they made those decisions? I will answer it. It will be 5 years before we will fully know why they made the decisions. Maybe if we knew tomorrow, or next week, or next month why they made the decision, we might want to make some changes around here in the way we operate. They make the decisions, and we will not know the full picture for 5 years why they did it.

Mr. DORGAN. We will know in 5 minutes that it was a mistake. If these folks at a time when there is no additional inflation raise interest rates once again to try to slow down this economy and penalize the American workforce for being more productive, we will know in 5 minutes that is a mistake.

I hope with this announcement that will apparently be made at about 2 o'clock this afternoon this group of folks perhaps might exhibit some good sense for a change.

Mr. HARKIN. I thank the Senator.

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand it, we are in morning business, and we have some 22 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

The Senate is in morning business.

The Senator from Massachusetts is recognized.

THE SENATE AGENDA

Mr. KENNEDY. Mr. President, I yield myself 7 minutes, the Senator from Minnesota, 7 minutes, and the Senator from Iowa, the remaining time.

First of all, I join with our colleagues who spoke earlier about the extraordinary events we saw on The Mall this past weekend.

I was here a few moments ago when we listened to the majority leader talk about the urgency of passing a comprehensive energy program. Energy programs are important, and we have a great interest in it in our part of the country, particularly as we are looking forward to another fall and another winter, and the importance of developing some protections in the form of reserves and other factors. That is a very important policy issue. I am glad our Republican leader thinks that is of such urgency.

But the fact is, the issues which the Senator from California and others have spoken about, and taking sensible and responsible and commonsense actions on guns, particularly to ensure greater safety and security in the schools of this country, are also a matter of enormous importance.

I am reminded of the debate we had on elementary and secondary education. We had 6 days of debate, although some of that was limited in terms of being able to debate only a handful of amendments. We took 16 days on the bankruptcy bill and had 67 amendments.

Many of us on our side believe we ought to put our priorities straight. One of them is to take action in terms of sensible and commonsense issues on the proliferation of guns.

Second, we ought to be addressing the education issue, which is of such importance to families across this country.

We reject the position of the majority in giving short shrift on the issue of education. We want to debate that, and we want action on it.

BANKRUPTCY REFORM

Mr. KENNEDY. Mr. President, I want to bring to the attention of the Senate the continued deterioration of the position which had been accepted previously by the Senate on the issue of bankruptcy.

That may seem an issue that is distant and remote to many of our colleagues or many around this country, but it is an issue that will affect basically working women who are disproportionately hit by the pressures of bankruptcy because of the allocations of credit at the time of separation or their shortage of alimony or the shortage of child payments. It hits them disproportionately.

It hits older workers disproportionately in terms of their medical bills. About half of those bankruptcies are a result of the escalation and the costs of medical bills, coupled with the fact of prescription drug costs and the shortage of prescription drugs. That is another matter of priority. That is another matter we believe ought to be addressed. The failure of this body to address providing decent quality prescription drugs on the basis of need and on the ability to pay is also a major gap in our Medicare system. We should be taking action on that. When we don't, we find increasing numbers of individuals are falling into bankruptcy because they can't afford the prescription drugs. The credit cards last for only so long, and the payments they receive in terms of working families last only so long, and then they get overwhelmed with their payments and they go into bankruptcy.

There is a third group of individuals who go into bankruptcy as a result of being downsized. They worked hard all of their lives. The people who go into bankruptcy have the same work habits as those who do not. The overwhelming majority are hard-working Americans who fall into hard times.

As has been stated time and time on the floor of this body, it is always useful to ask who is going to benefit from a piece of legislation and who is going to pay a price with the passage of a piece of legislation. I have not seen in this Congress or any recent times the scales so unbalanced. Those that are going to benefit are going to be the credit card companies, banking interests; those harshly treated will be average working Americans who have fallen into difficult times, either economically or because of health care needs or because of age and the job challenges they are facing.

Only recently there was an excellent article in Time magazine. The total number of individuals going into bankruptcy is declining. Still, we have this economic power that is trying to jam this legislation through the House of Representatives and the Senate of the United States behind closed doors. I was listening to my colleagues talk about actions taken behind closed doors. They find out on the bankruptcy legislation these are matters that are taking place behind closed doors as well.

The Time magazine article pointed out what is happening to an average family. Charles and Lisa Trapp are mail carriers in Plantation, FL, where Annelise, 8 years old, developed a muscular disorder and needed around-the-clock nursing care. Lisa had to quit her job, and with $124,000 in doctor bills, insurance will not cover paying off credit cards, which is the least of their worries. They have filed for chapter 7 bankruptcy. The medical costs are what the Trapp family insurance did not cover. They had to use credit cards to buy groceries and they have an accumulation of $59,000 in credit card bills. The point is, they used the funds available on the credit cards for their groceries so they could use what income they had to pay for the needed prescription drugs.

This family, under this Republican bill, is treated harshly and poorly. The Trapp family are a brave and courageous family. And this situation is being replicated. It is fundamentally wrong.

Mr. President, for over two years, Congress has been struggling to reform the bankruptcy laws. From the beginning, the debate has been unfairly slanted toward the credit card companies and banks at the expense of vulnerable Americans. It is especially disturbing that the final bill may well be drafted without the appointment of conferees or even public meetings. The American people deserve a better process and a fairer bill.

A fair bankruptcy reform bill will balance the needs of debtors and creditors. It will not allow credit card companies and other special interests to take unfair advantage of thousands of citizens who find themselves in economic crisis—citizens like the Trapp family recently featured in Time magazine.

The Trapps are not wealthy cheats trying to escape their financial responsibilities. They are a middle class family engulfed in debt because of circumstances beyond their control. Like half of all Americans who file for bankruptcy, the Trapp family had massive medical expenses.

Charles and Lisa Trapp met while working as mail carriers in Plantation, Florida. They married and have three children—the youngest, Annelise, has a degenerative muscular condition. She requires round-the-clock medical care. In her wheel chair or in bed, she uses a respirator at least eight hours a day. As a result, the Trapps have $124,000 in doctors' bills that insurance won't cover, and $40,000 of credit card debt for groceries and other necessities.

The plight of the Trapp family is similar to that of many other American families confronted with serious illness and injury. Over 43 million Americans have no health insurance, and many millions more are under-insured. Each year, millions of families spend more than 20 percent of their income on medical care. Older Americans are hit particularly hard. Too often, each of these families and senior citizens is one serious illness away from bankruptcy.

A report recently published in Norton's Bankruptcy Adviser says,

> The data reported here serve as a reminder that self-funding medical treatment and loss of income during a bout of illness or recovery from an accident make a substantial number of middle class families vulnerable to financial collapse . . . For middle class people, there is little government help, so that when private insurance is inadequate, bankruptcy serves by default as a means for dealing with the financial consequences of a serious medical problem.

The data collected in the report make clear that this problem affects both the poor and the middle class. In many cases, health insurance is insufficient to protect a family with medical problems. ''The bankruptcy courts are populated not only with the uninsured, but also with those whose insurance does not cover all the financial consequences of their medical problems''—families facing medical debts that have outrun their policy limits—facing copayments beyond their means—facing lost income not covered by their insurance.

When the health care system fails these men and women and children, the bankruptcy system catches them before they hit rock bottom. What will happen to these families if we fundamentally destroy the bankruptcy system?

What will happen to those who can't pay their bills because they were laid off in a merger or downsizing that left them without adequate income or basic benefits? Over half of all Americans say that the reason they file for bankruptcy is because of job loss. That fact is not surprising. Despite low unemployment, a record-setting stock market, and large budget surpluses, Wall Street cheers when companies—eager to improve profits by down-sizing—layoff workers in large numbers.

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

For many hard-working men and women, these job benefits—particularly a pension— can be the difference between a secure retirement and poverty. But instead of action by Congress to expand pension benefits, an offensive anti-pension provision was quietly slipped into the bankruptcy reform bill at the last minute.

It is wrong for Congress to let credit card companies and other lenders pressure workers to give up the protection they now have for their pensions in bankruptcy. Clearly this so-called ''pension waiver'' provision should be struck from the final bill.

It would also be a mistake to ''cap'' the amount of pension assets that a worker can protect in bankruptcy. Federal law already imposes strict limits on pension contributions. Unlike homestead abuses, retirement plans can't be used as part of a scheme to divert assets before bankruptcy.

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

She was at the mercy of her creditors. ''They would call me on the job . . . that was very embarrassing. They call you early in the morning. They call you late at night. Sometimes I get calls at 10 o'clock at night. And they are very nasty.'' Maxean tried paying her creditors a few hundred dollars when possible, but it wasn't enough to keep her bills from piling up because of interest changes and late-payment fees. Maxean said she was ''going crazy.''

If she was going crazy, so are many others. Reports show that by the time individuals and families file for bankruptcy protection, more than 20 percent of income before taxes is going toward paying interest and fees on their debts. Time magazine reports that study after study proves that Chapter 7 debtors have little if any ability to repay more of their debts. ''The notion that debtors in bankruptcy court are sitting on many billions of dollars that they could turn over to their creditors is a figment of the imagination of lenders and lawmakers.''

Maxean's plight was made worse by the fact that she is a single mother. In 1999, over 500,000 women who head their own households filed for bankruptcy to try to stabilize their economic lives. 200,000 of them are also creditors—trying to collect child support or alimony. The rest are debtors struggling to make ends meet. Divorced women are four times more likely to file for bankruptcy than married women or single men.

The House and Senate bankruptcy bills are especially harsh on divorced women and their children. Under current law, an ex-wife trying to collect support enjoys special protection. Her claims—like very few others—survive her husband's bankruptcy and provide a realistic opportunity to collect support payments from her former husband. Under the pending bill, however, credit card companies are given a new right to compete with women and children for the husband's limited income after bankruptcy.

It is true that the bill moves support payments to the first priority position in the bankruptcy code. But that only matters in the limited number of cases in which the debtor has assets to distribute to a creditor. In most cases—close to 99 percent —there are no assets, and the list of priorities has no effect.

The claim of ''first priority'' in bankruptcy is a sham to conceal the real problem—the competition for resources after bankruptcy. This legislation creates a new category of debt that cannot be discharged after bankruptcy—credit card debt. And, when women and children are forced to compete after bankruptcy with these sophisticated lenders, the women and children lose.

In ways like these, the bankruptcy reform bills currently being negotiated by the House and the Senate are a travesty. They remove the bankruptcy safety net that has been a life-line for the poor and middle class. The credit card companies will receive a huge

windfall, and they will walk away with few incentives to act more responsibly. And in a further insult, the House Republican negotiators want to preserve one of the most flagrant fat-cat loopholes—the ability of wealthy debtors to escape their responsibilities by using the homestead loophole in the current bankruptcy code.

The Time magazine article makes these points effectively by comparing the plight of two debtors—James Villa and Allen Smith. James Villa is a 42 year-old stockbroker living in a $1.4 million home in Boca Raton, Florida. He was President, CEO and indirect owner of 99.5 percent of the stock of H.J. Meyers & Co., Inc—a brokerage firm with offices around the country. During the firm's heyday, Mr. Villa bought expensive cars, boats, and jewelry. But he fell on hard times when Massachusetts securities authorities found that his firm had engaged in fraudulent and unethical practices. Before further action could be taken, the firm closed its doors and Mr. Villa moved to Florida. That state has a broad homestead exemption, which allowed him to protect $1.4 million of assets—his Boca Raton home—from creditors, including clients of the brokerage firm who had lost their savings.

How can that be fair, when Allen Smith, a retired security worker, has lost everything? Mr. Smith served in the Coast Guard during World War II and later went to work at Chrysler. He was eventually laid-off during a downsizing. Too young to collect Social Security, he started working as a security guard. He and his wife Carolyn bought a home and lived a solid middle-class lifestyle until their lives started to crumble.

Beginning in 1984, Mr. Smith's wife lost her toe, then one leg, then the other leg to diabetes. To accommodate her disability, Mr. Smith renovated their home using money borrowed against the equity. He developed throat cancer, high blood pressure, and a heart murmur and had to leave his job. The family was $115,000 in debt—double their annual income—so the Smiths filed for bankruptcy. They agreed to pay $100 a month under the requirements of Chapter 13.

Carolyn Smith died later that year, and Mr. Smith was left—without her companionship or Social Security checks—to struggle alone. Eventually—after being hospitalized with a stroke, after cataract surgery, and after an irresponsible friend didn't pay his mortgage—Mr. Smith's Chapter 13 bankruptcy failed. His situation isn't unusual—two-thirds of all Chapter 13 plans fail—but the consequences were devastating. Mr. Smith will be moved to Chapter 7, and he will lose his home.

Any bill sent to the President for his signature must not make Allen Smith's life more difficult while protecting James Villa's ability to live in luxury. Congress must pass a better and fairer bill worthy of the name reform. The President should not hesitate to veto a bad bankruptcy bill that flunks the fairness test.

For over a century, the bankruptcy laws have provided needed relief for those who fall on hard times. This Congress should not be a party to unfair reforms designed to benefit the powerful credit card industry and wealthy debtors, at the expense of the large numbers of needy citizens whom the bankruptcy laws are supposed to help, not hurt.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. How much time remains?

The PRESIDING OFFICER. Under Senator KENNEDY's control, Senator WELLSTONE has 7 minutes and Senator HARKIN has 7 minutes, and, following that, Senator KENNEDY retains 2 minutes.

Mr. WELLSTONE. Mr. President, I am pleased to join Senator KENNEDY and some of my other colleagues on the floor here today to talk about the so-called bankruptcy reform bill. I spoke for about twenty minutes yesterday on the same topic and my intent then is the same as that of my colleagues today: which is to shine a line on this bankruptcy bill, and focus the attention of the Senate on what Congress is poised to do to harshly punish working families overwhelmed by debt.

Yesterday I mentioned the Bartlett and Steel article from Time magazine of last week entitled ''Soaked by Congress.'' I commend it to my colleagues' attention. And yesterday I also read some excerpts from that article to give colleagues an idea of what a typical family actually looks like who files for bankruptcy. In all honesty, I think many in the House and Senate were hoodwinked last year by a very clever media campaign on the part of the big banks and the credit card industry. I mean, it shouldn't be too surprising that the bill passed with the overwhelming margin that it did if you assumed that colleagues focused on the media campaign, the ad campaign, the legions of Gucci loafer wearing lobbyist that descended on the Hill. Because, frankly, I don't believe that many of my colleagues who did vote for the bill would have done so had they known then what they should know now, now that there has been some balance to the debate.

Now the House and Senate leadership have staff burning the midnight oil trying to finish this bill so that they can stick it in an unrelated conference report. But while they do that, we have 40 million Americans without health insurance who we aren't rushing emergency legislation to safeguard. The Patients' Bill of Rights is MIA in conference for almost a year. We are crawling along—actually not even crawling anymore it appears—on Education—though schools are crumbling and kids can't learn because we aren't investing what we should into their education. I mean these are real emergencies facing millions of Americans. And yet it is so-called bankruptcy reform that the House and Senate are falling all over themselves to pass. This morning I want to focus on the reasons why this bill is being moved at light speed—the false reasons as well as the real reasons.

Bankruptcy does not occur in vacuum. We know that in the vast majority of cases it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner may have lost his or her job. There may be sudden illness or a terrible accident requiring medical care. Certainly most Americans have faced a time in their lives where they weren't sure where the next mortgage payment or credit card payment was going to come from, but somehow they scrape by month to month. Still, such families are on the edge of a precipice and any new expense—a severely sick child, a car repair bill—could send a family into financial ruin. Despite the current economic expansion there are far too many working families in this situation. That is the true story behind the high number of bankruptcy filings in recent years and I want to make clear to my colleagues that the evidence shows that the very banks and credit card companies who are pushing this bill have a lot to do with why working families are in this predicament today.

The bankruptcy system is supposed to allow a person to climb back up after they've hit bottom, to have a ''fresh start.'' There is no point to continue to punish a person and a family once their resources are over matched by debt. The bankruptcy system allows families to regroup, to focus resources on essentials like their home, transportation and meeting the needs of dependents. Sometimes the only way this can occur is to allow the debtor to be forgiven of some debt, and in most cases this is debt that would never be repaid because of the debtor's financial circumstances. In fact, in over 95% of bankruptcy cases creditors receive no distributions from the filer's assets—not because folks are able to beat the system—but because in the vast majority of cases the debtor simply has no assets left.

The sponsors of this measure and the megabanks and credit card companies behind this bill don't like to focus on those situations. They paint a picture of profligate abuse of the bankruptcy system by irresponsible debtors who could pay their debt but simply choose not to. Such people do take advantage of the system, there is no question. But this bill casts a wider net and catches more than just the bankruptcy ''abusers.''

''Soaked by Congress'' does an excellent job of setting the record straight. It notes that a study last year by the American Bankruptcy Institute found that only 3 percent of debtors who file under Chapter 7—where debtors liquidate assets to repay some debt while the rest of the debtor's unsecured debt is forgiven—would actually have been able to pay more of their debt than they are required to under Chapter 7. Even the U.S. Justice Department found that the number of abusive claims was somewhere between 3 percent and 13 percent. This means that the number of people filing abusive bankruptcy claims is astonishingly low. But this legislation seeks to channel many more debtors into chapter 13 bankruptcy—where the debtor enters a 3–5 year repayment plan and very little debt is forgiven. Yet in the pursuit of the few, this bill imposes onerous conditions, and ridiculous standards on all bankrupts alike. Additionally, under current law, 67 percent of the debtors in chapter 13 fail to complete their repayment plan often because they did not get enough relief from loans, and because economic difficulties continued. So this legislation would take individuals, the majority of whom desperately need a true ''fresh start'', and force them into a bankruptcy process which ⅔ of debtors already fail to complete successfully. And my colleagues call this reform?

Furthermore, the consumer credit industry would like this to be a debate about financial responsibility. But what is apparently not obvious to many of my colleagues is that debt involves both a borrower and a lender. Yes, a person should be responsible for repaying money lent to them on fair terms. But is it not in the lender's interest to not over lend? Should not the banks, and the credit card companies, and the retailers bear some responsibility for the so-called bankruptcy crisis?

As high cost debt, credit cards, retail charge cards, and financing plans for consumer goods have skyrocketed in recent years, so have the number of bankruptcy filings. As the consumer credit industry has begun to aggressively court the poor and the vulnerable, bankruptcies have risen. Credit card companies brazenly dangle literally billions of card offers to high debt families every year. They encourage card holders to make low payments toward their card balances, guaranteeing that a few hundred dollars in clothing or food will take years to pay off. The lengths that companies go to keep their customers in debt is ridiculous.

So any thinking person would ask at this point. Why is the House and Senate calling out the stops to pass this bill? What's driving this bill? Well as ''Soaked by Congress'' notes, the big banks spent $5 million last year specifically on bankruptcy lobbyists and another $50 million on firms that lobbied on bankruptcy as well as other matters. I wonder how much money working families overburdened with medical bills paid to influence Congress last year? Is that why we weren't listening?

That makes this a reform issue, a basic question of good government. Regardless of how you feel about the bill, this is terrible legislating. I don't think that the 100 members of the Senate or the 435 members of the House came to Congress to be dictated to by secret committees formed by the leadership. This week we are debating education in the Senate. Can you imagine trying to explain to a 9th grade civics class what the House and Senate leadership are trying to do? They would learn how minority rights are protected in the Senate, about how there are regular procedures—high bars—for the majority to overcome to force something to passage over the objections of a determined minority. All of that goes out the window for the 4th branch of government—the conference committee.

We don't have time for debate, we don't have time for legislative battles in this Congress. We don't have time for the hallowed traditions of the Senate. Just form a secret committee and stick in an unrelated conference report in the dead of night. What is so essential about this bill that the leadership must make such a mockery of the legislative process?

The most expedient means is the best means according to this logic. But at what cost? Only a handful of power brokers are at the table. Working families aren't represented. Seniors aren't at that table. Minorities aren't in the loop. Women and children, and single parent families weren't invited.

So I would say to my colleagues in closing, folks can make the claim that big money doesn't buy results in Congress but they won't use this bill as the poster boy for that argument. I urge my colleagues on both sides of the aisle to go to their leadership. It isn't too late to ask them to reconsider this course.

We come to the floor today as Senators to shine a light on the bankruptcy bill. I spoke about this bill for some 20 or 30 minutes yesterday. I thank two fine journalists, Bartlett and Steele, for their fine work, ''Soaked by Congress.'' I sent this article out to every Senator. I hope my colleagues will read this article. It is about how the House and Senate were hoodwinked last year by a clever media campaign on the part of big banks and the credit card industry.

I point out not to my colleagues but, frankly, to people in the country that some of the House and Senate leadership, with the majority party taking the lead, have been burning the midnight oil trying to finish this bankruptcy bill so they can stick it into an unrelated conference report. While they do that, we have 40 million people who don't have any health insurance at all. That is not an emergency? While they do that, the patient protection bill of rights is barely moving at all. It may be crawling; it may not even be crawling. While they do that, we don't pass any kind of education measure. While they do that, there is no response to 700,000-plus mothers—Sheila and I were proud to join them this past Sunday—who came to Washington, DC. They said: We are a citizens' lobby. We will take on special interests. We will be here for our children. We will be here to reduce violence. We will be here for sensible gun control. But there has been no response to that. That is not considered to be an emergency?

But boy, oh boy, when it comes to this bankruptcy bill, some of my colleagues, some of the leadership on the other side, can't wait to stick this into an unrelated conference report. I think there is a reason for that. In the piece that Bartlett and Steele wrote called ''Soaked by Congress,'' they do an excellent job of getting the record straight. As opposed to the media campaign by these banks and credit card companies about all of this abuse, it turns out that the American Bankruptcy Institute found only 3 percent of debtors under chapter 7 could have done any better.

Now, all in the name of a few people who abuse this system, we have families my colleague, Senator KENNEDY, talked about, with 40 percent of them in bankruptcy because of medical bills, and the vast majority of the remaining are because someone lost their job or because there has been a divorce and now they are a single parent.

What in the world is going on here? In this piece, ''Soaked by Congress,'' Barlett and Steele point out that big banks spent $5 million last year specifically on bankruptcy lobbyists and another $50 million on firms that lobbied on bankruptcy as well as other matters.

I say to my colleague Senator FEINGOLD, and my colleague Senator HARKIN, and I would say it to my colleague Senator KENNEDY if he were on the floor, this is the ultimate reform issue. We are talking about people, mainly women, mainly senior citizens, mainly working-income, maybe low-income people, people without much clout who are completely rolled by this bill.

Now we find out all about the pension grab. Now we find out about all sorts of other provisions that are egregious, that I do not have time to summarize, that I summarized yesterday. Now we find out that, given where this bill is going in conference, it is going to be even more harsh toward the most vulnerable citizens in this country. But that will not see the light of day; it

will get tucked into an unrelated conference report.

I say to my colleagues, we do intend to speak out on this issue. I hope the President will make it clear he will veto this bill. It is too harsh, there are too many egregious provisions, and right now we are not conducting our business the way we ought to as the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 7 minutes.

Mr. HARKIN. Mr. President, I thank Senator KENNEDY and others for getting this time to talk about the bankruptcy bill.

I must at the outset admit that due to the press of business around here, and I am not on that committee that formulated this bill, I had not really looked at the bankruptcy portions of it in depth. A lot of people I admire and have respect for have supported the bill. I supported a number of amendments. When the bill finally passed, I had some qualms about it. I voted against it. But I had not really delved into it in very much depth until a week ago, last week, when Time magazine came out with one of the longest stories I have ever seen Time magazine do. It has been mentioned by the previous two speakers, a story called ''Soaked By Congress.'' It is 12 pages or more long.

I read it. When I read it, some memories started coming back to me of my days when I was a legal aid lawyer before coming to Congress. I was thinking about the people we represented at the low end of the economic spectrum who could not afford to get another attorney from a private law firm, and the people we took through bankruptcy. These were people at wit's end. I remember them. Often it was a woman with a couple of children, her husband took off, there was illness in the family, she racked up a lot of bills, and she had nowhere to go.

At that time in Iowa, we were also debating a bill in the Iowa Legislature to limit the amount of interest that could be charged on a credit card. The Iowa Legislature in fact at that time passed a limit of 15 percent. It did not hurt the State at all. I remembered that, reading this article.

When you heard the debate out here on the bankruptcy bill, you would think these were people out living high on the hog, going to the best restaurants, taking foreign vacations, driving Mercedes Benz cars and BMWs, they have beautiful homes and stuff, and all of a sudden they decide they have been living the life of Riley and they do not want to pay their dues, so they go into bankruptcy court. That is the image of the average person filing bankruptcy that came out here on the Senate floor during that debate. That is a very bad misrepresentation.

As the Time magazine article pointed out, the median characteristics of a person discharging chapter 7 bankruptcy: Gross income, $22,800—gross; reported expenses, $20,592; total debt, $42,000, of which miscellaneous debt—medical bills is about $10,000; unsecured debt, credit card, about $23,000; and secured debt, a car, about $9,000.

Another thing I remembered from my days as a legal aid lawyer: Most of the people going into bankruptcy were women. It has not changed. As the Time magazine article points out, 497,000 single women filed for bankruptcy last year compared to only single 367,000 men.

What are the reasons? Because of a job loss, 51 percent; 46 percent because of medical reasons; 19 percent because of a family breakup. The reason that adds up to more than 100 percent is that people said: I lost my job and my family broke up. That is why most people are going into bankruptcy court today, not because they have been living high on the hog and they are out there trying to get away.

We heard statements made on the floor that bankruptcy is not as shameful as it used to be. I beg to differ. Most of the people who go into bankruptcy court are embarrassed, they are ashamed. I remember them from my days as a legal aid lawyer. They fell on hard times, the interest charges keep piling up and piling up, and they could never get ahead of it. They have kids to care for, and they have expenses they have to keep up just to take care of their families. That is who is going into bankruptcy court. It is not because of living high on the hog.

The real deviousness of the expected final version of the bill, what is really bad, is, for example, as Time magazine pointed out, an individual who had made millions of dollars sort of scamming the system on investments—Villa, his name is. James Villa is a 42-year-old one-time stockholder who lives in a $1.4 million home in Boca Raton. They contrasted him to 73-year-old Allen Smith, a retired autoworker with throat cancer who lives in an $80,000 home in Wilmington, DE.

They go through the whole story. I do not have the time. You can read it. But Villa profited handsomely, he bought Ferraris, he bought a $22,000 Rolex watch for his wife, a 3-carat $44,000 wedding ring, $9,000 diamond earrings. In October 1988, Massachusetts securities authorities ruled he had been engaging in fraudulent and unethical practices. They revoked their broker-dealer registration. He packs up, moves to Florida, takes his money, and buys this huge $1.4 million house. Guess what. It is beyond the reach of his creditors thanks to the homestead exemption in Florida.

How about 73-year-old Allen Smith of Wilmington, DE? He served in World War II, worked hard all his life as an auto mechanic, and, guess what. He lost his job, then his world started falling apart, and now he has cancer. He has filed chapter 13, and now they can take his house away from him.

We stopped that abuse in the Senate version of the bill. But, unfortunately, I am told that the loophole filled provision in the House that will allow this practice to continue is likely to be in the final measure. This bill is bad, it is getting worse.

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

Mr. FEINGOLD. How much time do Senators KENNEDY and WELLSTONE have remaining?

The PRESIDING OFFICER. Senator KENNEDY has 5 minutes remaining.

Mr. FEINGOLD. I ask unanimous consent I be yielded Senator KENNEDY's time.

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

Mr. FEINGOLD. Mr. President, I am pleased to join my colleagues on the floor this morning to talk about the bankruptcy bill. We need to talk about this bill because what is now going on is that those who desperately want to pass the bill are acting in secret to try to avoid the public scrutiny that might lead to some changes in the bill that will benefit average people.

The latest rumor is that the bankruptcy bill's sponsors want to combine it with the ''e-signature'' bill and a bill that has never even been considered on the Senate floor—the bill to increase the number of H–1b visas—and bring it to us as a package. Supposedly this will make it more appealing to some people who oppose one or another of those bills. But I think combining major pieces of legislation in a package like this just makes things worse. We are talking here about doing an end run around the legislative process simply to get things done for a narrow set of special interests. I think that's a disgrace and I hope my colleagues will resist it.

This is a bill that gets worse the more you look at it. I am disturbed by reports that the final bill will look more like the House-passed bill than the bill that passed the Senate. But it does not surprise me that this is happening, since a bill that is worked out behind closed doors is much more likely to favor powerful financial interests. A public process generally serves the public interest. So no one should be shocked that the private process that the bill's proponents have been following is going to yield a bill that leaves the public behind.

I commend to all my colleagues a major investigative story in the May 15th issue of Time Magazine by reporters Donald Bartlett and James Steele. Bartlett and Steele have done a masterful job in explaining how bankruptcy reform legislation ended up

being a wish list for the credit card industry. Even more important, they show us the kinds of people who will be hurt by this bill—honest debtors who are down on their luck, forced into bankruptcy by the loss of a job or divorce or catastrophic medical bills. The bill is particularly detrimental to the interests of women. They constitute the largest segment of bankruptcy filers in 1999. These are the people that this bill turns its back on, at the same time that it gives the credit card industry virtually everything that it asked for.

Now I don't deny that there is need for some reform in our nation's bankruptcy laws. But what happened with this bill is that when monied interests were given an inch to correct some abuses they took a mile. One area that I devoted a lot of time to on the Senate floor was the treatment of tenants under this bill. The landlord-tenant provision of this bill is typical of the sledgehammer approach that the bill takes to alleged abuses by people declaring bankruptcy.

It started with stories of people repeatedly filing for bankruptcy in order to avoid paying rent. But to address that situation a provision was inserted in the bill that completely eliminates the protection of the automatic stay for tenants in bankruptcy. And when I suggested in an amendment that tenants who had never before filed for bankruptcy and were willing to pay their rent during the bankruptcy proceedings should be protected from being thrown out on the street, the proponents of this bill said no. The National Association of Realtors and other groups representing landlords adamantly opposed any weakening of the extreme provision in the bill. And they got their way.

That is the kind of excess that you get in legislation when one side is dumping money into the process and the other side is not or cannot. Common Cause just put out a stunning report recently on the amount of money that the credit industry has contributed to members of Congress and the political parties in recent years. $7.5 million in 1999 alone, and $23.4 million in just the last three years. One company that has been particularly generous is MBNA Corporation, one of the largest issuers of credit cards in the country. In 1998, MBNA gave a $200,000 soft money contribution to the Republican Senatorial Committee on the very day that the House passed the conference report and sent it to the Senate.

This year, MBNA gave its first large soft money contribution ever to the Democratic party—it gave $150,000 to the Democratic Senatorial Campaign Committee on December 22, 1999, right in the middle of Senate floor consideration of the bill.

So it is no mystery to me why this bill is so anti-consumer, and I don't think it's a mystery to the public either. The bill contains precious little to address abuses by creditors in debt collection and reaffirmation practices, and it contains very weak credit card disclosure provisions. The credit card industry has ridden the rise in personal bankruptcies to get the changes in the law that it wants, but has resisted efforts to inform consumers of the risks of overuse of credit cards. Better disclosure might reduce the number of bankruptcy filings in this country, but the credit industry has successfully prevented the Congress from requiring such disclosure.

There is still time to step back from the brink. Nonpartisan experts have many recommendations to reform the bankruptcy laws in a balanced and fair way to get at the abuses, without causing undeserved misery to thousands of powerless and defenseless Americans. Let's listen to them rather than the credit card issuers who are lining our campaign treasuries.

I again thank the Senators from Massachusetts, Minnesota and Iowa and my other colleagues who are here this morning to call attention to this crucial issue, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware for up to 10 minutes.

SUPREME COURT DECISION IN U.S. v. MORRISON

Mr. BIDEN. Mr. President, I attended the Million Mom March with my wife. I do not think anyone should misunderstand the significance and consequence of so many mothers and a number of fathers giving up Mother's Day to make an important point. These were not a bunch of wild radicals. These were a bunch of moms from rural areas, inner cities, and suburban areas. They were black, they were white, Hispanic, Asian American. They were basically making a plea. As I stood there and listened, I was reminded of a quote attributed to John Locke speaking about someone he heard. He said:

> He spoke words that wept and shed tears that spoke.

I do not know how anyone could have attended any significant portion of that march and not felt, as John Locke felt, listening to the words these women spoke that wept and the tears they shed that spoke volumes about the insanity of our policy.

Irony of all ironies; the next day, on Monday, the Supreme Court hands down a decision, not about guns but about the protection and empowerment of women in society. Yesterday, in United States v. Morrison, the Supreme Court struck down a provision of an act that I spent 8 years writing and attempting to pass—six of which were in earnest—the so-called Violence Against Women Act. There is one provision of that act they struck down and only one provision. That is the provision that empowered women to take up their cause in Federal court to make the case they were a victim of sexual abuse because, and only because, of their gender and to sue their attacker for civil damages in Federal court; empowering women to not have to rely on the prosecutorial system or anyone else to vindicate the wrong that had been done to them if they can supply the proof.

As the author of that act, I must tell my colleagues that I was disappointed by the Court's decision but, quite frankly, not surprised by it.

I emphasize, though, the Morrison case struck down the civil rights cause of action women have in Federal court, no other part of the act. Nothing in the Court's decision yesterday affects the validity of any other provision, any other program, or the need to reauthorize these programs through my bill, the Violence Against Women Act II, which now has 47 cosponsors.

Unfortunately, I believe the Court's ruling yesterday will have a significant impact on Congress' ability to respond to public needs in a way that has not been constrained since the 1930s. The Court has been inching toward this decision and this line of reasoning in case after case over the last several years. The Court has grown bolder and bolder in stripping the Federal Government of the ability to make decisions on behalf of the American people, part of the objectives of the Honorable Chief Justice, who believes in the notion of devolution of power and thinks that the Federal Government should have significantly less power.

The Court's decision—and these have all been basically 5–4 decisions—in United States v. Lopez in 1995 struck down the Gun-Free School Zones Act, a decision upon which the Court heavily relied in the Morrison case in striking down the civil rights remedy.

In the case of Boerne v. Flores, a 1997 case, the Court struck down the Religious Freedom Restoration Act. Again, this is not mostly about what act they like and do not like; it is about Congress' power. Those who thought we should not be dealing with guns were happy with the Lopez case substantively. Those who thought we should have more religious freedom in public places, our conservative friends—and I happen to agree with them on that point—were disappointed when the Supreme Court reached in and said as to section 5 of the 14th amendment, which is the provision which says the Congress shall determine how to enforce the 14th amendment, no, no, no, Congress is not the one; we—the Court—are going to decide.

There, then, was another decision, the Supreme Court's watershed decision in the Seminole Tribe of Florida v. Florida, a 1996 decision, and the cases

that followed, in which the Court limited Congress' ability to authorize private citizens to vindicate Federal rights in lawsuits against their States, and that included the Fair Labor Standards Act and the Age Discrimination Act.

Putting it in simple terms, if the State of Florida discriminated against somebody in State employment because of age in violation of the Federal act, the Court said: Sorry, Florida has immunity. A Federal Government cannot protect all Americans against age discrimination because of a new and novel reading of the 11th amendment.

The Court's decision today is at peace with those rulings. Fundamentally, this decision is about power. Who has the power, the Court or the Congress, to determine whether or not a local activity, such as gender-motivated violence, has a substantial impact on interstate commerce? Yesterday the Court said it: The Court has this power—echoes of 1920 and 1925 and 1928 and 1930, the so-called Lockner era.

I find it particularly striking the Court acknowledged in Morrison that in contrast to the lack of congressional findings supporting the law struck down in Lopez, the civil rights remedy is supported by numerous findings regarding the serious impact of gender-motivated violence on interstate commerce. I conducted 4 years of hearings to make that record.

We showed overwhelmingly that the loss of dollars to the economy of women being battered and abused and losing work is billions of dollars. We showed overwhelmingly that women make decisions about whether to engage in a business that requires them to cross State lines based in significant part upon the degree to which they think they can be safe, based upon a survey of 50 State laws, and whether or not they adequately protect women as they do men against violence.

The record is overwhelming. Nonetheless, instead of applying the rule they had traditionally applied in determining whether Congress has the right to be involved in what is a local matter, they came up with a new standard.

Instead of applying the old standard of: Is there a rational basis for Congress to find, as they did, the traditional ''rational basis review'' to decide whether Congress' findings in this case were rational—and I cannot conceive of how they concluded they could not be—the Court simply disagreed with the findings, marking the first occasion in more than 60 years that the Court has rejected explicit factual findings by the Congress, supported by a voluminous record. They, in fact, explicitly rejected the findings that a given activity substantially affects interstate commerce.

The Court justified the abandonment of the deference to Congress by declaring that whether particular activities sufficiently affect interstate commerce ''is ultimately a judicial rather than a legislative question.''

I could not disagree more fundamentally with the Court's ruling. Quite frankly, this will affect the Violence Against Women Act less than it is going to affect a whole lot of other things. The Supreme Court precedents have long recognized that Congress has the power to legislate with regard to local activities that, in the aggregate, have a substantial impact on interstate commerce.

I personally believe Justice Souter, who wrote the principal dissent in this case, had it right when he explained that:

> [t]he fact of such a substantial effect is not an issue for the courts in the first instance, but for the Congress, whose institutional capacity for gathering evidence and taking testimony far exceeds ours.

I am left wondering, where does the Court's decision leave Congress' formerly plenary power to remove serious obstructions to interstate commerce, whatever their source?

It is reminiscent of the Lockner era when they said, by the way, you have those labor standards having to do with mining—mining is not interstate commerce. Then they came along and said production is not interstate commerce. Then they said manufacturing is not interstate commerce. Until midway in the New Deal, with the end of the Lockner era, they said: Woe, woe, woe; wait a minute, wait a minute.

Unfortunately, this decision yesterday reads more as a decision written in 1930 than in the year 2000.

As Justice Souter documented so well in his dissent, the Court appears to be returning to a type of categorical analysis of Congress' power under the Commerce Clause that characterized the pre-New Deal era, where, as I said, manufacturing, mining, and production were all held to be off limits despite their obvious impact on interstate commerce. Now it is a new standard: ''Economic activity'' versus ''non-economic activity.''

If Congress can regulate activity with substantial effects on interstate commerce, then I, as Justices Souter and Breyer, do not understand what difference it makes whether the causes of those substantial effects on interstate commerce are in and of themselves commercial.

In any event, suffice it to say that this type of formalistic, enclave analysis—where certain spheres of activity are held off limits to Congress—did not work in the 1930s and will work no better in the 21st century.

Because it is impossible to develop judicially defined subject matter categories spelling out in advance what is in Congress' Commerce Clause power and what is out, I believe the dissenting Justices are correct that Congress, not the courts, must remain primarily responsible for striking the right Federal-State balance, and that the Members of Congress are institutionally motivated to strike that balance by virtue of the fact that we represent our States and local interests as well as the Federal interest.

So why has the Court revived the form of analysis that so ill-served the Nation in the years leading up to the judicial crisis of 1937? Again, I find Justice Souter's explanation convincing: In both eras, the Court adopted these formalistic distinctions in interpreting the Commerce Clause in service of broader political theories shared by a majority of the Court's members.

In the pre-New Deal era, that broader political theory was laissez faire economics; now it is the new federalism. In both instances, the Court has been eager to substitute its own judgment for that of the political branches democratically elected by the people to do their business.

Those of you who are conservatives in this Congress, who say that you, in fact, want the democratically elected bodies making these decisions, I suggest to you that this is one of the most activist Courts we have had in 50 years. It is supplanting its judgment for the democratically elected branches of the Government.

So have at it, conservatives. This judicially active Court is supplanting their judgment for the democratically elected bodies.

Justice Stevens put it bluntly in his recent dissent in the recent age discrimination case. He said: The Court's federalism decisions constitute a ''judicial activism''—that is his quote, not mine—that is ''such a radical departure from the proper role of this Court that it should be opposed whenever an opportunity arises.''

This is one Senator who plans to keep up that opposition.

Stay tuned, folks, because what this upcoming election is about is the future—the future—of the power of the elected branches of the Government versus the Court which is appointed for life. This is a conservative agenda that is being forced upon the democratically elected bodies, as it was in the 1920s. The next President is going to get to pick somewhere between one and three new Justices.

Mr. President, I ask unanimous consent that a speech I made on the Supreme Court and its changing direction be printed in the RECORD.

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

REMARKS BY JOSEPH R. BIDEN, JR., TO THE NEW HAMPSHIRE SUPREME COURT, SEPTMEBER 17, 1999

Today marks the anniversary of an extraordinary event, the 212th anniversary of the birth of the Constitution of the United States. On September 17, 1787, the Constitutional Convention, its work complete, rose

and submitted the Constitution to the thirteen states for ratification. Bringing together thirteen different states with diverse cultures and established governments—some of these harking back a hundred years—did not come easy. In 1775, at the time of the Continental Congress, John Adams, writing to his wife, Abigail, described: ''[f]ifty gentlemen meeting together all strangers . . . not acquainted with each other's language, ideas, views, designs. They are therefore jealous of each other—fearful, timid, skittish.''

The men who attended that Constitutional Convention knew, even then, that they had begun the greatest political experiment in human history, producing a document that would become an engine of change throughout the world. According to James Madison's account, Governor Morris of Pennsylvania stated that:

He came here as a Representative of America; he flattered himself he came here in some degree as a Representative of the whole human race; for the whole human race will be affected by the proceedings of this Convention.

''This Country,'' Governor Morris continued, must be united. If persuasion does not unite it, the sword will. . . . The scenes of horror attending civil commotion can not be described. . . . The stronger party will then make [traitors] of the weaker; and the Gallows & Halter will finish the work of the sword.

The Framers, in their vision and wisdom, did unite the country, fashioning a government that was both federal—that is, comprised of sovereign states—and, at the same time, truly national in power. The Framers respected and sustained the essential role of the states. But, at the same time, the Framers made national law supreme, a principle enshrined in the Supremacy Clause of the Constitution, and created a government empowered to bind both the states and individuals, powers denied the government under the Articles of Confederation.

The Constitution also established a vigorous and independent presidency—what Alexander Hamilton in the Federalist Papers called ''energy in the executive''—by freeing the Chief Executive from selection by the legislature and granting the President real and meaningful powers. As early as McCulloch v. Maryland, Chief Justice John Marshall in 1819 recognized the ''great powers'' the national government possessed:

to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct a war; and to raise and support armies and navies. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the nation, are entrusted to its government.

And, on this 212th anniversary of the crafting of the Constitution—a day and age now marked by national malaise about and distrust of our government and its institutions—it is only fitting to reflect on how right Governor Morris was about how the Framers' creation has transformed—and transfixed —the human race. Under this Constitution, we settled a vast continent—from the Atlantic to the Pacific coasts; we mobilized millions of men to unite the nation and end slavery, fulfilling the promise of the Constitution; we ascended, like the mythical phoenix, from the ashes of the Great Depression; we turned back despotism and preserved a free Europe in two World Wars; we won the Cold War; and we now enjoy economic and military power unrivaled across the globe and unmatched in the history of the world. No small achievements, these.

These achievements make us the envy of the world. Just last week, I returned from a trip to six European countries, including Kosovo, and I met with six Presidents. The President of Bulgaria said to me:

I know of no other country that has risked the lives of its young men and women and would spend $15 billion dollars on behalf of a place in which it has no economic interest, no strategic interest, and no territorial interest—only an interest in defending human rights.

Could we have achieved these successes without vigorous presidential leadership? We owe our position in the world to the choices made by the Framers at the Constitutional Convention. Imagine accomplishing what we have in the two centuries of our brief history without a strong federal government and a strong president.

More than our achievements, though, it is our public institutions that other nations seek to imitate. In every place I traveled around the world last month, every one of those six foreign Presidents talked about how they wanted to mimic American governmental institutions—our Congress, our President, our courts. They do not talk about our resources; they do not talk about the American people themselves; they talk about our institutions. It is these public institutions—not a common ethnicity or religion, which, of course, we do not share—that acts as the glue that binds this country together.

But although other nations clamor to model their institutions after ours, our own public discourse reflects a deep and abiding angst about and suspicion of our government. Last November, only 38 percent of Americans voted, a 50-year low that ranks the United States at or near the bottom of the world's democracies in voter participation. As of 1995, voter turnout in 14 European countries, by contrast, was above 70 percent.

And take Washington Post reporter Bob Woodward's recent book, Shadow: Five Presidents and the Legacy of Watergate, which New York Times columnist Frank Rich recently nicknamed ''All the Presidents Stink.'' Woodward's book puts between two covers a cynicism about government that you can purchase for fifty cents by picking up a daily newspaper, and for less than that by turning on your television. A style of attack and scandal journalism toward public officials dominates the news media—and studies by Kathleen Hall Jamieson, Dean of the Annenburg School of Communication and her colleague Joseph Cappella, have shown that cynical coverage breeds cynical voter reactions.

It produces the kinds of expectations what were well captured by Marvin Lucas, a 59-year-old custodial supervisor at a college in Milledgeville, Georgia. Responding to a Washington Post-Kaiser Foundation interviewer, Mr. Lucas said ''I compare politicians with used car salesmen: say one thing, do another.''

And the ''other thing'' that politicians do, of course, is to feather their own nests and the nests of special interest groups that support their reelection campaigns. That is the dominant opinion people have of American elected officials. If that is your starting point, it is no wonder that in 1994, 56 percent of Americans thought that government did more to hinder their family's achieving the American dream than to help them achieve it, while only 31 percent thought that government helped them. (The numbers had improved by 1997, but were still negative—47 percent to 38 percent).

Heaven knows that politicians are far from perfect, and our own missteps and, yes, deceptions, contribute to the country's cynical attitude. Some historians trace the contemporary decline in faith in government to Lyndon Johnson's 1964 Presidential campaign, where he pledged that ''no American boy will fight a foreign war on a foreign soil if I'm elected President.'' Within a year of that statement, Johnson had ordered massive increases in draft calls and the military build-up for the Vietnam War. Then Watergate cut right to the heart of our faith in elected officials.

And today, highly negative campaigning has become an art form, as each candidate tries to tag his opponent with being an insider, or else being a corrupt person who just hasn't had the chance to be corrupt on the inside yet. When Majority Leader George Mitchell was retiring from the Senate, he remarked to Jim Lehrer on the News Hour that so long as campaigns consist of one candidate calling his opponent a crook and the other calling his opponent a scoundrel, is it any wonder that Americans believe that Congress is filled with crooks and scoundrels?

So I don't want to understate the complexity of the sources of contemporary cynicism and distrust toward elected officials. What worries me, though, is that this cynicism and distrust is way out of proportion to the actual accomplishments of the federal government, and way out of proportion to the sincerity and honesty with which my colleagues conduct themselves every day in doing the country's business.

This public cynicism is not the only current raging in American politics today, however. There is a movement among intellectuals, historians, and political scientists to shift the locus of political power, or to ''devolve power,'' from the national government to the states. George Will, one of the champions of this ''devolution of power'' movement, explained its premise as follows:

[I]t is unwholesome that Washington, like Caesar, has grown so great. Power should flow back to where it came from and belongs, back to the people and their state governments, back to state capitals . . .

This is nothing less than a fight for the heart and soul of America. This is a fight about power. And it is a fight about who will be left in charge.

In my view, the value of devolution of power from the national government to the states can be overstated. Certainly the abuse of power, whenever it occurs, must be checked. The federal government admittedly does tend to grab power for itself without due regard for whether its goals can better be achieved at the local level. But the state and local governments, in contrast, tend toward parochialism without due regard for the national interest. Thus, devolution of power is not per se a good thing. At whatever level of government, it all depends how that power is used.

It cannot be that the Framers intended to hamstring the federal government in favor of the states. If that was their intent, why abandon the Articles of Confederation? And just try to imagine the United States attaining its successes to date without a strong national government and a vigorous President. To go one step further—imagine how difficult it will be to fortify our position in the world in the 21st century without a powerful central government.

The current cynicism about our public institutions, it seems to me, is also beginning to gain a foothold in the constitutional decisions of the Supreme Court, and that is also

of concern to me, and is something I would like to spend the next few minutes discussing with you. Now first I want to say that today's Supreme Court is the best-informed, hardest working Court we have ever had. In particular, I want to commend Justice Souter, a native son of this great state of New Hampshire, for writing several of the most scholarly and persuasive dissents this Court has seen in recent years—dissents that I am confident will prove prophetic.

Yet the Supreme Court of today embodies both strands of the phenomenon now plaguing our American culture—both the public cynicism about, and the intellectual disdain for, our national government. The Court is sharply critical of the political branches of our federal government, accusing them in case after case this decade of arrogating power to themselves at the expense of state governments. But in assuming the role of ''Chief Protector'' of the allocation of power between the federal government and the states, the Supreme Court of late has regrettably adopted a court-centered view of the scope of federal power. In doing so, it has arrogated to itself a responsibility that more properly befits the political branches.

In my opinion, we have in the past eight years or so begun to see a series of opinions in which the Supreme Court has become bolder and bolder in stripping the federal government of the ability to make decisions on behalf of the American people. So far, the immediate effects of these decisions are real, but relatively modest. They may represent marginal readjustments in the allocation of power under the Constitution. On the other hand, if I am right and the jurisprudence is being driven by an oversized sense of distrust and cynicism toward democratically elected government—and especially toward the federal government—the decisions could constitute the beginnings of a sea change that could take us quite literally back to a style of judicial imperialism unseen in this country since the early 1930s.

The trio of cases decided by the Supreme Court at the very end of the last Term are a prime example of this court-centered view of federal power. For example, in its 5–4 decision in Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank, the Court held that Congress had no power to subject the states to private patent infringement suits in federal court because in the Court's view, the statute was not ''appropriate'' legislation to enforce the Fourteenth Amendment. The Court said no to patent infringement cases against state entities because the Court—not Congress—decided that legislation remedying patent infringement by state entities was not really necessary. In so deciding, the Court made a quintessentially legislative judgment.

To the same effect was the companion case, College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board, in which the Court dismissed out of hand Congress' effort to hold state entities accountable to private parties for misrepresenting the states' commercial products in violation of federal trademark law, because the Court decided that the statute did not protect ''property rights'' within the meaning of the Fourteenth Amendment.

The two Florida Prepaid decisions unfortunately flow directly from City of Boerne v. Flores, in which the Court in 1997 struck down the Religious Freedom Restoration Act as also exceeding Congress' authority under section 5 of the Fourteenth Amendment. In ruling that Congress had gone too far in protecting religious liberty, the Court in essence held that Congress had not done its homework to the Court's satisfaction. The Court attacked the legislative record as lacking what it considered to be sufficient modern instances of religious bigotry and found that the statute was ''out of proportion'' to its supposed remedial or preventive objects. Again, the Court in effect decided that a law simply was not really necessary.

Implicit in the Court's obvious willingness in Boerne to second-guess Congress' legislative judgment in the name of protecting state governments is the notion that it is for the Supreme Court, and not Congress, to specify the meaning of the provisions of the Constitution, even when Congress claims to enforce the individual liberties protected by the Fourteenth Amendment.

It is as if the Court has forgotten that the only institution mentioned in section 5 of the Fourteenth Amendment is Congress. The text of section 5 is clear and simple: ''The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.'' It was for Congress, not the courts, to be the primary guarantor of individual rights as against oppression by state authorities, and for Congress, not the courts, to assess whether and what legislation is needed for that purpose. Remember that the Fourteenth Amendment was adopted in the long shadow of the Dred Scott decision. The court-centered view the Court has since taken of that amendment is directly at odds with the universal sentiment at the time of its adoption that it was our federal legislature, not the courts, that could best be trusted to police the states.

What seems to lie at the heart of the headline-grabbing cases of the past few terms is the Court's willingness to disregard the views of Congress in favor of its own. It is as if the Court believes that it has a better sense of the economic and other real-world implications of the laws Congress passes than do those elected by the people to serve in that branch.

The Court's recent decisions contain troubling echoes from the New Deal era, when the Supreme Court was swift to substitute its own judgment of what was desirable economic legislation for that of Congress and the President. Here is just one illustration from that bygone era: In Railroad Retirement Board v. Alton Railroad Co., the Court in 1935 struck down the Railroad Retirement Act as unconstitutional, in part because the Court concluded that it was not a valid regulation of interstate commerce. Congress enacted the statute, which established a compulsory retirement and pension system for all railroad carriers, to promote ''efficiency and safety in interstate transportation'' both by reducing the aging population of employees and by improving the employees' sense of security and morale. In its opinion, the Court stated, however: ''We cannot agree that these ends . . . encourage loyalty and continuity of service.'' We cannot agree. That is a breathtaking statement by a court which had abandoned its proper role. We cannot agree?

And in denying Congress what Justice Breyer in dissent has called ''necessary legislative flexibility,'' such as to create, for example, ''a decentralized system of individual private remedies,'' the Court has returned to the kind of court-centered conception of federal power that typified not only the New Deal era, but the Lochner era as well. As Justice Souter predicted in his Alden v. Maine dissent lamenting the Court's sovereign immunity decisions:

The resemblance of today's state sovereign immunity to the Lochner era's industrial due process is striking. The Court began this century by imputing immutable constitutional status to a conception of economic self-reliance that was never true to industrial life and grew insistently fictional with the years, and the Court has chosen to close the century by conferring like status on a conception of state sovereign immunity that is true neither to history nor to the structure of the Constitution. I expect the Court's latest essay into immunity doctrine will prove the equal of its earlier experiment in laissez-faire, the one being as unrealistic as the other, as indefensible, and probably as fleeting.

(Justice Souter, I sincerely hope that you are correct when you said ''probably as fleeting'' because if you are wrong, and the Court's pronouncements endure, then I am afraid that the country is in bigger trouble than I thought.)

Don't misunderstand me. I do not mean for a second to disparage the role of the states. The states play a critical part in warding off tyranny by the national government and in performing all the fundamental functions with which the governments closest to the people are charged. Certainly those of you who live in this great state of New Hampshire—whose motto is ''Live Free or Die''—understand that better than anyone else. As James Madison wrote in the Federalist Papers:

The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

But we should think long and hard before allowing one branch of our government—the federal judiciary—to cripple its co-equal branches, the political branches, of government. To do so is to put in jeopardy all that we have accomplished in our brief history and all that we may do in the future.

I must tell you that I am gravely concerned about the direction the Court is headed. I have a particular stake in this which I will confess now and that is the fate of the civil rights remedy created by the Violence Against Women Act of 1994, which I wrote. Earlier this year, the U.S. Court of Appeals for the Fourth Circuit invalidated the civil rights remedy in Brzonkala v. Virginia Polytechnic Institute & State University, and the case may come before the Supreme Court in the coming Term if the Court grants review.

The civil rights remedy creates a new federal cause of action allowing a victim of gender-motivated violence to sue her attacker in court. I believe—indeed, I know—that violence against women restricts the participation of women in the national economy, inhibits their production and consumption of goods and services in interstate commerce, and obstructs their ability to work and travel freely. In short, violence against women was, and is, a national problem of epic proportions that substantially and adversely affects interstate commerce. A massive legislative record compiled after four years of fact-finding hearings in Congress irrefutably confirms the impact of violence against women on the national economy and interstate commerce.

When we enacted the Violence Against Women Act civil rights remedy in 1994, the Senate Judiciary Committee explicitly found that the provision satisfied the ''modest threshold'' required by the Commerce Clause, and we in Congress were confident of the statute's constitutionality. The civil rights remedy quite appropriately attempted

to remove an obstruction to interstate commerce, much as the Civil Rights Act of 1964 barred race discrimination in hotels and restaurants because such discrimination, as the Court put it in upholding the statute, ''imposed 'an artificial restriction on the market.' ''

But less than a year after we enacted the Violence Against Women Act and its civil rights remedy, the Supreme Court decided United States v. Lopez and invalidated, as beyond Congress' Commerce Clause authority, the Gun-Free School Zones Act, which prohibited the possession of a firearm within 1000 feet of a school. In the wake of Lopez, I find myself asking: Will this Court accept the congressional judgment that violence against women adversely affects the national economy? Or will this Court second-guess the remedy we chose to address that effect?

Ironically, the Court may find itself the champion of states' rights that the states do not even want. Just as with the Patent Remedy Act, where no state testified in favor of immunity from private patent infringement actions, the vast majority of states strongly favor the Violence Against Women Act civil rights remedy. Forty-one state attorneys general wrote to Congress in favor of the statute, including the civil rights remedy, before its enactment. Only a few weeks ago, 33 Attorneys General submitted an amicus brief to the Supreme Court asking the Court to grant the petition for certiorari and uphold the statute because the states ''agree with Congress that gender-based violence substantially affects interstate commerce and the States cannot address this problem adequately by themselves.''

I also fear that the Supreme Court's readiness to disregard the people's judgment has served as a clarion call to the federal courts to usher in what Judge Douglas Ginsburg of the U.S. Court of Appeals for the D.C. Circuit has called the ''Constitution in Exile.'' According to Judge Ginsburg, the doctrine of enumerated powers, the nondelegation doctrine, the Necessary and Proper, Contracts, Takings, and Commerce clauses, had become ''ancient exiles, banished for standing in opposition to unlimited government.''

In service of this ''Constitution-in-Exile,'' the lower courts have begun to read the Constitution in a revolutionary way. Thus, a district court in Alabama decided, remarkably, that the Superfund amendments were unconstitutional because they did not regulate interstate commerce, a decision later reversed on appeal. Similarly, the Fourth Circuit's ruling striking down the civil rights remedy of the Violence Against Women Act transforms Lopez v. United States from an important reminder that Congress' commerce power is not without limits, into what is arguably the most momentous decision of the last fifty years regarding the scope of federal power.

That same court of appeals has tightened the noose in yet another way. The Fourth Circuit ruled last year in Condon v. Reno, a case now under review by the Supreme Court, that Congress may not pass a law when that law applies only to the states, and not also to private individuals. In other words, Congress may not require the states to comply with federal law if the law does not also affect private individuals.

The jury is still out on whether the Supreme Court will let the other shoe drop and sustain these additional restrictions on federal power, but the Court seems primed and poised to do so. Much hangs in the balance. If your eyes glaze over when I speak about Congress authorizing private actions for patent infringement or trademark violations by state entities, then think about the Fair Labor Standards Act, which the Court held last June in Alden v. Maine could not be enforced against noncompliant states by state employees seeking backpay. How far we have come from the Framers' vision of a federal government strong enough and flexible enough to do the people's business. As Justice Souter observed in his dissent in Alden v. Maine:

Had the question been posed, state sovereign immunity could not have been thought to shield a State from suit under federal law on a subject committed to national jurisdiction by Article I of the Constitution.

Other cases could potentially serve as a resounding wake-up call as to the extent to which the federal government's hands have been tied in addressing problems of national import. In the coming Term, the Court will take up the question whether the Congress had the power in the Age Discrimination in Employment Act to authorize private law suits against state violators. A case raising a similar issue with respect to the Americans with Disabilities Act is sure to follow. And if the Court says no, private individuals who suffer age, disability, and other forms of discrimination at the hands of state actors will have few means at their disposal to enforce their rights under federal law, and the federal government will rarely be able to help them.

The Court left open the possibility that the federal government could sue noncompliant states, but if you think that it is realistic for the federal government to come to the rescue by going into court on a regular basis to vindicate the federal rights of private individuals, think again. I do not see a massive expansion of the federal litigating corps happening any time soon. Nor do I see how that could be anything but self-defeating if the goal is to minimize the federal intrusion into state government affairs. By elevating the states' sovereign immunity to an immutable principle of constitutional law, the Court, as Justice Breyer recognized in his College Savings Bank dissent: ''makes it more difficult for Congress to decentralize governmental decisionmaking and to provide individual citizens, or local communities, with a variety of enforcement powers. By diminishing congressional flexibility to do so, the Court makes it somewhat more difficult to satisfy modern federalism's more important liberty-protecting needs. In this sense, it is counterproductive.''

Now don't get me wrong. Sometimes the federal and state governments do not get their relationship quite right. We do not have infallible institutions. But when the Supreme Court restricts the flexibility of Congress to decide how best to address national problems within the scope of its enumerated powers, the Court truncates the learning process otherwise underway in our political institutions—a result a conservative court—conservative with a small ''c''—should hesitate to effect.

The Court has imposed by fiat limitations on the exercise of federal power that might very well have come about without the Court's interference. In other words, the Court in Garcia v. San Antonio Metropolitan Transit Authority got it right when, in 1985, it overruled National League of Cities v. Usery, a case decided a decade earlier, that had restricted the federal government's power to regulate the states ''in areas of traditional governmental functions.'' Instead, the Court announced in Garcia that the political process, not the Court, should serve as the principal check on federal overreaching. I must disagree with the notion that leaving it to Congress and the President is like leaving the fox to guard the chicken coop, or as Justice O'Connor put it in her dissent in Garcia, like leaving the ''essentials of state sovereignty'' to Congress' ''underdeveloped capacity for self-restraint.''

The Violence Against Women Act civil rights remedy is a good example of Congress' developing capacity for self-restraint. At the outset, those most concerned about domestic violence and rape wanted a statute with a broad sweep, and so we started out by introducing a provision in 1990 that arguably would have federalized a significant portion of state laws against domestic violence and rape. But the Conference of Chief Justices of State Supreme Courts, the Judicial Conference of the United States—and Chief Justice Rehnquist, in particular—pointed out to Congress, while the bill was under consideration, that the civil rights provision might significantly interfere with the states' handling of domestic relations and rape cases, while at the same time, overburdening the federal courts. The federal and state judiciaries raised the concern, we examined it, and we decided that they were right. Congress then carefully redrafted the civil rights remedy so that it would not have that effect.

There are other recent examples—such as the Unfunded Mandates Act—that came about because the states complained to Congress that we were forcing them to use their tax dollars to do whatever we mandated in Washington. The states staged a mini-rebellion. So Congress wrote a new law requiring federal restraint. And for that, I must give my Republican colleagues their due.

But when the Supreme Court plays traffic cop on the streets of federalism, the Court does our country a disservice by cutting this national political dialogue short. We are already reaching many of the conclusions the Court has now cemented into the Constitution. James Madison wrote in the Federalist Papers that the new federal government would be sufficiently national and local in spirit as ''to be disinclined to invade the rights of the individual States, or the prerogatives of their governments.'' Our political institutions can be trusted. The Framers understood this.

In short, the disconnect between our public and cultural perceptions of our institutions and reality is stunning. Keep in mind that the rest of the world is struggling to emulate our institutions because they believe it is our institutions that separate us from other nations—indeed, from other democracies—and are the bedrock upon which our successes are founded.

Yet our public discourse, our legal opinions, our very culture, are compelling us to overlook or scorn our own accomplishments. We are losing, as a nation, the communal notion that our strength lies in our institutions. Relentlessly accentuating the negative when it comes to our political institutions, however, eclipses our considerable successes. And this predilection to distrust the political branches now seems to be shared equally by the judicial branch, not only when it comes time to decide how to distribute power between the federal government and the states, but also when it comes to making a judgment of what is in the best interests of Americans.

I talked to you tonight about cynicism, devolution of power, and how we got here. In my view, all of that can be overcome by the right leadership, the right people in power,

who will recharge the public's imagination and confidence. The public mood can be transformed in an election, a single cycle. Maybe it will take a generation. But it can be changed. Elected officials who cater too much or too little to state interests can be voted out of office. But if the Supreme Court chisels into stone new constitutional restrictions on federal power, new hoops through which Congress must leap, where will we be then? You cannot go to the polls to undo a constitutional ruling of the Supreme Court. There is no further appeal—no appeal to a higher court, no appeal to the voters. Nothing short of a new constitutional convention or an amendment to the Constitution—and you know how easy that is—or will do. James Madison was right: trust the political process. ''WE CANNOT AGREE''? Please.

Let me conclude by making the following simple point: if, at the federal level, we are such a failure institutionally, why does the rest of the world look to us to copy our supposed frailties? If we are such a failure—with our last six Presidents supposedly flops—how is that our incomes are actually growing, crime is going down, drug use is down, and our economy is in better shape than that of any nation in the history of the world? How did we produce a nation willing and able, as the President of Bulgaria pointed out, to spend billions of dollars and risk the lives of its men and women to advance the cause of human rights? Did it happen by chance? Did it happen by accident? It happened as a direct result of our unique political institutions.

The Framers set out to create a centralized government robust enough to deal with national problems, but with built-in guarantees that it be respectful of, and sensitive to, local concerns. There is an inherent tension in the document. But look at the sweep of history: as the balance of power has shifted back and forth between the national government and the states, our resilient political branches have adjusted and responded. The rest of the world gets it.

We must remember that politics—and politicians—are not the enemy. The Constitutional Convention was composed of men who were regarded as gifted even in their own day. As the French chargé d'affaires wrote to his government as the Convention convened:

If all the delegates named for this Convention at Philadelphia are present, we will never have seen, even in Europe, an assembly more respectable for the talents, knowledge, disinterestedness, and patriotism of those who compose it.

Above all else, these men were politicians. And I am not suggesting by this that our government today boasts the likes of a Jefferson or a Madison, but I am suggesting that we have fine and decent men and women with significant capabilities who choose public service. And some of you are among them.

The hostility we see from the Supreme Court toward the elected branches of government is the same suspicion we see in the eyes of the ordinary person on the street. ''Politics'' has become a dirty word. But as those of you here who live in this state of strong local community governments and town hall meetings, know better than anyone, ''politics'' is fundamental to how we govern ourselves in a democracy. At the end of the day, politics is the only way a community can govern itself and realize its goals without the sword.

So I stand before you today, on this 212th anniversary of the completion of the work of the Constitutional Convention, ready and willing to defend politics—even national politics. It was what those 50 gentlemen, all strangers, who met 212 years ago defended and vindicated. And it is what, in the end, has made and will continue to make us secure and strong.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2521, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. The ranking member of this committee has some chores to do. I am finding no one on the floor who wants to talk on this piece of legislation, unless the Senator from Delaware wants to make his Kosovo statement.

Mr. BIDEN. I will do whatever the Senator would like me to do.

Mr. BURNS. I tell the Senator, I have a feeling we are not going to really get into the meat of this bill until after the policy luncheons.

If the Senator would like to open it up, say, with your statement at around 2:15, we might be able to arrange that. Until then, I would put the Senate back into morning business.

Mr. BIDEN. Mr. President, if the Senator will yield, I would be happy to do that. But would I be able to appropriately ask unanimous consent that I be recognized first, unless the managers wish to be recognized, when we reconvene after our party caucuses?

Mr. BURNS. Let's hold up for a minute until we get some consultation.

Mr. BIDEN. Mr. President, let me rephrase that. I ask unanimous consent that after the managers and/or either party leader I be recognized to make my statement on Kosovo.

Mr. BURNS. I have no objection.

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

Mr. BURNS. I thank my good friend from Delaware.

Mr. President, seeing no one to speak on this issue—and I think most everybody is awaiting the debate for this afternoon—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. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until 12:30 p.m. today and that Senators be permitted to speak therein for up to 10 minutes.

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

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE DISASTER IN NEW MEXICO

Mr. DOMENICI. Mr. President, I note on the floor with me this afternoon is Senator BINGAMAN. We are both here to speak about the disaster and catastrophe that has occurred in New Mexico. I would like to speak maybe for 5 or 6 minutes, then yield to my colleague, and then come back and do a little more.

During my time in the Senate, which is now approaching 28 years, I vividly remember coming down and hearing Senators have to tell the Senate about a disaster of significant proportions in their home State. The Senator wanted to tell us about how bad things were and lay the groundwork for the Congress, the Government of the United States, to do what it must to help those who are victims in a disaster.

To tell you the truth, I have been to Los Alamos, oh, so many times over the last 28 years. Most of them have been very joyous occasions, when we met with some of the greatest scientists in the world, talked about some fantastic science, met some wonderful people, and saw a beautiful town up there in the mountains. It came into being when the United States of America decided a former boys' academy up there in the mountains would be the center around which we would develop our first atomic weapons. It was a closed city for a long time but a beautiful place.

Sure enough, never did I expect to see what I saw last Thursday when Senator BINGAMAN and I, the Secretary of Energy, and James Lee Witt, the head of our emergency disaster relief agency for the United States, and others flew out there. Then we helicoptered around. Then we drove the streets to see what was occurring.

Senator BINGAMAN took a little different tour than I. He saw some of the housing. I saw where they set up the

headquarters to manage and operate things. So he will have some very vivid recollections of what he saw, of houses burned to the ground.

Essentially, it is, indeed, a very sad day when probably one of the greatest laboratories human beings have ever set up—in terms of great science, not just because of great buildings but because great scientists have lived there and worked—is surrounded by flames. Many people supported those most talented of Americans—and even some of our greatest friends from other countries have been there as part of America's research in atomic and nuclear weapons safety, responsibility, and reliability—to go there and see a ghost town as you drive the streets, with smoke on one side, fire on one side, a house burned down, your heart kind of goes out. A great deal of empathy pours from you.

We are very lucky, the Senate should know; even though over 44,000 acres have burned, something like 400 housing units have burned to the ground, and upwards of 25,000 people have been evacuated—many are returning now. Damage and fire are still going in some of the canyons—but, we are very grateful that in the canyons that are still burning there are not very many housing units in the path. The forest is still burning and will burn for a long time. Yet nobody died, nobody got seriously hurt. Two or three firemen were injured, as I understand it, and none of those was serious.

The fire is now no longer threatening the houses of the city of Los Alamos or of White Rock, the adjoining community. In some very miraculous way, none of the big administrative and research buildings of the laboratory was hit by this fire. It went around them and got some housing subdivisions, but only a few buildings of minor significance that are part of this enormous science complex were burned.

The houses that burned, burned right to the ground. All that is left is cement foundations, as Senator BINGAMAN will describe and perhaps show some pictures. If there were houses that had cars in the front yards, the cars were burned to a crisp. The metal is twisted and burned. In some places, you can see an icebox that is hanging over the vacuum that used to be sheltered by walls and roofs. The icebox just melted. It is no longer even noticeable. You cannot recognize it as being such. It is melted and completely different in form.

Essentially, all this was going on right around and close to a laboratory that does an awful lot of nuclear work, that has some compounds that are housed in cement bunkers so nothing can happen to them. And, sure enough, to this day there has been no radioactivity escape from any of these buildings and/or research facilities.

That is not just the Federal Government saying it. The New Mexico environmental department has monitored this. The greatest and best monitors from around the country are located there, and the ambient air monitors have indicated there is no radioactivity in the air. So now we have to start back up the path of trying to see how we can rebuild the lives of people there.

I am not going to go into detail other than to say we are beginning to move in the right direction. The laboratory personnel will begin to move in and see what is needed. In one of the communities, people are coming back. Parts of Los Alamos will be reoccupied soon. But I am sure Senator BINGAMAN and I will be asking the Senate, from time to time, to assist us, either with legislation that will direct how this should be handled, or certainly with money that will make the repairs and bring this facility back to where maybe we could say we will make it as whole as possible.

I want to close my first few remarks, and then yield to my friend, Senator BINGAMAN, by saying that right next to this forest, which surrounds Los Alamos, the Los Alamos property that belongs to the Department of Energy, is a national monument called Bandelier. It is rather renowned.

Both Senator BINGAMAN and I have had reason to work specifically for things to preserve and make the Bandelier National Monument a great and beautiful place. But it appears that in order to clear out that Bandelier forest a bit, because so much growth had accumulated and because of so many fallen trees and other things, that a planned burn took place. It looks as if that planned burn got out of hand. It further looks as if it maybe should not have been started at all. I think the House passed a resolution today indicating that the U.S. Government is responsible for all these damages because of this controlled fire that got out of hand. Surely that will be looked at.

The Energy and Natural Resources Committee, chaired by Senator MURKOWSKI, with Senator BINGAMAN as ranking member, has asked the General Accounting Office to begin an investigation. The executive branch has been rather forthcoming. They have told us, by Thursday evening, no later than Friday, they will give us, and I presume the people of New Mexico, the country, and Los Alamos, the results of an evaluation by some of the Government's best experts on controlled fires and forest maintenance. They will tell us what they think went wrong.

At this point, I do not think there is any question that, at least—I start with the proposition, and I am certain Senator BINGAMAN will address the same issue—we are responsible to make that community whole, to make those individual residents who lost their homes and lost their property whole, and whatever expenditures have been incurred by the people and by the community that we, as a national Government, must make them whole. I am not sure what that means. But it will not take us long to find out.

In the meantime, I am very pleased that New Mexico's delegation is going to meet this afternoon. Hopefully, we will all be working together, the three House Members and the two Senators—Senator BINGAMAN and myself—in an effort to bring before the Senate and the House the appropriate remedies and the appropriate resources that are needed to do everything we can to make that community whole and make the individuals who have been subject to this terrible disaster as whole as possible.

I have additional remarks, about another forest fire occurring in another part of New Mexico and about some of the heroes there. There were heroes in other fires, too. But I yield to Senator BINGAMAN for his comments, and then I will reclaim some time when he is finished.

I thank the Senate and the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. I thank my colleague, Senator DOMENICI.

It is a pleasure to work with him in trying to solve some of these imminent problems that afflict our State. We hope very much we can do that in an effective way, with the help of the rest of the Senate and the rest of Congress.

Mr. President, on May 4, National Park Service officials set a fire in Bandelier National Monument to clear brush and deadwood that had accumulated in one corner of the monument, known as the Cerro Grande. We all know now what happened next.

That fire became an uncontrollable wildfire as high winds fanned the flames over the next several days.

Its smoke plume stretched across New Mexico and into Texas and Oklahoma—a plume that was visible from outer space.

The fire spread across the Santa Fe National Forest and torched the northern and western parts of the City of Los Alamos, destroying 260 homes and other residential units that had housed over 400 families.

The fire has, as of yesterday evening, consumed over 44,000 acres. Its perimeter last night was 85 miles.

The City of Los Alamos and the neighboring community of White Rock evacuated a total of over 20,000 people. A voluntary evacuation of 3,000 persons also took place in the next closest city, Española

The fire has damaged over 10 percent of the Santa Clara Pueblo Indian Reservation, where 1,500 people live, and threatens both the water supply and economic lifeline for that community.

On Saturday, President Clinton declared a Major Disaster in 12 New Mexico counties, as a result of the Cerro

Grande fire and wildfires in several other locations in the State.

This week, and perhaps next week as well, we will be considering appropriations bills that contain emergency supplemental spending for a variety of disasters that have occurred over the past several months. I believe that it is important for the Senate to make some critical adjustments to these spending bills to mitigate the effects of the Cerro Grande fire, and to prevent the occurrence of other catastrophic fires in the West this spring and summer.

As a first step, we should consider additional defense emergency spending to mitigate damage that has occurred at Los Alamos National Laboratory due to the fire. Thankfully, the laboratory was spared major destruction. At the same time, the damage to the laboratory was not zero. A number of buildings and trailers were destroyed, and the fire pointed up some systemic weaknesses in some of the laboratory's emergency and security systems that need to be addressed

Second, we need to deal with the aftermath of the destruction of dwellings for over 400 families in Los Alamos. The Administration and the Congress needs to act quickly to make them whole for the destruction of their homes and the loss of their belongings. I'm sure we have all seen pictures that show the total loss suffered by many families.

Making these Los Alamos community members and their families whole is not simply a matter of fairness—the government, after all, set the fire that burned them out. What happens to the residents of the City of Los Alamos and the surrounding communities also affects our national security.

The prime national security asset at Los Alamos, when you stop to think about it, is not some scientific facility at the lab or a stockpile of some special nuclear material. The most important national security asset at Los Alamos are the people who work there. It is their brains, their special expertise, and their detailed knowledge of nuclear security issues that won the Cold War. Without the continuance of this human resource, the long-term future of our nuclear deterrent will be in jeopardy, and we may find ourselves prone to unpleasant surprises in a world where nuclear proliferation is still an important threat.

If we do not act quickly to help the scientists and engineers at Los Alamos rebuild their lives there, some of them may take their insurance money and go to rebuild their lives in other places where they can find high-tech employment. That would be a terrible loss to this country's national security. I believe that we have to especially worry about two populations at the laboratory who may find it hardest to rebuild there—the young scientists and engineers who have recently been hired at the lab, and the scientists and engineers who are nearing retirement.

The young scientist or engineer who has been at the laboratory for only a few years has many other professional options in today's high-tech economy.

For most of them, working at Los Alamos pays considerably less than working for the private sector. Many of these individuals may not be fully insured for their potential losses. If we face these younger investigators with a prolonged stay in temporary housing a substantial distance from the laboratory, or if we ignore their uninsured losses, they may wonder about our long-term commitment to their careers supporting the nuclear security of this country. Already, there have been concerns that the recent attrition rate for these investigators has been higher than the historical average.

Another population at risk for loss to the lab is typified by the senior scientist or engineer who is close to retirement. It is hard for these individuals to start all over again, when they face the prospect of a potential second starting-over when they retire in a few years. These individuals are particularly needed over the next 4 to 5 years. That is the time period during which we will have to make the transition from a laboratory workforce with substantial experience in designing and conducting underground nuclear tests to a workforce that will have to maintain our nuclear stockpile without nuclear tests. According to an analysis carried out last year for my staff, much of the workforce at Los Alamos with substantial experience at the Nevada Test Site testing the primary components of nuclear weapons is aged 56 or older. The lab has an aggressive plan to capture and formalize their expertise in computer models over the next 4 to 5 years. We need to validate the computer codes that will be used in the long-term to certify the nuclear weapons stockpile before these weapons designers with direct test experience retire.

As far back as 1955, laws like the Atomic Energy Communities Act stated that the continued morale of nuclear defense laboratory personnel ''is essential to the common defense and security of the United States,'' and that the federal government needed to maintain conditions in these communities ''which will not impede the recruitment and retention of personnel essential to the atomic energy program,'' as the nuclear weapons program was then called. These principles are still true today. They indicate that we quickly move to restore the homes, the community facilities, and the physical infrastructure of the communities around the laboratory.

In addition to the workers at Los Alamos National Laboratory, the Cerro Grande fire is also threatening some of the most economically vulnerable citizens of northern New Mexico. These are the rural residents and the Native Americans who depend critically on the land that is being burned and its resources for their livelihood. I am particularly concerned about the residents of the Santa Clara Pueblo Indian Reservation, who face the loss of their natural water supply and of numerous sacred and historic sites as the fire progresses. Native American firefighters have been at the forefront of battling this blaze, and have been unstinting in their time and efforts to protect the federal government's property and that of their neighbors. We need to make sure that they are not forgotten in any restitution and recovery plan.

The Cerro Grande fire is one of several major fire disasters now facing the State of New Mexico.

Down in Otero County, New Mexico, near the town of Cloudcroft, the Scott Able fire in the Lincoln National Forest has burned over 21,000 acres. The fire was started last Thursday by a downed power line and is still not contained.

In Otero and Lincoln Counties, the Cree Fire, which started May 7 from a campfire, has burned over 8,700 acres. It has cost over $1.7 million to fight this fire to date.

Up north in Mora and San Miguel Counties, the Manuelitas Fire in the Santa Fe National Forest, which also started last Thursday from an unknown cause, has burned approximately 1,400 acres. And yesterday, another fire broke out and closed a five-mile portion of Interstate 25 near Pecos, New Mexico.

We need to make sure that we provide the persons and communities who have been damaged by these fires emergency relief and, where appropriate, compensation, as well.

All of these fires, taken together, illustrate the broader danger that States like New Mexico face in this severe fire season from areas of our national forests and public lands that are very close to towns, but in need of management of their vegetation to remove or reduce the dangers of wildfire and to improve the health of the forests. The Forest Service has asked for funds for the past few years to support such activities. This kind of funding would reduce the risk to human life and property while providing a source of local jobs in the rural West. As part of the upcoming emergency appropriations, we need to make sure that we not only provide extra funds for fire fighting, but also for the type of vegetation management, including thinning the forests of certain small-diameter trees, that will help prevent catastrophic fires near cities and towns in the West that are bordered by public forests.

I hope that all my colleagues here in the Senate will join me in making sure that the destruction caused by this fire is quickly remedied, and that the funds

are rapidly made available to help prevent more repeats of that destruction this spring and summer out West.

Mr. President, to reiterate, it is clear now, and acknowledged by the Park Service and by the Secretary of the Interior, that the fire was started by the Park Service on May 4 —well over a week ago—and was set as a so-called controlled burn, which got out of control.

This is, unfortunately, not the only instance we know of right at this current time where we have fires out of control which started as controlled burns. So we have a serious problem here.

Let me show you a couple of these photos that have been in the newspapers in New Mexico and in some of the national newspapers to show what we are talking about.

As you can see from this photo, this is the smoke plume from the fire. From the photo, you can see the red. This is Los Alamos. This is the State of New Mexico. This is the State of Colorado above, and then Texas and Oklahoma.

You can see this smoke plume extending to the east out of Los Alamos and out of New Mexico into Texas, into Oklahoma, and into Colorado. That gives you some sense of the size of this conflagration we have been trying to put out as a result of this so-called controlled burn.

I have one or two other photos which I also would like to show, just to give you an idea. This is a picture of the perimeter. Last night the perimeter of this fire was 85 miles. The fire has now destroyed something over 44,000 acres. This photo shows the largest of the fires.

As Senator DOMENICI has said, we have other fires going on in our State. Those have also been devastating for those communities.

Let me just mention those and indicate that we hope that whatever we do here will also provide relief for those communities as well.

The Cerro Grande fire is the largest in our State. But in Otero County, near Cloudcroft, we have the Scott Able fire which has burned over 21,000 acres. The fire started last Thursday by a downed power line.

In Otero and Lincoln Counties, the Cree fire was started May 7 from a camp fire. It has burned nearly 9,000 acres.

Up in Mora and San Miguel Counties, we have another fire that was started last Thursday that has burned approximately 1,400 acres.

We have serious human tragedies resulting from each of these fires. We hope we can get it all addressed.

The particular thing about this large Cerro Grande fire at Los Alamos, as Senator DOMENICI pointed out, is it was started by the Government. The laws we have passed, as I understand them, providing for Federal assistance in the case of disasters, do not contemplate a circumstance where the disaster was caused by Government action. They are generally disaster relief proposals and resources made available through those statutes, because the Government is stepping in to try to assist where there has been a hurricane or there has been an earthquake or there has been a flood or there has been a fire. Here we have all of that, but we also have the extra overlay and responsibility that I think comes with the fact that the Government set the fire.

Los Alamos National Laboratory was spared major destruction. That is a very important fact. It was not spared totally. There have been some damages. I hope we can see to it that those damages are repaired. But fortunately for the country, as well as for our State and the community of Los Alamos, the major facilities of the laboratories were not burned.

I do think this fire, though, reminds us of our national security assets located in Los Alamos. They are not just the facilities, and they are not just the nuclear material or equipment that has been developed there over many decades; the main asset we have there with a national security significance to it is the scientists and engineers and other people who work at that facility.

For that reason, it is absolutely essential we step up, as Senator DOMENICI said, to make these people whole, do what can be done by way of resources at this point, to help them rebuild, help them get through this period of turmoil, and get back to work on our very important national security needs.

We have various distinctions in our State. One that I have always enjoyed is that we have more Ph.D.'s per capita in New Mexico than any other State in the Union. People say, well, that is an unusual statistic. It is a statistic which relates directly to the Los Alamos National Laboratory and to the Sandia National Laboratory.

We have many extremely well-trained, well-qualified people working there. These are people who have alternative careers they can pursue; these are not people who need employment there. They could go to any of a number of private firms and be compensated, probably substantially better than we are compensating them to do this very important national security work.

We need to keep those people at our laboratory. We particularly need to keep those people, the young ones who have come in recently and those who are near retirement but who have very valuable information and very valuable expertise, in our nuclear-weapons-related work.

I know there is an aggressive plan that the Department of Energy and the Los Alamos National Laboratory have developed for the next 4 to 5 years to try to capture some of that expertise and ensure that we retain that before some of these people retire.

We cannot allow this fire and this disruption of activity in the laboratory and in the community of Los Alamos to interfere with our ability to keep that expertise at that laboratory. So that is an important reason why this needs to be done quickly, why we need to move aggressively to deal with this.

Let me also mention the other populations in our State that have been very adversely affected by the fire. One, of course, is the Santa Clara Pueblo. If the fire continues—and it has already consumed some 10 percent of their reservation—it continues to threaten that pueblo and the livelihoods of many of those people. We need to see to it that whatever we are able to do benefits them and helps them to recover from the devastating effects of this fire, as well as other individuals in Rio Arriba County, Santa Fe County, and the community of Espanola.

All of those factors need to be taken into account. There is a long list of needs that people will have and a long list of damages that people in the communities involved and the businesses involved will have suffered. I need to just say that, to my mind, we need to step up and accept responsibility. We, the Federal Government, we, the country, need to step up and accept responsibility for making those people whole.

These natural disasters can result in extended litigation and efforts by people to try to get compensated. We hope that can be avoided to the extent possible in this case, because we hope that we can get a sufficiently effective and coordinated and rapid response from the Federal Government to allow that to happen. So I hope very much that all of this occurs.

Mr. President, on behalf of Senator LEVIN, I ask unanimous consent that following the remarks of Senator BIDEN, Senator LEVIN be recognized for up to 30 minutes.

Mr. DOMENICI. On behalf of the manager of the bill, I have been asked to object to that. I object.

The PRESIDING OFFICER. Objection is heard.

The senior Senator from New Mexico is recognized.

Mr. DOMENICI. I thank Senator BINGAMAN for his remarks and his observations.

Mr. President, I've visited Los Alamos countless times during my years of service in the Senate. I've been there for many celebrations, celebrations of their immense contributions that have helped to preserve our national security and maintain our scientific leadership.

Well, I was there a few days ago, and it was no celebration. I witnessed incredible devastation caused by the massive forest fire that is ravaging the area. Thousands of beautiful trees have

burned and smoke was rising everywhere. Hot winds were fanning new flames. Thousands of acres of forest were devastated. The lives of many people were shattered. Over 20,000 people had been evacuated, and were receiving shelter with friends and in public areas. Many homes lay in ruins, consumed by flames.

These are homes of people who have dedicated their lives to preserving our precious freedoms. They are true patriots. It only added to my heavy heart to know that the fire was caused by an ill-advised ''prescribed burn'' in nearby Bandelier National Monument.

In the face of the tragedy, I was immensely impressed with the superb emergency services that were being provided. The State Governor spent a long night in Los Alamos. The Red Cross set up shelters throughout the northern area. The Forest Service mobilized hot shot firefighting units and brought superb expertise, capabilities, leadership and coordination to this horrible situation. The FEMA Administrator was on site. The Secretary of Energy arrived with some of his key staff.

The local emergency personnel were doing wonderful work, trying their best to safely cope with the immense challenge of protecting public safety during a complex evacuation, while also ensuring that none of the hazardous operations at the Laboratory caused additional concerns. The evacuation of Los Alamos took only about half the time anticipated, partly because they had recently practiced an evacuation drill.

There have been many acts of heroism, in which emergency personnel performed critical functions. Many of the lab personnel who manned emergency posts lost their homes in the fire, yet they continued at their stations to ensure the safety of others. People from throughout New Mexico reached out to help their neighbors. Assistance to evacuees from Pojoaque, Espanola, Taos and Santa Fe, along with other communities throughout the State, has been heart warming. Community leaders of these areas, like Jake Villareal from Pojoaque Pueblo and Richard Lucero from Espanola, were some of the first to offer generous assistance.

Given the state of the devastation, it's amazing that there has been no loss of life, or even serious injuries. The fire burned over bunkers full of high explosives—those bunkers provided the planned levels of protection and there were no accidents. Laboratory buildings, which house hazardous operations, remained secure, thanks in large part to years of careful planning. In fact, Laboratory leadership, under the direction of John Browne, deserves accolades for assuring that the Laboratory did not compound the fire-related crises, and bringing the laboratory through the events without significant loss of the facilities they require to accomplish their mission.

In the near term, we need to care for the immense human dimensions of the tragedy. We must ensure that people have adequate shelter, that public health and safety are protected, that public services are rapidly restored, and that some semblance of normalcy can return to their lives. We need to provide assistance to people as they rebuild their lives and their houses.

In the longer term, we need to ensure that the town regains its vitality, which is essential for our national Laboratory to return to full productivity. With the cessation of nuclear testing, the challenges facing that Laboratory are even greater than in years past. Now we've asked their staff to assure that our nuclear deterrent is safe, secure, and reliable—and do it without any nuclear tests. Our nation depends on that deterrent. We need these patriots to continue their work.

While I'd like to list the groups and individuals that have worked together to mitigate this catastrophe, that's really an impossible task. I do want to especially thank President Clinton, FEMA Administrator James Lee Witt, and regional FEMA Director Buddy Young for their quick reaction to this devastating disaster. FEMA's assistance has and will continue to be critical in helping to make the community whole again.

Up to this point, much of the focus has been on the tragedy facing the Laboratory and the communities of Los Alamos County, but there are additional dimensions to this horrible fire. It is still burning, and may threaten other communities. In fact, it could burn for months, as dry fuel in these mountain areas is plentiful.

As we are speaking, the Abiquiu land grant has been voluntarily evacuated. Beautiful and sacred areas of the Santa Clara Pueblo are burning or are threatened. We must make the same assistance package being prepared for the Los Alamos community available in these other locations, if this fire damages property there.

Last Wednesday, Governor Johnson requested that the President declare a state of emergency in New Mexico, and President Clinton signed that request within hours. The emergency declaration triggered immediate assistance to Los Alamos, as well as Sandoval and Santa Fe Counties, and Rio Arriba County was added soon thereafter. The emergency declaration provided for short-term assistancem including funds for things like: Food, water, medicine and other essential needs; shelters and emergency care; temporary housing assistance; emergency repairs and demolition; and emergency communications service and public transportation.

Over the weekend, at Governor Johnson's request, the President declared parts of northern New Mexico to be a federal major disaster area. This triggers additional federal assistance from FEMA and other agencies for the following counties: Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos and Torrance.

FEMA has only begun the process of assessing the damage, but the assistance will include funds to help individual families with rental housing, hotel/motel costs and other living expenses. Federal aid also will be available for county and city governments to help begin the process of rebuilding their infrastructure.

Thankfully, it is estimated that 98 percent of the homes destroyed or damaged by the fire were insured. But, there are other effects this fire will have on the community, particularly the business community so heavily dependent on the Laboratory for its existence in Los Alamos. SBA will make available low interest loans to help small businesses pay for their property losses and to cover cash flow shortages or working capital deficiencies because of the fire's impact.

FEMA has completed its initial assessment of the situation in northern New Mexico, and I have been assured that all appropriate federal agencies that can provide support will do so. FEMA will coordinate these activities and work closely with local officials to implement a comprehensive plan. No amount of money can replace many of the things which have been lost during this devastating tragedy, but all available federal resources will be brought to bear to do the best job we can.

Over the next few weeks, we will begin to understand the types of assistance that will be required for the Laboratory and its staff to return to productive work. I stand ready to work with all of you to assure that those resources are provided swiftly and surely.

Unfortunately, FEMA may be called upon to assist other communities in New Mexico, as my State is being devastated by a series of major fires. In the southern part of New Mexico, there are fires comparable in size to the Los Alamos fire. My heart goes out to those people as well, as they work to rebuild their lives.

I've joined a call within the Energy and Natural Resources Committee, together with Chairman MURKOWSKI and Senator BINGAMAN, to carefully establish the chain of events that led to the horrific events associated with the Los Alamos fire. The Government Accounting Office has begun a detailed investigation. Even with the limited information we have now, it appears clear that major human errors caused this fire. We need to understand those errors and be sure they don't occur again. We may, for example, need to reexamine the procedures for evaluating the safety of ''controlled burns.''

It's also clear, even with the information we had last week, that the federal

government is responsible for this disaster. Thousands of people were impacted by this mistake, and hundreds of those people have suffered major financial losses. Those folks are plenty angry, and they have every right to be furious. In Congress, we need to find ways to make those folks ''whole'' again, as quickly and efficiently as possible, with an absolute minimum of red tape.

All our citizens owe a tremendous gratitude to the workers at Los Alamos. We won the Cold War because of their contributions. Today we enjoy our freedoms because of their dedication. We need their continued dedication to assure that those freedoms survive for our future generations. And they need our help to rebuild their lives and return to their vital missions.

Mr. President, there are a lot of people to thank. I thank the President for acting expeditiously in declaring a national emergency. I thank James Lee Witt, the FEMA Administrator. He visited personally. He has put one of his best directors in charge. I thank Buddy Young from FEMA, who is out there setting up the appropriate centers. Obviously, at the forefront throughout this entire disaster has been our distinguished Governor, Governor Johnson. He probably knows more about it than any outsider today. He has spent untold numbers of hours, along with his wife, finding out what was going on, making sure things were coordinated and organized. I thank him in a very special way for all he has done. There are many others to thank whom I will forget to mention and they are very important.

I think the people in this country ought to know this laboratory was very well organized. It is the center of some very significant activities that require expertise and require that we do things absolutely right. They had an evacuation plan. It was followed to a tee and, believe it or not, with just four roads out of the mountains, all of these people went to other parts of our State 20, 30, 40, 50 miles away. That occurred without anything other than a mild jam up of automobiles on a couple of occasions as they left. They are staying with friends and neighbors everywhere. Motels offered the people from Los Alamos some very excellent, reasonably priced, accommodations and were very generous in doing that. Now, people from Los Alamos are starting to move back and we anxiously await their return. I have a few comments for them.

Without a doubt, it is the people who make this laboratory great. It is imperative that in our efforts to make this community whole, we do so with as much dispatch as humanly possible. Let it not be a long, dragged out, protracted effort to focus our attention and resources on what the people are entitled to and need, and let's get it done. We don't need any discouragement directed at those who are either new on the job, with great scientific prowess, or those who have been there a long time and are a part of the real nucleus of our nuclear and our deterrent capability. We don't need to discourage them. They should not be discouraged. We hope they come back and take up their jobs. Nobody should lose anything because of this fire in terms of remuneration, or pay, or the like. It is our responsibility.

As I indicated in my remarks, we have acts of God where lightning and other things burn our forests, and we have people in recreation areas who make a mistake and start a fire. This one apparently was started by the U.S. Government, although another department of Government, the Park Service, under the Interior Department; that is different from the Department of Energy that manages this laboratory.

Nonetheless, it seems to me that there are lawyers talking about trying to get our constituents there to sign up with them so they can get remuneration. I am very hopeful, as Senator BINGAMAN has indicated, and as Congressman UDALL from the district where this laboratory lies, who spoke last night at an event. We ought to give our assistance in an effort to make people whole. We ought to do that quickly and make sure the people understand they don't have to go through protracted litigation and courts to get the compensation they are entitled to. We intend to make them whole. But obviously, there may be different definitions, depending upon what vantage point you take, as to what ''making them whole'' means. But wherever you can measure property losses such as a house, that which was in a house, personal property, automobiles, and the like which might have been damaged or destroyed, it is pretty easy. We need to put somebody in charge. We owe the people for what these destroyed assets were worth to them.

This isn't a town way up in the mountains. It is not going to be easy to build 400 new residences, if that is what people choose to do. It will take some time. The Federal Government has a lot of resources that it puts to bear and focus in emergencies. They will all be there, and hopefully organized in such a manner so that people will not be frustrated, and we will get on with this.

In the meantime, the process of controlled burns ought to be looked at thoroughly by Congress, but also the entire process of how we are maintaining our forests and our national parks in terms of trees that are knocked down; blighted areas where we have timber standing that is totally dry and dead; underbrush that is growing; pine needles that are piled up everywhere making a tinderbox out of some of our national monuments, some of our national parks, some of our forests, and some of the Bureau of Land Management land. We have to take a look to see what we should be doing about that.

Should we leave that independent kind of situation waiting around for a fire of this magnitude or should we begin some orderly process of doing some things that will clean it up a bit and make it a little more safe? I opt for the latter.

I hope there will be some detailed hearings about that because I believe something should be done.

I understand the Senate is going into recess for the Republican and Democratic lunches. But I am not in charge of that time, unless leadership wants me to do something in that regard.

I yield the floor and thank the Senate.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, is there a unanimous consent agreement?

The PRESIDING OFFICER. There is a unanimous consent agreement that we recess for the caucus meetings.

Mr. CRAIG. Mr. President, starting at what time?

The PRESIDING OFFICER. At 12:30.

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent to extend that for 1 minute.

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

The Chair recognizes the Senator from Idaho for 1 minute.

FIRES IN NEW MEXICO

Mr. CRAIG. Mr. President, I wanted to respond to the senior Senator from New Mexico and his colleagues who have just spoken. All of us have watched with great concern as this fire has caused such devastation in the mountains of New Mexico and around Los Alamos.

I chair the Subcommittee on Forestry and Public Lands. For the last decade we have known as a country that our forests are rapidly growing unhealthy, largely because we have not managed them as skillfully as we should. In areas that are natural and left to be natural, we understand not touching them. But where we have forests in what we call urban interface today, where houses are built amongst the trees, there ought to be an aggressive effort to keep fuel loading down and to disperse trees in such a way as to disallow these kinds of crises from developing. It is happening now in New Mexico because of a major error on the part of a Federal agency.

We literally have millions and millions of acres of forested public lands

around this country in an unsatisfactory condition, as in the mountains of the great State of New Mexico, and one spark, one lightning strike, or one human match could cost millions of dollars, lose thousands of homes, and the land that it touches, it destroys for a generation.

Oftentimes much greater environmental damage is done trying to put out these fires than an organized manner of managing the land, to control fuel loading, and those types of things that are now evident in New Mexico.

We will work with the Senators from New Mexico. Those hearings will be timely. There should be a report out by this Thursday that will give us some indication of cause.

The Senator from New Mexico is absolutely right: There should be extensive hearings on how and why it happened. Are there other areas where this could happen across these United States?

I thank the Senator for his comments.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have an article from the Albuquerque Journal that talks about a marvelous man, Alton J. Posey, 68 years old. Essentially, this 68-year-old retired man knew a lot about forests and mountains. That was his job. He went out to save his mountain house, which was his dream—a two-story log cabin in the mountains. He doused himself with water, took his water hose, and stayed there and kept that house from burning while things burned all around him.

I ask unanimous consent that the story explaining his life and what he did be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. DOMENICI. Mr. President, there is a little town named Weed, NM, which was hit by this fire. Terrible damage was done. It is on the other side of the State in the southern section.

There is a detailed Associated Press account by Chaka Ferguson that explains the details about that small town and what happened.

I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 2)

Mr. DOMENICI. Mr. President, I thank the Senate in advance for the generosity that it is going to show, as it always does for those who suffer a disaster in this country.

I want to say to New Mexicans that the Senate won't let you down this time either. We are going to do what we have to do to organize it properly, put it in the right hands, and make all of you out there in New Mexico whole, rebuild that lab where it needs to be built, and make it safer where it ought to be safe so it can continue its marvelous work in behalf of peace and freedom as it has done for so many decades.

I yield the floor.

EXHIBIT 1

EX-FIREMAN SAVES HOME FROM SCOTT ABLE BLAZE

RETIREE PREVAILS OVER FIRE—ONE-MAN BATTLE SAVES WEED HOME

(By Rene Romo)

WEED.—The Scott Able Fire was raging on Agua Chiquita Road west of this tiny village, but 68-year-old Alton J. Posey was determined to protect his house, a two-story log cabin he built for his retirement.

With an old firefighter's helmet perched on his head and his pants drenched with water, Posey used a garden hose to battle flare-ups.

He managed to save his dream house, but at lest 15 other houses and structures burned to the ground a few hundred yards away in nearby Wayland Canyon and along Agua Chiquita on Thursday night.

''Everything at the end of the rainbow for me was at the bottom of his hill,'' Posey said Saturday of his 11-acre property, a preserve surrounded by blackened trees and incinerated homes. ''At 68 years old, you're too old to start again. And if a guy is determined and he knows he's right, you can't whip him.''

Firefighters on Sunday had the 20,717-acre blaze, which cut a swath about 20 miles wide from Scott Able Canyon east to the Sacramento and Weed area, about 50 percent contained, fire information officer Kris Fister said.

The fire was believed to have been sparked by a downed power line in a 4-H camp about 16 miles south of Cloudcroft.

Fed by wind gusts, the fire churned across the Sacramento Mountains in the Lincoln National Forest, covering nearly 20 miles Thursday night and Friday morning.

Along Agua Chiquita, the fire left charred refrigerators and well pumps standing amid aluminum siding twisted like noodles. At some homes, trucks sat on their wheel rims because the tires were roasted away.

Milder winds Saturday and Sunday limited the blaze mainly to ground fires and gave more than 300 firefighters from around the West a chance to build a perimeter and douse hot spots with five helicopters and six air tankers.

According to a preliminary estimate, the Scott Able Fire destroyed 20 residences, 16 structures such as garages and sheds, and six automobiles.

Among those who lost houses in Wayland Canyon were two of Posey's neighbors, Maggie Bailey and Weed postmaster Francis Visser. Posey allowed them to stay in his home while they figure out what to do next.

Bailey moved to the area from Wisconsin two years ago with her truck-driver husband, who was on the road during the blaze. Bailey said she lost a motorhome, a small cabin and a motorboat. She managed to save two cars and her pets—a dog and two cats.

''I think I want to go back where there's more moisture,'' a dazed Bailey said Saturday evening ''What can you do? You just . . . do.''

Otero County sheriff's deputy Sgt. Jeff Farmer also lost his home.

''It's the little things you miss,'' said Farmer, who was working a roadblock leading into Weed off N.M. 24 on Saturday. He had been working almost nonstop since the fire erupted Thursday evening. ''Yesterday morning, I didn't own anything.''

Posey said ''it sounded like 10 trains'' when the blaze roared down the mountainside behind his house, consuming 80-foot-tall pine trees.

The former Artesia firefighter thoroughly drenched his log cabin with a garden hose as the fire advanced Thursday. Later that evening, heat all around the house caused the building to issue a cloud of steam.

From about 8 p.m. to 1 a.m., Posey, working frantically and alone, scrambled about his property dousing thumb-sized embers with a bucket.

Flames burned a hole in the wall of a barn about 50 feet from his home before Posey extinguished the flare-up.

Several times during the night, he said, he had to drop to the ground to gulp air. And once during the evening, a wild-eyed doe charged out of the burning forest and crashed into him.

Posey said he refused three requests by local authorities to evacuate but sent his wife and two neighbors off Thursday evening. The goodbye became emotional when Posey told his wife of 47 years, Carol, to take his dog, a blue heeler named Ugly, with her.

''I was just just wondering if I would ever see him alive again.'' Carol Posey said Sunday, noting that she left her home with nothing but medicine and her pets. ''It was a scary time, I tell you what. You didn't have time to think. You didn't have time to do anything.''

Alton Posey recounted their goodbye: ''I said, 'Don't you fret. This is the kind of hand I can play. I had a good supply of water, a good pressure pump, and my old coat.' ''

Meanwhile, the 8,650-acre Cree Fire east of Ruidoso was 94 percent contained as of early Sunday, and a single helicopter doused hot spots. The fire is expected to be under control by Wednesday.

EXHIBIT 2

TOWN FULL OF STORIES AFTER FIRE

(By Chaka Ferguson)

WEED, N.M.—Under a blue sky, with a row of apple trees serving as an outdoor wedding chapel, newlyweds Chris Mydock and Kendra Goss-Mydock proved why this mountain community, population 20, is known to some of its residents as a town of 100 stories.

Two days earlier, a raging wild-fire ripped through the Sacramento Mountains, burning at least two dozen buildings about a mile from where the Mydocks consecrated their wedding Saturday. When they took their vows, an evacuation order was still in effect.

In the background, wisps of white smoke rose from the hills. A helicopter hovered above, prepared to drop water on remaining hot spots. Firefighters milled around, awaiting orders.

But like life in this resilient community, the wedding went on.

''The pastor called us yesterday and asked us if we're still on, and we said, 'Yep, we're still on,''' said Goss-Mydock, 31, a lifelong resident of Weed, as she posed for pictures with her new husband before a sign that read ''Weed: pop, 20''.

The communities that dot the Southern New Mexico mountains have pulled together since a wild-fire erupted in a nearby canyon Thursday and spread to more than 20,000 acres, rivaling the bigger blaze in the north that scorched Los Alamos.

The Mydocks wanted to share their wedding with the community to help heal some of the pain caused by the fire's destruction.

''The people are really close to each other; it's like one big family here. Everybody cares about everybody else,'' Goss-Mydock said.

The preacher and his wife, who served as the witness, attended the wedding. The Mydocks then had their reception down a dirt road that bisects the community with patrons of the Weed Cafe, a gathering place for residents seeking news on the fire.

The family-run restaurant which also houses the community's post office, stayed open during the tense days and nights of the fire and the following evacuation, donating food and other provisions to firefighters and evacuees. Some residents ignored the evacuation and stayed put, others took up residence with friends or relatives.

''I stayed open to supply hot coffee to the people and provide telephones,'' said Gary Stone, 45, who lives several miles down the road in Miller Flats. ''I was making sure the coffee was on and the doors were open.''

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:16 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Montana.

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

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

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mr. DASCHLE. Mr. President, this weekend an estimated 750,000 mothers, fathers, and children united for the Million Mom March here in the District. These women and men took the first step toward ending the epidemic of gun violence in our country.

Certainly, Congress needs to take the next step. It is intolerable that commonsense gun safety legislation is stalled in a conference committee that has not met since August 5 of 1999. Twelve kids die a day from gun violence and we do nothing. We have more safety regulations for toy guns than for real guns, and we do nothing. We have watched children shot in schools and day-care centers, but still we do nothing.

Yesterday, the Democratic Policy Committee held a hearing with mothers from the Million Mom March. At the hearing, I heard stories that I must say will haunt me for a long time. I listened to a kindergarten schoolteacher talk about her horror when one of her seemingly innocent students, a kindergartner, brought a gun to school to kill a classmate. She remains afraid to teach and afraid for her students.

I listened to the mother of an aspiring high school graduate who was gunned down in front of his girlfriend's home while unloading groceries. As she talked about her loss, and demanded Congress act, she said simply:

> I don't want this to happen to any other mother, father, sister or brother. I don't want anyone else to suffer like this.

I listened to a mother whose oldest son was shot and killed by a neighbor in a sleepy town in California. She told us:

> I came to the District to protect my son, Brandon, from gun violence because he is the only child that I have left.

I ask my colleagues, what else will it take for us to act to stem this domestic war of violence that is infecting every city and county in our beloved country? We cannot wait any longer for the juvenile justice conference to meet and act.

I was disappointed by comments made by the National Rifle Association when asked whether all of this effort, 750,000 people coming to Washington as peacefully as any group I have ever seen come, organized in a respectful way, telling their stories, as tragic as they are, with the courage that I don't think I personally could muster, the personal stories of lost sons and daughters, mothers and fathers—the NRA was asked the question, Will this translate to political power? Their answer:

> It's one thing to say it. It's another thing to do it.

They understand political power. They have it. But I do think that is changing. The landscape is changing, and it is changing dramatically. As a South Dakotan who has been raised with guns all my life, who is proud to be a hunter—I have many guns myself—I will say without equivocation that it, too, is even changing in my home State.

Given the fact it has now been more than a year, given the fact that we have not yet acted, given the fact that we ought to respond to all those people who came to Washington with their courage and with what few pennies they had to pay for their trips, I ask unanimous consent that no rule XVI point of order lie against any gun-related amendment to the military construction appropriations. This would apply to Republican or Democratic amendments.

Mr. BURNS. Objection.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3148

Mr. DASCHLE. Mr. President, I, therefore, send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3148.

At the appropriate place add the following:

Since Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;

Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;

Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;

Since gun safety education programs are inadequate to protect children from gun violence;

Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;

Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;

Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;

Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and

Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it

Determined, That it is the sense of the Senate that—

(1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and

(2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have not had a chance to review this language, so I suggest the absence of a quorum in order to have the opportunity to do that.

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

The assistant legislative clerk proceeded to call the roll.

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

Mrs. MURRAY. I object.

The PRESIDING OFFICER (Mr. GORTON). The objection is heard.

The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Coverdell	Gorton	Murray
Enzi	Lott	Reid

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and 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 motion of the Senator from Mississippi. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH), is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER), are necessarily absent.

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—94

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	McConnell
Bayh	Graham	Mikulski
Bennett	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bunning	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee, Lincoln	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
Crapo	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Kyl	Torricelli
Dodd	Landrieu	Voinovich
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	
Enzi	Lincoln	

NAYS—2

Breaux	Thomas

NOT VOTING—4

Biden	Schumer
Moynihan	Smith, Oregon

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators who did not answer the quorum call, a quorum is now present.

Mr. LOTT. Mr. President, I raise a point of order that the pending Daschle amendment is not germane to the Military Construction Appropriations bill and ask for the yeas and nays on the question put before the Senate.

The PRESIDING OFFICER (Mr. STEVENS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:—

[Quorum No. 3]

Abraham	Enzi	Lincoln
Akaka	Feingold	Lott
Allard	Feinstein	Lugar
Ashcroft	Fitzgerald	Mack
Baucus	Frist	McCain
Bayh	Gorton	McConnell
Bennett	Graham	Mikulski
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bunning	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee, L.	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
Crapo	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Voinovich
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Edwards	Lieberman	Wyden

The PRESIDING OFFICER. A quorum is present.

The majority leader.

Mr. LOTT. Mr. President, I believe there is a point of order that has been made on germaneness, and the yeas and nays have been ordered. We should proceed to vote.

Mr. DASCHLE. Mr. President, I move to table the point of order and ask for the yeas and nays.

I note the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second?

The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

Abraham	Enzi	Lincoln
Akaka	Feingold	Lott
Allard	Feinstein	Lugar
Ashcroft	Fitzgerald	Mack
Baucus	Frist	McCain
Bayh	Gorton	McConnell
Bennett	Graham	Mikulski
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bunning	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee, L.	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
Crapo	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Voinovich
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Edwards	Lieberman	Wyden

The PRESIDING OFFICER. A quorum is now present.

The question is on agreeing to the motion to table.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—42

Akaka	Feingold	Leahy
Bayh	Feinstein	Levin
Bingaman	Fitzgerald	Lieberman
Boxer	Graham	Lincoln
Breaux	Harkin	Mikulski
Bryan	Hollings	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Torricelli
Durbin	Landrieu	Wellstone
Edwards	Lautenberg	Wyden

NAYS—54

Abraham	Enzi	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee, L.	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner

NOT VOTING—4

Biden	Schumer
Moynihan	Smith (OR)

The motion was rejected.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5]

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Graham	Mikulski
Bennett	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Roth
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sarbanes
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Voinovich
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

The PRESIDING OFFICER. A quorum is present. The Democratic leader.

EXECUTIVE SESSION—MOTION TO PROCEED

Mr. DASCHLE. Mr. President, I move to proceed to executive session to consider Calendar No. 504, E. Douglas Hamilton, of Kentucky, to be U.S. Marshal, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.—

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—41

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Bayh	Graham	Lincoln
Bingaman	Harkin	Mikulski
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Cleland	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Torricelli
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Edwards	Leahy	

NAYS—54

Abraham	Enzi	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Byrd	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee, L.	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner

NOT VOTING—5

Biden	Moynihan	Smith (OR)
Gorton	Schumer	

The motion was rejected.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mr. LOTT. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may send an amendment to the desk. I further ask consent that upon reporting of the amendment there be 8 hours for debate, equally divided between the two leaders, or their designees, for the purpose of debating both amendments, with 4 hours consumed this evening. I also ask consent that at 1:30 p.m. on Wednesday the Senate proceed to a vote on or in relation to the Lott amendment, to be followed by a vote on or in relation to the Daschle amendment. I finally ask consent that no amendments be in order to either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that my pending point of order be vitiated.

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

AMENDMENT NO. 3150

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3150.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING THE SECOND AMENDMENT, THE ENFORCEMENT OF FEDERAL FIREARMS LAWS, AND THE JUVENILE CRIME CONFERENCE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Second Amendment to the United States Constitution protects the right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation; and

(2) The Clinton Administration has failed to protect law—abiding citizens by inadequately enforcing Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800, despite the fact that the overall budget of the Department of Justice increased 54 percent during this period; and

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997; and

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997; also

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997; plus

(6) It is a Federal crime for any person ''who has been adjudicated as a mental defective or who has been committed to a mental institution'' to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this federal law, mental health adjudications are not placed on the national instant criminal background system; also

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm; it is also a Federal crime for convicted felons to possess or purchase a firearm. More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they committed another crime by making a false statement under oath that they were not disqualified from purchasing a firearm; and, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution; and

(8) The juvenile crime conference committee is considering a comprehensive approach to juvenile crime including:

(a) tougher penalties on criminals using guns and illegal gun purchases;

(b) money for states to get tough on truly violent teen criminals;

(c) a provision allowing Hollywood to reach agreements to clean up smut and violence on television, in video games, and in music;

(d) changing federal education mandates to ensure that all students who bring guns to school can be disciplined; and

(e) a ban on juveniles who commit felonies from ever legally possessing a gun and from possessing assault weapons, and

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) Any juvenile crime conference report should reflect a comprehensive approach to juvenile crime and enhance the prosecution of firearms offenses, including:

(a) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(b) upgrading the national instant criminal background system by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(c) and providing incentive grants to States to encourage States to impose mandatory minimum sentences of firearm offenses;

(2) The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

Mr. LOTT. Mr. President, in light of this agreement, there will be no further votes this evening. The next vote will occur at 1:30 p.m. on Wednesday.

I thank Senator DASCHLE for his cooperation in getting this agreement.

Mr. DASCHLE. Mr. President, if I may ask the majority leader a question, the unanimous consent doesn't address this, but I assume the 4 hours tonight would be equally divided.

Mr. LOTT. Absolutely, Mr. President.

Mr. DASCHLE. Of course, it already notes it should be equally divided tomorrow. I appreciate the clarification.

Mr. President, let me thank the majority leader for his willingness to proceed in this manner. This is what we had hoped we could achieve. I am delighted now that we have done so. This is far better than to go through the parliamentary motions that were being made. I appreciate the patience and willingness on the part of everyone to accommodate our desire to have this amendment and these votes. We will have them tomorrow, as we had hoped. I look forward to the debate tonight as well as tomorrow.

Mr. President, I yield our 2 hours tonight on the Democratic side to Senator BOXER who will manage the time on my behalf.

(Mr. BROWNBACK assumed the Chair.)

Mr. LOTT. Mr. President, while the time will be equally divided tonight—2 hours on each side that are required to discuss the pending amendments—I want to emphasize again that there is another very important issue pending that everybody thought would be the subject of debate this afternoon, and that is the language in the appropriations bill regarding Kosovo and how we will deal with our allies' involvement there, and how we will deal in the future with the funding.

Some Senators may wish to take some time to speak on that issue. I also encourage colleagues that we work toward getting a time agreement tomorrow afternoon on the Kosovo issue, have a reasonable time, but have a focused, good debate and vote on that issue so we can complete the military construction appropriations bill. We are getting far afield from getting our work done on the appropriations bills. We would then go to the foreign operations appropriations bill. I encourage Senators to stay and make speeches tonight on these subjects.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

May I ask the majority leader if he could tell us who is going to be handling the time on his side of the aisle?

Mr. LOTT. Mr. President, we don't have anybody designated yet. I will either be here to do it myself or we will designate somebody. There are a number of Senators who have indicated a desire to be heard on this issue—Senator SESSIONS, Senator CRAIG, and others. But exactly when tonight or tomorrow, we will have to make that determination since we just had this agreement entered into.

Mrs. BOXER. Mr. President, I thank the majority leader for getting us to a place where we can in fact consider the Daschle amendment, which simply says that on Mother's Day an estimated 750,000 mothers, fathers, and children united for the Million Mom March on The Mall in Washington, and they were joined by tens of thousands of others in 70 cities across America in a call for a meaningful, commonsense policy.

Essentially what this amendment says is that the organizers of the Million Mom March should be commended for rallying to demand sensible gun safety legislation and that Congress should immediately pass a conference report which will include the meaningful, sensible gun laws that were passed here in the Senate as part of the juvenile justice bill.

I had the privilege and honor of marching with so many American families of so many diverse backgrounds and so many Americans of different ages all united in a call for a safer America.

I am very pleased that my leader, Senator DASCHLE, has placed this amendment before the body. I hope all Members will vote for it.

I see that the Republican side has responded with a litany of attacks on President Clinton, which I think is most inappropriate. This should be a time when we reach across the aisle and say we want safety for our children. I hope maybe they will reconsider.

Believe me when I tell you that the million moms and their families are not Democrats, Republicans, or independents; they are Americans. Many were touched by violence in their families and violence in their communities.

At this time, I ask the Senator from Massachusetts, Mr. KENNEDY, if he would like to take up to 30 minutes to discuss these amendments. If so, I will now yield up to 30 minutes to the Senator from Massachusetts.

Ms. MIKULSKI. Mr. President, will the Senator from Massachusetts withhold?

May I have 1 minute?

Mrs. BOXER. Yes.

Ms. MIKULSKI. Mr. President, I thank the Senator for her leadership and her advocacy on this issue.

I was so proud to march with her on The Mall with the mothers and the fathers and the good men who supported the women. We were proud. Why were we proud? Because the people marching believed marching made a difference. They thought if they could go out and march with their feet instead of people marching with their money into these lobbying events that are held here, they could make a difference. I thank the Senator for responding to their marching feet.

I stand with her, along with the people who were there from Maryland. I congratulate her because we are making democracy work. If we don't march on this floor and pass this amendment, I really say to the voters of America, march into the voting booth and get a Congress that will respond to marching feet instead of marching to millions of dollars.

Mrs. BOXER. I thank my friend from Maryland. It was an honor to march with her and to stand with her. She brings to the Senate a sense of reality for our families, our seniors, and our children. She fights for them every day. She is fighting for them tonight.

With that, I yield up to 30 minutes to the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Two days ago, to honor Mother's Day, hundreds of thousands of mothers from across the United States marched on the nation's Capitol, to insist that Congress do more to protect children from the epidemic of gun violence that continues to plague our country.

The Million Mom March has focused the attention of the entire country on this critical challenge—and the question now is whether Congress will at long last end the stonewalling and act responsibly on gun control.

The National Rifle Association is not the Majority Leader of the United States Senate. It shouldn't be dictating our agenda. It's irresponsible for the Republican Senate leadership to stonewall every opportunity to enact responsible gun control legislation.

For many months, Democrats have continued to ask the Republican leadership for immediate action on pending legislation to close the loopholes in the nation's gun laws, but every request so far has been denied.

Gun laws work. Experience is clear that tough gun laws in combination with other preventive measures have a direct impact on reducing crime.

In Massachusetts, we have some of the toughest gun laws in the country.

We have a ban on carrying concealed weapons. A permit is required to do so. Local law enforcement has discretion to issue permits, and an individual must show a need in order to obtain the permit.

We have a minimum age of 21 for the purchase of a handgun. We have increased penalties for felons in possession of firearms.

We require the sale of child safety locks with all firearms.

We have an adult responsibility law. Adults are liable if a child obtains an improperly stored gun and uses it to kill or injure himself or any other person.

We have a Gun-Free Schools Law.

We have a licensing law for purchases of guns.

We have strict standards for the licensing of gun dealers.

We have a waiting period for handgun purchases. It takes up to 30 days to obtain a permit.

We have a permit requirement for secondary and private sales of guns.

We have a ban on the sale of Saturday Night Specials.

We have a requirement for reporting of lost or stolen firearms.

As Boston Police Commissioner Paul Evans testified last year in the Senate Health Committee, ''Any successful approach to youth violence must be balanced and comprehensive. It must include major investments in prevention and intervention as well as enforcement. Take away any leg and the stool falls.''

Commissioner Evans also stated that to be effective, efforts must be targeted and cooperative. Police officers must be able to work closely with churches, schools, and health and mental health providers. After-school programs are essential to help keep juveniles off the streets, out of trouble, and away from guns and drugs. In developing an effective approach like this, Boston has become a model for the rest of the country.

There are partnerships between the Boston Public Schools and local mental health agencies. School districts are employing mental health professionals. Teachers and staff focus on identifying problems in order to prevent violence by students. The Boston police work actively with parents, schools and other officials, discussing incidents in and out of school involving students. The Boston Public Health Commission promotes programs by the Boston Police Department.

The results have been impressive. The success of Boston's comprehensive strategy is borne out in these outstanding results:

From January 1999 through April 2000, no juvenile in Boston was killed with a firearm.

In 1990, 51 Boston young people, ages 24 and under, were murdered by a firearm. Last year, there were 10 such murders.

Reports from emergency rooms about firearm injuries are also down dramatically.

It's no coincidence that the firearm death rate in Massachusetts is significantly lower than the national average. We've taken strong and effective steps to protect our citizens, our children, and our communities.

When we compare states with tough gun laws to those that have weak gun laws, the differences are significant:

In 1996, across the nation, the number of firearm-related deaths for persons 19 years old or younger was 2 deaths per 100,000 persons.

In states that have the weakest gun laws, the number was significantly higher:

Utah had 5.1 firearm-related deaths per 100,000 people—two and a half times higher than the national average.

Indiana had 5.9 firearm-related deaths per 100,000—three times higher.

Idaho had 6.9 firearm-related deaths per 100,000—three and a half times higher.

Mississippi had 9.2 firearm-related deaths per 100,000—four and a half times higher.

No other major nation on earth tolerates such shameful gun violence. According to a study by the Centers for Disease Control in 1997, the rate of firearm deaths among children 0–14 years old is nearly 12 times higher in the United States than in 25 other industrial countries combined.

Every day we fail to act, the tragic toll of gun violence climbs steadily higher. In the year since the killings at Columbine High School in Colorado, 4,560 more children have lost their lives to gunfire, and countless more have been injured.

We intend to do all we can to see that the Senate votes on these common sense measures as soon as possible.

Today is a new dawn for gun control. On Sunday, finally, the immoveable object we call Congress met the irresistible force of the Million Mom March—and the immoveable object moved.

I believe that at long last, Congress will say no to The National Rifle Association, and yes to the hundreds of thousands of mothers from across the United States who marched on the nation's Capitol to demand an end to the epidemic of gun violence that continues to plague our children, our homes, our schools, and our country.

The Million Mom March focused the attention of the entire country on this critical challenge. It is time—long past time—for Congress to end the stonewalling and act responsibly on gun control.

We already know what needs to be done to reduce the irresponsible proliferation of guns and gun violence in communities across the country. This is not rocket science. We should close the gun show loophole. We should require child safety locks for guns. We should insist on licensing for all handgun owners. We should take guns out of schools and let children learn in safe classrooms.

Enough is enough is enough is enough.

I am sure those Americans who have been watching the Senate now for the last 2 hours wonder whether we are going to be able to take very much action on matters which they consider important to their families.

In this particular instance, the issue is whether we are going to pass a sense-of-the-Senate resolution—not even an amendment that would be the basis for legislative action, but just an expression of the Members of this body, as the Senator from California has pointed out, effectively commending the participants of the Million Mom March. They should be commended for rallying to demand sensible gun safety legislation.

Congress should pass a conference report on violent juvenile offender accountability before the Memorial Day recess and include the Lautenberg gun show provision which passed in the Senate, and other Senate-passed provisions to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

That took just over 2 hours of the Senate's time primarily because of the Republican leadership saying they were not going to permit the Democratic leadership to go on record in the Senate this evening just for the sense of the Senate commending the Million Mom March, and also asking that the Senate do what it already should do—that is, pass the violent juvenile offender legislation out of conference where it has been for 7 months.

As a member of the conference committee, we met on two different occasions: on the opening occasion, and on the organization. And that was it.

It has taken the Republican leadership 2½ hours to say that we can vote on this tomorrow with their permission. They ought to get used to the fact that we are going to continue to press this issue—2 hours to get a sense of the Senate to say the mothers, the 750,000 moms who marched with their daughters on Sunday—that they are to be commended. That is troublesome, evidently, to the other side.

These moms came from all different parts of the country. Many of them had never participated in any political process at all. They came here because they wanted the Congress of the United States to debate and take action. They had different views about what specifically should be out there. But they had

a common sense and a common purpose that we should take some action. We are commending them for doing so. That evidently was unacceptable to the Republican leadership.

That is what we are facing here, for those who are watching this program tonight and who saw the march. In the last 2 hours we have been unable to get action. It is as clear as can be.

There has been objection, parliamentary maneuvering, and gymnastics using the rules of the Senate to deny an expression that we ought to commend the Million Mom March and that we ought to complete what is our responsibility to complete; that is, the conference, and pass sensible and commonsense gun control. You would have thought we were repealing the first amendment of the United States. That is what we are facing here. It is so interesting for us to find that out at this time in this session—the difficulty and the complexity we are going to have. But we are going to continue to pursue it.

I see my friend and our leader from California, Senator BOXER. I am glad to yield for a question.

Mrs. BOXER. Mr. President, I simply want to say to my friend that everything he said was true, except one small point. He said it has been 2 hours. It has been since 2 o'clock, I say to my friend from Massachusetts. They delayed for 5 hours the simple vote to say to moms who gave up their Mother's Day and came here: Thank you for what you are doing.

Mr. KENNEDY. The Senator is correct.

We have a short period of time remaining. As a member of the Health, Education, Labor, and Pensions Committee, we have responsibilities to try to pass education legislation. We had seven votes over a period of 5 days. That legislation was pulled. We are saying we don't have enough time, we don't have enough time to consider this, although we had all day Friday where there were no votes and all day Monday where there were no votes.

What we see now is that during the whole course of the afternoon, we were denied the opportunity to have just an expression of the Senate.

As I mentioned, this resolution is a simple, straightforward measure. Fact: Over 400 young people have been killed by gun violence since 1997. Fact: In the year since the Columbine tragedy, the Senate and House juvenile justice conference has not taken action to ensure the passage of meaningful gun legislation. Fact: Our continued inaction poses a threat to public safety.

The sense of the Senate does only two things. It commends the participants of the Million Mom March and calls upon the conference to pass the language of the Lautenberg measure on the gun show loophole that has passed the Senate, and to take action that is sensible and responsible.

I will take a few moments of the Senate's time to respond to an argument and to discuss some of the facts which are so compelling, particularly about the children, because we as a country and as a society refuse to take action. The latest data released in 1999 shows in a single year—and this can't tell the story because for every statistic, for every individual there is a name and a face behind this—what has been happening: 4,205 children and teens were killed by gunfire—1 every 2 hours, nearly 12 a day; 2,562 were murdered by gunfire; 1,262 committed suicide using a firearm—more than 3 every day; 306 died from accidental shooting; 2,357 were white and 1,687 were black; 629 were under 15; 191 were under 10; 84 were under 5 years of age; nearly 3 times as many children under 10 died from gunfire as the number of law enforcement officers killed in the line of duty. We know that the American children under 15 are 12 times more likely to die from gunfire than children in 25 other industrial countries combined; homicide is the third leading cause of death among children 5 to 14; 61% of the 80,000 children killed by gunfire since 1979 were white; 36% were black; children are twice as likely as adults to be victims of violent crime, and more likely to be killed by adults than other children; white youths are six times more likely to commit suicide than black youths although the suicide rate for black youths is up more than 100 percent since 1980.

We do not believe this legislation is necessarily going to be the only answer. We understand that. We do understand this is a step that can be taken now to make a difference about the proliferation of weapons and the easy access to weapons.

Various studies and polls show the number of children who say how easy it is for them to acquire weapons in our country today. We want to reduce that availability and that accessibility. We understand there are legitimate issues with which we have to deal. I want to dispose of a few of them. One has been the argument that has been raised that there hasn't been a sufficient effort in the area of law enforcement.

Reading through our Republican sense of the Senate, they talk about law enforcement. It is an interesting fact that Republicans have cut back on the total number of agents who have been most involved in law enforcement—the ATF agents—over the last 15 years.

Back to the prosecutions and the important point which our Republican friends ought to understand because their sense-of-the-Senate resolution is basically flawed in what they say about the prosecutions: Although the number of Federal prosecutions for lower level offenders—persons serving sentences of 3 years or less—has dropped, the number of high-level offenders—those sentenced to 5 years or more—is up by nearly 30 percent. Do we understand that? If we are talking about the more serious aspect of gun prosecutions, they are up by 30 percent.

I hope our Republican friends acknowledge their findings which are flawed in their presentation on this issue. At the same time, the total number of Federal and State prosecutions is up sharply. About 25 percent more criminals are sent to prisons for State and Federal weapons offenses than in 1992. The number of high-level offenders is up nearly 30 percent. The total number of Federal and State prosecutions is up 25 percent or more. The total number of prosecutions—local, Federal, and State—are up significantly.

We hear from the National Rifle Association that all that is needed is further prosecution under the law, but that is happening at the present time. What we need is action over the proliferation of weapons. We have tried in recent times on our side, with strong support, to make progress regarding the proliferation of weapons.

Moving along to some of the other challenges that children are facing, in November of last year in the Senate, the mental health bill was passed unanimously, by Republican and Democrats alike. We are still waiting over in the House of Representatives for the Republican leadership to call that up.

What does that bill do? That bill directly addresses the problems of violence in children's lives. The first section of the bill provides grants to public entities for programs in local communities to help children deal with violence. Community partnerships are created among law enforcement, education systems, mental health, and substance abuse systems. These partnerships provide a comprehensive response to violence, and include security, education reform, prevention, and early intervention services for mental health and substance abuse problems, as well as early childhood and development and social services.

Recognizing what is happening in many of our urban areas, I know in my city of Boston, a third of the children who come to school each day come from schools where there is abuse—physical abuse and substance abuse. Those children need help. They have problems. Those who are the strongest supporters of eliminating the proliferation of weapons available to children have been fighting for these kinds of efforts.

Nonetheless, our Republican leadership is opposed to all of our efforts and refuses to take action in those areas. It wasn't that long ago, in 1995, when we tried to get the Center for Disease Control to have a survey of gun violence

and our House Republican budget proposed a phaseout of the Center for Injury Control because it was just collecting information about violence and guns in schools.

Not only are they opposed to trying to take direct action on the proliferation of guns, not only are they opposed, evidently—because they are refusing to take up legislation to deal with some of the other aspects of guns—but on the other hand, they are absolutely opposed to even permitting the Center for Disease Control, the premier organization in the world in terms of public health services, from having any collection of material on gun violence.

In 1996, the appropriation was cut by $2.6 million, the appropriation of the Center for Disease Control, for injury control. That is the exact amount CDC was spending to survey gun violence. Since then, the CDC found other ways to continue the survey of gun violence, but Republicans have fought us every step along the way. That is what we are pointing out.

We are pointing out a number of things. First of all, if you can do something for effective law enforcement as well as prevention programs, you can have a dramatic impact on violence in communities. I want to show what has happened in my own State of Massachusetts where we have passed some of the toughest gun laws. We have a ban on carrying concealed weapons. A permit is required to do so. Local law enforcement has discretion to issue permits, and an individual must show a need in order to obtain the permit.

We have a minimum age of 21 for the purchase of a handgun.

We have increased penalties for felons in possession of firearms.

We require the sale of child safety locks with all fire arms.

We have an adult responsibility law. Adults are liable if a child obtains an improperly stored gun and uses it to kill or injure himself or any other person.

We have gun-free school laws.

We have a licensing law for the purchase of guns. We have strict standards for the licensing of gun dealers. We have a waiting period for handgun purchases. It takes up to 30 days to obtain a permit. We have a permit requirement for secondary and private sales of guns.

We have a ban on Saturday night specials, and we have a requirement for reporting lost or stolen firearms.

What have been the results? In the city of Boston, we see what the difference has been. In 1990, homicides of those 16 and under: 10 a year. See how this has gradually been phased out as these measures have been passed, down to the year 2000 where, in the first 3 months of the year, for youth homicides, we have not had one yet.

Does that mean something to anybody? Obviously we have had a very powerful impact. That is not just because of this legislation which has been enormously important, but we have also had a very effective program in prevention and intervention as well as enforcement. As Commissioner Paul Evans said, you have to have all the legs of the stool to be effective. Commissioner Evans also states:

To be effective, efforts must be targeted and cooperative. Police officers must be able to work closely with churches, schools, health and mental health providers. Afterschool programs are essential to help keep juveniles off the streets and out of trouble, away from guns and drugs.

In developing an effective approach like this, Boston has become a model for the rest of the country. On this chart, here is the city of Boston: Firearm homicides, 50 a year in 1990, and now we are down, in the year 2000, to 3 this particular year. That is because of tough laws with effective efforts that include many of the different provisions we have talked about here in our SAMSHA program: Working with troubled youth; trying to work with children to deal with violence in their communities; community partnership among law enforcement, education, and mental health and substance abuse systems. Those have been local efforts—some supported by the States—that are effective. Prevention and tough laws; we are finding out the scores, the hundreds of children who are alive today that I dare say probably would not be if we did not have an effective effort against the proliferation of weapons as well as prevention.

There are partnerships between the Boston public schools and local mental health agencies. School districts are employing mental health professionals. Teachers and staff focus on identifying problems in order to prevent violence by students. Boston police work actively with parents, schools, and other officials discussing incidents in and out of schools involving students. The Boston Public Health Commission promotes programs by the Boston Police Department and the results have been impressive.

From January 1999 through April of 2000, no juvenile in Boston was killed with a firearm. We ought to be able to at least debate this issue in the Senate. If there are those who take issue with what we have represented tonight about the effectiveness of a strong prevention program in terms of proliferation weapons, and also a prevention program working with a range of different social services, come out here on the floor and let's debate it and call the roll.

But, oh, no, the Republican leadership says. Oh, no, we are not even going to let you, over 5 hours, pass a resolution commending the Million Mom March, or that we ought to get the bill out of the conference, where we have been for 8 months. Why is it they are so nervous about it? Why is it, when we have results that we are prepared to defend that can demonstrate we can save lives in this country, but that we are denied the opportunity to do so? That is what is unacceptable. People are milling around saying: when are we going to end this evening? We have places to go. We have places to go—here on the floor of the Senate. We have things to do, and that is here in the Senate. That is what we are elected for.

The leader, Senator DASCHLE, has outlined what we want to be able to do.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has another 9 minutes.

Mr. KENNEDY. Let me point out, when we compare States with tough gun laws to those that have weak gun laws—let's take a look at that. We are constantly told tough gun laws do not make any difference, they really do not make any difference.

Listen to this. In 1996, across the Nation the number of firearm-related deaths for persons 19 years old or younger were 2 deaths per 100,000. That is across the country, 2 deaths per 100,000. In the States that have the weakest gun laws, the number was significantly higher. Utah had 5.1 firearm-related deaths per 100,000, 2.5 times higher than the national average. These are, effectively, for children under 19 years of age. Indiana had 5.9 firearm-related deaths per 100,000, 3 times higher; Idaho, 6.9 firearm-related deaths per 100,000, 3.5 times higher; Mississippi, 9.2 firearms-related deaths per 100,000, 4.5 times higher. No other nation on Earth tolerates such shameful gun violence.

Where we have had effective laws and preventive programs we have reduction in the violence against children. Where we have weaker laws, we see the expanded number of deaths of children in our country. There may be other reasons for it, but come out here and defend it. We are prepared to debate these issues. But we are unable to do so because of these magic words: ''I suggest the absence of a quorum.''

If you took away the words, ''I suggest the absence of a quorum,'' perhaps we could get some action around here. But we cannot and therefore we are stymied, at least to date, although we will have some opportunities to get some expressions tomorrow, and we are going to try to get action on these measures before the end of the session.

We are prepared to insist that action be taken on these measures. I will just conclude by reading some of the comments of children. These are the words of Columbine students who witnessed a horrible tragedy last year. This is a quote from Valeen Schnurr:

The nights are always the worst. Inevitably, I find my thoughts drifing into nightmares, terrifying images of the library at

Columbine High School on April 20, 1999. The sound of students screaming as explosive and gunshots echo through the school; the burning pain of the bullets penetrating my body; the sound of my 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.

From Garrett Looney:

I've never been ashamed to be an athlete. I started playing football when I was eight, and baseball and basketball too. This spring, I'll run track. Sports have always been part of me. . . .

I'd been in the library that day, about 11 a.m., making some copies. Then I left with friends for lunch. We were heading back to school and thought there was a bad wreck because a fireman stopped us. We went to Clement Park, next to Columbine, and saw a sea of kids running from the building. We couldn't believe it. It's beyond me how two kids could go that crazy. . . .

A friend of mine, Corey Depooter was killed. I had one [woodworking] class with him, and we did projects together. It was hard going back to that class. The seniors on the football team took memorial pictures of a columbine flower to the victims' houses, including Mrs. Depooter's. She wanted to know how we were doing and told us stories about Corey. That was tough for me.

The list goes on, Mr. President. Here is Nicole Nowlen:

I was only at Columbine for seven weeks be fore (the shooting). My parents are divorced, and I had been living in Sioux Falls, S. Dak., with my mother and younger brother, Adam. When my mom moved to California, I chose to live with my dad in Colorado. . . .

On April 20, I was sitting alone at a table in the library doing my math homework when this girl ran in and yelled. ''There are guys with guns downstairs:'' I thought it was a senior prank. . . .

The time seemed to go in slow motion. And then they came in.

I don't remember much until they got over into our area. I could see John watching where they were walking. I was trying to pick up expressions from his face, and I could hear them walking over to this table full of girls next to us. I remember this gun going off, and one of the gunmen saying, ''Do you believe in God?'' And I remember thinking, ''These people are sick.''

The stories go on.

We have had Paducah, KY. We have had Jonesboro, AR. We have had Columbine. Those who forget history are fated to repeat it. We have failed to take action. America has witnessed these shootings over the years. Every single day in cities, in communities, in rural areas, 12 children die. These are dramatic incidents which catch the heart, as they should, and the soul of every American, and it is happening every single day.

We can make a difference. We can reduce these incidents. Perhaps we cannot eliminate them all, but we can reduce significantly the total number of children who are lost every day. We fail to reduce the number if we refuse to take action in this area.

I hope the Senate will go on record in support of the Daschle sense-of-the-Senate amendment. I hope this will just be the beginning. I know it will be for many of our colleagues, including my two dear friends, the Senators from California and Illinois, who have been providing leadership for our Nation in this area. We are going to respond to the Million Mom March. They asked for action. We committed ourselves to taking action.

I look forward to working with them and others in making every effort we possibly can to reduce the proliferation of weapons that should not be available to children in this country. We can make a difference. I look forward to working with them.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mrs. BOXER. Mr. President, I thank my friend for his remarks. I know he watched with great pride while KERRY, KENNEDY, Cuomo, and Kathleen Kennedy Townsend spoke at the Million Mom March with hearts full. I know the people who came to that march, particularly those who witnessed and experienced pain, loss, and suffering have inspired people across the country.

I say to my friend, before I yield time to my friend from Illinois, that he is powerful on this issue. He is a powerful spokesperson for the children of this Nation. I was so happy he chose to come over here tonight. It is late in the evening. I know we will work together, as so many of us will on this side of the aisle, and hopefully a couple from the other, in making sure those moms who gave up their Mother's Day for a cause that is so important will be commended by this Senate. For goodness' sake, will be commended. As Hillary Clinton said, they did not care about the flowers; they did not care about the fancy dinners or breakfast in bed. They gave up their Mother's Day to march for something that was very important to them, more important than anything else: the safety of their children and the safety of the communities' children.

I say to my friend, thank you for making this point over and over. The other side seems to be fearful of these moms. Why don't they vote down our resolution if they do not like it? No, they stalled 5 hours because they wanted the clock to tick, and they are not even here to debate us on this amendment.

We voted out sensible gun measures. What are they afraid of, I ask my friend from Massachusetts? Sensible gun measures passed the Senate—child safety locks, background checks at gun shows, the banning of the superlarge capacity clips, a study to investigate how the gun manufacturers are marketing to our children, and changing the age at which one can buy an assault weapon from 18 to 21. A few of them crossed over, and this Senate voted for those measures.

Before my friend leaves, I want to ask him this question, and then I will yield as much time as he would like to the Senator from Illinois. I wonder if my friend can explain to me, because he has been around here a long time, of what are they afraid? Why don't they just vote it down? Why don't they just say: No, we don't want to commend the moms; no, we don't want to bring these commonsense gun laws to the Senate? Why are they using every parliamentary trick not to have to vote on that?

Mr. KENNEDY. I say to the Senator from California, it defies every logical explanation. The alleged explanation is that we do not need these additional laws; what we need is the enforcement of existing laws; why waste our time on the floor of the Senate in considering these measures because if we dealt with these other measures, our problems would be resolved.

That is, of course, a flawed factual representation, as I mentioned, in terms of total prosecutions, and it is wrong in terms of fact, not only, as I mentioned, in total prosecutions, but it is wrong in terms of what can be done in States across this country.

I thank the Senator from California for raising these questions this evening for Americans. The question is, At least, why can't we vote? Why can't we vote? Why can't we have accountability? Why aren't they proud of their position? Why aren't they proud of their position and willing to take a stand on it? That is what this office is about: making choices and decisions; exercising some judgment. Why constantly try to frustrate the ability of Members to make some difference on this? I think that is the inexcusable position which hopefully the American public will find unacceptable in the remaining weeks of this session and, if not, then during the election.

I thank the Senator.

Mrs. BOXER. I thank my friend and yield as much time as he will consume to my friend from Illinois. If he is still going in 30 minutes, perhaps he would then wrap up in the next 15, and I would conclude this side's debate.

Mr. DURBIN. I thank the Senator from California.

I salute my colleague from the State of Massachusetts. Senator KENNEDY has been the leader on so many issues throughout his political career. You can almost count on it: It is late at night—7:30 p.m. on the Senate floor. Very few Senators are still around to debate this important issue. But Senator KENNEDY, who has become legendary in his commitment to issues in the Senate, stayed for this important debate. I am honored to share the floor with him. I am honored to share the

same position on this issue with my colleagues, Senator KENNEDY and Senator BOXER.

As Senator BOXER noted earlier, at the Million Mom March in Washington, there were several members of Senator KENNEDY's family who came and spoke about what gun violence has meant to them. America knows that story. America knows it so well. America knows of the assassination of President John Kennedy, of the assassination of Senator Robert Kennedy, and all the tragedies that have befallen that family. We know it because they are so prominent in the American culture and the American political scene. We know, as well, that people with less prominent names, not that well known, have endured gun violence on a daily basis.

At the end of the Million Mom March, in Chicago, a spokesman for one of the group's sponsoring it, the Bell Campaign Fund, brought a bell near the stage and invited the families to come up and ring it if they had lost someone to gun violence in their family.

At first they were hesitant to come forward; and then more started to move forward. Finally, it became a long, long procession of young and old, of those who were not well dressed and those who were very well dressed, of rich and poor, of black and white and brown, of children and of the elderly. They came forward—hesitated—and rang the bell. They had lost someone in their family to gun violence.

As you watched this procession go by, anyone observing it could not help but think there but for the grace of God go I; it can happen to any family in America.

A nation of 270 million people, and a nation of over 200 million guns, a nation where every day we pick up a newspaper, turn on the radio, or turn on the television, to hear of another gun death. The sad reality is that we have become inured to it. We have become used to it. We think this is what life is like in the world. It is not. It is what life is like in America— in America, where we have failed to pass legislation for gun safety, to make the neighborhoods and the schools, the towns, and the cities across America safer places to live.

What calls our attention to this steady stream of information about gun violence is the most outrageous situations. For the last several years, the most outrageous gun violence has occurred in America's schools:

In February, 1997, in Bethel, AK, a 16-year-old boy took a shotgun and a bag of shells to school, killing the principal and a student and injuring two others.

On October 1, 1997, in Pearl, MS, a 16-year-old boy is sentenced to life in prison for killing his mother and then going to his high school and shooting nine students, two of them fatally.

On December 1, 1997, in West Paducah, KY, three students are killed, five others wounded at the high school; a 14-year-old student pleaded guilty—mentally ill—to murder.

On March 24, 1998, Jonesboro, AR—you will remember this one—four girls and a teacher killed and 10 people wounded at a middle school, when two boys, aged 11 and 13, fired from a nearby woods. They literally brought an arsenal of weapons and ammunition. They triggered the fire alarm bell. The kids ran out of the classroom and they opened fire.

America, 1998:

On April 24 of that year, in Edinboro, PA, a science teacher is killed in front of his students at an eighth grade dance. A 15-year-old pleaded guilty.

On May 19, 1998, in Fayetteville, TN, 3 days before graduation, an 18-year-old honors student opened fire at his high school, killing a classmate who was dating his ex-girlfriend.

On May 21, 1998, in Springfield, OR, two teenagers are killed and more than 20 hurt when a teenage boy opened fire at his high school, after killing his parents.

On April 20, 1999—the news story of the year in America; you may not have heard of the town before, but you know the name now—in Littleton, CO, two students at Columbine High School killed 12 of their classmates and a teacher and wounded 23 others before killing themselves.

That was supposed to be the gun tragedy that turned this issue around. Congress was supposed to wake up at that point and finally do something to protect America from gun violence.

Of course, we considered legislation on the floor of the Senate, and it was a long, painful debate. The bill finally came up before us, and on a vote of 49–49—a tie vote—Vice President GORE came to this Chamber, cast the tie-breaking vote, and we passed a gun safety bill which, under the Constitution, then went to the House of Representatives across the Rotunda.

Was this a radical bill? Was this something so outlandish that we could not expect the House of Representatives to consider it? I do not think so. Forty-eight of my colleagues and myself believed it was a sensible gun control measure.

What did it say?

If you buy a gun at a gun show, we want to make sure you can legally own it.

If you have a criminal record, we do not want you to buy it.

If you are a child, we do not want you to buy it.

If you have a restraining order because of domestic violence or something else, we do not want you to buy it.

If you have a history of violent mental illness, we do not want you to buy a gun.

We want to check your background and make sure you do not have a problem where you should not own a gun.

Is this a radical idea, keeping guns out of the hands of people who are criminals? The Brady law, which we passed in America, has kept guns out of the hands of hundreds of thousands of people such as those I described. And you think to yourself: Come on now, somebody convicted of a murder surely is not going to walk into a Federal gun dealer and try to buy a gun. Yes, they do it—time and time again.

Nobody said they were rocket scientists. They are people who were criminals and want to be criminals again. They may not be very bright, but they are smart enough to know they need another gun to pull off another crime.

We stop them with the Brady law. But the Brady law does not apply to gun shows. Gun shows across America are a loophole; they are exempt. You buy what you want at a gun show and nobody checks. Think about that. Even the least intelligent criminal will figure that out: Go to a gun show and get your gun. Do not go to a dealer. The dealer is going to check it out, find out if you have a criminal record.

So we said, in this gun safety law, let's do a background check at gun shows. Let's apply this same law we apply to gun dealers. That is not a radical idea. It is common sense.

Senator KOHL of Wisconsin had an amendment—part of this bill—that every handgun in America would be sold with a trigger lock, a child safety device.

It is interesting. We have many sportsmen and hunters in my family. They are strong in the belief that this is their right to own a gun; and I do not dispute it. But they are also strong in the belief that they never want their gun to harm anyone else, any innocent victim. They certainly do not want their gun to harm a child. Now they are turning around and buying trigger locks. I am glad they are.

Senator KOHL says, from now on, every handgun sold in America will have a trigger lock so that the parent who puts their gun up on the top shelf of the closet, thinking their little son or daughter will never find it—they may be wrong, but the child may be safe because with the trigger lock the child will not be able to fire the gun.

That is not a radical idea. That is part of gun safety. In fact, if there had been trigger locks in Jonesboro, AR, maybe these kids could not have taken the guns out in the woods, with an 11-year-old kid firing away at teachers and classmates.

No. I think, quite honestly, we all believe that if you are going to exercise any right to own a gun, you should exercise the responsibility to store it safely, securely, and away from children.

That is part of the bill sent to the House, a bill which still languishes. Senator FEINSTEIN of California has a

provision that says you don't need a huge ammo clip with literally hundreds of rounds of ammunition for any sport or any hunting. So as you cannot manufacture them in America, you should not be able to import them from overseas. That doesn't sound radical to me. I don't know many people who need a hundred rounds to go out and kill a deer. As I have said many times, if you need an assault weapon to kill a deer, maybe you ought to stick to fishing. But the fact is, Senator FEINSTEIN's amendment was adopted as part of the bill.

We had an amendment by a Republican, Senator JOHN ASHCROFT of Missouri, that would limit who could buy semiautomatic assault weapons—certainly making sure that those under age of 18 cannot—and establishing an age of 21. We had an amendment by Senator BOXER to have the FTC and the Attorney General investigate whether gun companies were trying to attract young buyers, underage buyers, with their advertising.

That is it. I have just described the entire gun safety bill. Did you hear anything that is patently unconstitutional, so radical and outlandish that we should not consider it in America? I don't think so. In that amendment, we have basic, commonsense efforts to make America safer. I am not so naive as to believe that we are going to end gun violence by passing this bill, but we think it will help. We certainly have an obligation to help. We passed that bill in the Senate, sent it over to the House, and the National Rifle Association tore it to pieces, passed a weak substitute, sent it to a conference committee where it has sat for 8 months, since Columbine High School. We have had all sorts of meetings on the floor of the Senate and in the House, all sorts of debates and committee meetings, all sorts of press conferences, and we have done absolutely nothing to make America safer when it comes to gun violence.

What do we have to show for it? Since Columbine High School, on May 20, 1999, in Conyers, GA, a 15-old-boy opened fire in a high school with a .357 caliber handgun and a rifle wounding six students.

On November 19, 1999, in Deming, NM, a 13-year-old girl was shot in the head at school and died the next day. A 12-year-old boy was arrested.

On December 6, 1999, at Fort Gibson, OK, a 13-year-old student fired at least 15 rounds in a middle school wounding four classmates. Asked why he did it, he said, ''I don't know.''

February 29, 2000, is one you won't forget. At Mount Morris Township, MI, a 6-year-old boy pulled a .32 caliber Davis Industry semiautomatic pistol out of his pocket, pointed it at a classmate, turned the gun on Kayla Rolland, a little 6-year-old girl, and fatally shot her in the neck.

That is America since Columbine. America, unfortunately, is very busy with gun violence but, sadly, the Congress is not busy with legislation to reduce and end gun violence. So today, Senator DASCHLE came to the floor with a suggestion, one which obviously did not set well with the Republican majority. Senator DASCHLE suggested that we pass a resolution—and I want to read the language—that it is the sense of the Senate that the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation, and Congress should immediately pass the conference report to accompany H.R. 1501—the bill I described, the gun safety bill—that includes all the provisions that I described, and do so as soon as possible.

With those two suggestions, the Republican majority stopped the Senate for 5 straight hours. They would not have this Senate vote to commend the organizers and mothers who participated in the Million Mom March, and they did not want this Congress to go on the record to pass gun safety legislation for 5 hours. They tried every parliamentary trick they could to stop this, and then when they found we were determined to bring this to a vote, they finally relented at about 3 o'clock. They said: All right, you can debate it a couple hours tonight and a couple hours tomorrow. That is why we are here.

I salute Senator BOXER of California. As you can tell, many Members of the Senate had other things they wanted to do. But she and I and Senator KENNEDY and so many others believe that after we have seen what those mothers went through to put together that march to come out and ask us to pass sensible legislation, we owed it to them to be here this evening and speak to it.

Let me talk about two or three issues that will come up in this debate. The National Rifle Association spent a substantial sum of money last week on television in preparation for the Million Mom March. They ran a lot of ads showing a member of their board of directors—a woman—who articulated their point of view, as well as their personal hero, Mr. Charlton Heston. They said during the course of these ads that what we need in America to reduce the killing of 12 or 13 children a day is more education. They use something called Eddie Eagle, which is like Joe Camel, for the NRA. It is a little symbol they use to try to attract children's attention with it. They say if we have more Eddie Eagle training in schools, we will have fewer gun deaths.

Well, this may surprise some, but I don't disagree with the NRA, to some extent. If they are suggesting we should teach children that guns are dangerous and they ought to stay away from them, I salute that and agree with that. In a nation of 200 million guns, we should do that. Members of my staff in Chicago and in Washington sit down with 4- and 5-year-old children and explain to them that guns are dangerous. You have to do it in America. Even if there is not a gun in your home, you don't know where your child may be playing or whether their classmate is going to find a gun. You should tell them that. It is a reality.

But if the National Rifle Association thinks education of children to reduce gun violence means teaching kids to shoot straight, that is where I part company with them. I don't think kids should be handling firearms. I think firearms should be in the hands of adults who understand the danger of a weapon. I go along with the National Rifle Association if they want to join us in educating children in school about the danger of firearms. That makes sense. Maybe we can find some common ground on that.

The second thing the NRA tells us is we have all the laws we need. All the States have laws, some of the cities have laws, and the Federal Government has all the laws it needs and, for goodness' sake, just enforce the law. This may surprise the NRA, but I don't disagree with that either. We should enforce the laws. In fact, we find that when it comes to the number of high-level firearm offenders, those sentenced to 5 or more years, Federal prosecution of those offenders has gone up 41 percent under this administration. The average sentence for firearm offenders in Federal court has increased by more than 2 years in that same period of time. Enforcement is taking place. Should there be more? Yes, and I will support that, too.

But let me tell you, there was an interesting vote on the floor. One of the Senators who opposed my motion on the floor is here this evening. When it came to enforcement, I asked those who are friends of the National Rifle Association to put their votes where their rhetoric happened to be. I asked them if they would join me in supporting President Clinton, who asked for 500 more agents at the Bureau of Alcohol, Tobacco and Firearms to investigate firearms dealers who were violating the law and to make sure that we kept an eye on the people who were selling the weapons, and a thousand more prosecutors and judges and others across America to prosecute the same gun laws. I offered the amendment on the floor, and one of the Senators, who is here and is a member of the board of directors—or was—of the NRA, amended it and said take out the part on the Bureau of Alcohol, Tobacco and Firearms, the 500 additional agents, and then we will vote for it.

So that really calls into question their sincerity when they say they want more enforcement. It turns out a very small percentage of firearms dealers in America actually sell guns used

in crimes. Most of them abide by the law. We want to stop the ones who violate the law. When I tried to put more agents at work to do that, I was stopped by a Republican Senator who says he believes in the second amendment but wants enforcement but he would not vote for 500 ATF agents for more enforcement.

Mrs. BOXER. Will the Senator yield on that point?

Mr. DURBIN. Yes.

Mrs. BOXER. Mr. President, I think the Senator makes a very important point here. When we call for sensible gun laws, the other side gets up and says we can handle it all with enforcement. Do you know what we say? Excellent idea—enforcement and sensible gun laws. Let's join hands and do it all; that is what we need to protect our people. Yet as my friend says, when he attempted to do just that, the other side found fault with it.

I want to ask my friend if he is aware of what the Republican Appropriations Committee did on the House side with a number of Capitol Police officers? I know my friend is just as distressed. I discussed this with him.

We lost two beautiful Capitol Police officers. What were they doing? They were protecting the people in this building. They were protecting the Members of the House and the Senate, and they were shot down in the prime of their lives. They have magnificent families. We went to a funeral. We all cried. Republicans and Democrats cried tears. Now what happens? The people who want the enforcement, what have they done on the House side?

Mr. DURBIN. The House Appropriations Committee, barely 2 years after two Capitol policemen were killed protecting the Members of Congress and visitors in the Capitol Building, has proposed that we cut by 400 the number of Capitol Police working at the Capitol. It is an incredible suggestion. We have doors leading into the office buildings and into the Capitol that literally hundreds, if not thousands, of people pass through but where there is one security guard. Many believe there should be two at these doors that are the busiest.

Instead of enhancing the Capitol Police so they can do their job and be safe in doing it, the House Republican leadership called for cutting 400 Capitol policemen. That does not sound like good law enforcement and vigorous law enforcement. Just the opposite is true. They are suggesting, for more enforcement of the law, cutting back on the police after we had the terrible tragedy right here in the Capitol not that long ago.

Mrs. BOXER. The old expression is hackneyed now but ''actions speak louder than words.'' I think when you stand up on the floor and you say, ''More enforcement, more enforcement,'' then you cut 400 police officers out of this Capitol Police Force, and you go to Senator DURBIN's resolution on hiring more agents so we can crack down on the gun criminals, it doesn't add up. Something is not adding up here.

I have to say it is time we just spoke very directly about it. It is hard. It is hard to pick a fight, and it is hard to get into an argument and debate on the other side of the aisle because we don't control this Senate. But we have our rights. Senator DURBIN represents a very large State. I represent a very large State. People sent us here not to just sit back and do nothing but in fact to speak out.

I thank my friend, and he can continue for as long as he wishes tonight.

Mr. DURBIN. I thank the Senator from California.

I also want to tell you that I think this issue is an important national issue in this Presidential campaign because I think what you hear from two candidates is a clear difference when it comes to dealing with sensible gun laws and gun safety.

Vice President GORE came to the Senate floor casting the deciding vote on the gun safety bill, which I mentioned earlier. He has supported it publicly. He has spoken in favor of it. I believe it is fair to say he has supported the Brady law, he has supported the assault weapon ban, and he has supported efforts to have a waiting period so people do not in a high state of emotion go out and buy a gun and harm themselves or others. That is a matter of record. That is his position.

On the other side, the Governor of Texas, George W. Bush, has a much different record. In his State, he signed into law a concealed weapon law which allows people to carry guns into churches and synagogues.

There are people who believe we will be a safer nation if everybody carries a gun. I am not one of them. I happen to believe we are not a safer nation when the couple is arguing across the restaurant and you have to wonder whether or not someone is going to reach into their pocket or purse and pull out a gun.

I don't happen to believe we are a safer nation whenever a policeman who pulls a car over is doubly worried and concerned that that speeder may have a gun in the glove compartment instead of the registration they are apparently going after.

I don't believe we are a safer nation when people are carrying guns to public events, such as high school football games, or are taking them into churches. I don't believe that makes America safer.

Governor Bush signed a law in Texas so people would have a right in the State of Texas to carry guns around. That is his image of a safer America; it is not mine. I am glad my State of Illinois has not passed such a law, and I hope we never do.

In addition, it appears that one of the problems the Republican Party has with our gun safety bill is that we require background checks at gun shows. Which State has more gun shows than any other State in the Nation? The State of Texas. The provision in the law—the loophole in the Brady law—which said you don't do a background check at a gun show was put in by a Democratic Texas Congressman. It is an important industry, I take it, in the State of Texas to preserve these gun laws. It may be the reason Governor Bush will not come out and support the gun safety law which passed in the Senate with Vice President GORE's tie-breaking vote.

Finally, the day before the Million Mom March weekend, Governor Bush came on television and said: I tell you what we are going to do in Texas. We are going to make a lot of trigger locks available. We are going to buy a lot of them and give them away.

I am glad he is doing it. I think it is a nice thing to do. It is certainly not a comprehensive attitude toward dealing with gun violence. I would like to see more communities and States do that. But certainly I would like to see Senator KOHL's amendment which requires a trigger lock with every gun as part of a law of the land, so that when you buy a handgun, it has a trigger lock and it has a child safety device. A once-in-a-lifetime or once-in-a-decade effort by a Governor in any State won't make any difference unless it is in a comprehensive approach, as Senator KOHL has suggested.

It is interesting to note that when the Republican leadership is asked why they have failed in over 8 months to bring this gun safety legislation to the floor, they in the majority and in control of the House and Senate say it is the Democrats' fault. That is a little hard to understand. In fact, it is impossible to believe.

I have been appointed to conference committees in the Senate in name only where my name will be read by the President and only the conference committee of Republicans goes off and meets, adopts a conference committee report, signs it, and sends it back to the floor without even inviting me to attend a session. The Republican leadership majority could do that at any moment in time. To suggest that somehow the Democrats are stopping them from bringing a gun safety bill out of committee and to the floor just defies common sense. They are in control. They have to accept responsibility for their actions.

Senator ORRIN HATCH, a Republican of Utah, is the chairman of the Senate Judiciary Committee. He is the head conferee on the Senate side for the Republicans on this conference on gun safety. My colleague from the State of Illinois, Congressman HENRY HYDE, chairman of the House Judiciary Committee, shares that responsibility with

him. And the two of them have a majority of votes in this conference committee. If they wanted to bring a gun safety bill forward, there is nothing the Democrats could do to stop them from doing such. Yet they haven't done it. Eight months have passed, and more people have been shot and killed.

Stories come out suggesting to us there is much more to it. Unless and until Governor Bush decides this is an important issue in his Presidential campaign, unless and until Governor Bush decides he is for gun safety, that bill is going to stay in that conference committee. That is a simple political fact of life.

The Republicans on Capitol Hill don't want to embarrass their candidate for President by bringing out a bill he opposes. So the bill sits in this conference committee. And 750,000 mothers across America rallied in 65 different cities saying to Members of Congress, Members of the House and the Senate: For goodness' sake, can you put party aside for a moment and think about the safety of our children in schools? Can you put party aside for a moment and think about the safety of our neighborhoods so that we believe kids can stand at the bus stop without worrying about a gang banger coming by and spraying bullets? Can you put partisanship aside and decide that we can all agree we want to have background checks at gun shows, and trigger locks on handguns, and these huge ammo clips kept out of the country? Isn't it time Congress came together and agreed on those basic simple things? The fact of the matter is, we have not, and apparently under this leadership we cannot.

The National Rifle Association is boasting that their membership is higher than ever. They love this, they say, because the more attention to this issue, the more people sign up for the National Rifle Association. More power to them. But I will tell you that if I had to put my political future with a group, it would be with the mothers who are marching and not with Wayne LaPierre and Charlton Heston. They represent the real feelings of families across America who understand that gun safety is important and that it includes not just the passage of laws to keep guns out of the hands of criminals and kids, but it also includes enforcement and it also includes education. All of it comes together.

The folks who listen to the NRA and believe them think that you stop once you talk about education and enforcement—that there is no reason to go beyond it. Yet we know better. We know those kids at Columbine High School got their guns from a gun show by a straw purchaser. We know it could have been more difficult if we had passed a law in the Senate and if it had been signed by President Clinton. We know that some of those lives might have been saved. Sadly, that didn't occur.

Now we are faced with the reality of a legislative session that is moving to the spending bills. It appears that the Republican leadership is not going to have its own agenda it wants passed but instead will move to appropriations bills, and in so doing, give us a chance, at least with sense-of-the-Senate resolutions, to continue to remind the Members of the Senate and people across America that we have not done anything to make this a safer nation when it comes to guns.

I understand, I think, the feelings of some gun owners. They feel put upon, that all this debate somehow involves them. Some of them have what I think is a naive, if not a wrong, point of view that they should not be inconvenienced in the ownership of their guns.

Let me suggest that we inconvenience a lot of people for a lot of good reasons in America. I was inconvenienced this morning when I went through the airport. I had to go through a metal detector. It is an inconvenience. I expect, because I want to sit on the plane with peace of mind, to know that every effort has been made to keep those who would create some terrorist environment off the plane. I am inconvenienced when I drive my car by the rules of the road of Illinois—thank goodness for the inconveniences—which require brakes on my car and require me to stay on the right-hand side of the road and abide by the speed limit. It is an inconvenience I accept because I want to bring my family home safely.

I think most gun owners are prepared to accept some inconvenience in life if they know it means they can continue to use their guns legally and safely. In my home State of Illinois, it is a firearms identification card; you have to apply to the Illinois State Police. They do a background check on you. They give you a little card. You can't buy a gun or ammunition in Illinois without that card with your picture on it.

I don't own a gun, but I applied for one of these cards. I wanted to know how tough it was. It wasn't too tough: Fill out a questionnaire, give them a little photo, they do a background check, send me my card, and I send them a few bucks every year to renew it. That is a device that could be used on a national basis. It has been an inconvenience for the gun owners of Illinois for 40 years now but not such a serious inconvenience that they cannot go out and enjoy sports that involve guns.

We are talking about minor inconveniences with major dividends for America. Background checks to keep guns out of the hands of criminals and fugitives and stalkers and kids so we don't have the sad situations that I recounted earlier in the schools and other places across America, these are things of common sense. These are things which, frankly, both parties should agree.

It is interesting to note that the Republican substitute to our amendment commending the Million Mom March spends a full page or so blasting the Clinton administration for the inadequate prosecution for gun crimes. As I read earlier, the statistics don't back up some of the claims they have made. Instead of commending the million moms who stood up saying, ''Make America safer,'' the Republicans have replied by blasting the first family. That is their idea—go after President Clinton; don't stand up for the families across America who came together last Sunday.

Then they say they want a juvenile crime conference committee report that has a lot more than guns in it. Quite frankly, there are some things they want with which I can agree. It is interesting they don't call for the gun safety amendments which were adopted by the Senate. Of course, they close by repeating their belief that it is a right of each law-abiding citizen to own a firearm for any legitimate purpose, including self-defense or recreation, and that should not be infringed. I don't think it is an infringement to put a basic requirement to try to keep guns in the hands of those who will use them safely, rather than those who would misuse them.

I thank my colleague from the State of California for her leadership on this particular debate. I was happy to join her this evening. I look forward to joining her tomorrow when at least we will have a sense-of-the-Senate resolution and an opportunity for a vote as to whether or not we should finally tell this conference committee to get down to business.

Mrs. BOXER. Before my friend leaves the floor, I want to ask him a question.

Mr. ENZI addressed the Chair.

Mrs. BOXER. I believe Senator DURBIN has the time.

The PRESIDING OFFICER (Mr. CRAIG). Senator DURBIN has the time and did not yield to the Senator, so I recognize the Senator from Illinois. I thought he concluded his debate.

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. BOXER. This is brief.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator from California.

Mrs. BOXER. This is very brief. I have been touched reading some of the comments that have come via the Internet on the Million Mom March web site. I simply read two which I think indicate why the Democratic proposal commending the Million Mom March is so on target. It speaks for so many people across America. I want to get a quick response from my colleague to these two very brief statements.

A woman from Mount Royal, NJ, writes:

I wholeheartedly support the Million Mom March. I lost my 25-year-old son in November of 1999 to a self-inflicted gunshot wound

to the head. I firmly believe that he would still be here today if there would not have been a gun available to him. My prayers go out to all those who are marching on Washington.

And Elizabeth from North Carolina writes:

Five years ago my sister was murdered by her ex-husband in a courthouse that had no metal detectors. She had warned the court of his threats and they took his guns away. But because of the easy access to guns, he just went out and got another. And he used it to kill her in front of their 6-year-old child.

She says to the million moms:

God bless all of you for walking in this march and raising awareness of the horrible problem we have with gun violence on behalf of my sister and her child. I thank you all for caring.

I say to my friend before he leaves the floor tonight—he has been so generous to share his tremendous wisdom—isn't the reason the Democratic proposal, which praises the million moms for doing what they did, makes sense because people such as these have felt so alone? Is that my friend's perspective?

Mr. DURBIN. I say to my friend from California, I understand the sentiments expressed. Even in my own family, I have a sister-in-law who is interested in politics. We talk about it from time to time. She is the mother of 10 children and I think 20-plus grandchildren—I lost count. She decided when she heard about this Million Mom March that she was going to be here in Washington on The Mall last Sunday. She called every woman in the family and said: We are all going down on Metro together. They did.

The same thing happened with other people in my Chicago office. There was a feeling of mothers across America that this was a special moment and that they were going to take time away from their families, away from what was their day, Mother's Day, and come down and be with so many others.

I was in Chicago. I know the Senator from California was here in Washington and was touched by what occurred on The Mall gathering.

That is a sentiment growing in America. My Republican colleagues should think twice about criticizing this resolution where we commend these mothers who had the courage to come forward because they believe so passionately on this issue.

When it comes to the question raised by the other person who e-mailed or contacted your office about the accessibility of guns, they are easily acceptable. The District of Columbia has strong, strong, anti-gun laws in terms of ownership possession. Yet you go right across the bridge into Virginia or over the line into Maryland and you can purchase guns that end up coming right in to crime scenes here in Washington, DC.

It is naive to believe that State laws are going to control this traffic in guns. In fact, when they did a survey in Illinois of guns confiscated in crimes and their origin, where they were from—they traced them with the gun numbers and such—they found the No. 1 State for sending crime guns to the State of Illinois was the home State of the majority leader of the Senate, the State of Mississippi. Of all places, Mississippi. Why? It is easier to buy guns there. They buy them, they throw them in the backs of trucks and trunks of cars and take off for Chicago or Boston or wherever it happens to be.

This steady trafficking, in many cases illegal trafficking of these guns, needs to be better policed, and we need to ensure we understand that these guns move across borders at will. I would say to the Senator from California, the experience of the second lady who contacted you, when a person who was not supposed to have a gun had easy access, really speaks to the issue of the proliferation of guns in America, and their easy access not only to the violent and the criminal but also kids.

Mrs. BOXER. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The Senator has 39 minutes.

Mrs. BOXER. I retain my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself such time as I want to use.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. ENZI. Mr. President, I am compelled to speak at this point. I am really disturbed about the direction the conversation—I will not call it a debate—is going. I think the American public needs to know what is going on here.

At the moment, the bill that is on the floor is the military construction appropriations bill—not gun control. You might be confused, if you have been listening to the debate. We are on the military construction appropriations bill. This is the bill that provides for the national security and promotes the national defense. This is the bill that builds things for the military, to make sure we have a strong military. This is the bill that builds the dormitories and the housing for our military people so they have the morale to stay in the military and do the job of protecting us.

We are debating the military construction bill. It is the bill that takes care of some of the problems on military bases where there has been pollution. A lot of it we did not know was pollution at the time it happened, but we recognize the need to take care of the environment, and this bill takes care of the environment—if we can ever get around to it and get it passed. But it sounds as if we are having a gun debate.

This bill, the military construction appropriations bill that we are considering, is the bill that handles our basic military construction needs. It is not about schools. It is not about gun control. It is about taking care of our military in a responsible and timely way. That is what is going to be happening with appropriations bill after appropriations bill after appropriations bill. We do 13 of them. It takes us about a week to do an appropriations bill. It is tough to get them done by October 1, when the next appropriation starts. It is very important that we be expeditious in the work of the appropriations bills.

We have trouble passing appropriations every year. There is always a mini filibuster done on appropriations. My friends across the aisle would prefer the President set the appropriations for this country. That is not what the Constitution says. The Congress of the United States sets the appropriations. We can do it, and we can do it in a timely fashion, as long as there is not a filibuster.

Filibusters come in different forms. One of the filibusters you see is this gun control legislation that has been thrust into the military construction bill. Another form of it is putting 100 different amendments down on an appropriations bill and expecting to be able to debate each and every one. Those are all attempts to delay the appropriations process and put the process in the hands of the President. I want the American public to know that the responsible way, the constitutional way, is for this Congress to pass a budget.

As to the debate we are having tonight, why didn't we just agree to have a vote on the sense of the Senate and get on with the business of appropriations? This is a very important point. We cannot set new precedent for people to be able to delay the appropriations process, and that is what we are talking about.

Last year we passed rule XVI. We made rule XVI valid again. The purpose of that process that we went through, a very difficult process, was to say you cannot legislate on appropriations bills. You cannot do that because we are not going to have every piece of legislation that everybody would like to have passed that they cannot get through the regular process brought up as a simple amendment to an appropriations bill and debated for hours and hours and hours. If we are going to get the appropriations process done, it has to be according to the rules. We had a rule, rule XVI, that said you could not legislate on an appropriations bill. It had been kind of set aside. Last year, we put it back into effect so we could expedite the appropriations process.

OK, there is a way around that. There is not anything that really addresses if you offer a sense-of-the-Senate amendment on an appropriations bill. Perhaps that is a way to back-door

some of these other debates. We are not going to do it. We said you cannot legislate on it, we are not going to let you back-door legislate on it at the moment. That is what we are talking about here, a sense-of-the-Senate amendment.

If I had my way, we would not do sense-of-the-Senate amendments. Sense-of-the-Senate amendments are our opinion as reflected in time crunches, which means they do not mean anything. They are used a lot because if somebody passes a sense-of-the-Senate amendment, you will hear them up here frequently saying: I passed that sense-of-the-Senate amendment 100 to nothing, and that means the Senate wants it. What they did was pass it 100 to nothing to get it out of the way so we could get to another issue, perhaps a real issue. The sense of the Senate does not get negotiated with the House folks. It is just something we pass so we can feel good.

That is what this sense-of-the-Senate amendment is; it is something that will make us feel good. There is violence in this country, and it is important to end violence. But we are not talking about whether or not we are doing that. We are talking about whether we are going to have an appropriations process that can be done responsibly, without all kinds of other issues being thrown into the process, willy-nilly, to hold up the process so the President can decide, with Congress, how the appropriations are going to go. So earlier tonight you saw a lot of procedural motions. Those were motions to make sure that the sense of the Senate could be voted on, that a new precedent could be set for how we are going to do appropriations bills around here. That is why we have been so adamant at making sure there are votes. In order to get a vote on germaneness, we had to concede 8 hours of debate time. Instead of talking about military construction and getting the bill passed, completing the amendments to it—instead of that, we agreed we would do 4 hours of debate on each of two amendments, so we could get to some votes.

You saw what happened earlier—endless quorum calls. Every time there was one of those quorum calls, we did not have to go quite as formal. The other side likes these filibusters to be a bit more subtle, so instead we just have to do a quorum count. We had to actually show on the lists up there that the people were here. It was not an actual vote. It only took about 7 minutes each time one of those procedural quorum calls was called. But it did not just delay 7 minutes; it kept a vote from happening. And that is the strategy: Filibuster the appropriations, put it in the hands of the President, set a new precedent so we have additional opportunities to set it back.

It is about time Congress went to a biennial budget, a budget that we do every other year so we do not get in this time crunch every year; so we do not get under the gun and put things into appropriations that ought not be there; so we can have the best possible debate every other year and get the best possible biennial budget and appropriation that we can and, in the in-between year, have a chance to see how the people are spending that money and making sure it is according to the way Congress appropriated it.

We have concentrated on guns in the debate tonight. As I have pointed out, the bill we are debating is military construction. Everyone that I know is sensitive to the violence issue in this country. We need to do something about that violence. Since it has been brought up as the single solution being gun control, and the Democrats are willing to concede that perhaps a little enforcement might help out and are using statistics about a 40-percent increase in the amount of Federal enforcement that has been done—it is pretty easy if you only have 9 one year to get 40 percent the next year, especially with the crew we have to do the enforcement.

They ought to be embarrassed about the enforcement. Neither of these things are the solution. We have to quit trying to treat the symptoms. We have to get to the heart of violence, and the heart of violence is that we lack a sense of community. We have lost a sense of community.

I am from Wyoming, and I get back to Wyoming almost every weekend. I travel 300 to 500 miles around the State going to all kinds of towns—small towns, big cities. In Wyoming, the big cities are 50,000 people. One can drive out of that city and see the whole city at one time. It is not another town running into another town into another town.

Some of the communities I visit are listed on the Wyoming highway map as having zero population. That really irritates the two people who live there, but they are counted in the county population rather than the city population. When my wife and I go to those towns, we call ahead and talk to those two people and say: Can you invite a few of your friends over so we can hear what is on your minds? When we get there, there will be 20 to 30 people at that place ready to give their opinion because they have seen a lot of stuff on television with which they do not agree. They have seen polls in which we believe, and they want me to know the right way.

I challenge any other Senator to beat that percentage of attendance: zero population, 30 people. Give it a try. The average town in my State is 250 people. They turn out well, too. When I go to a town of 250, I usually get to talk with 80 percent of the people who are there. I do not even know what size building I would have to have in Los Angeles to talk to 80 percent of the people, but we can do that in Wyoming, and we do.

They do not think handling the symptom of guns or enforcement is the answer. They are a little distressed at the lack of sense of community. They have a strong sense of community. They know their neighbors. They talk to their neighbors regularly. They respect their neighbors, and they have this community they can see. Wyoming is an example for the Nation when it comes to community.

We are worried about it there, too. Television has made a tremendous difference in this country. We are not trying to outlaw television. That would cause the biggest uproar this country has ever heard. I can tell from some of the satellite TV and cable TV problems we have that it is the most important thing in the minds of many people in America.

What does television do? It turns everybody inward. Part of the time I was growing up, we did not have television. Then we got a black and white television set. I watched this tremendous progression of television. It was a fascinating technology with fascinating new capabilities.

Television has turned us inward. When I was growing up, there were not many channels from which to select, but there were different programs that different members of the family wanted to see. We had a discussion, a debate, a family decision on what we were going to watch. There was interaction in the family. That is part of community.

Today we have the Internet. Not only can the child go to his or her own room and watch his or her own television set; they can go to their room, and if they do not like what is on television, they can go on the Internet. Again, it is turned inward, perhaps a little more outward than television because one can get into chatrooms.

I suggest to parents—and I know a lot are watching what their kids do with television and on the Internet—talking to somebody in a chatroom is not the same as talking to them in person. It is talking to a computer game. It is talking to yourself with some interaction, and that is turning us inward.

My daughter is a teacher. She is an outstanding teacher of seventh and ninth grade English in Gillette, WY. She has been a little distressed over the last year at some of the things she has seen happening even in Wyoming. I know it is nothing compared to what is happening in the rest of the Nation. There was a knife incident in her school, and she went through the entire enforcement process. It was a very disturbing experience and maybe a reason at some point in the near future for her to quit teaching. It is a very difficult process.

I have talked with her about guns, violence, and what we can do about it. I

have received a lot of good suggestions from her and the students. Again, we find this inward turning, this lack of community, this lack of respect as being one of the big problems.

I am very proud of my wife. I have to mention her, too. This last weekend when I was in Wyoming, I went to the University of Wyoming and watched her receive her master's degree. She has been working on that for several years, while we have been in Washington, on the Internet taking it from the University of Wyoming. It is very difficult, but it is a way one can pick up a degree no matter where in the world one is. Even when we were traveling, she could go online and make the class times she had to make. It was difficult but doable.

I congratulate her for her efforts. Her master's degree is in adult education. She has done some teaching in high school before. One of her views is that one of the things we ought to have in schools is a course called ''Life's Not Fair and What To Do About It.'' We are so busy in this country giving people rights. We have the Bill of Rights, but we are giving out a lot of other rights. Unfortunately, I think we have given the kids of this country the impression that they have the right to everything for themselves, and if they do not get that right, they can take it out on others.

There are a number of different ways they can do that. They can sue. If they fall down and hurt themselves, it is not their fault anymore. It is somebody else's fault and they have to concentrate on how much money they can get from them for themselves. Life is not fair. We have kids across this country who are saying life is not fair and I am going to hurt somebody because they have hurt me internally. In fact, they even kill people over that. Somehow we have to get the message out to each and every kid. We have lost a whole generation of kids. There is a whole generation of them who have not had the message they are not supposed to hurt other people, and they are definitely not supposed to kill them. That is a message we are missing.

I know the first thing a lot of people are going to do is jump up and say: But we have all these working mothers now. If they did not have to work, they could take better care of their kids. I am not going to let them off with that excuse.

We just had Mother's Day, and that ought to be the most special day in the world. We ought to listen to what every mother has in the way of instruction—the mothers who marched and the mothers with whom we celebrated.

One of the most important lessons is listen to your mother. My mom is in Washington right now. She has had a tremendous influence on my life, and she was a working mother. She and my dad had a shoe store, a small business. If there are people who think owning a business is the easy way of life, they need to do a business plan and take a look at small business. The only people who do not get off when they need to or want to are the people who own the business. They are the ones locked into a schedule. The people who work for them have more flexibility because, as a businessowner, you do not want them to quit and not have any help. If you have your own business, you work interminable hours because it is everything you have. Until one has gone through the agony of figuring out how to pay the bills in a small business, one really cannot appreciate what a small businessman goes through.

My mom worked at the shoe store. She did the books for the store and had to spend a lot of time at it. So did my dad. But my sister and I, I do not think, turned out too bad.

My sister is really the smart one in the family. She is a CPA. She is the business manager for a school district in Sheridan, WY, and does just outstanding work. She understands numbers far better than I do. She is the more capable one in our family.

But I am proud of my mother and the way she brought us up. And my wife, all of the time our kids were growing up, was a working mother. We also had shoe stores. We also had to go through that pain and agony of making sure we could meet payrolls all the time and that we could get all the work done.

I am really proud of my kids. Her working did not destroy my kids. In fact, it may have aided my kids, as my mother working aided me.

It is very difficult to work and do all of those things and have special time with your kids. I really think that is the key —special time. That does not have to be a whole day. In fact, I would challenge anybody to spend a whole day of special time, unless they are doing it in an entertainment mode, in which case they are looking at something else other than their kids.

I would suggest that you have some family traditions. One of our family traditions, both when I was growing up and with my family, was to have one meal a day that you had together—not optional; not with TV—one meal a day together; one opportunity during that day to ask, what did you do, or what are you going to do, to compare notes, to find out and, most importantly, to show a little bit of concern for that child or that spouse—a time that is uninterrupted, 5 minutes, 10 minutes—I do not know how long it takes you to eat but enough time to compare notes just a little bit.

If you compare notes, I think it will drag out into a much longer time than 5 minutes or 10 minutes.

Another part of this is a respect for neighbors and teachers. This is part of community, too. With community, you have to have some respect for yourself, some self-responsibility. You also have to have respect for your family. You have to have that willingness to work together because everything isn't going to work out in a family just the way you would dream of it. Life is not fair in families, either. But families show their strength by working together when things are difficult.

When I was growing up, we respected our neighbors. Our neighbors were able to say: Hey, I saw your boy. I didn't like what he was doing. No punishment was necessary because I changed immediately because I respected that neighbor, too.

The same thing for teachers in the classroom. One of the things my daughter does that I really like is, when she is teaching and she has a big assignment that is supposed to be turned in, she calls the parents of those students who did not turn in the paper. It is a lot of extra effort.

The first time she did that, she called us, in tears. And she is near tears every time she does it. The reason she is near tears is because of the number of parents who say: So, what are you going to do about it? They put it back on her, as the teacher, when they have the complete control—or as much control as anybody has—of making sure their child does the work timely. It is part of community.

I got in trouble a little bit in Wyoming with some education things. At one time I checked and found out Wyoming was spending—this has been a few years ago—about $5,600 a student per year. I suggested that one of the ways we could improve education was if we charged tuition, and then gave every kid a $5,600 scholarship to cover the tuition that we charged.

And how did you earn the scholarship? All you had to do to earn the scholarship was show up, do your homework, and be good. Those are pretty weak criteria for getting $5,600 a year. But those are some things that we need in school. We need the kids to show up; we need the kids to do their homework; and we need them to behave so they are not disrupting other people—pretty easy criteria. But that is part of that sense of community, again, that sense of knowing that the people you are going to school with have an equal right to learn.

When I have talked to a lot of the school classes—and we usually do that on Fridays when we get to Wyoming—I have found that you want to phrase your questions on what needs to be done very carefully. If you do not, what you get back from kids is: You are not doing enough for us: We need; we need; we need. That is not the solution either.

In St. Louis, one of the things they did there—this was not done professionally at all, as I understand; I read about it in a book on communitarianism, which is what I am

talking about—in the book, they said in St. Louis they sent out a questionnaire to the kids in the school and asked: What does our community need? What do you need? What does our community need? Which happens to be the right way to phrase that question.

They also had a little spot on the survey of what needed to be done where they could list if they were willing to work on it, and how they would work on it, and put their name and their address and their phone number. They expected a small return of these questionnaires. Instead, what they got was over 50 percent back, and over 50 percent of those had signatures on them saying they were willing to participate. And the city was smart enough to put them to work. They let them use the city hall for committee meetings and to go to work on the projects they suggested the community needed. There was a huge decrease in vandalism. There was a huge increase in caring for their fellow people.

The same book talks about Cincinnati. There they hired a professional to check and see why there was so much violence and so much destruction. The conclusion of the report was: A broken window left undone leads to a door that is left undone that leads to a kid who feels that nobody cares.

They are not interested in us having a bunch of debates back here in a fancy sort of way that sets a whole bunch more laws in place.

I would like to be able to tell you I have the solution to violence and that I have the perfect law that will take care of the violence problem in this country. But it isn't going to be done by law. You cannot make people behave. You have to have people who want to behave, to know that they are supposed to behave.

Something I also find when I talk to kids is that they believe the only publicity out there is the publicity about the bad kids and the bad incidents.

We just had a Congressional Awards Ceremony in Cheyenne, WY. The Congressional Awards Program is something that we all ought to understand because everybody has the right to that program. The U.S. Congress gives out two kinds of awards. They give out the Congressional Medal of Honor; that is usually to adults who have done something fantastic to help our country and our way of life and democracy. We also have the Congressional Awards. Those go to kids, kids who have done something for other people, kids who have helped out in their community, kids who have set goals and followed them, and the goals have to include volunteer work.

We have quite a few kids sign up for that in Wyoming. In fact, in most years Wyoming has more kids who get the gold medal than any other State. I did not say on a per capita basis. I want to make sure that everybody understands, in Wyoming we have 480,000 people. So sometimes on a per capita basis it is pretty easy for us. We show up in all the bad statistics because one incident drives us to the top of the charts.

I want to mention that again. For congressional awards, in Wyoming we have more kids who get a gold medal than any other State—flat out numbers. About 3 years ago, there were 21 gold medals awarded in the United States. Fifteen of the kids receiving that gold medal were from Wyoming. We are very proud of the program. But the thing we like the most is kids say: We get good publicity for doing that. Good kids get good publicity. The more publicity there is that way, the more people get in the program. So we always have the largest program.

I spoke at a Boy Scout Week dinner in Cheyenne. Lots of letters, again, said: Thanks for saying good things about what we are doing.

I have gone on a lot longer than I anticipated going, and I particularly apologize for it because we are debating military construction. That is the bill we are considering—military construction appropriations.

I have to tell you a little bit about the new dollar, the golden dollar, the Wyoming dollar. Yes, to have a new dollar in the United States, it has to go through the Banking Committee. When they noticed we were running out of the Susan B. Anthony coins, they passed a resolution to do a new dollar. And then the battle started.

The resolution said it would have the image of a real woman, and every State has a number of women who are worthy to be on a coin. Trying to break the logjam, I nominated Sacajawea. She is a person of tremendous interest to the Presiding Officer because Sacajawea was born in Idaho. Sacajawea, of course, was kidnapped at a very young age in Idaho and taken to North Dakota. It was in North Dakota that she met up with Lewis and Clark and went across the United States and helped them out by using the skills, talents, and language she had learned as a child.

Without Sacajawea, the Lewis and Clark expedition would have fallen far short of its goal. It might not have even made it back to Idaho. But she helped with that. I love to go on and add that not only did she get to travel the entire West through that process, but even after the territory expedition, it is with great pleasure that I can say she chose to spend her last years in Wyoming.

People who have seen the West usually like to stay in Wyoming, if they possibly can. But kids in Kelly, WY, helped me promote Sacajawea and helped to get her on the coin. One of the schoolteachers wrote a song about her. His dad wrote a book about her that we used as the evidence for her importance in the United States. Of course, we are coming up on the bicentennial of the Lewis and Clark expedition. So we are pleased that through the whole process, Sacajawea made it onto the coin, along with her baby. It is a lookback, but a look to the future, and it is the first time we put a baby on a coin.

When we had the golden dollar celebration in Kelly, WY, the local bank—well, there is no local bank in Kelly. The nearest town is Jackson, and the bank there arranged for an armored car to come to Kelly, WY, with some of the dollars. I know it was the first time an armored car had been there. But the bank was also so kind as to invite some of the kids from the Wind River Indian Reservation in Wyoming, which is where Sacajawea is buried, and also from the Fort Hall Indian Reservation in Idaho. We just had a great day celebrating it.

One of the things I noted was that part of Indian tradition is a thing called ''dream catchers.'' They are circular to represent endless time, and they have webs that go through them that would catch dreams and visions. It occurred to me that is a bit of what the dollar is; it is a dream catcher. It isn't any good just by itself. We call it the golden dollar, and it has been pointed out that it doesn't have gold in it. It is colored gold, distinctly from the quarter. It has smooth edges so you can tell it from the quarter. But it is a dream catcher. You have to use it in order to make a difference.

Kids understand that. They know that helping other people with their dreams makes one's own dreams come true. Sometimes that is done through dollars. I mention this because, again, we are in the appropriations process. That is where we deal with dollars—trillions of dollars. It is very important that we spend those dollars as well as possible. And we are not going to get the process done if we are diverted onto a whole bunch of sense-of-the-Senate amendments, which are used a few times by people who say, ''I got that through 100–0,'' or whatever the number is. Most of them pass 100–0 because the words on them don't mean anything, except a vocal display.

So I hope we can keep the discussion relevant and make sure we can do the business of the United States—the dream catching of the United States—and get our appropriations process done.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, may I ask if there are other speakers on the other side this evening?

The PRESIDING OFFICER. I believe there is one other speaker on the Republican side who wishes to speak. We may want to propound the necessary

language to close the Senate down, which would allow the Senator to complete her expressions for the evening.

Mrs. BOXER. I am happy to do that, but I don't have the particular language in front of me at this time.

The PRESIDING OFFICER (Mr. ENZI). It is not available yet. The Senator may continue with her remarks.

Mrs. BOXER. I appreciate that. How much time remains on my side?

The PRESIDING OFFICER. The Senator from California has 39 minutes remaining.

Mrs. BOXER. Mr. President, I don't intend to use the entire time. At the appropriate moment, I will be happy to make that unanimous consent request.

I want to say to the Senator from Wyoming I really enjoyed listening to him, and much of what he said I agree with. But I have to say that, as my friend explained the needs of our communities to be closer and the needs of our children to be paid attention to and to be taught respect and accountability and love, he is very right.

But I might say to my friend that every day in this country 12 children are cut down by gunfire. Most of them come from families who love them, come from families who respect them, come from families who have taught them the values of love and community and country.

So I say to my friend from Wyoming, who told some very tender stories about how good most of the youth are in this country—and I agree with him—a lot of those wonderful young people are being shot in schools and in churches. There seems to be no limit today on what can happen. So he can speak about the need to be close with our families. He is exactly right. Most of us are. But for those who are alienated, who don't have that love, why should the rest of the children pay the price and fear for their lives?

In some of our communities, if you ask those children, I say to my friend, the sad reality, for whatever reason, is that they are afraid. Many of them know someone who has been cut down by gunfire.

So I say, yes, the world he paints is a world I want for every child in America—a loving family, the ability to feel secure, the ability to feel responsibility, the ability to feel confidence. But also, I might add, if we don't pass sensible gun laws—and my friend doesn't want any more sensible gun laws—no matter what type of families our children come from, they are not protected.

I also want to address the point of my friend from Wyoming on why we are doing this on the military construction bill. Over on the House side, I served on the Armed Services Committee, and I know how important that bill is. I want to make it clear to my friends that the Democratic leader, TOM DASCHLE, didn't want to go this route. He asked unanimous consent to bring up the gun amendments that passed the Senate and are trapped in the conference committee, take them up immediately, and resolve them, and pass them in honor of the moms who gave up their Mother's Day to come here and express themselves.

The Republican side said no. They objected. So what choice did he have but to offer up an amendment?

I say to my friend that the Republican leadership waited 5 full hours before they allowed us to be heard on the subject of sensible gun laws; 5 full hours before we could offer our amendment and be heard on our amendment which commends the moms for coming out on a day when they could have had breakfast in bed, have gotten flowers, and been treated to dinner, to say thank you for being selfless as moms are. That is what you learn when you are a mom—how to be selfless.

As my friend pointed out, military construction is funded for 4 more months. We are not up against any clock—4 more months. Would it hurt us to take a few hours to pay tribute to those moms who worked so hard to organize that march of 750,000 strong, and thousands across the country adding up to more than a million moms? By the way, plenty of dads, too; plenty of grandmas; plenty of grandpas; plenty of daughters and sons. Would it hurt us? My God, in the 5 hours the Republicans stalled before we could get to this measure, we could have had the debate and could have voted on it. Who is wasting time?

The Democratic leader said let's just take this matter up and vote it out. He would have agreed to a very short time limit. But, no, 5 hours of delay. So here it is 5 minutes to 9.

You know what. I am grateful we are taking this up. I am grateful even if it is late at night. Even if I have some other things to do, it doesn't matter at all. We will take it up tomorrow as well. By the way, we will take it up again, and we will take it up again, and we will take it up again because too many people are dying in our country. How many? Let's take a look.

We have a war at home. It is a war in our streets. It is a war in our schools. In Vietnam, we lost 58,168 of our people. This country came to its knees. We wanted to end the war. The vast majority of people thought it was a mistake. Republicans, Democrats, and Independents marched. And President Nixon ended the war in Vietnam. That is 11 years.

Let's look at what happened in the last 11 years in our Nation—395,441 people have been shot down by gunfire. That is from the National Census for Health Statistics.

We have a war here at home. It is shocking to look at that, isn't it? I find it so.

That is why we are going to come back again and again. It is not easy to be here late at night. But I think we are going to have to do that because we have to face it.

Let's look at murder by handguns compared to other countries. A lot of people say, well, this is just the way it is in a society that is free. I would argue that Japan, Great Britain, and Canada are free countries. They are our allies. They are democracies. By the way, in Canada, murder by handguns per 1 million population is .12 per 1 million; .51, 3.64 in Canada. And in the United States, it is 35.05.

What is wrong? My friend from Wyoming talked about lack of community. He is certainly right on that point. But why is it always in this debate either/or? Why don't we want to work on that issue of community, work on those issues of respect for families, and work on those issues that we have to work on—yes, in the media—and also face one fact, that the only product in this country that has not one safety regulation is guns? Does that make sense to you?

In 1968, after the tragic assassination of Robert Kennedy—killed, shot down in the prime of life, who might have been our next President, shot down in the prime of life with an imported handgun—this Congress acted to ban Saturday night specials from being imported. As I remember, some of my colleagues who are still here on the other side of the aisle voted for that. But guess what they didn't vote for. They didn't vote to ban Saturday night specials from being made in America. So if you try to import a Saturday night special, you can't do it. You can't import a handgun. But guess what. They are made all over this country, particularly in my own home State. I am proud to tell you that recently with a new California Legislature and a new Governor, we have banned those Saturday night specials in California.

We are making progress. We are making progress. I am very proud of that.

After Columbine High School, this Senate gathered, and all said we are going to work together. We passed five sensible gun laws. They are so modest. They are so sensible. They passed this Senate and closed the gun show loophole that allows criminals to go to a gun show and not have to have a background check. It would have made a difference in Columbine. The woman who got the guns for those kids said so. It would ban the importation of high-capacity clips which are used in semiautomatic assault weapons. That is the Feinstein amendment. The first one is the Lautenberg amendment. Requiring child safety devices be sold with every handgun is the Kohl amendment. It requires that the FTC and the Attorney General study the extent to which the gun industry markets to juveniles. That was my amendment. I will talk more about it. It makes it illegal to sell or give a semiautomatic assault

weapon to anyone under the age of 18. That was written by a Republican Member of this Senate, Senator ASHCROFT. Those amendments passed. And they are languishing in a conference committee that doesn't even meet.

On April 20, 1999, the Columbine High School shooting stunned America. On May 11, a month later, the Senate begins debate on those gun measures. On May 20, just a month after Columbine, this Senate passed a juvenile justice bill by a vote of 73–25 that included those five sensible gun control amendments that I talked about.

The Senate and House go to conference 3 months after Columbine, and guess what. That was July. There is one meeting of the conferees. Here we are more than a year after Columbine and we have done zero, nothing, nada.

I am embarrassed to face my constituents. I was embarrassed to face these marching moms and look them in the eye. It is not their job to pass legislation. Hello. It is our job. It is not their job. It is our job. What are we doing? Nothing, zero, zip. I am embarrassed about that. I am angry about that.

I tell you that there are a number of us who are not going to go away on this point. We will be back here. That is why I say to the Presiding Officer sitting in the Chair today that we chose to move forward on this bill. We tried to get a separate resolution. We offered it. The Republicans said no. I don't know, I just do not know why the fear is in this Chamber about voting this thing up or down. All we said is commend the Million Mom March for what they did. It is the American way—standing up and being counted.

Moms attended who are Republicans, Democrats, Independents, some who don't have any affiliation whatever with politics, many of whom are never political. They want Congress to act. We do nothing.

I hope these moms continue to work on this matter, to connect this political process with the facts and the realities of the deaths that go on day after day after day after day.

We had a hearing the day after the Million Mom March and an art teacher from Columbine spoke. With a trembling voice she told us what it was like to be in that library, to tell the kids: Go under your desk. Call 9–1–1.

She said: I used to be in favor of no gun laws and now I am here asking you to act because I don't want anyone else to suffer in this way.

I talked about the five commonsense measures. I think the one that I wrote is very important. We learned when we looked at the cigarette industry how they marketed to kids. We have to realize how the gun industry is marketing to kids. Here is an ad in ''Gun World'': ''Start 'em Young! There is no time like the present.'' Here is a child, definitely under 18. It is a toy gun that looks like a real handgun. Now, under the laws today you can't buy a handgun in a licensed dealer shop until you are 21 years of age and you can't buy it from anybody, including a gun show, until you are 18. Here is a young man: ''Start 'em Young!''

Let's take a look at what some of the gun people say about marketing: ''. . .greatest threat we face is the lack of a future customer base. . .''; ''. . .we continue to look for every opportunity to reach young people. . .''; ''Building the next generation of customers takes work and commitment. But it must be done.''

Sound familiar.

Let's hear what the tobacco companies said in the documents we found through the lawsuits. We will hear how the tobacco company and the gun companies sound alike.

Tobacco company documents: ''If our company is to survive and prosper, over the long-term we must get our share of the youth market.'' ''Today's teenager is tomorrow's potential regular customer.''

This sounds very familiar.

Here are the gun companies: ''. . .greatest threat we face is the lack of a future customer base. . .''; ''. . .we continue to look for every opportunity to reach young people. . .''

Are they trying to reach young people? I argue they are.

We no longer see Joe Camel. Because of the lawsuits, tobacco companies agreed to stop using a cartoon character to lure kids to their product. Well, here is Eddie Eagle. If all Eddie Eagle did was to promote safety, it would be one thing, but it is absolutely a way to get kids interested in guns at a young age. ''Start 'em Young!'' begins to take on new meaning.

Here is a photograph from a gun magazine. This child is 4 years old and he is watching an adult load a handgun— ''Start 'em Young!''

This is a very pressing issue. That is why we offered this amendment. We thank the moms for coming here. We call on our colleagues to free that juvenile justice bill and pass these laws.

My friend from Wyoming, in his opening remarks, said the people in his State don't want any laws. Quoting him the best I can, the Senator from Wyoming said: You can't make people behave. We don't need a bunch of laws.

Let's take that to its logical conclusion. You can't make people behave; you don't need a bunch of laws. OK. Should we have no laws against murder because you can't make people behave? Should we have no laws against rape because you can't make people behave? Should we have no laws on the books that say if you drive a car you have to have a license?

And the NRA takes out an ad and says, by the way, licensing a car doesn't save kids from getting hurt. They have to look both ways when they cross the street.

There is another either/or strawman. Of course, you have to look both ways when you cross the street. But if the driver didn't have to get a license and couldn't see and went up on the sidewalk, you would get killed. So what is this either/or? You don't need laws to make people behave? You want to repeal the laws for getting a license to drive? You want to repeal the laws on registering a car? Yes, you can look both ways, but if the guy's brakes don't work, you are hit. So we keep setting up these either/ors. It is not about either/or. Look both ways, yes. But also make sure that your driver is licensed, the car is registered, it is safe, he or she can see, can hear, and can drive.

With this refrain that laws can't make people behave, if you take it to its logical conclusion, we wouldn't have any laws at all. We wouldn't have a country that was a country of laws. That is, by the way, what makes America the greatest country in the world because we are a country of laws, not men; I add, we are a country of laws, not men or women.

We have laws for safe toys; we have laws for safe products. We have the safest products in the world. Not because people are wonderful. Yes, some are; they would never make an unsafe product; they wouldn't do it. But some people aren't wonderful and we have to protect our people from those people who would make a shoddy product. Guess what. We have the safest products in the world.

The only product that is not regulated that I know of is a domestically produced handgun. If you try to import it, there are safety standards. But not if you make it here.

I would say to my friend, I do not agree with him. If he does not think laws make people behave, I don't know exactly what we are doing here. We do pass laws every day to protect our people. Laws are the bedrock of a civilized society.

The NRA took out a full-page ad—the same one where they said when you license a driver or register a car you do not make our kids any safer—so I already think I addressed that. But they also basically said: What kind of mother would march? This is a political agenda.

I wish those NRA members who wrote that ad could have been at the Million Mom March. I have been in politics all my life. I have to say, these people were authentic American moms, dads, grandmas, grandpas, aunts, uncles, sisters, brothers, daughters. Do you know why they were there? They said it: Enough is enough. Enough is enough. Many of them had lost children, relatives; they feel the pain; they feel the hurt. They are scarred forever. Many of them knew people who were injured, who were paralyzed for life.

Enough is enough. That is why they came. That is why they marched. They could have stayed home, had their breakfast in bed once a year for Mother's Day, but they chose not to do it. I am proud of them.

For the National Rifle Association to take out an ad condemning those mothers is an insult to the women of this country. By the way, they were women from every political party imaginable, every age, every ethnic group. It was the most amazing picture. People out there saying: Enough is enough.

They want us to act. So, yes, I think it is worth a couple of days of debate in the memory of the almost 400,000 Americans shot dead by gunfire in the last 11 years. I think it is worth a couple of days of debate to say, in the name of these 395,441 people, that we will take a few hours; that we will commend the Million Mom March; that we will encourage them to keep on fighting for what they believe in—a safe America.

Many years ago, when I first got into politics, I was involved in trying to ensure that my children, who are now old enough to take care of me, had a safe future. We were embroiled in that Vietnam war for years and years. There was a bumper strip that came out and a lot of people put it on their cars. It said: Imagine peace. Because the war had gone on so long it was hard to imagine what it would be like, not to have this divisive war, where Americans were arguing with one another, where generations were having debates until most of the country came around and believed it was wrong.

I think we need to have a new bumper strip that says: Imagine an America with no gun violence. Maybe every day we could think about what it would be like to put on the television set at night and not hear story after story: A child goes to the zoo and shoots a gun and hurts a child; a 6-year-old brings a gun to school and shoots a 5-year-old; two high school kids go into their high school and kill people randomly. Every day 12 children die. Imagine what it would be like to turn on the television at night and not have to hear these stories. God, what a wonderful thing it would be for our Nation.

I will say this. If we take the attitude that laws do not mean anything, then we are giving up. We could stand up here, as many nights as we could, and say how much we need to feel a sense of community and how much mothers and fathers have to work with their children and how important it is that we respect each other and admire each other and love each other and come together as a community—and, my God, we should say that.

But we cannot stop there. Because the mothers who grieve for their children every day in America love their children and they gave their children values and their children went off to school and they never came home. So you can stand here, day after day and say that it is about a sense of community, and I will agree with every word that you say. But that does not mean we do not have the responsibility to protect the good children and the good families. We can do it. Five sensible gun laws that we have already passed here, seeing how we market to children, making sure we do not import those high-capacity clips, making sure that guns are sold with safety locks, making sure you cannot buy an assault weapon until you are 18.

The bottom line is we can do it. The last one, of course, is closing the gun show loophole. If you ask the woman who got those guns for those kids at Columbine, she says it clearly: If I had to undergo a background check at the gun show, this whole thing would not have happened.

So no one can get up here and say laws do not make a difference because I do not believe that. These people are telling us to pass these laws. We are not all that smart here. None of us is. But if we turn our back on the people who have experienced this violence, the Sarah Bradys, the Jim Bradys who beg us to pass waiting periods and background checks—if we turn our back on those Americans, I do not think we deserve to be here, really. Maybe that is what this election in November is going to be all about. We are going to see how much people really care.

I know it is late. The Senator from Alabama is here. I know he wants to talk. I know he is not going to agree with one thing I said—and that is good because that is what this is all about. That is what it is all about. That is why I love the Million Mom March, because it is what the country is all about: standing up and being counted, standing up and giving up Mother's Day to come out there and do what they think is right. We have a simple, simple opportunity for people to praise those moms.

I am going to close by reading from Senator DASCHLE's amendment and hope my friends on the other side will join us and will vote for it:

Since on Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;

Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;

Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;

Since gun safety education programs are inadequate to protect children from gun violence;

Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;

Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;

Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;

Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and

Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it

Determined, That it is the sense of the Senate that—

(1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and

(2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

It is very simple. It is a lot of nice and important words, but the bottom line is we commend those mothers for marching.

We agree with them that we should pass some modest gun laws that will stop our children from having access to firearms, that will keep us safe from criminals having access to firearms, that will keep us safe because we will not allow mentally unbalanced people to have access to firearms. That is all we are saying. We are not talking about stopping people who are law abiding from having a gun if they want it as long as they act responsibly. We are not talking about taking away anybody's guns. We are not talking about that at all. We are not talking about not being able to hunt. No.

No matter what the gun lobby says to you, I say this: We are saying if you are responsible, fine, but if you are a criminal, you cannot have a gun. If you are a child, you cannot have a gun. If you are mentally unbalanced, you cannot have a gun.

If we cannot pass laws that carry out those requests, then there is something wrong with us, there is something in this Chamber that is stopping us from doing what is right.

This is going to be a big issue in this Presidential election. It is going to be a big issue in the Senate and House races. As a matter of fact, we have a

National Rifle Association first vice president saying:

With George Bush in the White House, we'll have a President where we work out of their office.

Imagine a satellite office of the National Rifle Association in the White House. Please, we need to protect the people of this country, and we need to do it by passing sensible gun laws and standing up in the face of powerful lobby groups, whether it is this one or any other one, because we should be the ones in the Senate who are free from that kind of special interest domination.

I pray that tomorrow when we meet—we have a few more hours of debate—we will adopt the Daschle amendment.

I thank the Chair. I yield the floor, and I yield back all my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

Mr. President, I thank the Senator from California. She is a most eloquent spokeswoman for her point of view, and I do share many of her concerns. I do believe this: Too many people are dying and we can do something about it.

I want to share tonight some of my ideas about what we can do about it. If we do the things I am talking about tonight, we can literally save thousands of lives.

It is fair and accurate to say that as a direct result of the failure—it is shocking, stunning to me—of the Clinton administration to enforce existing firearm laws, thousands of people have died who otherwise would not have died. I say that as a person who spent 15 years as a Federal prosecutor working as an assistant U.S. attorney for 2½ years and almost 12 years as the U.S. attorney appointed to prosecute Federal criminal cases. In this body, we only deal with laws that apply to Federal criminal cases, not State cases.

We can save lives, but ask anybody who is a long-time, good student on the subject of crime in America, ''Do you think a law that would stop the sale of guns at gun shows is going to stop people from getting killed?'' and they will laugh at you. This is not something that is going to have a serious impact on crime in America, but it does have the capacity to seriously undermine a popular institution of gun shows because it delays for so long sales of guns and the gun show activities have closed and people are gone. It just does not work well. People have objected to that. That is where we are today.

I am frustrated, as I know the Chair is, because we are now back on this issue. The bill before this body is a military construction bill. We need to address certain matters of construction for our military bases and men and women in the service. We need to focus on that and get serious about it.

The majority leader, TRENT LOTT, knows what we have to do. We have 13 appropriations bills to pass. Are we going to every day have some other controversial, nongermane, irrelevant amendment brought forward disrupting the flow of the Senate and keeping us from doing the job we want to do? Is that what is going to happen? That is why he has stood firm. No, we are going to stay on military construction; we do not need to be on the issue of gun laws today.

It is a tactic. I know the Senator is most eloquent, but she also said basically the truth. She said it was a political issue; the Democrats want to use this in the fall. I suggest they are just playing politics and not talking about matters that will make our streets safer and our schools safer. I will talk about those in a minute. Politics is not what we need to be doing now.

The gun laws we debated in this body some time ago are, in fact, in conference. They passed this Senate. We passed a gun show law. Virtually everybody here voted for major restrictions on the gun show operations. The Lautenberg amendment was contested. Many believed the Lautenberg amendment went too far and disrupted a favored institution in America—the gun show. We had a vote on it after a great debate, the thing the Democrats want to continue, apparently. We had a 50–50 tie. The Vice President sat in the Presiding Officer's chair and, with great pomp and circumstance, broke the tie in favor of the amendment, walked out here, and immediately had a press conference and accused those of us who did not agree with his view on the details of this gun show law of not caring about children, not caring about crime, being indifferent to murder.

I was offended by that. I remain offended by that because I have committed a better part of my professional life to prosecuting criminals and caring about crime and victims. I know them personally. I personally tried approximately 100 gun cases myself, and under my supervision hundreds of gun cases have been prosecuted. I think I know something about this. I want to share some thoughts about that today.

I start off by discussing some basic issues. I am delighted the mothers were in town. Most of all, they remind us that children, young people, adults, family members, ourselves, are in danger in America because of violence and that this Nation needs to use the expertise, knowledge, skill, and scientific data to do what we can as a Congress to make this country safer. We can do that.

How can we reduce crime? How can we save children's lives? How can we save adult lives? How can we make our communities safer? I have studied this for 17 years as a prosecutor. I have read reports and studies of the Department of Justice. I have observed personally and tried to see what was going on around me, and I want to share some things with you about crime in America.

During the sixties and seventies, as the Chair mentioned so eloquently in his remarks, crime in this country more than doubled. It tripled, maybe even quadrupled.

We had double-digit increases—15-, 17-, 18-percent crime increases—a year in the 1960s and 1970s. It was a direct result, in my opinion, of a breakdown of discipline, a breakdown of family, an increase in drug use, and a disconnect and a lack of respect for authority in America.

Our leaders in our colleges and universities, they all said it was ''cool,'' it was ''doing your own thing,'' it was ''seeking fulfillment,'' and you should not teach children to just always be automatons and just follow orders; that they ought to be allowed to express themselves. They said people were not responsible for their own acts. They said crime was a product of finances; how much money you had would affect whether you were a criminal or not—all kinds of things like that.

People who are listening to me today, who lived during those times, know I am not exaggerating. As a result, even though crime was going up dramatically, we had no increase really in the number of people in jail. We had a belief afoot in the land, by many of our brightest people, that jail did not work. They would say that putting people in jail just made them meaner, that it was no good, we needed to treat the root cause of crime, whatever that was, and we needed to increase welfare spending and just give people more money; that we could just sort of buy them off. Then they would not riot, rob, steal, rape, and kill. I am telling you, that is basically what the deal was in the 1960s and 1970s.

The critical point came when Ronald Reagan ran for President, and he promised he was going to promote law and order in this country. He made a serious commitment; he was going to create a war on drugs. He did that. He set about to appoint prosecutors, such as JEFF SESSIONS, in Mobile, AL, and 94 others in the districts around this country. He told us to get out there and utilize the skills and abilities and laws we had to fight crime.

This Senate and this Congress passed some extraordinarily effective and tough laws that had already passed a number of years earlier under President Nixon—a Speedy Trial Act that said cases had to be tried in 70 days. That is so much shorter than what goes on in most State courts today. The Federal Speedy Trial Act of 70 days is a very firm rule, and cases are normally tried within 70 days.

In addition to that, in the 1980s, under President Reagan, they passed a

law that eliminated parole. It said that whatever sentence you got, you served it, virtually day for day. It eliminated parole, so a criminal who was sentenced would serve the time the judge gave him. We called that ''honesty in sentencing.'' We said it was time to quit joking about giving someone 30 years and having them serve 6 and be right back out on the streets again, robbing and raping and doing other kinds of criminal activities. So we had the honesty in sentencing.

Then we had mandatory sentencing. Sentencing guidelines were set up. Minimum mandatory sentences were set forth under President Reagan and into President Bush's term. Those sentences were very effective.

We had an expert group of judges, and others, who analyzed the kinds of crimes and helped establish the statutory range of guidelines for judges to sentence within. The mandatory minimums said, for example, regardless of what else may happen, if you carry a gun during any crime, including a drug crime, you have to be sentenced for 5 years, without parole, consecutive to the drug crime or the burglary or any other crime you may have been sentenced for in Federal court.

So those are the kinds of things that happened. And the Federal courts improved themselves dramatically.

During those 12 years I served as U.S. attorney, a major factor dawned on me. We were making some progress. Crime in America began to drop in a number of the years—maybe a majority of the years under President Reagan's leadership. But it was not always down. In some years it started up, or the crime did not drop enough. I wondered, what could we do?

Many questioned whether these sentencing guidelines were working or not. Then it dawned on me why we were not having the impact. It was so simple as to be obvious to anybody who gave any thought to it. Federal court only tries 2, 3, 1 percent of all the crimes in America; 95, 97, 98 percent of all crimes tried in America are tried in State courts, not Federal. Even though the Federal court had set the example for the State courts, it could not itself, in effect, change the climate in America.

Over the past number of years, State court systems have gotten fed up. They realized that the revolving-door mentality of just arresting people, releasing them on bail, trying them 2 years later, letting them plead guilty to 6 months, and having them in a halfway house and then back on the streets, selling drugs, conducting crime, was not effective; and they passed all kinds of repeat dangerous offender laws.

You heard the ''three strikes and you're out'' laws passed in many States. The third time you are convicted of a felony, you serve life without parole. All kinds of laws such as that were passed in virtually every State in this country. They got tough and serious about crime in America and said: We are not going to take it anymore. We are not going to allow people who threaten the lives of our children to be released on the streets. And from 1990 to today, the prison population in America has doubled—more than doubled.

Many people complain about it. They say to me: JEFF, we have too many people in jail. That is just too many. Oh, this is awful.

One person told me one time: If we keep this up, everybody is going to be in prison. Of course, that is a joke. Everybody does not commit crimes. Everybody does not rob, rape, shoot, and kill. No, sir. We have gotten serious about it. We focused on the repeat dangerous offender and did something about it.

The Rand Corporation, a number of years ago, did a very important study. In this study, they interviewed, in depth, people in prison all over, but I believe it was mainly in California. They interviewed lots of people in prison, in depth, for hours, about what their life was like when they were out involving themselves in crime.

They found some amazing facts. They found that a significant number, although less than a majority of those in prison, were very much criminally inclined, that they were committing as many as 300 crimes a year. Three hundred crimes a year they were committing. It gave further impetus to and further basis for these ''three strikes and you're out'' laws and multiple-offender laws.

You might say: They would not commit 300 crimes a year, Jeff. They must not be telling the truth. But listen to me. There are 365 days in a year. Some of these criminals go out and knock ladies down, take their purses two or three times a night, break into cars, steal cars, break into houses, break into stores and office places multiple times in one night. Many of them are committing 200, 300 crimes a year; some of them more than that.

So we began to focus on that, and, since about 1990, we have had a decline in the crime rate in America every year. This past year, we just had the announcement that the murder rate dropped 7 percent in America. I was proud to see that.

They can have all the theories they want, but I tell you, there are not that many people in my hometown of Mobile, AL, who are willing to come out and shoot you. There are just not that many of them. And if you identify them when they go out and start committing crimes, and put them in jail, they are not going to be out there to shoot you, your family, your children, your loved ones. They are not going to be there.

I wish there were some way we could do something different. I wish we could have a class for prisoners where they could take this class and in 6 months we could release them where they would not commit crimes.

You will hear of people who cite studies and say: Oh, this cures people, and they do not ever commit crime again. Look at them closely. If that were so, we would already be doing it. Trust me. Nobody would oppose that. Nobody would oppose that. But for the most part they do not work. They may help some—and I am not against these kinds of programs—but, fundamentally, many people who are definitely criminally inclined will continue to be so.

So we made some big progress.

The city of Miami—many of you will remember the commitment President Bush made when he went down there to head the task force in Miami when he was Vice President. They were using automatic weapons, machine guns, MAC–11s, slaughtering people. Colombian gangs were operating almost at will. They said they were going to do something about it. Over a period of years, Miami has been relieved of those kinds of violent shootings. You almost never hear of a shooting with an automatic weapon in Miami anymore. It was brought to a halt.

By the way, it has been a crime since the days of Al Capone to have a machine gun. In the midseventies, when I was an assistant U.S. attorney, we prosecuted every one of those cases where people had machine guns, fully automatic weapons. So this idea that somehow we need to pass laws to keep people from carrying AK–47s—and you hear that all the time—it is already against the law to carry those weapons. It has been in the law for some number of years.

Boston, MA, a few years ago, was very concerned about the number of murders in their town. They wanted to do something about it. My staff members went up and studied their program because we heard such good comments about what they had done. They took young people seriously. When a young person got in trouble in the juvenile court in Boston, they weren't only given probation and sent home. They had a police officer and a probation officer—and they changed their hours; they worked from 3 o'clock in the afternoon to 10 o'clock at night, and the police officer would go out with the probation officer, and if the curfew was at 7 o'clock for young Billy, they knocked on Billy's door at 7 o'clock or 7:30 to see if he was home at night. If he wasn't home, something was done. Almost all of a sudden, they began to realize that these people meant business. They really cared about them. If you care about these young people, you will make sure they are obeying the rules you give them.

They targeted gang members who were leading gangs and getting involved in criminal activities and told

them: If you keep this up, you are going to serve big time in jail. They sent criminals away for long periods. They broke up the gangs and they went a year without a single juvenile homicide in Boston.

I thought it was a good program. That is why, as chairman of the juvenile crime subcommittee of the Senate Judiciary Committee, we put that kind of effort into our juvenile crime bill that is now being held up in conference. That would have been supported financially by the Federal Government, encouraging other cities to do those kinds of things that would reduce crime. But let me ask you, do you think we are going to save lives in Boston, MA, by passing a law to eliminate gun shows in America? It is not going to have anything to do with that crime. So we need to do those kinds of things.

Another city that had an extraordinary success rate was Richmond, and I will talk about it in a minute.

So what do we do? We have a juvenile crime bill that is being held up in committee. Let me tell you precisely why it is being held up, the way I see it. The Senator from California indicates she sees it a different way. Let me tell you the way I see it.

We had this strong—too strong, in my opinion—gun show amendment. It did not have a majority of support in the Senate. The Senate tied 50/50. The Vice President came in here and broke the tie. Only 50 Members of this 100–Member body voted for that amendment. They voted for other amendments that would be less strong and less damaging to the gun show activities but at the same time tightening up the gun show situation. It went to the House of Representatives, a coequal body. For a bill to become law, it has to pass the Senate and the House. The House, on a bipartisan basis—JOHN DINGELL, Democrat from Michigan, and a number of other Democrats—voted against it, killed the Lautenberg amendment by a substantial vote.

Now, Members of this body are saying the conference committee is supposed to work out a bill and has to put in an amendment that was rejected in the House and had a tie vote in the Senate. You don't normally do that. Why would we think the votes in those two Houses would justify that? Surely not. That is not logical. So they are saying, if you don't agree to put in this amendment that was rejected already in the House, we are going to block the bill and keep trying to offer amendments here every day to see if we can't embarrass you Republicans so we can have an election issue in November.

That is what it is all about. But it is frustrating our ability to do our work because we have a military construction bill on the floor. That is what we need to deal with, taking care of that, not repeating the same old arguments we have had with gun laws.

Let me tell you what I think ought to be done. In the juvenile crime bill, we have, I believe, $80 million for a project CUFF, Criminal Use of Firearms by Felons—just a title we came up with—that would provide special prosecutors in every U.S. attorney's office in America. It would, in effect, step up dramatically the Federal enforcement of criminal laws.

By the way, when I became a Member of this Senate 3 years ago, I started looking at the U.S. attorneys' statistics. I knew how to use them. I reviewed them every year when I was a U.S. attorney. I pulled out the book. I was hearing from friends and people in the Department of Justice that this Department had allowed criminal prosecution to decline markedly. I looked at the numbers to see if it were true. I was shocked to find that, under the Clinton-Gore administration, prosecutions of criminal gun cases dropped from 7,000 to around 3,500—nearly a 40-percent decline in the prosecutions of gun cases.

I was shocked because every day the President of the United States and Vice President Gore were out there saying: All you Senators and Congressmen who won't pass more and more restrictions on innocent law-abiding citizens who want to possess guns are for crime, death, slaughter, and shootings. You guys are no good. You are not worthy of respect. You are just trash. You care about crime. You defend crime and you don't believe in children.

Those are the kinds of things they were saying. At the same time, they had the power and authority to prosecute criminals who were actually using guns in criminal activities, and the prosecutions had dropped 40 percent. A stunning thing. I didn't ignore it.

Nearly 3 years ago—within a year of my being in this office—I challenged the Attorney General herself, Janet Reno, about these numbers. She brushed off the debate. A deputy attorney general came before the committee and had private meetings when he was coming around to meet Senators. In his testimony, I asked him and demanded that they do better with the prosecutions of gun cases. The chief of the criminal division came by, as did two criminal division chiefs. I raised it with them. I had charts. I wrote an op-ed in 1998, or so, on this very subject, expressing my shock at this amazing decline in prosecutions. The reason was that was a big deal for us. Under President George Bush, we were told to do something about these gun cases. We were Federal prosecutors appointed by the President of the United States. All 94 U.S. attorneys were appointed by the President of the United States as part of the executive branch.

We had a project called Project Triggerlock. We had task forces with the sheriffs and the chiefs of police in our area. We met and discussed how to use these tough Federal laws for speedy trial actions with mandatory minimum sentences and no parole to crack down on violent criminals.

I put together a newsletter. I called it Project Triggerlock News. I sent it to all of the chiefs of police and to all of the sheriffs in my district. I sent it to the detectives and law enforcement officers who I knew were working on these kinds of cases. We showed example after example of criminals who were carrying firearms, and whom we tried in Federal court with joint investigations and prosecutions, and they served a long period of time in jail and were removed from the community.

I couldn't believe an administration that came into office talking about guns had abandoned this program. In fact, they had not totally abandoned it. Several years ago, the United States attorney in Richmond, VA, and the chief assistant who had been involved in these cases over the years got together with the chief of police in Richmond and determined to prosecute aggressively all Federal gun violations of existing law in Richmond, VA. They called their project Project Exile. They called it Project Exile because when they convicted them they got 5 or 10 years without parole. They didn't go to the halfway house in Richmond. They were sent off to a Federal prison maybe hundreds of miles away. They were gone, out of Richmond, away for long periods of time without parole. They did this consistently and aggressively.

President Clinton's own U.S. attorney, his own appointee, testified that they had achieved a 40-percent reduction in murder rate—a 40-percent reduction. They did one thing that we didn't do. They put ads out about it. They put up posters: Carry a gun, mandatory Federal jail time. They were out to convince people that they better obey the law, and they had better not be misusing guns. They were successful at it. They reduced murder rates 40 percent.

I asked Attorney General Reno if she was going to do something about that. Well, we are just going to let each district do what they want to, she said.

Curiously, I had a hearing set. It was really remarkable to me. We had a hearing on this matter. It was set for Monday morning. The administration did not want us to have this hearing. They kept wanting to put it off. I had the U.S. attorney from Richmond, the chief of police, and some experienced prosecutors testify about this kind of thing. I was amazed to turn on my radio on Saturday. What do you think the President's radio address to the Nation was on? It was on Project Triggerlock, and Project Exile. He had the U.S. attorney from Richmond and the chief of police from Richmond in the White House with him while he was doing the address. And he bragged on it, and said how good it was.

About 6 weeks later, the Attorney General came up. I had heard that they had not taken any action on it. They appointed some commission to talk about it, and no directives had gone out. I asked her about it. I remember asking her how the President sent her directives. Did he send them to her by writing or did she have to turn on the radio and listen to him? Because his exact words were, ''I am directing the Attorney General and the Secretary of Treasury to crack down on these kinds of criminals.''

To my knowledge, they still have not made the kind of progress that they should.

Do you see the hypocrisy here?

We have a plan in Richmond, VA, that I know as an experienced Federal prosecutor will save hundreds of lives and thousands of lives.

In the time this administration has been in office, I believe I can say with confidence that thousands of people are dead today because Project Triggerlock was abandoned and this administration allowed crime prosecutions to plummet. That is a tragedy, and it is wrong.

But, at the same time, when they come up to me, and they want to register handguns, or they want to close down gun shows, and if I don't vote for that, then I don't care about children, I don't care about people getting shot and killed in America. It burns me up. I do not like that. And why the media has not understood this fully is beyond my comprehension.

They just continue to suggest that the only thing that counts in this country is whether or not you vote for further and further restrictions that implicate and sometimes really go beyond implicating but, in fact, violate the second amendment to the Constitution of the United States which guarantees the right to keep and bear arms. Somebody will say, well, they don't like that. Well, that is our Constitution. Put it up in an amendment, big boy, if you want to change it. Let's see them bring forward an amendment to eliminate the second amendment. There is no consensus for that in this country. It is part of the heritage of this country that people maintain firearms.

We didn't have these kinds of murder rates in the 1930s, the 1940s, and the 1950s when a higher percentage of Americans had guns than they have today. I don't know of anybody where I grew up who didn't have a firearm.

I say to you first and foremost, how do you reduce crime and murder and make our streets safer? Implement President Clinton's own Project Exile. Mr. President, direct that it be done. See that the Attorney General carries it out. Pass our juvenile crime bill which provides you even more money than you really need to carry out that project. I say you don't need any more money because we didn't need it when I was U.S. attorney. Why can't you prosecute these gun cases? They are not hard to prosecute. Really most of them are quite simple, and 80 or 90 percent plead guilty. It is a good way to crack down on violence in America.

There is one more thing that I want to mention. We implemented the National Crime Information Center—the NCIC—background check. That is a computer-operated system. So if you go down to a gun store and attempt to buy a firearm, they can plug in your Social Security number, date of birth, whatever, and they can run an NCIC check on your criminal history to see if you are a convicted felon. Most of you may not know it, but if you are a convicted felon, you can't possess a firearm, period. You can't possess a shotgun, a rifle, or a pistol. Any convicted felon in America, even if it is a fraud case with no violence in it, cannot possess a firearm. We used to prosecute a lot of those cases of a ''felon in possession.'' That is what we called them.

We found that in 13 months of this new NCIC system, 89,000 individuals were rejected. They could not buy a firearm because they had some problem. Many of them were felons.

I submit to you they have already filled out a form. I used to remember the number. I think it was 4477. On that form they filled out they had to swear under oath they were not a convicted felon. That is a crime. That is a false statement. Also, many of these people turned out to be fugitives from other criminal activities.

The BATF, the Bureau of Alcohol, Tobacco and Firearms—I have great friends in BATF, and they do a good job—is not following up on these cases. They have prosecuted less than 1 percent of these 89,000 cases. Probably about two-tenths of 1 percent were actually prosecuted.

There are some serious criminals in that group. When those cases come in and are kicked out and people are rejected because of violence, they ought to be investigated, and they ought to be prosecuted.

I think that would be a great way to identify criminals who are out to get guns and are up to no good and are out on the street. There are straw men who use false identities to buy guns. There are illegal sellers of guns. There are gun thieves who sell guns and pass them around the neighborhoods. Those kinds of people can be prosecuted, too.

If you do that, I have no doubt that crime will be reduced. There will be less murders in this country and we could save lives by the thousands. That is what we need to do. That is where our focus needs to be.

I hope those who came to the moms' march will cause us to focus on the real causes of crime and how to really stop it. If we do, we can make this country safer, we can save lives, and we can do what we are paid to do.

We need to quit playing politics. We need to get that juvenile crime bill up, voted on, and we need some compromise and support from the Members of the other side.

Once we do that, we will begin to save lives in America.

TRIBUTE TO LAMPTON O'NEAL ''TREY'' WILLIAMS III

Mr. LOTT. Mr. President, today I rise to pay tribute to an extraordinary young man who has persevered to overcome significant obstacles in his life and who, in spite of these obstacles, has excelled. Lampton O'Neal ''Trey'' Williams III, of Hattiesburg, Mississippi, exemplifies the qualities of courage, dedication, commitment, and self-discipline that harken back to the days of this great nation's founding fathers who likewise employed these values to overcome seemingly insurmountable adversity. With this graduation from the Presbyterian Christian School in Hattiesburg on Friday, May 19, 2000, I express my most heartfelt and warmest congratulations to Trey on this extraordinary accomplishment.

As a deaf student, Trey has been saddled in life with a hardship that many of us will never be forced to carry. Yet, from an early age, Trey refused to allow his disability to overcome him and, instead, set out to conquer his disability. As a young boy, Trey was enrolled in The University of Southern Mississippi DuBard School for Language Disorders where his eagerness, ability to learn, and refusal to yield to his disability quickly warmed him to the hearts of all around him. During his tenure at the DuBard School, Trey excelled in speech, lip reading, learning language and academic skills. However, Trey's passion for learning and his commitment to his education did not end there.

In 1992, having secured from the DuBard School the skills and abilities he would need to live a full and free life with his disability, Trey took the noble and daunting step of enrolling in regular education classes at the Presbyterian Christian School in Hattiesburg, Mississippi. Throughout his years at the Presbyterian Christian School Trey has continuously challenged himself and has demanded only the best from himself. His motivation, self-discipline and character have earned Trey the highest praise from his teachers and the respect of all who know him. And while Trey's forthcoming graduation from the Presbyterian Christian School is a truly extraordinary achievement in and of itself, it is only part of the story. As the result of his academic excellence and exceptional accomplishments over the past several years, Trey has earned a college scholarship. I have no doubt that Trey's

strength of character and commitment to his education will result in a college career marked with awards and honors only few can ever expect to achieve.

Mr. President, Trey's dedication, commitment and perseverance is unique and truly commendable. With his graduation on May 19, 2000, Trey will receive a concrete representation of his years of perseverance—his diploma. And while his accomplishments thus far deserve the highest praise and commendation, I have no doubt this young man's future will be marked by even greater accomplishments. Trey's refusal to yield to his disability and his determination to overcome it should serve as an inspiration and motivation to all of us. It is an example of what we can achieve when we demand the most from ourselves. I want to extend my highest congratulations to Trey on his graduation and wish only the best for him in the future.

MARINE COLONEL WAYNE SHAW'S RETIREMENT ADDRESS

Mr. DASCHLE. Mr. President, the debt we owe to the men and women who have served in the U.S. Armed Forces is one that we will never be able to repay adequately. They sacrifice so much of themselves to defend our nation and its ideals, and ask for so little in return.

Today, I would like to focus the Senate's attention on one such veteran, who entered the United States Marine Corps more than a quarter-century ago. Colonel Wayne Shaw, who was a Marine for over 28 years, retired recently and delivered a farewell address to his fellow officers at Quantico, Virginia.

Colonel Shaw's address at Quantico was not your typical ''feel-good'' retirement speech. In it, he makes a number of observations about how the Marine Corps has changed in recent years—and how, in his view, many of those changes have weakened the Corps that, for the sake of our country and the world, needs to remain strong. Not a man to mince words, Colonel Shaw lists in his speech a number of concerns he has about the future of the Marine Corps.

Colonel Shaw does not question the future of the Corps because of any disillusionment he may have about the institution. Rather, he questions the future of the Corps because of his love for and devotion to it. Colonel Shaw is certainly entitled—if anyone is—to critique the Marine Corps because of his unique commitment to this country for nearly three decades. I believe we owe it to Colonel Shaw and other veterans like him to pay heed to his words of warning and carefully consider his suggestions to sustain the integrity of the U.S. Marine Corps. I hope each and every member of this chamber will do so.

I ask unanimous consent that Colonel Shaw's retirement address be printed into the RECORD.

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

A FAREWELL TO THE CORPS

(Remarks by Colonel Wayne Shaw, USMC, Quantico, Virginia)

In recent years I've heard many Marines on the occasion of retirements, farewells, promotions and changes of command refer to the ''fun'' they've had in the Marine Corps. ''I loved every day of it and had a lot of fun'' has been voiced far too often. Their definition of ''fun'' must be radically different from mine. Since first signing my name on the dotted line 28½ years ago I have had very little fun.

Devoting my entire physical and mental energies training to kill the young men of some other country was not fun. Worrying about how many of my own men might die or return home maimed was not fun. Knowing that we did not have the money or time to train as best we should have, was not fun either. It was no fun to be separated from my wife for months on end, nor was it fun to freeze at night in snow and rain and mud.

It was not much fun to miss my father's funeral because my Battalion Commander was convinced our peacetime training deployment just couldn't succeed without me. Missing countless school and athletic events my sons very much wanted me to see was not much fun either. Not being at my son's high school graduation wasn't fun. Somehow it didn't seem like fun when the movers showed up with day laborers from the street corner and the destroyed personal effects were predictable from folks who couldn't hold a job. The lost and damaged items, often irreplaceable family heirlooms weren't much fun to try to ''replace'' for pennies on the dollar. There wasn't much fun for a Colonel with a family of four to live in a 1200 sq. ft. apartment with one bathroom that no welfare family would have moved into. It was not much fun to watch the downsizing of the services after Desert Storm as we handed out pink slips to men who risked their lives just weeks before.

It has not been much fun to watch midgrade officers and senior Staff NCO's, after living frugal lives and investing money where they could, realize that they cannot afford to send their sons and daughters to college. Nor do I consider it much fun to reflect on the fact that our medical system is simply broken. It is not much fun to watch my Marines board helicopters that are just too old and train with gear that just isn't what it should be anymore. It is not much fun to receive the advanced copies of promotion results and call those who have been passed over for promotion. It just wasn't much fun to watch the infrastructure at our bases and stations sink deeper into the abyss because funding wasn't provided for the latest ''crisis.'' It just wasn't much fun to discharge good Marines for being a few pounds overweight and have to reenlist Marines who were HIV positive and not world-wide deployable. It sure wasn't much fun to look at the dead Marines in the wake of the Beirut bombing and Mogadishu fiascoes and ask yourself what in the hell we were doing there. I could go on and on. There hasn't been much fun in a career that spans a quarter century of frustration, sacrifice and work.

So, why did you serve you might ask? Let me answer that: I joined the service out of a profound sense of patriotism. As the son of a career Air Force Senior NCO I grew up on military bases often within minutes flying time from Soviet airfields in East Germany. I remember the Cuban Missile crisis, the construction of the Berlin Wall, the nuclear attack drills in school and was not many miles away when Soviet tanks crushed the aspirations of citizens in Czechoslovakia. To me there was never any doubt that our great Republic and the last best hope of free people needed to prevail in this ultimate contest. I knew I had to serve. When our nation was in turmoil over our involvement in Vietnam I knew that we were right in the macro strategic sense and in the moral sense, even if in the execution we may have been flawed. I still believe to this day that did the right thing. Many of our elite's in the nation today continue to justify their opposition in spite of all evidence that shows they were wrong and their motives either naive or worse. This nation needed to survive and I was going to join others like me to ensure it did. We joined long before anyone had ever referred to service in the infantry units of the Marine Corps as an ''opportunity.''

We knew the pay was lousy, the work hard and the rewards would be few. We had a cause, we knew we were right and we were willing when others were not. Even without a threat to our Nation, many still join and serve for patriotic reasons.

I joined the Marines out of a sense of adventure. I expected to go to foreign countries and do challenging things. I expected that, should I stick around, my responsibilities would grow as would my rewards. It was exciting to be given missions and great Marines to be responsible for. Finally, I joined for the camaraderie. I expected to lead good men and be led by good men. Marines, who would speak frankly and freely, follow orders once the decision was made and who would place the success of the mission above all else. Marines who would be willing to sacrifice for this great nation. These were men I could trust with anything and they could trust me. It was the camaraderie that sustained me when the adventure had faded and the patriotism was tested. I was a Marine for all of these years because it was necessary, because it was rewarding, because our nation needed individuals like us and because I liked and admired the Marines I served with . . . but it sure wasn't fun.

I am leaving active service soon and am filled with some real concerns for the future of our Marine Corps and even more so for the other services. I have two sons who are on the path to becoming Marine Officers themselves. I am concerned about their future and that of their fellow Marines, sailors, airmen and soldiers. We in the Corps have the least of the problems but will not be able to survive in a sick DOD. We have gone from a draft motivated force to an all-volunteer force to the current professional force without the senior leadership being fully aware of the implications. Some of our ills can be traced to the fact that our senior leadership doesn't understand the modern Marine or service member. I can tell you that the 18 year old who walks through our door is a far different individual with different motivations than those just ten years ago.

Let me generalize for a moment. The young men from the middle class in the suburbs come in to ''Rambo'' for a while. He has a home to return to if need be and Mom has left his room unchanged. In the back of his mind he has some thoughts of a career if he likes it or it is rewarding. The minorities and females are looking for some skills

training but also have considered a career if ''things work out.'' They have come to serve their country but only in a very indirect way. They have not joined for the veterans Benefits because those have been truncated to the point where they are useless. No matter what they do, there is no way it will pay for college and the old VA home loan is not competitive either. There are no real veteran's benefits anymore. . . . It is that simple, and our senior leadership has their head in the sand if they think otherwise. As they progress through their initial enlistments, that are four years or more now, many conclude that they will not be competitive enough to make it a 20 year career or don't want to endure the sacrifices required. At that point they decide that it is time to get on with the rest of their lives and the result is the high first term attrition we currently have to deal with. The thought of a less than honorable discharge holds no fear whatsoever for most. It is a paper tiger. Twenty years ago an individual could serve two years and walk away with a very attractive amount of Veterans benefits that could not be matched by any other sector or business in the country. We have even seen those who serve long enough lose benefits as we stamped from weaker program to weaker program. This must be reversed. We need a viable and competitive GI Bill that is grandfathered when you enter the service, is predicated on an honorable discharge and has increasing benefits for longer service so we can fill the mid grade ranks with quality people. We must do this to stop the hemorrhage of first term attrition and to reestablish good faith and fairness. It will allow us to reenlist a few more and enlist a few less.

The modern service member is well read and informed. He knows more about strategy, diplomacy and current events than Captains knew when I first joined. He reads national newspapers and professional journals and is tuned into CNN. Gone are the days of the PFC who sat in Butzbach in the Fulda Gap or Camp Schwab on Okinawa and scanned the Stars and Stripes sports page and listened to AFN. Yet our senior leadership continue to treat him like a moron from the hinterland who wouldn't understand what goes on. He is in the service because he wants to be and not because he can't get a job in the steel mill. Three hots and a cot are not what he is here for. The Grunts and other combat arms guys aren't here for the ''training and skills'' either. He is remarkably well disciplined in that he does what he is told to do even though he knows it is stupid. He is very stoic, but not blind. Yet I see senior leaders all of the time who pile more on. One should remind them that their first platoon in 1968 would have told them to stick it where the sun doesn't shine. These new Warriors only think it. . . . He is well aware of the moral cowardice of his seniors and their habit of taking the easy way out that results in more pain and work for their subordinates. This must be reversed. The senior leadership must have the moral courage to stop the misuse and abuse of the current force. The force is too small, stretched too thin and too poorly funded. These deficiencies are made up on the backs of the Marines, sailors, airmen and soldiers. The troops are the best we've ever had and that is no reason to drive them into the dirt. Our equipment and infrastructure is shot. There is no other way to put it. We must reinvest immediately and not just on the big-ticket items like the F–22. That is the equivalent of buying a new sofa when the roof leaks and the termites are wrecking the structure.

Finally let me spend a minute talking about camaraderie and leadership. I stayed a Marine because I had great leaders early on. They were men of great character without preaching, men of courage without ragging, men of humor without rancor. They were men who believed in me and I in them. They encouraged me without being condescending. We were part of a team and they cared little for promotions, political correctness or who your father was. They were well educated renaissance men who were equally at home in the White House or visiting a sick Marine's child in a trailer park. They could talk to a barmaid or a baroness with equal ease and make each feel like a lady. They didn't much tolerate excuses or liars or those with too much ambition for promotion. Someone once told me that Priests do the Lord's work and don't plan to be the Pope. They were in touch with their Marines and supportive of their seniors. They voiced their opinions freely and without retribution from above. They probably drank too much and had an eye for beautiful women as long as they weren't someone's wife or a subordinate. You could trust them with your life, your wife or your wallet. Some of these great leaders were not my superiors—some were my Marines. We need more like them at the senior levels of Government and military leadership today. It is indeed sad when senior defense officials and Generals say things on TV they themselves don't believe and every service member knows they are lying. It is sad how out of touch with our society some of our Generals are.

Ask some general you know these ten questions:

1. How much does a PFC. make per month?
2. How big is the gas tank on a Hummvee?
3. Who is your Congressman and who are your two Senators?
4. Name one band that your men listen to.
5. Name one book on the NY Times best seller list.
6. Who won the last superbowl?
7. What is the best selling car in America?
8. What is the WWF?
9. When did you last trust your subordinates enough to take ten days leave?
10. What is the leave balance of your most immediate subordinate?

We all know they won't get two right and therein lies the problem. We are in the midst of monumental leadership failure at the senior levels. Just recently Gen. Shelton (CJCS) testified that he didn't know we had a readiness problem or pay problems. . . . Can you imagine that level of isolation? We must fix our own leadership problems soon.

Quality of life is paid lip service and everyone below the rank of Col. knows it. We need tough, realistic and challenging training. But we don't need low pay, no medical benefits and ghetto housing. There is only so much our morality should allow us to ask of families. Isn't it bad enough that we ask the service members to sacrifice their lives without asking their families to sacrifice their education and well being too? We put our troops on guilt trips when we tell them about how many died for this country and no hot water in housing is surely a small sacrifice to make. ''Men have died and you have the guts to complain about lack of medical care for your kids?'' The nation has been in an economic boom for dam near twenty years now, yet we expect folks in the military to live like lower middle class folks lived in the mid fifties. In 1974 a 2nd Lt. could buy a Corvette for less than his annual salary. Today, you can't buy a Corvette on a Major's annual salary. I can give you 100 other examples . . . An NROTC midshipman on scholarship got $100 a month in 1975. He or she still gets $100 in 1999. No raise in 25 years? The QOL life piece must be fixed. The Force sees this as a truth teller and the truth is not good.

I stayed a Marine despite the erosion of benefits, the sacrifices of my wife and children, the betrayal of our junior troops and the declining quality of life because of great leaders, and the threat to our way of life by a truly evil empire that no longer exists. I want men to stay in the future.

We must reverse these trends. There will be a new ''evil empire'' eventually. Sacrifices will need to be made and perhaps many things cannot change but first and foremost we must fix our leadership problems. The rest will take care of itself. If we can only fix the leadership problem. . . . Then, I still can't promise you ''fun'' but I can promise you the reward and satisfaction of being able to look in the mirror for the rest of your life and being able to say: ''I gave more to American than I ever took from America. . . . and I am proud of it.''

Semper Fi and God Bless you.

NATIONAL ENERGY SECURITY ACT OF 2000

Ms. SNOWE. Mr. President. I rise today to speak about S. 2557, the National Energy Security Act of 2000.

First of all, I want to thank the Republican leader, Senator LOTT, who pulled together a task force to address the serious problem of the lack of a national energy policy, and also Senator MURKOWSKI, Chairman of the Senate Energy and Natural Resources Committee.

From my viewpoint on the Task Force, I was representing a State that appeared to be the proverbial canary in the coal mine as Maine was one of the early Northeast states not only to bear the brunt of low oil inventories during this past winter that was 20 degrees below normal in January, but a state that also experienced some of the highest prices in the country for home heating oil, kerosene and propane. Prices doubled and remained high throughout the winter months only then to be followed this spring by the highest prices in over two decades at the gas pump. And, this week, prices at the pump are once again on their way up, jumping more than 12 cents overnight.

The entire episode has pointed out just how vulnerable—and unprepared—the Federal Government is when it comes to a workable energy policy. As we found out, there was no short term policy to follow. The Administration, as Secretary Richardson stated at an oil crisis summit in Bangor last February, was caught napping. So, the goal of the task force was to come up with legislation that would decrease the country's dependency on foreign oil to 50 percent by the year 2010 through the enhancement of the use of renewable energy resources and includes the extension of tax credits for the production of energy from biomass, including

wood waste; increases eligibility to the federal Weatherization Program, an outreach program to encourage consumers to take actions to avoid seasonal price increases through a summer fill and fuel budgeting program; and provides tax credits for residential use of solar power.

The bill enhances domestic energy production oil by offering tax relief for oil and gas produced from small marginal wells—wells that produce less than 15 barrels a day—that have already been drilled but have been capped when oil prices hit rock bottom over the past few years. Bringing these marginal wells back into domestic production also has the benefit of producing more U.S. jobs.

I am particularly pleased that the bill authorizes the Secretary of Energy to establish a Northeast Heating Oil Reserve to be used when home heating oil inventories fall dangerously low and prices escalate. The Reserve would store two million barrels of refined home heating oil within a day's delivery to Northeast states if supplies run dangerously low because of a sudden demand due to cold winter weather.

Mr. President, I would have liked to have been a cosponsor of S. 2557, because we need a comprehensive policy and the National Energy Security Act was an effort to start down that road. I cannot, however, because the bill also calls for the opening up of the Arctic Coastal Plain, which would allow for oil and gas exploration and drilling in the Arctic National Wildlife Refuge. I continue to believe that ANWR should remain protected and there are a number of other steps that can be taken to increase or conserve our domestic supply.

Now that this legislation has been introduced, potential solutions to our Nation's energy policy—or lack of it—can at least be considered and debated.

TRIBUTE TO MONTANA'S LAW ENFORCEMENT OFFICERS

Mr. BAUCUS. Mr. President, I rise today to honor Montana's Law Enforcement officers who have fallen in the line of duty. These individuals have given their lives protecting the innocent and I can think of no more noble endeavor.

We have recently considered a resolution that will make May 15th a national memorial day for peace officers. I think it is high time that the nation joins Montana in setting aside time to honor our law enforcement officers. For the past twelve years Montana has celebrated the dedication of its law enforcement officers on this day. I wish to commend Terry Tyler and the other members of the Professional Justice Community of Montana whose hard work and sacrifice to preserve and recognize the officers who have died in the line of duty are the best examples of the ''Montana Spirit'' that I know so well. I was pleased to support that resolution as I am pleased to commend and commemorate the Montana Law Enforcement Museum for its continuing commitment to honoring our fallen law enforcement officers who placed public safety before their own.

Montana law enforcement traditions can be traced back to April 1863 when Henry Plummer became the state's first elected sheriff. Since that time Montana's law enforcement officers have been charged with the protection and defense of the public and our laws. In Montana, our citizens enjoy a life style not marred by daily occurrences of gun violence and crime. Our children do not feel threatened in our schools and it is commonplace to leave your door unlocked. I can think of no greater testament to the hard work and dedication of our law enforcement officers and the people of Montana who support their efforts.

It is only right that we take a day to remember those who have died so that others may live in a safe and secure environment. It is an honor and privilege to stand and recognize the efforts of these people and those who will not let their efforts go unnoticed. So, I wish to close with gratitude for those individuals who have dedicated their labors to a higher cause and who continually put their lives on the line to protect me and my family. On behalf of the state of Montana and the Nation, thank you.

LAW ENFORCEMENT SURVIVORS' EDUCATION BENEFITS

Mr. ASHCROFT. Mr. President, I rise today to speak in tribute to all the men and women in law enforcement in this country. This week, May 14–20, is National Police Week, set aside to honor the men and women behind the badge. In 1962, Congress passed and President Kennedy signed a joint resolution proclaiming May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week, ''in recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws,'' from Public Law 87–726.

Sadly, between 140 and 160 law enforcement officers die in the line of duty each year. On average, 21,433 officers are injured in the line of duty each year.

In honor of the thousands of officers who have given their lives to protect the people of this Nation, I am pleased to announce an important step that the Senate took yesterday in furtherance of a much needed change in the current federal law. Last September I introduced S. 1638, a bill to expand the educational opportunities under the Deegan program, named after slain Federal officer Bill Deegan, for the families of law enforcement officers killed in the line of duty. This bill honors those who made the ultimate sacrifice in defending our communities by making available Federal funds to those officers' spouses and dependent children in order to pursue secondary education.

Yesterday, on National Peace Officers Memorial Day, the Senate unanimously passed S. 1638. I want to thank the Senate for taking this action, and urge the House to do the same.

I want to thank the co-sponsors of this bill—Senators COLLINS, GRAMS, ROBB, TIM HUTCHINSON, DODD, ABRAHAM, SPECTER, BRYAN, GREGG, HELMS, and BIDEN. I am very pleased by the bipartisan support for the bill, and for the endorsements of the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Sheriffs' Association and other law enforcement organizations.

This bill extends retroactively the benefits created under the 1992 law to the surviving spouses and dependent children of law enforcement officials who were killed between 1978 and the current start dates of the program.

It is important to extend these benefits back to the year 1978 because under the existing program, a large number of dependent children currently between the ages 8 and 21, those born between 1978 and 1992, are excluded from participating in the program merely because their parent was killed before 1992. Pushing back the date allows these dependent children, currently facing the prospect of paying for secondary education in the often financially strained environment of a single-parent family, also to benefit from this program.

This goal is consistent with the intent of the original law: an effort to show our gratitude to the maximum number of dependent children of slain law enforcement officers.

This provision affects the families of an estimated 4,100 officers, including more than 60 in Missouri. The bill makes these spouses and dependent children eligible for up to $5820 a year for 4 years if they enroll in full-time study at an approved secondary school. In short, it helps the loved ones of those who have made the ultimate sacrifice in defending the rest of us by allowing them to pursue their dreams to move forward with their lives and continue their education.

On this occasion, I also want to thank a very important organization headquartered in Camdenton, MO—the Concerns of Police Survivors, Inc. [COPS]. COPS was organized in 1984 with 110 members. Today COPS' membership is over 10,000 families. Concerns of Police Survivors, provides resources to assist in the rebuilding of the lives of surviving families of slain law enforcement officers.

Furthermore, COPS provides training to law enforcement agencies on survivor victimization issues and educates the public of the need to support the law enforcement profession and its survivors.

To help those families begin rebuilding their shattered lives, COPS is again hosting the National Police Survivors' Seminars as part of National Police Week—the second day of this seminar is occurring today in Alexandria, VA. For 15 years, COPS' National Police Survivors' Seminars have provided survivors of law enforcement officers killed in the line of duty the opportunity to interact with other survivors and have access to some of the best mental health professionals available. I wish to thank COPS for the many programs that they operate in addition to the Police Survivors' Seminars, including scholarships, peer-support at the national, State, and local levels, ''C.O.P.S. Kids'' counseling programs, the ''C.O.P.S. Kids'' Summer Camp, Parents' Retreats, trial and parole support, and other assistance programs.

We owe a debt of gratitude to the hundreds of thousands of police officers who protect the lives and property of their fellow Americans. By the enforcement of our laws, these same officers have given our country internal freedom from fear and are responsible for helping our nation lower its crime rates again this year. These men and women, by their patriotic service and their dedicated efforts, have earned the gratitude of us all.

Officers who give their lives to protect our freedom leave behind families that must cope with the terrible loss. When this tragedy occurs, we have an obligation to help the spouses and children of fallen heroes. One way to help is to offer the opportunity to pursue their education. I thank the Senate for supporting this bill, and urge the House of Representatives to pass this legislation quickly.

BURMA'S FORCED MILITARY SERVICE

Mr. MCCONNELL. Mr. President, on Monday, the Financial Times carried a story headlined ''Burma Regime Has the Most Child Soldiers.'' As Burma drives toward a goal of a half million man army, more than 50,000 children have been forced into military service, with orphans and street children the most vulnerable.

These are the facts of life in Burma that no longer surprise any of us who follow the region closely. Forced labor, forced relocations, arrests, detention, torture, even executions are more facts—repeated so often that it is easy to develop a tin ear to the unreal horrors these words convey about daily life in Burma. Add words like hunger, disease, and illiteracy—add unemployment, injustice and drug trafficking, and you get the full picture of the misery the Rangoon regime has created.

As acute as Burma's pain is, this is not a day of mourning. Today is a celebration of wisdom and courage—a tribute to Burma's citizens who 10 years ago defied all risks and elected Daw Aung San Suu Kyi and the National League for Democracy [NLD] to lift the nation from a deep swamp of poverty, brutality and repression to the solid ground of democracy and prosperity.

The army may have stolen Burma's elections and her rightful past, but they will not be allowed to diminish our faith nor discourage our service to her future—to Burma's freedom.

For 10 years, Daw Aung San Suu Kyi has honored the wisdom and courage of her constituents through countless acts of self-discipline, heroic judgment and profound humility. Treated with cruelty, especially during her husband's final days, her compassion has not withered. Imprisoned, isolated by house arrest, she finds strength to reach out for a peaceful, political dialog with her captors. Wounded with each report of a follower's detention or death, she does not scar with bitterness, she does not retreat from her destined course—democracy.

Today, Senator MOYNIHAN and I have introduced a resolution of support for that destiny—for the restoration of democracy. Joined by Senators LOTT, HELMS, LEAHY, ASHCROFT, FEINSTEIN, LUGAR, DURBIN, KENNEDY, SARBANES and WELLSTONE, we are honored to have the opportunity to pay tribute to those who persevere in the noble quest for Burma's liberty.

In particular, let me offer my appreciation to the Members and friends of the NLD who work tirelessly for Burma's free future and, especially the guardian angel of our common cause, Michelle Bohanna.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 15, 2000, the Federal debt stood at $5,665,244,853,842.93 (Five trillion, six hundred sixty-five billion, two hundred forty-four million, eight hundred fifty-three thousand, eight hundred forty-two dollars and ninety-three cents).

Five years ago, May 15, 1995, the Federal debt stood at $4,881,377,000,000 (Four trillion, eight hundred eighty-one billion, three hundred seventy-seven million).

Ten years ago, May 15, 1990, the Federal debt stood at $3,092,389,000,000 (Three trillion, ninety-two billion, three hundred eighty-nine million).

Fifteen years ago, May 15, 1985, the Federal debt stood at $1,750,555,000,000 (One trillion, seven hundred fifty billion, five hundred fifty-five million).

Twenty-five years ago, May 15, 1975, the Federal debt stood at $520,101,000,000 (Five hundred twenty billion, one hundred one million) which reflects a debt increase of more than $5 trillion—$5,145,143,853,842.93 (Five trillion, one hundred forty-five billion, one hundred forty-three million, eight hundred fifty-three thousand, eight hundred forty-two dollars and ninety-three cents) during the past 25 years.

ADDITIONAL STATEMENTS

TAIWANESE-AMERICAN HERITAGE WEEK

• Mr. KOHL. Mr. President, this week I join people in Wisconsin and across the nation in celebrating Taiwanese-American Heritage Week. This week of celebration, from May 7 to May 14, honors the many diverse contributions of over 500,000 Taiwanese-Americans in the United States. These Americans have contributed significantly to our social fabric, making notable contributions as medical professionals, Nobel Laureate scientists, business owners, human rights activists, and teachers.

While it is important to recognize the achievements of Taiwanese-Americans in the United States, Taiwanese-American Heritage Week also gives us the opportunity to celebrate the success of democracy in Taiwan. Since the lifting of martial law in 1987, Taiwan has made consistent strides toward becoming an open, democratic society where freedoms are respected and the will of the people is observed. To the credit of the many Taiwanese-Americans who fought to bring democratic principles back to the island, Taiwan is now a vibrant democratic member of the international community.

With the recent election of opposition leader Chen Shui-bian as President, Taiwan has again reaffirmed its commitment to the open electoral process that is the cornerstone of democracy. While this election bodes well for the future of a democratic Taiwan, many challenges remain. Taiwan must continue to resist internal anti-democratic forces, while also providing for its own security in a region with too few democratic neighbors. However, I am confident that Taiwan will meet these challenges and continue to play a productive role in the international community.

Mr. President, Taiwanese-American Heritage Week properly recognizes the longstanding friendship between the United States and Taiwan. Once again, I commend the accomplishments and on-going contributions of the Taiwanese-American community.•

RECOGNITION OF THE 20TH ANNIVERSARY OF THE ERUPTION OF MT. ST. HELENS

• Mr. GORTON. Mr. President, I take the floor today to commemorate one of the most significant events in the history of my state—the eruption of Mt.

St. Helens. On the 18th of May, 1980, Mt. St. Helens exploded with the force of a 24-megaton atomic bomb, scorching 230 square miles of picturesque Northwest landscape and triggered the largest known landslide in history, traveling at nearly 200 mph to bury Spirit Lake and the Toutle River. Tragically, fifty-seven men and women lost their lives, over 200 homes and 180 miles of road were destroyed and caused $3 billion in damages.

Since that horrific day, the great people of Washington state began the long road to recovery. Today, I would like to recognize the astounding efforts of thousands of volunteers and donations from countless companies that have succeeded in making Mt. St. Helens a place where trees are growing at record speeds and animals are beginning to thrive in their new home.

Mt. St. Helens is now a place where tens of thousands of visitors flock every year from around the globe to witness both the violent and healing powers of nature. Local residents devastated by the eruption have transformed their communities and now look to Mt. St. Helens to attract visitors and contribute to the local economy.

There is still, however, an enormous amount of work to be done to help Mt. St. Helens and the surrounding areas continue on this path to recovery. The local communities' dedication to rebuilding infrastructure and ecosystems, the creation of a renowned research facility, and the construction of a world-class tourist attraction have demonstrated the highest degree of responsiveness and resourcefulness.

I would also like to take this opportunity to commend the U.S. Army Corps of Engineers and the U.S. Forest Service for their achievements and commitment in bringing Mt. St. Helens back to life.

As a member of the Senate Appropriations Committee, the Chairman of the Interior Appropriations Subcommittee, and a member of the Mt. St. Helens Institute Advisory Board, I am deeply committed to helping Mt. St. Helens make the best possible recovery and to finding federal dollars to keep Mt. St. Helens accessible and enjoyable for all visitors and to assist the surrounding communities in finding solutions to their many challenges.

I am confident that in the next twenty years the people of the Northwest will make even greater strides in reviving the beauty of Mt. St. Helens, making Washington state an even greater place to live.●

REFLECTIONS ON THE BOZEMAN DRUG COURT

● Mr. BAUCUS. Mr. President, I rise today to recognize the innovative work of the Drug Treatment Court in Gallatin County, Montana.

Recently I worked for a day at the Drug Court, where I witnessed the process of evaluating drug court cases and determining who was following the rules—and who was not.

I must say, Mr. President, I was very impressed and inspired by the whole process—Judge Olson, his staff, the prosecutors, defense attorneys, parole and probation officer, counselors. And, most important of all, the people who have voluntarily decided to turn their lives around. This pilot project in Bozeman, Montana should be replicated around the state and nation.

In the morning, I sat in on the briefing, where judges and all the parties involved in sanctioning defendants discussed—with compassion and sometimes frustration—their attempts to help these people get off and stay off of drugs and alcohol.

Their discussions centered not on punishment, but on finding commonsense ways to help these people addicted to drugs and alcohol find ways to improve their lives and be positive contributors to their communities.

And, sitting later in court, I saw the genuine and sincere attempts of the defendants to correct their lives and stay out of jail.

Judge Olson was remarkable. He mixed just the right amount of compassion with tough love to help the defendants.

He counseled them, warned them, cajoled them, and told them he personally would help them find jobs so they could stay ''clean.'' His work is to be highly commended and copied throughout Montana.

The defendants also showed that they can beat drugs and alcohol. One middle-aged man told me later that the Treatment Court was the best thing that ever happened in his life. He had become clean for the first time in 30 years. He owed his life to the Treatment Court. Now he is trying to find ways to help other people.

The Treatment Court is a success story waiting to be copied. It is a way to keep people out of jail, off the streets and in a job.

Yes, some people slip up and don't abide by the rules. When they do, Judge Olson cracks down on them. But when they succeed, Judge Olson praises them, and shakes their hand.

His personal involvement in the lives of these people shows that justice does know compassion, that courts can be places where people headed for jail can make a detour—and be given a chance to redirect their lives. Mr. President, I want to say that I was inspired by what I saw last Friday in Treatment Court in Bozeman. And I want to help to find funding for the Bozeman Treatment Court, as well as funding for similar courts throughout Montana.

Such an investment in people—in helping them become positive citizens in their communities rather than burdens—will save us money—and lives—in the long run.

And I will also work hard to help the Treatment Court find funds to help defendants locate affordable housing, get a good education and good jobs. What struck me, Mr. President, was that many of the defendants suffered from a lack of education. My work day in Treatment Court reminded of the importance and power of education, as well as the importance of creating good-paying jobs.

Along with families, they are the building blocks of a strong and health society, and help keep people off drugs and alcohol.

Count me a supporter of this successful program.

The treatment court idea embodies steps crucial to curbing the influence of drugs on our society.

Nationally, such treatment courts are a relatively new idea. The first drug courts were created in Florida in 1989, under the supervision of Janet Reno.

She and others realized that the solution to the rising number of drug related cases was not to increase the capacity of the criminal justice system—but to reduce the number of drug users.

The Gallatin Treatment Court is only seven months old. And while its first participants have yet to graduate, based on my experience I believe most will succeed.

Roger Curtiss, who works with the Drug Court and heads the non-profit Alcohol and Drug Services program of Gallatin County, told me how he overcame his own drug addiction problems after being placed in a similar program.

I also learned what a dedicated and talented staff Roger has supporting him in his efforts to reduce the scourge of drugs.

I remain committed to fighting illegal drug use in Montana. While I believe that treatment courts such as Gallatin County's will play an increasing role in the fight against drugs, other steps must be taken.

In January I invited drug czar Barry McCaffrey to Montana for a conference. He spoke to dozens of Montanans about the challenge posed by methamphetamine and other drugs.

One experience sticks out in particular. At the town hall meeting we had a man named Wayne approach the microphone to address the group. He fidgeted as he told his story about being addicted to meth for nearly 20 years. He said, ''People don't understand the affect of this drug. It tears the brains up. It rips the family apart. It has a hold that never lets go.''

Mr. President, Wayne is not alone. Across Montana and rural America, meth and other drugs are tearing families—and communities—apart.

In January the DEA reported that eighth graders in rural America are 83

percent more likely to use crack cocaine than their urban counterparts. And they are 104 percent more likely to use meth.

The bottom line is that drugs destroy lives and communities.

The solution to the ongoing fight against drugs will be found only through constant innovation of the type demonstrated by Gallatin County's Treatment Court and similar programs across the nation.

To that end I have introduced legislation to make Montana part of the Rocky Mountain High Intensity Drug Trafficking Area.

The bill would allow Montana to embark on an intensive, statewide media campaign and hire additional personnel for methamphetamine prosecution.

And because WHAT you know depends so much on WHO you know, the measure would establish a state-wide criminal intelligence network, allowing law-enforcement officials in all 56 counties to share information on criminal activity.

Mr. President, if I learned one thing from my meetings with the General McCaffrey and last Friday's visit to the treatment court, it is that there are many committed individuals fighting the drug problem.

The trick is to get them all together working to the same end: treatment, prevention and law enforcement must all coordinate their efforts to fight the scourge of drugs.

We in Congress must do the same. At the end of last session the Senate passed legislation to fight meth, by beefing up law enforcement and treatment resources throughout the nation.

Both S. 486—sponsored by Senator ASHCROFT—and an amendment to the Bankruptcy Bill—sponsored by Senator HATCH—passed the Senate.

Unfortunately, both bills have languished in the House of Representatives. Neither has been acted upon, and the legislative days for the 106th Congress are numbered. I urge my colleagues in the House to act now to strengthen resources in the fight against illegal drugs, meth in particular.

Finally, I want to again recognize the efforts of the Bozeman Drug Court and thank them for allowing me to witness their innovative and inspiring work first-hand.

Drug Court is an alternative, but it's not easy. For many it is just as difficult as serving time.

In fact, I witnessed one individual who, after continually breaking the rules, was kicked out of drug court. Now he faces five years of jail time.

But with our jails bursting at the seams and the drug problem mushrooming in rural areas, I believe the Drug Court is an effective tool in fighting the drug problem we face.

Thank you, Mr. President.●

THE 50TH ANNIVERSARY OF WLNS–TV IN LANSING, MICHIGAN

● Mr. ABRAHAM. Mr. President, I rise today to recognize WLNS–TV in Lansing, Michigan, a station which will celebrate its 50th Anniversary on May 18, 2000. For fifty years, Channel 6 has provided Lansing residents with a wonderful mix of local and national news, community events and information, and an assortment of entertaining and insightful programming.

On May 1, 1950, WJIM–TV, Channel 6, signed on the air in Lansing, Michigan. The station was founded by Mr. Harold Gross, and for the next forty-four years he owned WJIM–TV. In 1984, Bakke Communications bought WJIM–TV, and changed the call letters to WLNS–TV. In 1986, the station's current owners, Young Broadcasting of Lansing, Inc., purchased WLNS–TV.

Serving the Lansing community has always been, and remains, the first and foremost priority of WLNS–TV. Channel 6 covers 24 hours of local news per week. It broadcasts Town Hall meetings on important community issues; political debates; major high school and college sporting events; severe weather and school closing information; and regular announcements highlighting important activities for hundreds of non-profit organizations in the community.

As a C.B.S. affiliate, WLNS–TV is able to keep Lansing residents abreast of local as well as national and global events. In addition, Channel 6 offers C.B.S. entertainment programs and national sporting events. For instance, when the Michigan State University Men's Basketball Team won the N.C.A.A. Championship this past season, Lansing viewers turned to WLNS–TV not only to watch the games, but also to get local updates on their favorite team and its players.

Mr. President, Channel 6 has been home to many prominent Lansing personalities over the years, including Martha Dixon, hostess of the cooking show ''The Copper Kettle''; Len Stuttman, host of ''The Many Worlds of Len Stuttman''; Bill Dansby, news anchor and news director in the 1960's; Howard Lancour, host of the children's show ''Alley Cat and the Mayor,'' and a news anchor in the 1970's; and Jane Aldrich and Sheri Jones, current news anchors who have 25 years of combined tenure at WLNS–TV.

Mr. President, I applaud the many people whose efforts over the years have made this birthday possible. I think it is safe to say that the long term success of WLNS–TV is representative of how much Channel 6, and its many employees, mean to the Lansing community. On behalf of the entire United States Senate, I would like to wish WLNS–TV in Lansing, Michigan, a happy 50th Anniversary.●

TRIBUTE TO MARVIN STONE

● Mr. LEAHY. Mr. President. U.S. News and World Report, in speaking of the death of Marvin Stone, spoke of one man's ''superior contribution''.

Marvin Stone contributed more than should be expected of someone who had had a dozen life times and far more than anyone could have expected in a span of seventy-six years.

Marvin Stone, born in Burlington, VT, served in the Pacific in World War II and then went on to become one of the most respected journalists in America.

My wife, Marcelle, and I have been privileged to know Marvin and his wonderful wife, Terry. I think with fondness not only of times together with them, Marvin's sister, Marilyn Greenfield, and the many friends in Burlington, but also evenings with those far reaching conversations at their home in the Washington area.

Marvin took the time to call me when I was a brand new Senator, even though he probably was at first curious about the oddity of a Democrat from Vermont. We became close friends and throughout two decades I called upon him for advice and insight. I knew the advice would come, never tinged with partisanship but underlined with a great sense of history and his overwhelming integrity.

I can only imagine the void this leaves in the life of Terry, his wife of fifty years, of Jamie and Stacey and Torren and all his family. He also leaves a great void in our country. Marvin's legacy, though, is also one of example, and those, especially in the field of journalism, who follow that example, can also seek the respect and the honor that he earned.

I ask that the US News World Report article be printed in the RECORD as well as the obituary in the Washington Post.

[From the U.S. News & World Report, May 15, 2000]

ONE MAN'S ''SUPERIOR CONTRIBUTION''

Journalist Marvin L. Stone, who died of cancer last week at 76, played a transforming role a generation ago as the editor of U.S. News & World Report.

In his decade of leadership, from 1976 to 1985, Stone was responsible for U.S. New's editorial shift toward the center from the more conservative views held by its founder, David Lawrence. Stone expanded the magazine's coverage beyond its traditional emphasis on politics and business to include social, cultural, and educational issues. He introduced four-color photography and changed the character of the editorial staff by recruiting younger journalists, women, and minority reporters. ''Ours is a magazine devoted to a singular ideal: to report, clarify, interpret, and project the news—to put people and events in perspective as objectively as humanly possible,'' Stone once told a national convention of Sigma Delta Chi, the journalism society, ''Put another way: to provide information people can rely on, find useful, can act upon.''

Born and raised in Vermont, Stone served in World War II as an attack boat officer in

the Pacific. He began his 40-year journalism career as a police reporter for the Huntington (W.Va.) Herald-Dispatch. As an International News Service correspondent based in Tokyo, Vienna, Paris, and London, he covered the Korean War and the French Indochina War and broke the news that the Soviet Union had developed a hydrogen bomb.

To the moon. In 1961, a year after he joined U.S. News, Stone covered the construction of the Berlin Wall. Later in the 1960's, he reported on topics as varied as coal mining in Kentucky and space shots to the moon. He authored the Doubleday Science Series book Man in Space.

When Mortimer B. Zuckerman bought U.S. News in 1984, Stone was holding two positions, editor of the magazine and chairman of its parent company. After what we termed six ''amicable'' months with Zuckerman, he resigned to become deputy director of the United States Information Agency, a position he held for four years. From 1989 to 1995, he was the founding president and chairman of the International Media Fund, an organization that encouraged a free press in Eastern Europe and the Balkans.

Zuckerman, chairman and editor-in-chief of U.S. News, said, ''Marvin Stone was one of the giants of post-World War II journalism. His talent as a reporter and an editor brought him one of the great positions of journalism as the editor of U.S. News & World Report. He extended his career by outstanding service in the public arena. He was a great friend and a great colleague. He shall be missed by all who benefited from his wisdom and insight.''

In 1985, Ronald Reagan hailed Stone's 25 years with U.S. News as a ''superior contribution'' to American journalism. Said the president: ''You helped make the world's events and our challenges just a little more understandable.''

[From the Washington Post, May 3, 2000]

MARVIN L. STONE DIES AT 76; U.S. NEWS EDITOR

Marvin L. Stone, 76, who covered definitive Cold War moments such as the fall of Dien Bien Phu in Vietnam and the rise of the Berlin Wall before he took the top editing job at U.S. News & World Report in 1976 and became deputy director of the U.S. Information Agency in 1986, died of cancer May 1 at his home in Falls Church.

Mr. Stone joined the weekly news magazine in 1960 and advanced to executive editor in 1973. He became the equivalent of editor in chief in 1976, and over the next nine years, he propelled the magazine away from some of its conservative editorial positions and added cultural features and colorful layouts. He resigned in 1985, shortly after Mortimer B. Zuckerman purchased the publication.

Among the changes Mr. Stone oversaw during his years at the magazine were the addition of full-color photographs and service stories about medical, scientific and social trends. Mr. Stone, who considered himself conservative, told The Washington Post in 1982 that he viewed his impact less as a ''revolution'' than an ''evolution.''

Mr. Stone was deputy director of the U.S. Information Agency from 1985 to 1989, followed by six years as president and chairman of the International Media Fund, a Washington-based, government-funded organization encouraging a free press in Eastern Europe. After the fund went defunct in 1995, he spent the next year in Europe on a Knight Foundation journalism fellowship before retiring.

Marvin Lawrence Stone was born in Burlington, Vt., and served in the Navy in the Pacific during World War II. He graduated from Marshall University in Huntington, W.Va., and received a master's degree in journalism from Columbia University.

He was a police reporter in Huntington before joining the old International News Service wire agency in the 1950s, where his assignments included the Korean War.

Mr. Stone was named to the Sigma Delta Chi journalism society's Journalism Hall of Fame in 1990. He was a past adjunct fellow at the Center for Strategic and International Studies. His memberships included Temple Rodef Shalom in Falls Church, the Cosmos Club and the Military Order of the Caribao.

He was the author of ''Man in Space,'' a 1974 booklet that was part of a Doubleday science series.

Survivors include his wife of 50 years, Sydell ''Terry'' Stone of Falls Church; two daughters, Jamie Faith Stone of Falls Church and Stacey Hope Goodrich of West Melbourne, Fla.; a son, Torren M. Stone of Falls Church; a sister; and three grandchildren.●

ANNUAL BREHON MEDAL

● Mr. SANTORUM. Mr. President, I rise today to recognize Ireland's President, Mary McAleese, as she will be awarded the prestigious Annual Brehon Medal in Philadelphia today for her outstanding contributions to the cause of Ireland throughout the world.

Born on June 27th, 1951, Mary Leneghan was married in 1976 to Martin McAleese, with whom she has three children—Emma, Saramai and Justin.

After graduating from Queen's University Belfast, Mary McAleese was called to the Northern Ireland Bar and practiced primarily criminal and family law.

In 1975, she was appointed Reid Professor of Criminal Law, Criminology and Penology at Trinity College Dublin, a position she held until 1979 when she joined RTé as a journalist and presenter. She returned to the Reid Professorship at Trinity in 1981, while continuing with RTé on a part-time basis.

In 1987, Mary McAleese was appointed Director of the Institute of Professional Legal Studies, which trains barristers and solicitors for the legal profession in Northern Ireland. In 1994, she was appointed a Pro-Vice Chancellor of Queen's University Belfast. Other appointments that she has held include Director of Channel 4 Television, Director of Northern Ireland Electricity, Director of the Royal Group of Hospitals Trust, and delegate to the 1995 White House Conference on Trade and Investment in Ireland and follow-up Pittsburgh Conference in 1996. She was also a member of the Catholic Church delegation to the North in 1996, the Commission on Contentious Parades, the Catholic Church Episcopal Delegation to the New Ireland Forum in 1984, and was a founding member of the Irish Commission for Prisoners Overseas.

On November 11, 1997, Mary McAleese was inaugurated as the eighth President of Ireland. As President, she has demonstrated a sincere commitment to promoting Ireland worldwide, and will be recognized for her service to Ireland today, May 16, 2000, at the Brehon Law Society's annual banquet in Philadelphia, Pennsylvania. I would like to welcome President McAleese to Philadelphia and extend my sincere congratulations on the prestigious honor which she will be receiving today.●

TRIBUTE TO U.S. SERVICEMEMBERS OVERSEAS

● Mr. BAUCUS. Mr. President, I rise today to express support for American men and women serving overseas in our Armed Services. These men and women are faced with difficult missions—made even more difficult by the fact that they are serving far from home and loved ones.

Despite these difficulties, the men and women of our armed forces have met every expectation, fulfilled every mission, and upheld the trust of the American people. This is especially commendable because over the last several years, our Armed Forces have been charged with restoring peace and maintaining order in some of the most intractable conflicts around the globe.

Out of many service members, one individual I am proud to recognize is Army Staff Sgt. Travis Elliston. I am proud to say that he is a Montana native, from the town of Kalispell. Elliston is a squad leader with Company B, 3rd Battalion, 504th Infantry, 82nd Airborne Division from Fort Bragg, N.C.

During his time in Vrbovac, Kosovo, Elliston has shown the dedication and innovation required in today's military.

The quality of his work is reflected in his own words. In a February interview with Stars and Stripes Magazine, Elliston spoke about his work with Vrbovac's residents—many of whom are just now returning after fleeing their homes. Describing his work with town residents, Elliston said, ''I try to put a smile on their faces and give them hope that we will protect them.''

This protection has taken many forms. One Vrbovac resident told Stars and Stripes, ''Before Elliston came here, we locked all the doors. Now that [Elliston] is here we leave the doors open every night because we feel much more safe with him here.'' Elliston and the men and women serving with him have also been able to put an end to many killings, hijackings and kidnapings.

Elliston has also spearheaded measures to improve the quality of life in Kosovo. He has taken steps to facilitate the spread of news from the outside world to local residents and has even installed speed bumps to solve the problem of speeding vehicles.

These are but a few examples illustrating the dedication and innovation

of Elliston and those serving with him. It is these qualities upon which our nation depends.

The same Vrbovac resident said of Elliston, ''The people in Montana must be proud because he is a great man.'' I am here today to say that the people of Montana are proud. We are proud of Elliston, and we are also proud of all the other men and women who serve overseas. These sacrifice and dedication of these individuals must be recognized and I call on my colleagues in the Senate to do so.

Thank you Mr. President.●

BOY SCOUT EAGLE SCOUT AND GIRL SCOUT GOLD AWARD

● Mr. JEFFORDS. I rise today to recognize the young men and women of our great nation who have earned the honor of receiving the Boy Scout Eagle Scout Award and the Girl Scout Gold Award.

As a former Boy Scout, I have a great appreciation for the duties, obligations, and benefits that Scouting offers to boys and girls. Scouting helps to shape our nation's youth into proud and civic-minded adults. Recipients of the Eagle Scout and Gold Awards not only meet the challenges presented to them, but they surpass the expectations of their leaders and their peers.

In order to receive the highest honor, each Scout must design and execute a project that will benefit others in their community. Through initiatives such as teaching music to children, hosting an educational seminar, or building a neighborhood playground facility, the recipients display selfless commitment and integrity—qualities they will carry with them for the rest of their lives.

The contributions that these youth have made to their communities, and to our nation, are invaluable. Their hard work and devotion warrants great commendation. I am grateful for this opportunity to offer my appreciation and my congratulations to the recipients of the Boy Scout Eagle Scout Award and the Girl Scout Gold Award.●

COMMENDING THOMAS ALESSANDRO

● Mr. MOYNIHAN. Mr. President, I rise today to give praise and recognition to one of my fellow New Yorkers who has devoted his life to helping heal the wounds of crime. Thomas Alessandro recently received the Crime Victim Service Award from Attorney General Janet Reno. I rise today to echo that recognition and to briefly describe Mr. Alessandro's innovation and tireless work in this field.

The Crime Victim Service Award was given to Mr. Alessandro as part of the Justice Department's Office for Victims of Crime's 20th annual observance of National Crime Victims' Rights Week, held this year from April 9 to April 15. This week of observance enables communities across the country to recognize the millions of Americans who have felt the burdens of crime and those who have enabled them to navigate the difficult and often complex path to justice. This highlights the efforts of Mr. Alessandro and other outstanding individuals by drawing attention to their cause, and praising all citizens of the Nation who work toward this laudable ideal. As part of this week of recognition the Attorney General awarded the Crime Victim Service award to Mr. Alessandro, four other individuals, four organizations and two families. Mr. Alessandro was selected from 110 nominees for the award because of his outstanding progress and innovation in the field of crime victim service, the highest federal award for service to victims of crime. Mr. Alessandro is a shining example of how our law enforcement officials should protect justice and help victims of injustice seek healing.

Mr. Alessandro has dedicated the last 22 years of his life to the service of crime victims. One of his most astounding innovations was the development of the Victims Aid Services into a comprehensive program addressing the needs of all crime victims who come to the New York County District Attorney's Office. Additionally, Mr. Alessandro forged many public and private sector partnerships to strive toward the goal of justice. Among these partnerships and organizational enhancements, he established a counseling department and created a child victim specialist division. These additional tools allow the New York District Attorney's Office to protect the rights of victims not only in the form of conviction of criminals, but also in the form of healing the emotional scars of the victim especially the young victim. This second step is essential to making this society healthier and safer. The counseling staff is now made up of certified clinical social workers who provide individual and group therapy for victims. It is my honor to rise in recognition of this great man who actualizes this ideal.

In addition to counseling services, Mr. Alessandro has directed the development of new technology to increase the efficiency and availability of victim services, including protection order tracing and victim notification systems. He has forged partnerships with private sector organizations, including the AT&T Cell Phone Project, which, along with additional services, provides crime victims with 911 programmed cell phones for use in emergencies.

Mr. Alessandro's commitment to the needs of crime victims does not stop when he leaves the office. His tireless efforts continue into volunteer service. Beyond his professional role, Mr. Alessandro has been actively involved with numerous other state and local initiatives, such as the development of the New York city Victim Information and Notification System. For these accomplishments and innovations in this heroic field I rise to thank Thomas Alessandro and to draw this institution's attention to his outstanding work in this field.●

RECOGNITION OF THE 75TH ANNIVERSARY OF CENTRALIA COLLEGE

● Mr. GORTON. Mr. President, I take the floor today to honor one of the oldest and top community colleges in the great state of Washington. In honor, of their 75th Anniversary, I would like to say a few words about this fine academic institution.

Centralia College serves the citizens of Southcentral Washington, offering outstanding community service programs and a high quality of student life. Centralia College, however, extends beyond traditional instruction of its students and participates in the greater-Centralia community, providing residents with informative and interesting public lectures, art shows and cultural events. Clearly, Centralia College is an integral part of the surrounding community.

Students at Centralia College study a variety of disciplines from accounting and nursing to computer and forestry technology, receiving a well-rounded education that will prepare them for a bright and challenging future.

Furthermore, Centralia College offers students an international experience. Students have the opportunity to study in a number of foreign countries or learn from the many international students that attend Centralia College. I applaud Centralia College for its commitment to expanding its students' horizons and exposing them to new ideas and different ways of life.

The faculty at Centralia College are extremely dedicated to giving their students a balanced education and emphasize the importance of critical thinking skills, writing, oral and visual communication as well as fostering in their students a sense of resourcefulness and responsibility.

I believe that the faculty's continuous hard work and dedication to these goals has made their students successful and contributing citizens of Washington state. Education is more than merely memorizing facts and Centralia College teaches its students vital problem solving and communication skills that will lead our country in the new millennium and give them a solid foundation to help Washington state continue in its prosperity.

I wish Centralia College another successful 75 years. It is institutions like Centralia College that make Washington state one of the best places to live.●

A DRAFT OF PROPOSED LEGISLATION ENTITLED THE ''CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT OF 2000''—A MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit today for immediate consideration and prompt enactment the ''Consumer Product Safety Commission Enhanced Enforcement Act of 2000.'' This legislative proposal would increase the penalties that the Consumer Product Safety Commission (CPSC) could impose upon manufacturers, distributors, and retailers of consumer products who do not inform the CPSC when the company has reason to believe it has sold a product that does not meet Federal safety standards or could otherwise create a substantial product hazard. The proposal would also improve product recalls by enabling the CPSC to choose an alternative remedy in a recall if the CPSC finds that the remedy selected by the manufacturer is not in the public interest.

Under current consumer product safety laws, manufacturers, distributors, and retailers of consumer products are required to inform the CPSC whenever they have information that one of their products: (1) fails to comply with a CPSC product safety standard; (2) contains a defect that could create a substantial product hazard; or (3) creates an unreasonable risk of serious injury or death. After a company reports this information to the CPSC, the CPSC staff initiates an investigation in cooperation with the company. If the CPSC concludes that the product presents a substantial product hazard and that a recall is in the public interest, the CPSC staff will work with the company to conduct a product safety recall. The sooner the CPSC hears about a dangerous product, the sooner the CPSC can act to remove the product from store shelves and inform consumers about how to eliminate the hazard. That is why it is critical that companies inform the CPSC as soon as they are aware that one of their products may present a serious hazard to the public.

Unfortunately, in about half the cases involving the most significant hazards—where the product can cause death or serious injury—companies do not report to the CPSC. In those cases, the CPSC must get safety information from other sources, including its own investigators, consumers, or tragically, from hospital emergency room reports or death certificates. Sometimes years can pass before the CPSC learns of the product hazard, although the company may have been aware of it all along. During that time, deaths and injuries continue. Once the CPSC becomes aware of the hazard, many companies continue to be recalcitrant, and the CPSC staff must conduct its own independent investigation. This often includes finding and investigating product incidents and conducting extensive laboratory testing. This process can take a long time, which means that the most dangerous products remain on store shelves and in consumers' homes longer, placing children and families at continuing risk.

The Consumer Product Safety Commission can currently assess civil penalties against companies who fail to report a dangerous product. Criminal penalties are also available in particularly serious cases. In fact, in 1999, the CPSC assessed 10 times the amount of civil penalties assessed 10 years ago. But, even with this more vigorous enforcement, too many companies still do not report, especially in cases involving serious harm.

This legislative proposal would enhance the CPSC's civil and criminal enforcement authority. It would provide an added incentive for companies to comply with the law so that we can get dangerous products out of stores and consumers' homes more quickly.

My legislative proposal would also help to make some product recalls more effective by allowing the CPSC to choose an alternative remedy if the CPSC finds that the manufacturer's chosen remedy is not in the public interest. Under current law, a company with a defective product that is being recalled has the right to select the remedy to be offered to the public. My proposal would continue to permit the company to select the remedy in a product recall. My proposal would also, however, allow the CPSC to determine—after an opportunity for a hearing—that the remedy selected by the company is not in the public interest. The CPSC may then order the company to carry out an alternative program that is in the public interest.

The Consumer Product Safety Commission helps to keep America's children and families safe. This legislative proposal would help the CPSC be even more effective in protecting the public from dangerous products. I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 12, 2000.*

MESSAGE FROM THE HOUSE

At 12:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse.''

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 112. Concurrent resolution to make technical corrections in the enrollment of the bill H.R. 434.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1377) to designate the facility of the United States Postal Service located at 13234 South Baltimore Avenue in Chicago, Illinois, as the ''John J. Buchanan Post Office Building''.

The message also announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol grounds for the Great Washington Soap Box Derby.

The message further announced that the House has passed the following bills, in which it requests the concurrent of the Senate:

H.R. 3519. An act to provide negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic.

H.R. 3616. An act to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965, and for other purposes.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

H.R. 4251. An act to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight to nuclear transfers to North Korea, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrent of the Senate:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections.

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with regard to in-school personal safety education programs for children.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 434. An act to authorize a new trade and investment policy for sub-Sahara Africa, expend trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

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

MEASURES REFERRED

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

H.R. 3519. An act to provide for negotiations for the creation of a trust fund to be

administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic; to the Committee on Foreign Relations.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections, to the Committee on Foreign Relations.

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 Health, Education, Labor, and Pensions.

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3903. An act to deem the vessel M/V *Mist Cove* to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code; to the Committee on Commerce, Science, and Transportation.

H.R. 3439. An act to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 3616. An act to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8946. A communication from the Naval Nuclear Propulsion Program, transmitting reports on radiological waste disposal and environmental monitoring, worker radiation exposure, and occupational safety and health, and an overview of the Program; to the Committee on Armed Services.

EC–8947. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Italy, Sweden, Norway, Germany, Australia and the United Arab Emirates; to the Committee on Foreign Relations.

EC–8948. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, a semi-annual report on progress toward regional nuclear non-proliferation in South Asia, for the period October 1, 1999, to March 31, 2000; to the Committee on Foreign Relations.

EC–8949. A communication from the Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1999, through March 31, 2000; to the Committee on Governmental Affairs.

EC–8950. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period October 1, 1999 through March 31, 2000; ordered to lie on the table.

EC–8951. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report relative to the Advanced Threat Infrared Countermeasure/Common Missile Warning System defense acquisition program; to the Committee on Armed Services.

EC–8952. A communication from the Federal Mediation and Conciliation Service, transmitting, a copy of the unqualified opinion it received as a result of the audit performed in compliance with the Chief Financial Officers' Act of 1990; to the Committee on Governmental Affairs.

EC–8953. A communication from the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of an interim final rule entitled ''Indian Reservation Road Bridge Program'' (RIN2125–AE57), received May 11, 2000; to the Committee on Indian Affairs.

EC–8954. A communication from the Federal Election Commission transmitting, pursuant to law, the report of a final rule entitled ''Administrative Fines'', received May 15, 2000; to the Committee on Rules and Administration.

EC–8955. 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 final rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, Sanitizers'' (Docket No. 99F–1910), received May 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8956. 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 final rule entitled ''Indirect Food Additives: Polymers'' (Docket No. 98F–1019), received May 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8957. 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 final rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, Sanitizers'' (Docket No. 99F–5111), received May 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

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

POM–517. A resolution adopted by the Executive Board of the Washington State Labor Council, AFL–CIO in opposition to breaching of the Snake River and Columbia River dams; to the Committee on Environment and Public Works.

POM–518. A resolution adopted by the legislature of the State of Alaska relative to S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible exploration, development, and production of its oil and gas resources; to the Committee on Energy and Natural Resources.

LEGISLATIVE RESOLVE NO. 38

Whereas, in 1973, during the Arab oil embargo, the United States was 36 percent dependent on foreign supplies, while today the United States relies on imports to supply over 56 percent of its energy consumption; and

Whereas, in the last eight years, the nation's demand for petroleum products has grown by 14 percent while domestic production was declined by 17 percent; and

Whereas, by 2020, the United States expects to be 64 percent dependent on other countries to fuel its industry, transportation, and homes; and

Whereas United States consumers are paying the price, with home heating oil costs in the Northeastern states surpassing 41.70 a gallon, while gasoline prices have climbed to $2 a gallon for mid-range gasoline in California; and

Whereas some airplane passengers are currently paying a $20 fuel surcharge on tickets; and

Whereas the nation's growing reliance on foreign oil is strengthening the aggressive pricing policies of the Organization of the Petroleum Exporting Countries (OPEC); and

Whereas the United States is currently receiving 44 percent of its imported oil from OPEC countries, including 1,400,000 barrels a day from Saudi Arabia and 700,000 barrels a day from Iraq; and

Whereas Iraq has emerged as the fastest growing source of United States oil imports; and

Whereas Iraq has emerged as the fastest growing source of United States oil imports; and

Whereas the United States is spending $300,000,000 a day on foreign oil, accounting for one-third of the entire trade deficit; and

Whereas the United States Secretary of Energy recently visited the OPEC countries of Venezuela, Saudi Arabia, and Kuwait and non-OPEC member Mexico to urge increased production, but did not visit Alaska; and

Whereas it will take 10,000 dockings of foreign supertankers carrying 500,000 barrels of oil each to provide 65 percent of the nation's oil needs in 2020; and

Whereas, if the United States is going to reduce its dependence on foreign oil, it must look toward domestic sources, including Alaska's Arctic; and

Whereas federal legislation has been introduced by Senator Murkowski calling for the opening of the 1,500,000-acre coastal plain of the Arctic National Wildlife Refuge to environmentally sound exploration, development, and production of oil and gas resources; and

Whereas the coastal plain is America's best possibility for the discovery of another giant, Prudhoe Bay-sized oil and gas discovery in North America; and

Whereas, in 1998, a three-year study by the United States Geological Survey estimated the recoverable oil potential of the coastal plain to be as high as 16,000,000,000 barrels of oil, which could replace Saudi oil imports to the United States for 30 years; and

Whereas the vast majority of Alaskans, including the Native residents of Kaktovik,

the only community located in the Arctic National Wildlife Refuge, supports coastal plain development; and

Whereas the state will ensure the continued health and productivity of the Porcupine Caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge; and

Whereas coastal plain development could provide hundreds of thousands of jobs and billions of dollars in government revenue, and could contribute billions of dollars to the nation's economy; and

Whereas many national groups may argue against the development of the Arctic National Wildlife Refuge gas reserves because there is no vehicle to bring the gas to market; be it

Resolved, That the Alaska Legislature supports Alaska's role in providing this nation with a major portion of its domestic oil and encourages the United States Congress to pass S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible exploration, development, and production of its oil and gas resources; and be it further

Resolved, That oil exploration and development activity be conducted in a manner that protects the wildlife and the environment and utilizes the state's work force to the maximum extent possible; and be it further

Resolved, That the Alaska Legislature opposes any efforts to declare the coastal plain a national monument; and be it further

Resolved, That the Alaska Legislature urges the current leaseholders on the North Slope to make every effort to promptly build a natural gas pipeline to bring Alaska's natural gas to market and thereby avoiding resistance by national organizations that the gas resources in the Alaska National Wildlife Refuge would be stranded.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Bruce Babbitt, United States Secretary of the Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all other members of the U.S. Senate and the U.S. House of Representatives serving in the 106th United States Congress.

POM–519. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to extending Medicare to prescription drugs for the elderly and disabled; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 73

Whereas, outpatient prescription drugs, which are not covered under Medicare, are a substantial out-of-pocket burden for many Medicare beneficiaries, as over one-third of beneficiaries have no coverage for prescription drugs; and

Whereas, it has been argued that because roughly two-thirds of beneficiaries have some type of drug coverage from other sources, a Medicare drug benefit for all beneficiaries is not necessary; and

Whereas, however, recent research has identified many gaps in private drug coverage and the degree of protection it affords; and

Whereas, the Prescription Drug Fairness for Seniors Act (Act) (H.R. 664/S. 731) would allow 39,000,000 Medicare beneficiaries to buy prescription drugs at up to forty percent of current retail prices; and

Whereas, as of February 10, 2000, 138 House congressional members and 12 Senate congressional members have co-sponsored the Act, making it the most broadly supported drug reform bill in Congress; and

Whereas, this legislation would end price discrimination among prescription drug makers against the elderly and disabled on Medicare who have no or inadequate prescription drug insurance coverage; and

Whereas, a number of states have state-funded programs, separate from Medicare, to assist elderly and disabled individuals to purchase prescription drugs, however, Hawaii is not among these states; now, therefore, be it

Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, the House of Representatives concurring, That the United States Congress is urged to support legislation to extend Medicare benefits to include prescription drug coverage for the elderly and disabled; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the Senate of the United States Senate, the Speaker of the United States House of Representatives, each member of Hawaii's Congressional Delegation, the State Director of Health, and the State Director of Human Services.

POM–520. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to extending Medicare to prescription drugs for the elderly and disabled; to the Committee on Finance.

SENATE RESOLUTION NO. 28

Whereas, outpatient prescription drugs, which are not covered under Medicare, are a substantial out-of-pocket burden for many Medicare beneficiaries, as over one-third of beneficiaries have no coverage for prescription drugs; and

Whereas, it has been argued that because roughly two-thirds of beneficiaries have some type of drug coverage from other sources, a Medicare drug benefit for all beneficiaries is not necessary; and

Whereas, however, recent research has identified many gaps in private drug coverage and the degree of protection it affords; and

Whereas, the Prescription Drug Fairness for Seniors Act (Act) (H.R. 664/S. 731) would allow 39,000,000 Medicare beneficiaries to buy prescription drugs at up to forty percent of current retail prices; and

Whereas, as of February 10, 2000, 138 House congressional members and 12 Senate congressional members have co-sponsored the Act, making it the most broadly supported drug reform bill in Congress; and

Whereas, this legislation would end price discrimination among prescription drug makers against the elderly and disabled on Medicare who have no or inadequate prescription drug insurance coverage; and

Whereas, a number of states have state-funded programs, separate from Medicare, to assist elderly and disabled individuals to purchase prescription drugs, however, Hawaii is not among these states; now, therefore, be it

Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, That the United States Congress is urged to support legislation to extend Medicare benefits to include prescription drug coverage for the elderly and disabled; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the Senate of the United States Senate, the Speaker of the United States House of Representatives, each member of Hawaii's Congressional Delegation, the State Director of Health, and the State Director of Human Services.

POM–521. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to voluntary, individual, unorganized, and non-mandatory prayer in public schools; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 158

Whereas, the United States of America was founded by men and women with varied religious beliefs and ideals; and

Whereas, The First Amendment to the United States Constitution states that ''Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof . . .,'' which means that the government is prohibited from establishing a state religion. However, no barriers shall be created against the practice of any religion; and

Whereas, The establishment clause of the First Amendment was not drafted to protect Americans from religion, rather, its purpose was clearly to protect Americans from government mandates with respect to religion; and

Whereas, The Michigan Legislature strongly believe that reaffirming a right to voluntary, individual, unorganized, and non-mandated prayer in public schools is an important element of religious choice guaranteed by the Constitution, and will reaffirm those religious rights and beliefs upon which the nation was founded; now, therefore, be it

Resolved by the Senate, That the members of this legislative body memorialize the Congress of the United States to strongly support voluntary, individual, unorganized, and non-mandatory prayer in the public schools of this nation; and be it further.

Revolved. That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with a amendment in the nature of a substitute:

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 (Rept. No. 106–295).

By Mr. Smith, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 707: A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

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. LOTT (for himself, Mr. MURKOWSKI, and Mr. VOINOVICH):

S. 2557. A bill to protect the Energy Security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes; read the first time.

By Mr. BIDEN:

S. 2558. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2559. A bill for the relief of Vijai Rajan; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2560. A bill to reduce temporarily the duty on Mesamoll; to the Committee on Finance.

By Mr. THURMOND:

S. 2561. A bill to reduce temporarily the duty on Vulkalent E/C; to the Committee on Finance.

By Mr. THURMOND:

S. 2562. A bill to reduce temporarily the duty on Baytron M; to the Committee on Finance.

By Mr. THURMOND:

S. 2563. A bill to reduce temporarily the duty on Baytron C–R; to the Committee on Finance.

By Ms. SNOWE:

S. 2564. A bill to provide tax incentives for the construction of seagoing cruise ships in United States shipyards, and to facilitate the development of a United States-flag, United States-built cruise industry, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2565. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. FRIST (for himself and Mr. MCCAIN):

S. 2566. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Secretary of Health and Human Services the authority to regulate tobacco products, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

By Mrs. BOXER:

S. 2567. 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; read the first time.

By Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. KERRY, and Mr. WELLSTONE):

S. 2568. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. KERRY, Mr. CAMPBELL, Mr. MURKOWSKI, Mr. STEVENS, Mr. DASCHLE, and Mr. BAUCUS):

S. 2569. A bill to ensure and enhance participation in the HUBZone program by small business concerns in Native America, to expand eligibility for certain small businesses on a trial basis, and for other purposes; to the Committee on Small Business.

By Mr. FRIST (for himself, Mr. THOMPSON, and Mr. COCHRAN):

S. 2570. A bill to provide for the fair and equitable treatment of the Tennessee Valley Authority and its ratepayers in the event of restructuring of the electric utility industry; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 2571. A bill to provide for the liquidation or reliquidation of certain entries of athletic shoes; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. BREAUX, Mr. ENZI, Mr. GRAMS, and Mrs. LINCOLN):

S. 2572. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. MCCONNELL, Mr. LOTT, Mrs. BOXER, Mr. FEINGOLD, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. HELMS, Mr. LUGAR, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. WELLSTONE, and Mr. SARBANES):

S. Con. Res. 113. A concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2559. A bill for the relief of Vijai Rajan; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION GRANTING UNITED STATES CITIZENSHIP TO VIJAI RAJAN

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce legislation today to grant United States citizenship to Vijai Rajan. Ms. Rajan is a twenty-four year old permanent resident from India whose naturalization application was denied because of physical disabilities that make it impossible for her to take the oath of allegiance.

Ms. Rajan has lived in the United States since she was four months old. Her sister, Inbhu, was born in Cincinnati and is an American citizen by right of her birth in the United States. Her father Sunder Rajan became a naturalized citizen in 1980. But Ms. Rajan's mother Shakunthala, was not naturalized until 1994, just after Vijai's 18th birthday. If both parents had become citizens before Rajan turned 18, she would have automatically qualified for citizenship.

Unfortunately, due to this peculiar circumstance, the law now requires that Ms. Rajan undergo the rigors of the regular naturalization process, including taking the oath of allegiance, before she can become a United States citizen.

An anomaly in the law has resulted in Ms. Rajan being left out of her family's American dream, for no other reason than because her physical disabilities prevent her from taking the oath of allegiance. Ms. Rajan suffers from cerebral palsy, muscular dystrophy, seizures, and Crohn's disease.

American citizenship is the most visible sign of one's attachment to the United States. The naturalization process, including the oath of allegiance, should be credible, and it must be accorded the formality and ceremony appropriate to its importance. I would not support any steps that would detract from the meaningfulness, solemnity, and dignity of this time-honored tradition.

In 1952, when Congress codified the requirements for becoming an American citizen, it required that the oath contain five elements: (1) support for the Constitution; (2) renunciation of prior allegiance; (3) defense of the Constitution against all enemies; (4) true faith and allegiance; and (5) a commitment to bear arms or perform noncombatant service when required.

I believe these principles should remain intact. But I also believe that we should carry out these ideals with compassion and sufficient flexibility that persons who are so severely disabled, like Ms. Rajan, are not automatically disqualified from becoming U.S. citizens.

I believe the case of Vijai Rajan is compelling and warrants Congress' immediate consideration. Moreover, I am aware that there are other cases in which a physical disability has prevented an otherwise qualified person from becoming an American citizen. I intend to work to enact legislation that will give the Attorney General the discretion to act on such compelling cases without having to resort to a private act of Congress.

In the meantime, I urge my colleagues to support this private legislation on behalf of Vijai Rajan.

By Mr. THURMOND:

S. 2560. A bill to reduce temporarily the duty on Mesamoll; to the Committee on Finance.

S. 2561. A bill to reduce temporarily the duty on Vulkalent E/C; to the Committee on Finance.

S. 2562. A bill to reduce temporarily the duty on Baytron M; to the Committee on Finance.

S. 2563. A bill to reduce temporarily the duty on Baytron C–R; to the Committee on Finance.

LEGISLATION TO SUSPEND THE DUTY ON CERTAIN CHEMICALS USED IN THE MANUFACTURING INDUSTRY

Mr. THURMOND. Mr. President, I rise today to introduce four bills which will suspend the duties imposed on certain chemicals that are important components in a wide array of applications. Currently, these chemicals are imported for use in the United States because there are no known American producers or readily available substitutes. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

These bills would temporarily suspend the duty on the following:

Mesamoll (alkyl sulfonic acid ester of phenol);

Vulkalent E/C (N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide with calcium carbonate and mineral oil);

Baytron M (3,4 ethylenedioxythiophene); and

Baytron C-R (iron(III) toluenesulfonate).

These chemicals are used in the manufacturing of a number of products including, but not limited to, solvents, PVC coated fabric, medical apparatus, rubber products for automobile hoses, circuit boards, and other electronic goods.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these duty suspensions will allow U.S. manufacturers to maintain or improve their ability to compete internationally. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2560

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

SECTION 1. REDUCTION OF DUTY ON MESAMOLL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.38.14	A certain Alkylsulfonic Acid Ester of Phenol (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2561

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

SECTION 1. REDUCTION OF DUTY ON VULKALENT E/C.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.38.30	A mixture of N-Phenyl-N-((trichloromethyl)thio)-Benzenesulfonamide; calcium carbonate; and mineral oil (the foregoing provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003.	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2562

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

SECTION 1. REDUCTION OF DUTY ON BAYTRON M.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.29.34	A certain 3,4-ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003.	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2563

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

SECTION 1. REDUCTION OF DUTY ON BAYTRON C-R.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.38.15	A certain catalytic preparation based on Iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003.	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Ms. SNOWE:

S. 2564. A bill to provide tax incentives for the construction of seagoing cruise ships in United States shipyards, and to facilitate the development of a United States-flag, United States-built cruise industry, and for other purposes; to the Committee on Finance.

ALL AMERICAN CRUISE ACT OF 2000

Ms. SNOWE. Mr. President, I rise to introduce legislation designed to promote growth in the domestic cruise ship industry and at the same time enable U.S. shipyards to compete for cruise ship orders. The legislation would require that at least two U.S.-built ships be ordered for each foreign-built ship permitted to operate in the U.S. market, and provide tax incentives for U.S. cruise ship construction and operation.

Current law prohibits non-U.S. vessels from carrying passengers between U.S. ports. As such, today's domestic cruise market is very limited. The cruise industry consists predominantly of foreign vessels which must sail to and from foreign ports. The vast majority of cruise passengers are Americans, but most of the revenues now go to foreign destinations. That is because the high cost of building and operating U.S.-flag cruise ships and competition from modern, foreign-flag cruise ships have deterred growth in the domestic cruise ship trade.

By some estimates, a single port call by a cruise vessel generates between $300,000 and $500,000 in economic benefits. This is a very lucrative market, and I would like to see U.S. companies and American workers benefit from this untapped potential. However, domestic ship builders and cruise operations face a very difficult, up-hill battle against unfair competition from foreign cruise lines and foreign shipyards. Foreign cruise lines, for example, pay no corporate income tax. Nor are they held to the same demanding ship construction and operating standards imposed on U.S.-flag vessel operators. Foreign cruise lines are also free from the need to comply with many U.S. labor and environmental protection laws, and U.S. health, safety, and sanitation laws do not apply to the foreign ships.

The legislation I am introducing today is designed to level the playing field between the U.S. cruise industry and the international cruise industry. It requires that at least two U.S.-built ships be ordered for each foreign-built ship permitted to operate on a temporary basis in the U.S. market, and provide tax incentive for U.S. cruise ship construction and operation. For example, it provides that a shipyard will pay taxes on the construction or overhaul of a cruise ship of 20,000 gross tons or greater only after the delivery of the ship.

Under my bill, a U.S. company operating a cruise ship of 20,000 grt and greater may depreciate that vessel over a five-year period rather than the current 10-year depreciation period. The bill would also repeal the $2,500 business tax deduction limit for a convention on a cruise ship to provide a tax deduction limit equal to that provided to conventions held at shore-side hotels. The measure would authorize a 20-percent tax credit for fuel operating costs associated with environmentally clean gas turbine engines manufactured in the U.S., and also allows use of investment of Capital Construction Funds to include not only the non-contiguous trades, but also the domestic point-to-point trades and ''cruise to nowhere.''

Finally, the bill provides that a foreign-built ship may be brought into the U.S. trades only after the owner or buyer of such vessel has entered into a binding contract for the construction of at least two cruise ships of equal or greater size in the U.S. The interim foreign-built ship must be documented in the U.S. The contract must require that the first ship constructed in the U.S. be delivered no later than four years from the date of entering the binding contract with the delivery of a second ship within five years, and that the foreign-built ship must exit the U.S. trade within 12 months of the delivery of the last ship, provided there is no longer than a 24-month elapse between delivery of second and subsequent ships, should the contract provide for construction of more than two ships.

Mr. President. I truly believe that this legislation would jumpstart the domestic cruise trade, benefit U.S. workers and companies, and promote economic growth in our ports. I strongly urge my colleagues to join me in a strong show of support for this legislation.

By Mr. FRIST (for himself and Mr. MCCAIN):

S. 2566. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Secretary of Health and Human Services the authority to regulate tobacco products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL YOUTH SMOKING REDUCTION ACT

Mr. FRIST. Mr. President, I rise today to introduce the National Youth Smoking Reduction Act, along with my colleague, Senator MCCAIN. The purpose of this bill is to diminish the number of children who start to smoke or use other tobacco products, while at the same time trying to reduce the risk such products pose to adults who make the ill-advised—but legal—choice to use these products.

Mr. President, each day, more than 3,000 kids become regular smokers. That's about one million per year. Currently more than 4 million children 12 to 17 years old smoke. Sadly, more than 5 million children alive today will die prematurely from smoking-related illnesses, unless current trends are reversed.

Adults almost always start smoking as children. According to a 1994 Surgeon General report, nearly 90 percent of adults who smoke took his or her first puff at or before the age of 18. Moreover, youth smoking is on the rise! The Centers for Disease Control and Prevention have determined that smoking rates for students in grades 9 through 12 increased from 27.5 percent in 1991 to 36.4 percent in 1997. In my own state of Tennessee, 38 percent of all high school students smoke compared to just 26 percent of Tennessee adults.

Mr. President, we should all be alarmed by these statistics. Before my election to the United States Senate, I was a heart and lung transplant surgeon. I have held hundreds and hundreds of lungs in my hands that were ravaged by years of smoking. I've performed hundreds of coronary artery bypass heart operations to repair damage accelerated by smoking. When you've seen the damage that cigarettes can cause to the human body, it is a powerful motive to find a way to try to prevent children from ever starting the habit. After all, as the statistics suggest, if you keep a child from smoking, he'll probably never start as an adult.

Many factors account for a child's decision to smoke. One concerns the easy access of tobacco products to our nation's youth. For too long, cigarettes have been readily available to those who are too young to purchase them legally, whether through vending machines or by pilfering them from self-service displays.

Another heavily-researched factor is the role that advertising has in stimulating children to smoke. According to a 1995 study published in the Journal of the National Cancer Institute, teens are more likely to be influenced to smoke by cigarette advertising than they are by peer pressure. In 1994 the CDC determined that 86 percent of children who smoke prefer Marlboro, Camel and Newport—the three most heavily advertised brands—compared to only about one-third of adult smokers. When advertising for the ''Joe Camel'' campaign jumped from $27 million to $43 million, between 1989 and 1993, Camel's share among youth increased by more than 50 percent, while its adult market share did not change at all.

There have been efforts made during the last decade to curb and eliminate children smoking. In 1996, the Food and Drug Administration promulgated a rule which would have reduced youth

access to tobacco by banning most cigarette vending machines and requiring that retailers verify the age of all over the counter sales. The rule would also address advertising to children by restricting advertising within 1,000 feet of schools and playgrounds, restricting outdoor ads and ads in publication with a significant teen readership to black and white text only.

The rule was controversial, particularly some of the advertising restrictions. It was made even more controversial by the fact that many in Congress did not believe that FDA had ever been given the authority to regulate tobacco.

During the 105th Congress, Senator MCCAIN introduced S. 1415, the tobacco settlement bill, which was a comprehensive response to the landmark tobacco settlement of 1997. As part of that bill, I drafted provisions which set up a framework for the FDA to regulate tobacco. The tobacco settlement bill did not pass the Senate, which killed my effort during the 105th Congress to have FDA regulate tobacco in an attempt to keep the product away from children.

Thus, Congress has never delegated to the FDA the authority to regulate tobacco. On March 21, 2000, the U.S. Supreme Court ruled that FDA lacked any authority to regulate tobacco products. It was obvious to the Court that Congress never intended for the FDA to treat tobacco products as drugs subject to regulation under the Federal Food, Drug and Cosmetic Act.

The National Youth Smoking Reduction Act, which we introduce today, would for the first time give the FDA authority to regulate tobacco.

This authority would not flow from treating nicotine as a drug and tobacco products as drug delivery devices. That's what the FDA has already tried to do, by trying to force tobacco products under Chapter 5 of the existing Act. To me, this is like taking a square peg and trying to put it in a round hole; it just doesn't fit. Chapter 5 calls on the Secretary to determine whether the regulatory actions taken will provide reasonable assurance of the ''safety and effectiveness'' of the drug or the device. Well, clearly, tobacco is neither safe nor effective, as those terms are understood in the Act. We know that tobacco kills. That has clearly been demonstrated over the last 35 years. You can talk about the effectiveness of a pacemaker or a heart valve or an artificial heart; you can talk about those devices as being safe and effective. You really cannot apply that standard to tobacco. Therefore, instead of taking tobacco and ramming it through the drug and device provisions, I felt it was important to look at the unique nature of tobacco, and regulate it under a new chapter, which we designate as Chapter 9. This gives FDA the flexibility to create a new standard that was appropriate for tobacco products.

Chapter 9 requires manufacturers to submit to the FDA information about the ingredients, components and substances in their products. It empowers the FDA to set performance standards for tobacco products, by which FDA can try to reduce the risk posed by these products. It gives FDA the power to regulate the sale, distribution, access to, and advertising of tobacco products to try to prevent children from smoking. It also gives the FDA the power to revise and improve the warning labels contained on tobacco product packages and advertising. Last, it gives FDA the power to encourage tobacco manufacturers—who probably know more about the products than even FDA's scientists—to develop and market ''reduced risk'' products for adults who are regular users of tobacco.

In short, our bill represents a powerful, initial grant of authority to the FDA to regulate tobacco.

We think the bill, as a whole, strikes a fair balance between the need to promote the public health and the recognition that adults may legally choose to smoke. I very strongly believe that, should Congress act to give FDA authority to regulate tobacco products, this legislation will be the template.

Six years ago, I was saving lives as a heart and lung surgeon. I saw the ravages of tobacco in the operating room. The people of Tennessee elected me to use common sense to advance the public good. I submit that crafting a comprehensive approach to keep children from smoking is a chance for the Senate to save lives through the exercise of common sense.

Mr. MCCAIN. Mr. President, I am pleased to co-sponsor this important legislation aimed at reducing youth smoking. This legislation addresses the void in federal regulatory authority over tobacco left by the recent Supreme Court ruling that FDA has no current power to regulate tobacco products.

Dr. FRIST provided excellent guidance and leadership on FDA authority in 1998. In this legislation he is continuing that role by proposing legislation which I believe can gain support of enough of our colleagues to actually make this the law. Right now FDA has no authority whatsoever. While I supported the even more stringent measures proposed in 1998, I concur with Senator FRIST that our chief responsibility this year is to pass legislation which will actually result in reductions in the number of kids smoking. We should pass this legislation and see results, not simply talk for several more years about how much more we would like to do.

The statistics on youth smoking are clear and alarming: 3000 kids start smoking every day; 1000 of them will die early from smoking related disease; and one of three adolescents is using tobacco by age 18.

We're not talking about kids who sneak a cigarette out of their mother's purse. According to a Surgeon General's report 71 percent of youth smokers use tobacco daily, but 90 percent of lifetime smokers take up the habit before the age of 18—the legal age to buy tobacco products in every state in the union—so if we can limit the number of kids smoking, we will eventually decrease the number of adults smoking.

Specifically, what the legislation will do is:

1. FDA will oversee ingredients in tobacco products to ensure that they are adulterated with ''putrid'' or ''poisonous substances,'' and may regulate the manufacturing process to require the sanitary conditions one would normally expect in dealing with agricultural products.

2. It includes the very stringent and specific warning labeling requirements from the 1998 legislation. FDA will have the authority to revise and enforce labeling requirements, and to ensure that tobacco products are not misbranded or misrepresented to the public.

3. FDA will serve as the clearinghouse for information about tobacco products, the ingredients used by manufacturers, and will approve new products and formulas to ensure that they protect public health.

4. FDA will have the authority to establish advertising and access limitations designed to ensure that kids are not the target of marketing by tobacco companies, and to prevent kids from easily shoplifting or buying cigarettes.

5. It provides a mechanism for lower risk tobacco products to be tested, reviewed and approved.

6. It allows FDA to regulate tobacco products and nicotine to decrease the harm caused by them as much as feasible.

What the legislation does not do is permit FDA to ban tobacco products directly, or indirectly. That authority remains with Congress. There are an estimated 40–50 million smokers in this country, and it is neither practical nor in the public interest to vest that authority with a federal agency which is unaccountable to the public at large. We do not gain by driving current smokers to black markets. It is better to regulate tobacco products to prevent them from becoming worse and to focus on decreasing the number of kids who take up smoking or using chewing tobacco.

The legislation also does not raise prices—it does not raise taxes. No new government programs or agencies are created. No liability issues are addressed. This is simple and straightforward legislation to give the FDA authority to regulate tobacco products and to promulgate regulations to prevent advertising, marketing and access for kids.

The legislation does not permit a broad ban or control over advertising.

Instead, it vests authority with FDA to regulate advertising aimed at kids. This limitation allows FDA sufficient authority to address Joe Camel type advertising, while providing the best opportunity for success against constitutional challenges.

While I strongly advocate against kids smoking, I recognize that it is the right of an adult to make a stupid choice—to smoke—knowing of the consequences. This legislation protects that right. It provides a delicate balance between protecting a person from himself, and letting each individual make individual choices, and suffer the consequences of those choices.

This legislation will draw attacks from both sides—from those who think the bill is too stringent, and from those who think the legislation does not go far enough. I say to my friends on both sides, this is a reasonable and practical solution to a serious problem. I urge an end to the posturing and a dedication to making sure that we do not leave this session without providing FDA with some authority over tobacco products. I pledge to both sides that I will work with them to refine the language, to address their legitimate concerns. But, we will have gained nothing if we allow this to become the political football that it became two years ago.

Make no mistake, this is not perfect legislation. I would like to do more. But I think it is more important to move forward with this very good proposal than to wait for some distant time, if ever, when we can pass a perfect bill.

This legislation is a major step in the right direction. I think we can get enough support to pass it. I support its early consideration and action.

By Mrs. BOXER.

S. 2567. 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; read the first time.

CONSERVATION AND REINVESTMENT ACT

Mrs. BOXER. Mr. President, earlier today, I introduced in the Senate a bill that passed the House of Representatives on Thursday, May 11—the Conservation and Reinvestment Act of 2000. I introduced the bill and asked that it be put on the Senate calendar for one simple reason. I believe that the fastest way to pass legislation to protect our national lands legacy is to take up where the House left off last week.

I know that the Energy and Natural Resources Committee has been trying for many months to get a lands legacy bill, and I commend the efforts of Senator BINGAMAN, Senator LANDRIEU and others. But I am also aware of the great differences of opinion on the Committee. I personally support the Bingaman bill, which is similar to legislation I introduced last year, the Resources 2000 Act. Some Senators support the Landrieu bill. Others oppose both approaches.

Thus, it may not be possible to get a strong bill out of the Energy Committee this year. And, Mr. President, we are running out of time. There are probable fewer than 60 working days left in the 106th Congress. So that is why I have asked that the House bill be placed on the Senate calendar, so that at any time the Majority Leader can take it up and place it before the Senate.

The House bill isn't perfect. I would like to see further changes. But it would be a good start for the Senate. We must not let this session of Congress end without passing this critical legislation to protect our natural heritage.

By Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. KERRY, and Mr. WELLSTONE):

S. 2568. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

YOUTH SMOKING PREVENTION AND PUBLIC HEALTH PROTECTION ACT

Mr. KENNEDY. Mr. President, today, I am introducing legislation to give the Food and Drug Administration board authority to regulate tobacco products for protection of the public health. With the recent 5 to 4 decision by the Supreme Court rejecting FDA's claim that it had authority to regulate tobacco products under current law, it is now essential for Congress to act. We cannot in good conscience allow the federal agency most responsible for protecting the public health to remain powerless to deal with the enormous risk of tobacco, the most deadly of all consumer products.

The provisions in this bill are identical to those in the bipartisan compromise reached during Senate consideration of comprehensive tobacco control legislation in 1998. Fifty eight Senators supported it at that time. That legislation was never enacted because of disputes over tobacco taxation and litigation, not over FDA authority.

This FDA provision is a fair and balanced approach to FDA regulation. It creates a new section in FDA jurisdiction for the regulation of tobacco products, with standards that allow for consideration of the unique issues raised by tobacco use. It is sensitive to the concerns of tobacco farmers, small businesses, and nicotine-dependent smokers. But, it clearly gives FDA the authority it needs in order to prevent youth smoking and to reduce addiction to this highly lethal product.

I had hoped to be introducing this bill with the same bipartisan support we had for this FDA provision in 1998. Unfortunately, we have not been able to reach agreement. I believe the changes in the 1998 language now being proposed by Republicans will undermine the FDA's ability to deal effectively with the enormous health risks posed by smoking. This concern is shared by a number of independent public health experts who have reviewed the proposed Republican changes and by the FDA officials who would be responsible for administering the law. The bipartisan compromise agreed to in 1998 is still the best opportunity for Senators to come together and grant FDA the regulatory authority it needs to substantially reduce the number of children who start smoking and to help addicted smokers quit. Nothing less will do the job.

The stakes are vast. Three thousand children begin smiling every day. A thousand of them will die prematurely from tobacco-induced diseases. Smoking is the number one preventable cause of death in the nation today. Cigarettes kill well over four hundred thousand Americans each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, suicide, and fires combined. Our response to a public health problem of this magnitude must consist of more than half-way measures.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends five billion dollars a year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that more than 90% of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies' own words, the magnitude of the industry's efforts to trap children into dependency on their deadly product. Recent studies by the Institute of medicine and the Centers for Disease Control show the substantial role of industry advertising in decisions by young people to use tobacco products. If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation

will give FDA the ability to stop tobacco advertising which glamorizes smoking from appearing in publications likely to be read by significant numbers of children.

FDA authority must also extend to the sale of tobacco products. Nearly every state makes it illegal to sell cigarettes to children under 18, but surveys show that those laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. This means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rulemaking proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the Agency promulgated rules on the manner in which cigarettes are advertised and sold. Due to litigation, most of those regulations were never implemented. If we are serious about curbing youth smoking as much as possible, as soon as possible; it makes no sense to require FDA to reinvent the wheel by conducting a new multi-year rulemaking process on the same issues. This legislation will give the youth access and advertising restrictions already developed by FDA the immediate force of law, as if they had been issued under the new statute.

The legislation also provides for stronger warnings on all cigarette and smokeless tobacco packages, and in all print advertisements. These warnings will be more explicit in their description of the medical problems which can result from tobacco use. The FDA is given the authority to change the text of these warning labels periodically, to keep their impact strong.

Nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, tobacco companies have vehemently denied the addictiveness of their products. No one can forget the parade of tobacco executives who testified under oath before Congress as recently as 1994 that smoking cigarettes is not addictive. Overwhelming evidence in industry documents obtained through the discovery process proves that the companies not only knew of this addictiveness for decades, but actually relied on it as the basis for their marketing strategy. As we now know, cigarette manufacturers chemically manipulated the nicotine in their products to make it even more addictive.

The tobacco industry has a long, dishonorable history of providing misleading information about the health consequences of smoking. These companies have repeatedly sought to characterize their products as far less hazardous than they are. They made minor innovations in product design seem far more significant for the health of the user than they actually were. It is essential that FDA have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

Given the addictiveness of tobacco products, it is essential that the FDA regulate them for the protection of the public health. Over forty million Americans are currently addicted to cigarettes. No responsible public health official believes that cigarettes should be banned. A ban would leave forty million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous ingredients from cigarettes, to the extent that it becomes scientifically feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as ''reduced risk'' cigarettes. This legislation will require manufacturers to submit such ''reduced risk'' products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety.

Smoking is the number one preventable cause of death in America. Congress must vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively.

This legislation will give the FDA the legal authority it needs to reduce youth smoking by preventing tobacco advertising which targets children—to prevent the sale of tobacco products to minors—to help smokers overcome their addiction—to make tobacco products less toxic for those who continue to use them—and to prevent the tobacco industry from misleading the public about the dangers of smoking.

The 1998 compromise we reached in the Senate is still the right answer. We cannot allow the tobacco industry to stop us from doing what we know is right for America's children. I intend to do all I can to see that Congress enacts this legislation this year. The public health demands it.

By Mr. BOND (for himself, Mr. KERRY, Mr. CAMPBELL, Mr. MURKOWSKI, Mr. STEVENS, Mr. DASCHLE, and Mr. BAUCUS):

S. 2569. A bill to ensure and enhance participation in the HUBZone program by small business concerns in Native America, to expand eligibility for certain small businesses on a trial basis, and for other purposes; to the Committee on Small Business.

HUBZONES IN NATIVE AMERICA ACT OF 2000

• Mr. BOND. Mr. President, the bill I am introducing today with Senators KERRY, CAMPBELL, MURKOWSKI, STEVENS, DASCHLE, and BAUCUS will expand economic opportunity in some of the most stubborn areas of poverty and unemployment in the entire country. It will do so by expanding the HUBZone program to ensure that Indian Tribal enterprises and Alaska Native Corporations are eligible to participate.

The HUBZone program, enacted in 1997, directs a portion of Federal contracting dollars into areas of the country that have been out of the economic mainstream for far too long. HUBZone areas, which include, qualified census tracts, poor rural counties, and Indian reservations, often are relatively out-of-the-way places that the stream of commerce passes by. They tend to be low-traffic areas that do not have a reliable customer base to support business development. As a result, business has been reluctant to move into these areas. It simply has not been profitable, without a customer base to keep them operating.

The HUBZone Act seeks to overcome this problem by making it possible for the Federal government to become a customer for small businesses that locate in HUBZones. While a small business works to establish its regular customer base, a Federal contract can help it stabilize its revenues and remain profitable. This gives small business a chance to get a foothold, and provides jobs to these areas. New business and new jobs mean new life and new hope for these communities.

The HUBZone Act seeks to restart the economic engine in these communities and keep it running. Small business is the carburetor that makes that engine run smoothly. If a community seeks to attract a large business, often with expensive tax concessions and promises of public works, that community can find itself back where it started if that large business becomes unprofitable and closes its plant. However, if a community attracts a diversified base of small businesses its overall economic development does not stop just because one or two of those businesses close. That is why small business must be a central part of any economic development strategy.

Unfortunately, when we wrote the HUBZone Act three years ago, we accidentally created a technical glitch that excludes Indian Tribal enterprises and

Alaska Native Corporations. These businesses must play a central role in improving life in rural Alaska and on Indian reservations. That is why we are here to propose a solution to this problem.

In the HUBZone Act, we specified that participating small businesses must be 100 percent owned and controlled by U.S. citizens. However, since citizens are ''born or naturalized'' under the Fourteenth Amendment, ownership by citizens implies ownership by individual flesh-and-blood human beings. Corporate owners and Tribal government owners are not ''born or naturalized'' in the usual meanings of those terms. Thus, the Small Business Administration found that it had no authority to certify small businesses owned wholly or partly by Alaska Native Corporations and Tribal governments.

Although the legal logic of that view seems sound, the outcome is not. It certainly is not what we intended. On many reservations, particularly the desolate, isolated ones in western State, the only investment resources available are the Tribal governments. Excluding those governments from investing in their own reservations means, in practical terms, excluding those reservations from the HUBZone program entirely. Similarly, Alaska Native Corporations have the corporate resources that are necessary to make real investments in rural Alaska, to provide jobs to Alaska Natives who currently have no hope of getting them.

That is why we are here to propose a legislative fix. In putting together this bill, we have sought to follow three broad principles.

First, no firm should be made eligible solely by virtue of who they are. We should not, for example, make all Alaska Native Corporations eligible solely because they are Alaska Native Corporations. Instead, Alaska Native Corporations and Indian Tribal enterprises should be eligible only if they agree to advance the goals of the HUBZone program: job creation and economic development in the areas that need it most.

Second, our legislation should seek to conform to existing Native American policy and not allow the HUBZone program to be used as a back door to change that policy. Some folks would like to change Alaska Native policy so that Alaska Natives exercise governmental jurisdiction over their lands, just like Tribes in the Lower 48 do on their reservations and trust lands. However, the Alaska Native Claims Settlement Act (ANCSA) of 1971 deliberately avoided that approach, and our legislation here simply recognizes existing practice in ANCSA.

The third principle underlying this bill is that Alaska Natives and Indian Tribes should participate on more-or-less equal grounds. It is impossible to have exact equivalence because the Federal relationship with Alaska Natives is not equal to the relationship with Indian Tribes, and also because Alaska is a very different State from the Lower 48. However, ANCSA provided that Alaska Natives should be eligible to participate in Federal Indian programs ''on the same basis as other Native Americans.''

Mr. President, with these principles in mind, we have finally come to the end of a long negotiation on these issues. This bill represents the outcome of that discussion, and it is a long step forward. I have a section-by-section discussion of the bill, and I ask unanimous consent that it be printed in the RECORD.●

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

SECTION-BY-SECTION ANALYSIS

Section 1. The bill amends the definition of ''HUBZone small business concern'' to include small businesses owned by one or more U.S. citizens (current law), Alaska Native Corporations and their subsidiaries, joint ventures, and partnerships as defined under ANCSA, and Tribal enterprises. Tribal enterprises refers to those wholly owned by one or more Tribal governments, and to those partly owned by Tribal governments if all other owners are small businesses or U.S. citizens. Some Tribal governments have also created holding companies to do their business for them, so they can waive sovereign immunity against those companies without waiving it against the Tribe itself. Small businesses owned by these holding companies would also be eligible.

Section 2. This amends the definition of ''qualified HUBZone small business concern'' to indicate what each of the ''HUBZone small business concerns'' must do in order to advance the goals of the program and be qualified. Small businesses in general must have a principal office in a HUBZone, and 35% of their employees must reside in a HUBZone (current law). This is also the underlying policy that would apply to Alaska Native Corporations if the pilot program described below were to become inactive; however, it is not likely that Alaska Native Corporations would be able to participate in the HUBZone program on this basis, for the reasons in the discussion of the pilot program, below. Having this as the fallback position in case the pilot program is suspended, however, keeps Alaska Native Corporations and small businesses in Alaska on the same footing. In this way, a uniform standard will be in force in Alaska for all program participants, either under the pilot program or under this section. This prevents unnecessary confusion and complexity.

Tribal enterprises would be required to have 35% of their employees performing a HUBZone contract either reside on an Indian reservation or on any HUBZone adjoining a reservation. This allows Tribal enterprises to use a place-of-performance standard similar to Alaska Native Corporations in the pilot program, below. However, it is slightly more restrictive than the rule that applies to small businesses in general, whose employees may come from any HUBZone to meet the 35% threshold. Since Tribal enterprises are government-owned entities (owned wholly or partly by Tribal governments), this provision limits their scope to the reservations governed by their respective owners.

The language about HUBZones ''adjoining'' a reservation is also comparable to existing language in the Indian Education Act that refers to activities ''on or near'' a reservation, so the idea has a precedent in other Indian policy areas.

In each of these cases, a firm added to the definition of ''HUBZone small business concerns'' has a corresponding obligation imposed on it to be ''qualified.'' They have to do something in a HUBZone to participate.

The final component of this section is the ''HUBZone Pilot Program for Sparsely Populated Areas.'' This attempts to address concerns that small businesses in Alaska, as well as Alaska Native Corporations, are likely to face insurmountable practical problems that prevent their participation in the HUBZone program even if they are eligible on paper. Most of the useful HUBZones are in rural areas (Anchorage has just a handful of qualified census tracts, and two of those tracts are military installations), but rural areas tend not to have large residential populations and have little infrastructure to support contract performance. Thus, Alaska Native Corporations tend to be headquartered in Anchorage, and 50% of the Native population lives in Anchorage, where HUBZones are few. This makes it unlikely that an Alaska Native Corporation would be able to meet the general HUBZone program's criteria of having a principal office plus 35% of their employees in a HUBZone.

Other small businesses in Alaska are likely to confront these same problems of population patterns and lack of infrastructure that affect the Alaska Natives—and unlike the Alaska Natives, regular small businesses will have fewer corporate resources to call upon to overcome those problems. It also makes sense administratively for all of Alaska to have the same set of basic rules for the program at any given time. Thus, the bill includes a three-year pilot program providing that HUBZone participants must have their principal office in a HUBZone in Alaska or 35% of their employees must reside in a HUBZone in Alaska or in an Alaska Native village in Alaska or 35% of the employees working on a contract awarded through the HUBZone program must do their work in a HUBZone in Alaska. This creates a rule unique to Alaska. HUBZone participants in Alaska would not need to meet all three criteria, just one of them.

Under the pilot language, firms could relocate their principal office to comply, or else they could hire 35% of their employees from HUBZones. If neither of those is do-able, they would have a third option, of having 35% of their employees working a specific HUBZone contract do so in an Alaska HUBZone.

However, since this does represent a relaxing of the current HUBZone criteria, it is important to be on guard against the possibility of relaxing the rules too much. Thus, the pilot program has a cap. If more than 2% of the nation's small business contract dollars are awarded to Alaska in any fiscal year, the pilot would shut down for the next fiscal year. Alaska Native Corporations and Alaska small businesses would then fall back on the underlying, current-law criteria of having a principal office in a HUBZone and 35% of their employees residing in a HUBZone.

Section 3. The definitions of Alaska Native Corporation and Alaska Native Village are the same as in ANCSA. The definition of ''Indian reservation'' refers generally to the definition of ''Indian country'' at 18 U.S.C. 1151, with two exceptions. It excludes lands taken

into trust in any State where a Tribe did not exercise governmental jurisdiction on the date of enactment (unless the Tribe is recognized after the date of enactment). It also excludes land acquisitions that are not within the external boundaries of a reservation or former reservation or are noncontiguous to trust or restricted lands as of the date of enactment. Since reservation and trust areas are deemed HUBZones without any explicit test of economic need, a Tribe could otherwise purchase a plot of land in a prosperous area, have it placed into trust status, and have it deemed a HUBZone. Using scarce economic development resources like the HUBZone program, on areas that are already developing without such assistance, is not the highest and best use of those limited resources. However, this definition would still allow Tribes to continue current practices of trying to acquire lots, within their reservations, to eliminate the ''checkerboard'' pattern of reservations that have plots within them not owned by the Tribe; it also allows Tribes to expand existing trust areas.

Finally, the definition of ''Indian reservation'' provides a special rule for Oklahoma, which was all reservation at one time. If all of Oklahoma were to be deemed a HUBZone, the program benefits would flow to businesses in their current locations, without requiring job creation in distressed areas of Oklahoma. This would be corporate welfare, not economic development. To avoid this problem, the definition focuses the HUBZone program on Oklahoma lands currently in trust or eligible for trust status under existing regulation.●

● Mr. KERRY. Mr. President, I want to express my support for the HUBZones in Native America Act of 2000. This bill is designed to clarify eligibility requirements and enhance participation by Native American-owned small firms seeking certification in the Small Business Administration's Historically Underutilized Business Zone (HUBZone) government contracting program. The bill also sets up a temporary pilot program for Alaska Native Corporations under the HUBZone program.

As ranking member of the Committee on Small Business, I was a cosponsor to the HUBZone legislation when it was enacted into law as part of the Small Business Reauthorization Act of 1997. The original bill language, because of some peculiarities in Native American and Alaska Native law, inadvertently exempted some Native American-owned firms located in economically distressed areas from participating in the HUBZone program. This bill is designed to make those firms eligible to participate.

The HUBZone program, Mr. President, is designed to help qualified small businesses located in economically distressed areas—inner cities, rural areas, and Native American tribal lands—secure contracting opportunities with the Federal government. The program is also designed to create jobs in these areas by requiring that firms hire 35% of their workforce from economically distressed areas.

According to the SBA, there are currently 1171 small businesses that are eligible to participate in the HUBZone program, and 114 of these are Native American-owned, 11 of which are located in the state of Alaska. This bill should provide the vehicle for more Native American-owned firms to become eligible.

Mr. President, Native Americans are one of the groups that the SBA presumes to be socially and economically disadvantaged for purposes of their Section 8(a) and Small Disadvantaged Business contracting programs. Unfortunately, Native American tribal areas have not been able to share in the remarkable economic growth that our country has enjoyed for the last few years. It is my hope that this bill, with its technical corrections to the HUBZone program, will in some part, provide greater economic opportunities in these areas that continue to suffer high levels of unemployment and desperately need this help.●

● Mr. CAMPBELL. Mr. President, I am pleased today to join my fellow chairman Senator BOND in introducing the HUBZones in Native America Act of 2000.

The act is designed to make sure that federal procurement dollars are targeted to the areas that are most in need of an economic boost. These areas are called ''historically underutilized business zones'' and under the Act, Indian reservations are defined as ''historically underutilized business zones''.

Tribal economies continue to be among the most depressed and economically stagnant in the country. Though some well-situated tribes are benefiting from gambling, most tribes and Indian people live in Third World conditions.

In the 106th Congress, the emphasis of the Committee on Indian Affairs has been that of Indian economic development. The ultimate goal for Native economies is self-sufficiency. Programs, such as this, bridge the gap between Native economies and private enterprise.

On May 10, 1999, the Committee on Small Business and the Committee on Indian Affairs held a joint hearing on the implementation of the HUBZones Act of 1997 and its impact on Indian communities.

During that hearing three main issues were aired that are remedied by the amendments we introduce today:

Eligibility of Indian Lands in Oklahoma; Eligibility of Indian Lands in Alaska; and Eligibility of Tribally-owned enterprises.

The original intent of the HUBZone program was to re-target existing federal contracting dollars into America's distressed communities, including Alaska Native and Indian communities. The changes reflected in the HUBZones in Native America Act of 2000 build on the original intent of the Act, and make further steps to ensure that Alaska Native and Indian communities fully participate in this competitive program. I look forward to perfecting the obstacles that remain.

I am hopeful that the legislation introduced today will encourage long-term economic growth in Native communities by expanding business opportunities and job creation activities.●

Mr. STEVENS. Mr. President, today I join Senators BOND, KERRY, CAMPBELL, MURKOWSKI, DASCHLE, and BAUCUS, in introducing this bill. I want to focus on a few specific portions of this bill that would be beneficial to Alaska. this bill contains a provision to create a pilot program for small businesses in qualified areas of Alaska. The pilot program contained in this bill would alter the requirements for Alaska small Businesses to quality as HUBZone participants.

The current HUBZone Program, as designed by the chairman of the Small Business Committee, Senator BOND, is a good tool for getting contracting dollars into distressed geographic areas and neighborhoods. A HUBZone is an area that is (1) located in a qualified census tract, (2) a qualified ''non-metropolitan county'' that is not located in a metropolitan statistical area, and in which the median household income is less than 80 percent of the non-metropolitan state median household income, or an area that has an unemployment rate that is not less than 140 percent of the statewide average unemployment rate for the state in which the county is located, or (3) lands within the external boundaries of an Indian reservation. The current HUBZone program requires a small business to be located in one of these designated areas while also requiring at least 35 percent of the business' employees to live in a HUBZone. This helps get dollars circulating into areas of the community that have not enjoyed the economic growth of the last 10 years.

The Alaska Pilot Program contained in this bill will modify the requirements to allow a small business to qualify as a HUBZone participant if they meet only one of the following conditions: Either (1) they have their principle place of business in a HUBZone, or (2) at least 35 percent of their employees live in a HUBZone, or (3) at least 35 percent of the employees working on a qualified contract perform the work in a HUBZone. Rather than requiring a small business to meet all of the requirements for HUBZone contracts, this Alaska Pilot Program will allow small businesses in Alaska to compete for HUBZone contracts by fulfilling only one of the requirements. This should be beneficial for the communities and neighborhoods who have missed out on growth of the 1990's. In addition, it could mean more jobs for Alaskans and more money circulating into the Alaskan economy.

The bill also fixes technical problems that kept Alaska native-owned firms

from being able to participate in the HUBZone program. This will allow Alaska native-owned small businesses an opportunity to broaden their business activities in the state while also contributing economically to their local communities and shareholders.

I would like to note that in providing benefits to native communities, this bill would not change Indian law, nor the State of Alaska's exclusive jurisdiction over lands in Alaska.

I thank the members of the Small Business and Indian Affairs Committees who worked on this issue and for their willingness to take into account the unique circumstances in Alaska. I believe this program will help Alaska's economy to move forwarded and will afford hard working small business owners in Alaska new opportunities.

By Mr. FRIST (for himself, Mr. THOMPSON, and Mr. COCHRAN):

S. 2570. A bill to provide for the fair and equitable treatment of the Tennessee Valley Authority and its rate payers in the event of restricting of the electric utility industry.

LEGISLATION TO PROVIDE FOR FAIR TREATMENT OF THE TENNESSEE VALLEY AUTHORITY

• Mr. FRIST. 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. 2570

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

SECTION 1. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) DISTRIBUTOR.—The term ''distributor'' means a cooperative organization, municipal, or other publicly owned electric power system that, on December 31, 1997, purchased all or substantially all of its wholesale power requirements from the Tennessee Valley Authority under a long-term power sales agreement.

(3) DISTRIBUTOR SERVICE AREA.—The term ''distributor service area'' means a geographic area within which a distributor is authorized by State law to sell electric power to retail electric consumers on the date of enactment of this Act.

(4) ELECTRIC UTILITY.—The term ''electric utility'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(5) EXCESS ELECTRIC POWER.—The term ''excess electric power'' means the amount of the electric power and capacity that—

(A) is available to the Tennessee Valley Authority; and

(B) exceeds the Tennessee Valley Authority's power supply obligations to distributors and any Tennessee Valley Authority retail electric consumers (or predecessors in interest) that had a contract for the purchase of electric power from the Tennessee Valley Authority on the date of enactment of this Act.

(6) PUBLIC UTILITY.—The term ''public utility'' has the meaning given the term in section 201 of the Federal Power Act (16 U.S.C. 824).

(7) RETAIL ELECTRIC CONSUMER.—The term ''retail electric consumer'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(8) TENNESSEE VALLEY REGION.—The term ''Tennessee Valley Region'' means the geographic area in which the Tennessee Valley Authority or its distributors were the primary source of electric power on December 31, 1997.

SEC. 2. WHOLESALE COMPETITION IN THE TENNESSEE VALLEY REGION.

(a) AMENDMENTS TO THE FEDERAL POWER ACT.—

(1) WHEELING ORDERS.—Section 212(f) of the Federal Power Act (16 U.S.C. 824k(f)) is repealed.

(2) TRANSMISSION.—Section 212(j) of the Federal Power Act (16 U.S.C. 824k(j)) is repealed.

(b) AMENDMENTS TO THE TENNESSEE VALLEY AUTHORITY ACT.—

(1) SALE OR DELIVERY OF ELECTRIC POWER.—The third sentence of the first undesignated paragraph of section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4(a)) is repealed.

(2) ADDITIONAL AMENDMENTS.—The second and third undesignated paragraphs of section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4(a)) are repealed.

SEC. 3. TENNESSEE VALLEY AUTHORITY POWER SALES.

(a) LIMIT ON RETAIL SALES BY TENNESSEE VALLEY AUTHORITY.—Notwithstanding sections 10, 11, and 12 of the Tennessee Valley Authority Act (16 U.S.C. 831i, 831j, 831k), the Tennessee Valley Authority may sell electric power at retail only to—

(1) a retail electric consumer (or predecessor in interest) that had a contract for the purchase of electric power from the Tennessee Valley Authority on the date of enactment of this Act; or

(2) a retail electric consumer that consumes the electric power within a distributor service area, if the applicable regulatory authority (other than the Tennessee Valley Authority) permits any other power supplier to sell electric power to the retail electric consumer.

(b) CONSTRUCTION OF RETAIL ELECTRIC SERVICE FACILITIES.—No person shall construct or modify a facility in the service area of a distributor for the purpose of serving a retail electric consumer within the distributor service area without the consent of the distributor, except when the electric consumer is already being served by such a person.

(c) WHOLESALE POWER SALES.—

(1) EXISTING SALES.—Nothing in this title shall modify or alter the existing obligations of the Tennessee Valley Authority under the first sentence of section 10 of the Tennessee Valley Authority Act (16 U.S.C. 831i) to sell power to a distributor, provided that this paragraph shall not apply to access to power being supplied to another entity under an existing contract with a term of 1 year or longer by a distributor that—

(A) has made a prior election under section 5(b); and

(B) requests to increase its power purchases from the Tennessee Valley Authority.

(2) SALES OF EXCESS ELECTRIC POWER.—

(A) IN GENERAL.—Notwithstanding sections 10, 11, and 12, or any other provision of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i, 831j, 831k), the sale of electric power at wholesale by the Tennessee Valley Authority for use outside the Tennessee Valley Region shall be limited to excess electric power.

(B) NO EXCESS ELECTRIC POWER.—The Tennessee Valley Authority shall not offer excess electric power under a firm power agreement with a term of 3 or more years to any new wholesale customer at rates, terms, and conditions more favorable than those offered to any distributor for comparable electric power, taking into account such factors as the amount of electric power sold, the firmness of such power, and the length of the contract term, unless the distributor or distributors that are purchasing electric power under equivalent firm power contracts agree to the sale to the new customer.

(C) NO EFFECT ON EXCHANGE POWER ARRANGEMENTS.—Nothing in this subsection precludes the Tennessee Valley Authority from making exchange power arrangements with other electric utilities when economically feasible.

(d) APPLICATION OF TENNESSEE VALLEY AUTHORITY ACT TO SALES OUTSIDE TENNESSEE VALLEY REGION.—The third proviso of section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i) and the second and third provisos of section 12 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831k) shall not apply to any sale of excess electric power by the Tennessee Valley Authority for use outside the Tennessee Valley Region.

SEC. 4. TENNESSEE VALLEY AUTHORITY ELECTRIC GENERATION FACILITIES.

Section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4(a)) is amended—

(1) in the second sentence, by inserting before the period at the end the following: '', if the Corporation determines that the construction, acquisition, enlargement, improvement, or replacement of any plant or facility used or to be used for the generation of electric power is necessary to supply the demands of distributors and retail electric consumers of the Corporation''; and

(2) by inserting after the second sentence the following: ''Commencing on the date of enactment of this sentence, the Tennessee Valley Authority shall provide to distributors and their duly authorized representatives, on a confidential basis, detailed information on its projections and plans regarding the potential acquisition of new electric generating facilities, and, not less than 45 days before a decision by the Tennessee Valley Authority to make such an acquisition, shall provide distributors an opportunity to comment on the acquisition. Notwithstanding any other provision of law, confidential information described in the preceding sentence shall not be disclosed by a distributor to a source other than the Tennessee Valley Authority, except (1) in response to process validly issued by any court or governmental agency having jurisdiction over the distributor; (2) to any officer, agent, employee, or duly authorized representative of a distributor who agrees to the same confidentiality and non-disclosure obligation applicable to distributor; (3) in any judicial or administrative proceeding initiated by distributor contesting action by the Tennessee Valley Authority to cause the construction of new electric generation facilities; or (4) on or after a date that is at least 3 years after the commercial operating date of the electric generating facilities.''.

SEC. 5. RENEGOTIATION OF POWER CONTRACTS.

(a) RENEGOTIATION.—The Tennessee Valley Authority and the distributors shall make good faith efforts to renegotiate their power contracts in effect on and after the date of enactment of this Act.

(b) DISTRIBUTOR CONTRACT TERMINATION OR REDUCTION RIGHT.—If a distributor and the Tennessee Valley Authority are unable by negotiation to arrive at a mutually acceptable replacement contract to govern their post-enactment relationship, the Tennessee Valley Authority shall allow the distributor to give notice 1 time each calendar year, within the 60-day period beginning on the date of enactment of this Act or on any anniversary of that date, of the distributor's decision to (1) terminate the contract to purchase wholesale electric energy from the Tennessee Valley Authority that was in effect on the date of enactment of this Act, to take effect on the date that is 3 years after the date on which notice is given under this subsection; or (2) reduce the quantity of wholesale power requirements under the contract to purchase wholesale electric energy from the Tennessee Valley Authority that was in effect on the date of enactment of this Act by up to 10 percent of its requirements, to take effect on the date that is 2 years after the date on which notice is given under this subsection, or more than 10 percent of its requirements, to take effect on the date that is 3 years after the date on which notice is given under this subsection, and to negotiate with the Tennessee Valley Authority to amend the contract that was in effect on the date of enactment to reflect a partial requirements relationship.

(c) PARTIAL REQUIREMENTS NOTICE.—As part of a notice under subsection (b), a distributor shall identify—

(1) the annual quantity of electric energy that the distributor will acquire from a source other than the Tennessee Valley Authority as the result of an election by the distributor; and

(2) the times of the day and year that specified amounts of the energy will be received by the distributor.

(d) NONDISCRIMINATION.—The Tennessee Valley Authority shall not unduly discriminate against any distributor as the result of—

(1) the exercise of notice under paragraph (1) or (2) of subsection (b) by the distributor; or

(2) the status of the distributor as a partial requirements customer.

SEC. 6. REGULATION OF TENNESSEE VALLEY AUTHORITY TRANSMISSION SYSTEM.

Notwithstanding sections 201(b)(1) and 201(f) of the Federal Power Act (16 U.S.C. 824(b)(1), 824(f)), sections 202(h), 205, 206, 208, 210 through 213, 301 through 304, 306, 307 (except the last sentence of 307(c)), 308, 309, 313, and 317 of that Act (16 U.S.C. 824a(h), 824d, 824e, 824g, 824i–824*l*, 825–825c, 825e, 825f, 825g, 825h, 825*l*, 825p) apply to the transmission and local distribution of electric power by the Tennessee Valley Authority to the same extent and in the same manner as the provisions apply to the transmission of electric power in interstate commerce by a public utility otherwise subject to the jurisdiction of the Commission under part II of that Act (16 U.S.C. 824 et seq.).

SEC. 7. REGULATION OF TENNESSEE VALLEY AUTHORITY DISTRIBUTORS.

(a) ELECTION TO REPEAL TENNESSEE VALLEY AUTHORITY REGULATION OF DISTRIBUTORS.—On the election of a distributor, the third proviso of section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i) and the second and third provisos of section 12 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831k) shall not apply to a wholesale sale of electric power by the Tennessee Valley Authority in the Tennessee Valley Region after the date of enactment of this Act, and the Tennessee Valley Authority shall not be authorized to regulate, by means of a rule, contract provision, resale rate schedule, contract termination right, or any other method, any rate, term, or condition that is—

(1) imposed on the resale of the electric power by the distributor; or

(2) for the use of a local distribution facility.

(b) AUTHORITY OF GOVERNING BODIES OF DISTRIBUTORS.—

(1) IN GENERAL.—Any regulatory authority exercised by the Tennessee Valley Authority over any distributor making an election under subsection (a) shall be exercised by the governing body of the distributor in accordance with the laws of the State in which the distributor is organized.

(2) NO ELECTION.—If a distributor does not make an election under subsection (a), the third proviso of section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i) and the second and third provisos of section 12 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831k) shall continue to apply for the duration of any wholesale power contract between the Tennessee Valley Authority and the distributor, in accordance with the terms of the contract.

(c) USE OF FUNDS.—In any contract between the Tennessee Valley Authority and a distributor for the purchase of at least 70 percent of the distributor's requirements for the sale of electric power, the Tennessee Valley Authority shall include such terms and conditions as may be reasonably necessary to ensure that the financial benefits of a distributor's electric system operations are allocated to the distributor's retail electric consumers.

(d) REMOVAL OF PURPA RATEMAKING AUTHORITY.—Section 3(17) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(17)) is amended by striking '', and in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority''.

SEC. 8. STRANDED COST RECOVERY.

(a) COMMISSION JURISDICTION.—

(1) RECOVERY OF COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding the absence of 1 or more provisions addressing wholesale stranded cost recovery in a power sales agreement between the Tennessee Valley Authority and a distributor that is executed after the date of enactment of this Act, the Tennessee Valley Authority may recover any wholesale stranded costs that may arise from the exercise of rights by a distributor under section 5, to the extent authorized by the Commission based on application of the rules and principles that the Commission applies to wholesale stranded cost recovery by other electric utilities within its jurisdiction.

(B) NO RECOVERY OF COSTS RELATED TO LOSS OF SALES REVENUES.—In any recovery under subparagraph (A), the Tennessee Valley Authority shall not be authorized to recover from any distributor any wholesale stranded costs related to loss of sales revenues by the Tennessee Valley Authority, or its expectation of continuing to sell electric energy, for any period after September 30, 2007.

(2) NO EFFECT ON CLAIM.—The exercise of rights by a distributor under section 5 shall not affect any claim by the Tennessee Valley Authority that the Tennessee Valley Authority may have for the recovery of stranded costs before October 1, 2007.

(b) DEBT.—

(1) IN GENERAL.—Stranded costs recovered by the Tennessee Valley Authority under subsection (a) shall be used to pay down the debt of the Tennessee Valley Authority, to the extent determined by the Tennessee Valley Authority to be consistent with proper financial management.

(2) GENERATION CAPACITY.—The Tennessee Valley Authority shall not use any amount recovered under paragraph (1) to pay for additions to the generation capacity of the Tennessee Valley Authority.

(c) UNBUNDLING.—

(1) IN GENERAL.—Any stranded cost recovery charge to a customer authorized by the Commission to be assessed by the Tennessee Valley Authority shall be—

(A) unbundled from the otherwise applicable rates and charges to the customer; and

(B) separately stated on the bill of the customer.

(2) NO WHOLESALE STRANDED COST RECOVERY.—The Tennessee Valley Authority shall not recover wholesale stranded costs from any customer through any rate, charge, or mechanism.

(d) REPORT.—Beginning in fiscal year 2001, as part of the annual management report submitted by the Tennessee Valley Authority to Congress, the Tennessee Valley Authority shall include in the report—

(1) the status of the Tennessee Valley Authority's long-range financial plans and the progress toward its goal of competitively priced electric power (including a general discussion of the Tennessee Valley Authority's prospects on meeting the objectives of the Ten Year Business Outlook issued on July 22, 1997);

(2) any changes in assumptions since the previous report that may have a material effect on the Tennessee Valley Authority's long-range financial plans;

(3) the source of funds used for any generation and transmission capacity additions;

(4) the use or other disposition of amounts recovered by the Tennessee Valley Authority under the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) and this Act;

(5) the amount by which the Tennessee Valley Authority's publicly held debt was reduced; and

(6) the projected amount by which the Tennessee Valley Authority's publicly held debt will be reduced.

SEC. 9. APPLICATION OF ANTITRUST LAW

(a) IN GENERAL.—

(1) DEFINITION OF ANTITRUST LAWS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in this section, the term ''antitrust laws'' has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(B) INCLUSION.—In this section, the term ''antitrust laws'' includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45), to the extent that section 5 applies to unfair methods of competition.

(2) APPLICABILITY OF ANTITRUST LAW.—Except as provided in subsection (b), the Tennessee Valley Authority shall be subject to the antitrust laws with respect to the operation of its electric power and transmission systems.

(b) DAMAGES.—No damages, interest on damages, costs, or attorneys' fees may be recovered under section 4, 4A, or 4C of the Clayton Act (15 U.S.C. 15, 15a, 15c) from the Tennessee Valley Authority.

(c) EFFECT ON OTHER RIGHTS.—Nothing in this Act diminishes or impairs any privilege, immunity, or exemption in effect on the day before the date of enactment of this Act that would have been accorded any person by virtue of the association of the person together in advocating a cause or point of view to—

(1) the Tennessee Valley Authority; or

(2) any other agency or branch of Federal, State or local government.

SEC. 10. SAVINGS PROVISION.

Nothing in this Act shall affect section 15d(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4(b)), providing that bonds issued by the Tennessee Valley Authority shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States.●

By Mr. WYDEN:

S. 2571. A bill to provide for the liquidation or reliquidation of certain entries of athletic shoes; to the Committee on Finance.

DUTY DRAWBACK FOR ENVIRONMENTAL RECYCLING

Mr. WYDEN. Mr. President, I am introducing legislation today to help retain a unique environmental recycling program launched by Nike, a homegrown Oregon business, which involves recycling running shoes rather than dumping them in a landfill. The bill would resolve an issue on which the U.S. Customs Service has taken inherently conflicting positions: whether a duty drawback can be claimed on an item that has no commercial value and is no longer an item in United States commerce but which is recycled rather than destroyed. I believe recycling should be promoted and not punished, and that is what this legislation does.

Under existing U.S. Customs law, an importer is entitled to import duty drawback on products that are returned to the importer because they are defective. The point of this provision is to safeguard against an import duty being imposed on a product that does not end up in United States commerce. Customs law and regulation ensures that a product will not end up in U.S. commerce by requiring that the product be completely destroyed to the extent that the product has no commercial value, or that it be exported from the United States. In certain cases Customs has allowed duty drawback: for example, alcohol salvaged from destroyed beer and malt liquor which was sold as scrap rather than dumped as waste was accorded duty drawback.

Consistent with Customs' requirements, for a number of years Nike destroyed the shoes and placed them in a landfill. This amounted to thousands of tons of non-biodegradable shoes being dumped in landfills. Because shoes are not biodegradable, Nike developed a new, more environmentally-sustainable way to dispose of the defective shoes by chopping them into small pieces, called ''re-grind,'' and giving the regrind without charge or compensation to manufacturers of sport surfaces. The re-grind became part of playground, basketball and other surfaces that was used primarily for charitable purposes in poor urban centers around the country. The program, called the ''Re-Use A-Shoe,'' is one of the many initiatives Nike has undertaken to incorporate environmental sustainability into its operations.

The issue Customs has been grappling with is whether the re-grind is ''destroyed with no commercial value'' so as to qualify the destroyed shoes for duty drawback treatment. For several years Customs granted the re-grind shoes duty drawback, but a Customs audit team recently determined that the re-grind was not ''destroyed,'' as it had commercial value for court manufacturers and Customs recommended retroactive denial of Nike's drawback claims, totaling $11.6 million. Because Customs had already refunded the drawback, the audit team recommended that Nike repay the $11.6 million to Customs.

It is clear from Customs' decisions that an article is considered destroyed when it has been rendered of no commercial value and is no longer an article of commerce. In this case, the defective footwear, once shred, is valueless and of no commercial interest to anyone. Even when the shredded material is subsequently processed by Nike to recover some material of limited use, the recovered material is not saleable to anyone and therefore has no commercial value.

Mr. President, it seems to me that the position taken by the Customs audit team is not consistent with the intent of the duty drawback provision. There is no commercial value to Nike in the re-grind; the shoes have been destroyed. Nike gives the product to the manufacturer without charge or compensation, and the manufacturers have confirmed they would not pay for the material. I have copies of letters from each of the manufacturers attesting to the fact that they would not pay for the re-grind and that it is not commercially viable. It appears that the Customs audit team believes a more desirable outcome is to have Nike dump some 2 million pairs or 3.5 million pounds of shoes into a landfill rather than recycle the destroyed material. The outcome is the same: the shoes no longer have commercial value, nor are they a product in U.S. commerce. It would seem to me there is no public policy benefit in forcing Nike to dump the shoes in a landfill; but that there is much to be gained from recycling millions of pairs of shoes that would otherwise be dumped in a landfill.

The legislation I am introducing today resolves the question in favor of recycling, in favor of the environment and in favor of a rational duty drawback policy. I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 2571

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

SECTION 1. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221–0590991–9
221–0890500–5 through 221–0890675–5
221–0890677–1 through 221–0891427–0
221–0891430–4 through 221–0891537–6
221–0891539–2 through 221–0891554–1
221–0891556–6 through 221–0891557–4
221–0891559–0
221–0891561–6 through 221–0891565–7
221–0891567–3 through 221–0891578–0
221–0891582–0
221–0891584–8 through 221–0891587–1
221–0891589–7
221–0891592–1 through 221–0891597–0
221–0891604–4 through 221–0891605–1
221–0891607–7 through 221–0891609–3

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

ADDITIONAL COSPONSORS

S. 63

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 63, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 85

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 1007

At the request of Mr. JEFFORDS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1007, 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.

S. 1102

At the request of Mr. GRAMS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1102, a bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment.

S. 1237

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1237, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month''.

S. 1565

At the request of Mr. SARBANES, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1565, a bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes.

S. 1638

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. DASCHLE) 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. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) 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. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor 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.

S. 2357

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2413

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2415

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2415, a bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of 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.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2463

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2463, a bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented.

S. 2510

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2510, a bill to establish the Social Security Protection, Preservation, and Reform Commission.

S. 2539

At the request of Mr. REID, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2539, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. CON. RES. 60

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

At the request of Mr. KERRY, his name was added as a cosponsor of S. Con. Res. 60, supra.

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. Con. Res. 60, supra.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. COVERDELL), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

S.J. RES. 44

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor 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.

AMENDMENT NO. 3146

At the request of Mr. ROBB, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of Amendment No. 3146 intended to be proposed to S. 2521, an original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

SENATE CONCURRENT RESOLUTION 113—EXPRESSING THE SENSE OF THE CONGRESS IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE FREE AND FAIR ELECTIONS IN BURMA AND THE URGENT NEED TO IMPROVE THE DEMOCRATIC AND HUMAN RIGHTS OF THE PEOPLE OF BURMA

Mr. MOYNIHAN (for himself, Mr. MCCONNELL, Mr. LOTT, Mrs. BOXER, Mr. FEINGOLD, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. HELMS, Mr. LUGAR, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. WELLSTONE, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 113

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are "involved in the drug business or are paid to allow the drug business to be conducted by others", conditions which pose a direct threat to United States national security interests; and

Whereas despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

Mr. MOYNIHAN. Mr. President, the Senator from Kentucky and I rise today to submit, along with several of our distinguished colleagues, a resolution commemorating the 10th anniversary of free and fair elections in Burma.

On May 27, 1990, the National League for Democracy (NLD), led by Daw Aung San Suu Kyi, won a majority of the parliamentary seats in the elections. This was a great victory for the champions of democracy and human rights in Burma. However, the Burmese military arbitrarily annulled the results and arrested Aung San Suu Kyi and hundreds of NLD members. Others were forced to flee, and the people's freedoms of assembly, speech and the press were severely restricted.

Today, the steady erosion of human rights continues under the heavy hand of the military regime known as the State Peace and Development Council (SPDC). This resolution calls upon the SPDC to guarantee basic freedoms to its people; accept a political dialogue with the NLD and other Burmese political leaders; and to comply with human rights agreements and resolutions emanating from such bodies as the United Nations General Assembly, the European Union, and the International Labor Organization.

The struggle in Burma is not over. The 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer as political

prisoners. A recent study traced the distribution patterns of different HIV strains to paths of heroin traffic originating from the country. As a New York Times editorial wrote on March 16, 2000, ''The cruelty of . . . Burma is increasingly a regional problem that threatens to destabilize its Southeast Asian neighbors with refugees, narcotics and now AIDS.'' I urge my colleagues to pass this important resolution.

AMENDMENTS SUBMITTED

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

DASCHLE AMENDMENT NO. 3148

Mr. DASCHLE proposed an amendment to the bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place add the following:

Since on Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;

Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;

Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;

Since gun safety education programs are inadequate to protect children from gun violence;

Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;

Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;

Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;

Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and

Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it

Determined, That it is the sense of the Senate that—

(1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and

(2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

EDUCATIONAL OPPORTUNITIES ACT

STEVENS AMENDMENT NO. 3149

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

SEC. ___. PHYSICAL EDUCATION FOR PROGRESS.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART L—PHYSICAL EDUCATION FOR PROGRESS

"SEC. 10999A. SHORT TITLE.

''This part may be cited as the 'Physical Education for Progress Act'.

"SEC. 10999B. PURPOSE.

''The purpose of this part is to award grants and contracts to local educational agencies to enable the local educational agencies to initiate, expand and improve physical education programs for all kindergarten through 12th grade students.

"SEC. 10999C. FINDINGS.

''Congress makes the following findings:

''(1) Physical education is essential to the development of growing children.

''(2) Physical education helps improve the overall health of children by improving their cardiovascular endurance, muscular strength and power, and flexibility, and by enhancing weight regulation, bone development, posture, skillful moving, active lifestyle habits, and constructive use of leisure time.

''(3) Physical education helps improve the self esteem, interpersonal relationships, responsible behavior, and independence of children.

''(4) Children who participate in high quality daily physical education programs tend to be more healthy and physically fit.

''(5) The percentage of young people who are overweight has more than doubled in the 30 years preceding 1999.

''(6) Low levels of activity contribute to the high prevalence of obesity among children in the United States.

''(7) Obesity related diseases cost the United States economy more than $100,000,000,000 every year.

''(8) Inactivity and poor diet cause at least 300,000 deaths a year in the United States.

''(9) Physically fit adults have significantly reduced risk factors for heart attacks and stroke.

''(10) Children are not as active as they should be and fewer than 1 in 4 children get 20 minutes of vigorous activity every day of the week.

''(11) The Surgeon General's 1996 Report on Physical Activity and Health, and the Centers for Disease Control and Prevention, recommend daily physical education for all students in kindergarten through grade 12.

''(12) Twelve years after Congress passed House Concurrent Resolution 97, 100th Congress, agreed to December 11, 1987, encouraging State and local governments and local educational agencies to provide high quality daily physical education programs for all children in kindergarten through grade 12, little progress has been made.

''(13) Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. It is the unique role of quality physical education programs to develop the health-related fitness, physical competence, and cognitive understanding about physical activity for all students so that the students can adopt healthy and physically active lifestyles.

''(14) Every student in our Nation's schools should have the opportunity to achieve the goals established by Healthy People 2000 and Healthy People 2010.

"SEC. 10999D. PROGRAM AUTHORIZED.

''The Secretary is authorized to award grants to, and enter into contracts with, local educational agencies to pay the Federal share of the costs of initiating, expanding, and improving physical education programs for kindergarten through grade 12 students by—

''(1) providing equipment and support to enable students to actively participate in physical education activities;

''(2) developing or enhancing physical education curricula to meet national goals for physical education developed by the Secretary in consultation with the National Association for Sport and Physical Education; and

''(3) providing funds for staff and teacher training and education.

"SEC. 10999E. APPLICATIONS; PROGRAM REQUIREMENTS.

''(a) APPLICATIONS.—Each local educational agency desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in the schools served by the agency in order to make progress toward meeting—

''(1) the goals described in subsection (b); or

''(2) State standards for physical education.

''(b) GOALS.—The goals referred to in subsection (a) are as follows:

''(1) Physical education programs shall facilitate achievement of the national goals for physical education described in section 10999D(2), and the curriculum of the programs may provide—

''(A) fitness education and assessment to help children understand, improve, or maintain their physical well-being;

''(B) instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every child;

''(C) development of cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle;

''(D) opportunities to develop positive social and cooperative skills through physical activity participation; and

''(E) instruction in healthy eating habits and good nutrition.

''(2) Teachers of physical education shall be afforded the opportunity for professional

development to stay abreast of the latest research, issues, and trends in the field of physical education.

''(c) SPECIAL RULE.—For the purpose of this part, extracurricular activities such as team sports and Reserve Officers' Training Corps (ROTC) program activities shall not be considered as part of the curriculum of a physical education program assisted under this part.

''SEC. 10999F. PROPORTIONALITY.

''The Secretary shall ensure that grants awarded and contracts entered into under this part shall be equitably distributed between local educational agencies serving urban and rural areas, and between local educational agencies serving large and small numbers of students.

''SEC. 10999G. PRIVATE SCHOOL STUDENTS AND HOME-SCHOOLED STUDENTS.

''An application for funds under this part, consistent with the number of home-schooled children or children enrolled in private elementary schools, middle schools, and secondary schools located in the school district of a local educational agency, may provide for the participation of such children and their teachers in the activities assisted under this part.

''SEC. 10999H. REPORT REQUIRED FOR CONTINUED FUNDING.

''As a condition to continue to receive grant or contract funding after the first year of a multiyear grant or contract under this part, the administrator of the grant or contract for the local educational agency shall submit to the Secretary an annual report that describes the activities conducted during the preceding year and demonstrates that progress has been made toward achieving goals described in section 10999E(b) or meeting State standards for physical education.

''SEC. 10999I. REPORT TO CONGRESS.

''The Secretary shall submit a report to Congress not later than June 1, 2003, that describes the programs assisted under this part, documents the success of such programs in improving physical fitness, and makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this part.

''SEC. 10999J. ADMINISTRATIVE COSTS.

''Not more than 5 percent of the grant or contract funds made available to a local educational agency under this part for any fiscal year may be used for administrative costs.

''SEC. 10999K. FEDERAL SHARE; SUPPLEMENT NOT SUPPLANT.

''(a) FEDERAL SHARE.—The Federal share under this part may not exceed—

''(1) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

''(2) 75 percent of such cost for the second and each subsequent such year.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part shall be used to supplement and not supplant other Federal, State and local funds available for physical education activities.

''SEC. 10999L. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $30,000,000 for fiscal year 2000, $70,000,000 for fiscal year 2001, and $100,000,000 for each of the fiscal years 2002 through 2004, to carry out this part. Such funds shall remain available until expended.''.

• Mr. STEVENS. Mr. President, I offer an amendment to the Elementary and Secondary Education Act. My amendment would provide a demonstration program for incentive grants for local school districts to develop minimum weekly requirements for physical education.

More than a third of young people aged 12–21 years do not regularly engaged in vigorous physical activity, and the percentage of overweight young Americans has more than doubled in the past 30 years.

More and more Americans are obese—more than 30 pounds overweight. In 1991, only four states had populations more than 15 percent of which were overweight. In 1998, the number of states with more than 15 percent overweight residents rose to 43.

Lack of exercise is a matter of death. Poor diet and exercise are the second leading cause of death in the United States. Only tobacco causes more deaths. Lack of exercise contributes to 300,000 deaths in a year in the U.S.—more than alcohol, infectious agents, or guns. The immediate and long-term impact of our poor health habits is staggering, costing the nation more than $100 billion per year. If our young people continue to be inactive, the cost to the nation down the road will be astronomical. That long-term cost can be prevented, or at least greatly diminished, through regular physical activity and good nutrition.

Lifelong health-related habits, including physical activity and eating patterns, are normally established in childhood. Habits are hard to change as people grow older. We need to convince young people early, before health-damaging behaviors are adopted, to pursue a disciplined life with regular exercise.

My amendment—the PEP bill—will provide our schools an ideal opportunity to make an enormous, positive impact on the health of our nation. Every student in our nation's schools should have an opportunity to participate in quality physical education.

Children need to know that physical activity will help them feel good, be successful in school and work, and stay healthy. Education in sports activities provides important lifelong lessons about teamwork and dealing with defeat. The lessons of sports may help resolve some of the problems that lead to violence in schools.

The trends for physical education have not been good. Daily participation in Phys Ed dropped from 42 percent in 1991 to 27 percent in 1997. Budgets for physical education are cut first. Only one state in the U.S. currently requires physical education.

Sports and healthy body help produce a healthy mind. 47 percent of Fortune 500 executives were in the National Honor Society—95 percent participated in school athletics. Healthy, active kids grow into healthy, active leaders.

There is a great support for the PEP Act. Many of my colleagues have been contacted by constituents expressing their support for the return of physical education to schools. This is not a new program—physical education was a regular part of school for decades. 72 percent of Americans surveyed would support legislation for physical education. This amendment creates a 5-year demonstration project to provide an opportunity to prove the impact of physical activity in schools on our young people.•

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

LOTT AMENDMENT NO. 3150

Mr. LOTT proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE SECOND AMENDMENT, THE ENFORCEMENT OF FEDERAL FIREARMS LAWS, AND THE JUVENILE CRIME CONFERENCE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Second Amendment to the United States Constitution protects the right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation; and

(2) The Clinton Administration has failed to protect law-abiding citizens by inadequately enforcing Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800, despite the fact that the overall budget of the Department of Justice increased 54 percent during this period; and

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997; and

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997; also

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997; and

(6) It is a Federal crime for any person ''who has been adjudicated as a mental defective or who has been committed to a mental institution'' to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this federal law, mental health adjudications are not placed on the national instant criminal background system; also

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm; it is also a Federal crime for convicted felons to possess or purchase a firearm. More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they committed another

crime by making a false statement under oath that they were not disqualified from purchasing a firearm; and, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution; and

(8) The juvenile crime conference committee is considering a comprehensive approach to juvenile crime including:

(a) tougher penalties on criminals using guns and illegal gun purchases;

(b) money for states to get tough on truly violent teen criminals;

(c) a provision allowing Hollywood to reach agreements to clean up smut and violence on television, in video games, and in music;

(d) changing federal education mandates to ensure that all students who bring guns to school can be disciplined; and

(e) a ban on juveniles who commit felonies from ever legally possessing a gun and from possessing assault weapons, and

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) Any juvenile crime conference report should reflect a comprehensive approach to juvenile crime and enhance the prosecution of firearms offenses, including:

(a) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(b) upgrading the national instant criminal background system by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(c) and providing incentive grants to States to encourage States to impose mandatory minimum sentences of firearm offenses;

(2) The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, May 17, 2000, in Room SR–301 Russell Senate Office Building, to receive testimony on legislative remedies, including S. 1816, the Hagel-Kerrey-Abraham-Landrieu campaign finance reform bill.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 9:30 a.m., in open session to consider the nomination of Admiral Vernon E. Clark, USN to be Chief of Naval Operations.

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

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 10:00 a.m., in open session to consider the nomination of Admiral Vernon E. Clark, USN to be Chief of Naval Operations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 16, 2000, at 9:30 a.m. on reauthorization of Marad administration.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 10:00 am to hold a hearing.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 10:00 a.m. for a hearing on Long-Term Care Insurance for Federal Employees.

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

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Tuesday, May 16, 2000, at 10:00 a.m., in 226 Dirksen.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 16, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed transportation policy.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, to conduct a hearing on ''HUD's Single Family Management and Marketing Contracts.''

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Tuesday, May 16, 10:00 a.m., to conduct a hearing on the Army Corps of Engineers backlog of authorized projects and the future of the Army Corps of Engineers mission.

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

PRIVILEGE OF THE FLOOR

Mr. BIDEN. Mr. President, I ask unanimous consent that Bennett Lowenthal, a State Department Pearson fellow on the staff of the Foreign Relations Committee, be granted the privilege of the floor for the duration of the consideration of S. 2521, the military construction appropriations bill.

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

MEASURE READ FOR THE FIRST TIME—S. 2567

Mr. SESSIONS. Mr. President, I understand that S. 2567 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 2567) 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-Roberts on Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

Mr. SESSIONS. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, MAY 17, 2000

Mr. SESSIONS. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 17. I further ask consent that on Wednesday, 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 resume consideration of S. 2521, the military construction appropriations bill under the previous consent, with Senator SPECTER to be recognized for up to 30 minutes at 9:30 to speak, with his time being considered as being consumed from the majority leader's time.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will immediately resume consideration of the military construction appropriations bill at 9:30 tomorrow. Under the previous agreement, there will be 4 hours of debate on the pending Lott and Daschle amendments, with those votes occurring at 1:30 p.m. A vote on final passage of the bill is expected to occur on Wednesday. Therefore, additional votes can be expected, and Senators will be notified as those votes are scheduled. Following this bill, the Senate will begin consideration of the foreign operations appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:02 p.m., adjourned until Wednesday, May 17, 2000, at 9:30 a.m.

EXTENSIONS OF REMARKS

AMERICAN VETERANS COMMITTEE (AVC) INTERNATIONAL AFFAIRS PLATFORM AND RESOLUTIONS

HON. ALBERT RUSSELL WYNN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. WYNN. Mr. Speaker, today I recognize the American Veterans Committee (AVC). The American Veterans Committee is an outstanding organization of American veterans with ongoing concerns and interest in our foreign policy and international affairs. I submit for the RECORD their International Affairs Platform and Resolutions, as prepared by the American Veterans Committee, International Affairs Commission and adopted by the American Veterans Committee (AVC) National Board at the National Board Meeting, Tuesday, August 26, 1997, with appropriate changes as of November 1999.

INTERNATIONAL AFFAIRS PLATFORM

We, the members of the American Veterans Committee (AVC), believe that in international affairs the objective of the United States of America is the maintenance of peace. All else aside, the world must avoid the holocaust of nuclear war. The end of the Cold War, the dissolution of the Soviet Union, and the fall of the Berlin Wall brought much hope of the avoidance of nuclear war—at least among the major powers—in the foreseeable future. Many international problems remain, and the United States has been active—along with the United Nations—in dealing with hostilities in the Middle East and the Balkan States, Central and Southeast Asia, such African states as Somalia, Rwanda and Zaire (now the Democratic Republic of the Congo), and in Central America and the Caribbean. The work of the United States has aided in establishing and restoring elective governments wherever possible.

Within that framework, our foreign policy, like our domestic policy, must seek always to enhance social justice for and the welfare of the individual, in all classes and without regard to race, religion, ethnicity, language, sex, sexual orientation, or age. Our policies should strive for realization of the world envisioned in the Universal Declaration of Human Rights, a world in which all might eat and sleep in safety, live under and vote in an elective government, with realistic hope and opportunity their reasonable aspirations.

I. THE UNITED NATIONS AND WORLD GOVERNANCE

The United Nations (UN), despite its weakness, continues to be the best hope for peace in the world. American support of the UN must be an essential part of our foreign policy. The authority of the UN must be strengthened in a process in which selected elements of national sovereignty will be progressively transferred, in a manner that will enhance the fundamental freedoms and the well-being of all the peoples of the world.

AVC supports the following principles, reforms and programs for a more effective United Nations:

1. International law governing disputes and conduct of UN member states, and other states, with one another should be improved, clarified, codified, and obeyed. The U.S. and all member states should work within the UN for the development of clear, well understood and respected international law. All member states should accept the jurisdiction of the International Court of Justice (ICJ) to interpret and implement international law. Other steps of clarification of and respect for international law might include:

(a) a procedure whereby the Security Council would decide, in cases of continuing bilateral disputes that threaten world security, to require the UN member states involved (including Security Council members) either to present themselves to conciliation proceedings or to take the dispute to the ICJ;

(b) General Assembly authorization of the Secretary General, under Article 96 of the Charter, to turn to the ICJ for advisory opinions;

(c) the establishment of an International Criminal Court to try individuals accused of specific violations of international law; and

(d) provision for individuals or groups that believe their rights have not been respected to petition the UN High Commissioner for Human Rights for reaction and then, if the issue is not resolved, to petition the General Assembly for a hearing.

2. The United States and other debtor states must pay their United Nations past and current dues and assessments in full to honor their treaty obligations. Consequences for continued non-payment must be instituted.

3. The effectiveness of the UN must be improved through better financing, including such mechanisms as—

(a) a treaty among member states to establish partial self-financing of UN peace-keeping and other programs through a worldwide tax on airline tickets, currency exchanges, and the value of ocean freight;

(b) a surcharge on international postage items;

(c) rent for the exclusive use of satellite positions;

(d) national legislation within member states to ease the way to voluntary individual contributions to UN programs through tax-deductibility of contributions; and

(e) sale of UN bonds to private individuals and of extra premium postage stamps.

4. The UN structures for dispute mediation and conflict prevention and resolution should be strengthened through the establishment of a UN Peace Observation Corps of 100 to 200 highly-trained professional observers and mediators to assist the Security Council and Secretary General—backed by a competent research and analysis unit—to track potential crisis situations and, further, to identify the most successful approaches to conflict prevention and resolution from past crises.

5. United Nations peace-keeping capability should be improved through such means as:

(a) predesignation of peace-keeping units in their own forces by member states with provision for joint training of such designated units to be financed either through voluntary contributions or regular peace-keeping expenditures;

(b) a task force established by the Security Council to study the practical detail of a small UN Readiness Force, to be placed at the disposal of the Security Council—10,000 troops composed of volunteers contributed by member states in small units (companies or battalions)—and with the purpose of intervention in the early stages of possible conflict before it expands to widespread fighting and, when not engaged in peace-keeping operations to train peace-keeping personnel of interested member states;

(c) a second task force established by the Security Council to investigate practical steps to use more effectively the Military Staff Committee (Article 47 of the UN Charter) with responsibility for enforcement, peace-keeping operation, and disarmament.

6. Further international cooperation for peace and sustainable development should be enhanced through the establishment of a UN Economic Security Council to take the place of the Economic and Social Council (ECOSOC), its functions being to balance the interests of citizens, nations, and corporations in an increasingly globalized economy and, in particular, to improve coordination on economic and social programs within the UN system.

7. Movement should be made toward a genuine career UN civil service, with training of UN staff on all levels to include the recognition of diversity of cultures. And, further, with the elimination of political appointments, level-by-level over a period of years, with all positions in the UN Secretariat except those of the Secretary General and his immediate staff being held only by those who have passed the UN entry examination or met other well-established professional criteria including maintenance of a high-level of performance.

8. The influence of civil society at the UN should be strengthened through measures such as a biennial Citizens' Assembly at the UN representing all NGOs. The Citizens' Assembly would develop concepts and proposals for transmittal to and discussion by the General Assembly, especially as regards widest possible participation of NGOs at all UN conferences.

9. The integrity and independence of the Office of the Secretary General, as expressed in the UN Charter, are crucial to the strength and effectiveness of the United Nations. The U.S. should oppose any attempt to weaken the powers of this office. AVC commends the leadership of the present Secretary General Kofi Annan, in making the organization work more effectively.

10. The formation of supra-national authorities of a regional nature consistent with the UN Charter and treaty arrangements which limit the sovereignty of the participating nations in order to secure mutual advantages, such as the European Union, Euratom, and others. The United States should further encourage initiatives through the Council of Europe or otherwise to create, consolidate, and strengthen institutions which may lead to a politically stable and prosperous European entity.

11. In pursuit of the goals of the United Nations and the dream of a world free from exploitation as well as the scourge of war, the establishment of democratic governments throughout the world should be encouraged and persistently supported.

II. WORLD VETERANS FEDERATION (WVF)

The American Veterans Committee points with pride to and pledges continuing support for the World Veterans Federation, a worldwide organization of former combatants whose activities are a remarkable example of the kind of private international cooperation on which lasting world peace and justice can be built.

III. NUCLEAR TESTING AND DISARMAMENT

Complete elimination of nuclear weapons testing and the establishment of international controls on this most dangerous weapons technology must be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on Earth unlivable for later generations.

The adoption by the United Nations of a Comprehensive Test Ban Treaty in September 1996 is a significant advance with all five Permanent Security Council states among the signatories. Complete and total disarmament is the ultimate *summum bonum,* but this is an objective remote in time; immediate achievement is not feasible. Efforts toward that goal should be made by the United States nonetheless and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

IV. CHEMICAL WEAPONS—UN TREATY BANNING SUCH WEAPONRY

The American Veterans Committee (AVC) without reservation supports the adoption by the United Nations of a treaty that bans in the world the use of chemical weapons. And at the time of the development of this AVC/IAC Platform, AVC urges the United States Senate to support ratification of the UN treaty on chemical weapons.

AVC believes that the world-wide ban on testing nuclear weapons on the total elimination of the anti-personnel landmines, and the ban on the use of chemical weapons have a major role in ensuring the continuation of civilization on this Earth.

V. UNITED STATES AND ITS ALLIES

Inevitably differences will arise between the United States and its allies, but these are differences which can be and must be resolved around the conference table. In its negotiations the US should seek no more than the rights and privileges of a willing partner.

The North Atlantic Treaty Organization (NATO) was formed in a world considerably different from the world of today. The American Veterans Committee (AVC) supports the reassessment by the NATO nations of their membership and role. Its continued organization and operation should reflect the changing

In Latin America we must bend every effort to erase the image of the United States as a prosperous, patronizing, and paternalistic benefactor or intervenor. It should be the objective of the US foreign policy to create instead an image of a US that wants to be a good partner as well as a good neighbor—in helping the peoples of Latin America work out their own destiny.

The US should, at every turn, encourage the UN or the Organization of American States (OAS) to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin America. The United States nevertheless continues to believe in the effectiveness of a democratic form of government.

Relations with Cuba continue to be difficult, but we believe that the US should resume humanitarian aid to the Cuban people, an aid cut off as a result of the downing of two US civilian planes by the Cubans in the Cuban waters. The policy of penalizing other countries which trade with US firms—firms that have been nationalized by the Cuban government—has seriously strained relations with some of our closest allies and, therefore, should be abandoned as soon as possible.

VI. THE UNITED STATES AND THE WORLD

At the end of the twentieth century and the second millennium, the US must continue to be willing to help the developing nations of Africa, Asia, and Latin America to direct their own destinies. The UN forum must be held open to the developing nations. And the services of the UN specialized agencies, for example, the World Health Organization (WHO), and the many non-governmental organizations (the NGOs) must appropriately be focused on the needs of the developing nations.

The gap between the social and economic bases of the developed countries and those of the developing countries continues to widen. The decline in relative socio-economic position of developing nations, accompanied as it is by a population explosion (now being recently addressed), has led to dangerous tension and the outbreak of violence and disorder in many areas of the world. Africa faces particularly difficult problems, and African institutions seeking to solve these problem, such as the Organization of African Unity (OAU), deserve our continuing support.

Acknowledged that the ability of the United States to underwrite services in assistance of all foreign countries is limited, its efforts to aid developing countries should be utilized at points of greatest potential for success. Priority should be given to those countries which can make the most rational and productive use of such aid, humanitarian considerations aside under conditions of famine and natural disasters. In evaluating the effectiveness of United States' aid, due weight should be given not only to economic and environmental considerations but also to the strengthening of democratic institutions and the consolidation of efforts on a regional basis.

Only when asked and only when it is clear that armed force is necessary to thwart a take-over by powers inimical to the survival of a weak and developing nation should the United States furnish military assistance. Even then, it should be with the approval and cooperative assistance of the United Nations and regional organizatins.

VII. RUSSIA AND CHINA

The end of the Cold War and the dissolution of the Soviet Union into Russia and the several independent states—plus the freeing of Eastern Europe and the separation of the three Baltic States—has caused a monumental improvement in the international relations of the United States and Russia and the Eastern European states as well. With many problems remaining, all have moved toward democratic governments and free market systems.

China also does not seem as threatening as it has in the past—as the ''free market economy'' has penetrated even this nation state. At the same time, quarrels between the United States and China—both with respect to the independence of Taiwan and ''human rights''—are expected to continue. Trade between the U.S. and China will surely expand despite the disapproval in the US of the latter China policy. The US should use its trading relationship to continue to press for relaxation of China's stern measures against dissent, especially as China prepares to take over during this year Hong Kong—once the market capital of Southeast Asia.

VIII. ISRAEL AND THE ARAB STATES

The American Veterans Committee strongly supports the efforts of the United States to continue the peace process begun at Camp David in 1979, continued at Madrid in 1991, further affirmed at Oslo in 1993, and today reflected in the Wye Memorandum agreements of the Prime Minister of Israel and the Head of the Palestinian Movement. Although no rigid deadline should be set, the ultimate goal should be the fulfillment of the UN Security Council Resolution 242 (1967), which requires that Israel evacuate the territory occupied in that year in return for recognition by Arab countries of Israel's sovereignty, territorial integrity, political integrity, and peace. Exception must be made for areas absolutely necessary for Israel's existence as a state.

IX. WORLD TRADE

Unlimited global economic growth through global free trade in a global free market. That has long been an American dream; for some, almost a religion. In 1945, two great international financial institutions (IFIs) were erected, and a third envisaged, to make the dream real. In collaboration with other World War II winners—all great capitalist powers—and some developing world possessors of great natural resources, the U.S. hosted and led the Bretton Woods, New Hampshire, meetings that launched the International Bank for Reconstruction and Development (the ''World Bank'') and the International Monetary Fund (IMF). A third institution, to promote and regulate global trade, was postponed. In 1995, however, it opened for business as the World Trade Organization (WTO).

Two assumptions that undergirded the Bretton Woods institutions' establishment are deeply flawed. The first is that growth and enhanced world trade will benefit everyone. The second is that growth will not be constrained by the inherent limits of a finite planet.

The first fallacious assumption was summarized and popularized by President Kennedy's famous dictum, ''A rising tide lifts all boats.'' The trouble with that is, of course, many more people don't have boats than do. For the have-nots, the rising tide means run for the hills or drown on the beach.

At Bretton Woods, U.S. Secretary of the Treasury Henry Morgenthau advocated rapid ''material progress on an earth infinitely blessed with natural riches.'' He asked participants to embrace the ''elementary economic axiom . . . that prosperity has no fixed limits. It is not a finite substance to be diminished by division.''

That perception is now widely controverted, most importantly in the ''Earth Summit'' deliberations and agreements at Rio in 1992. But, as economist David C. Korten points out, the World Bank and IMF, in their ''structural adjustment programs,'' are still holding faithfully to Morgenthau's half-century-old mandate. They ''have pressured countries of the South to open their

borders and convert their economies from diverse production for local self-sufficiency to export production for the global market.''

Under the regime of the Bretton Woods institutions and the new World Trade Organization (WTO), the planet's far from infinite resources are being divided in ways that are, first, wasteful and environmentally unsustainable; and, second, so uneven, unjust and cruel as to incite armed revolutions—some now underway.

The brave new world of IFIs, trans-national corporations (TNCs), and free trade has enormously

The WTO and the North American Free Trade Agreement (NAFTA) are creating new jobs, often by displacing others. They are eroding labor and environmental standards. The American Veterans Committee favors renewed and thorough public discussion of both these treaties, followed by their renegotiation and extensive revision or replacement with others more friendly to people.

INTERNATIONAL AFFAIRS RESOLUTIONS

1. THE BALKAN STATES

Having goals of peace, security, and development in the Balkans and well aware that what was once Yugoslavia is now Yugoslavia/Serbia, Herzegovinia, Croatia, Macedonia, Montenegro, and Slovenia;

Noting with appreciation that the World Veterans Federation (WVF) brought together its member organizations (International Conference, Luxembourg, 5–7 May 1996) to arrive at ''principles to be followed and measures to be taken'' for attainment of those goals . . . and that the Luxembourg International Conference carefully took into account the position adopted in Dayton (Ohio/USA) with respect to Bosnia-Herzegovinia;

Aware that peoples of different ethnic, religious, and historical background do have differences, sometimes substantial almost insurmountable differences;

Supporting the elections of a democratic state and urging the peoples to support the results of the elections wherever in the Balkan States;

Also supporting the position that individuals accused of ''war crimes or crimes against humanity'' must be brought before the appropriate court;

Believing with respect to the totality of the Balkan States that ''recognition by every State in the region of all the other States in the region and renunciation of all forms of nationalism leading to the notion of 'greater State,' ethnocentrism, xenophobia, and intolerance toward minorites'';

Continuing to respect the final act of Helsinki, which emphasizes the security and cooperation in Europe;

The American Veterans Committee continues to adopt the position that mediation and discussion, together with (a) peace-keeping, economic, and infrastructural support from NATO and the UN, including in both instances the United States of America, and (b) vital governing provisions Bosnia-Herzegovinia and other Balkan States will lead to a state of multi-ethnic, multi-culture, and multi-denomination with full respect for the rights of all the people concerned.

2. BAN ON ''ANTI-PERSONNEL'' MINES

Recognizing that the President of the United States has himself used the phrase ''global humanitarian tragedy caused by the indiscriminate use of anti-personnel mines'';

Reviewing the long-standing position of the American Veterans Committee (AVC) in support of the total ban of land mines, or anti-personnel mines;

Recalling also that the statement to the President of the United States of generals of the United States Armed Forces established that land mines hurt the United States more than they helped our Armed Forces;

Continuing to observe that around the world children and women and other civilians have sustained injuries and even death from land mines.

The American Veterans Committee continues respectfully to urge the President of the United States to adopt a strong position with the goal of eliminating land mines, or anti-personnel mines, from our global life, a position by the President that includes the end of use by our Armed Forces of such mines.

3. CUBA

Observing Fidel Castro has been in power in Cuba for more than forty years and that all efforts to remove him and change his regime have been and continue to be futile;

Believing that the Helms-Burton Act has not been and will not be effective in achieving its stated goal(s), and judging further that this Act of Congress has only created conflict between us and our close allies;

The American Veterans Committee believes that the Helms-Burton Act should be repealed; further, that the United States should establish diplomatic ties or permit commercial relationships with Cuba . . . the U.S. acting thus in its own self-interest.

4. ISRAEL AND THE MIDDLE EAST

Applauding in the early days of the American Veterans Committee (AVC) the establishment of the nation of Israel;

Supporting the leadership of President Jimmy Carter in bringing together Prime Minister Menachem Begin of Israel and Egypt's leader Anwar Sadat and further supporting the agreement developing from the meeting of Begin and Sadat;

Noting with satisfaction the further movement toward conciliation, reconciliation, and peace formulated by Palestinian leader Yasser Arafat and the present and immediate past Prime Ministers of Israel;

Urging the leaders of Israel and Palestine today to continue using mediation in arriving at agreements, including an agreement with respect to East Jerusalem;

AVC continues to support the right of Israel to peace and economic and socio-cultural development and the use of the instrument of discussion and mediation in the consideration of all elements and aspects of difference and conflict between Israel and the neighboring peoples and nations—whether they be Palestine, Jordan, Syria, Lebanon, or any other nation state; AVC in supporting the above stated developments in Israel in no way implies that it does not support similar development of Palestine as well as all and other nations as they too seek peace and improvement of the qualify of life for their peoples.

5. THE UNITED NATIONS—SUPPORT WITH REFORM

Recognizing that the American Veterans Committee (AVC) has been a staunch supporter of the United Nations since its inception in 1945 and has taken a very active role in the World Veterans Federation, a role that has enabled AVC to serve in the capacity of an NGO;

Recognizing nevertheless that time has brought the need for reform of a number of the systems and activities of the UN and those of some if its member states;

Observing further that some member states and even our own nation, the United States, have failed to meet their financial obligations as dues-paying members in the UN;

Resolved by the American Veterans Committee:

1. THAT the United States and other debtor states must pay their United Nations dues in full to fulfill their treaty obligations; that consequences for continued non-payment must be instituted.

2. THAT the effectiveness of the UN must be improved through better financing, including such mechanisms as (a) a treaty among member states to establish partial self-financing of UN peace-keeping and other programs through a worldwide tax on airline tickets and the value of ocean freight; (b) a surcharge on international postage items; (c) rent for the exclusive use of satellite positions; (d) national legislation within member states to ease the way to voluntary individual contributions to UN programs through tax-deductibility of contributions; and (e) sale of UN bonds to private individuals and of extra premium postage stamps;

3. THAT the UN structures for dispute mediation and conflict prevention and resolution be strengthened through the establishment of a UN Peace Observation Corps of 100–200 highly-trained professional observers and mediators to assist the Security Council and Secretary General—backed by a competent research and analysis unit—to track potential crisis situations and, further, to identify the most successful approaches to conflict prevention and resolution from past crises;

4. THAT United Nations peace-keeping capability be improved through such means as (a) predesignation of peace-keeping units in their own forces by member states with provision for joint training of such designated units to be financed either through voluntary contributions or regular peace-keeping expenditures; (b) a task force established by the Security Council to study the practical detail of a small UN Readiness Force, to be placed at the disposal of the Security Council—10,000 troops composed of volunteers contributed by member states in small units (companies or battalions) . . . and with the purpose of intervention in the early stages of the possible conflict before it expands to widespread fighting and, when not engaged in peace-keeping operations to train peace-keeping personnel of interested member states; (c) a second task force established by the Security Council to investigate practical steps to revive the Military Staff Committee (foreseen in the UN Charter) with responsibility for enforcement, peace-keeping operation, and disarmament;

5. THAT the Security Council become more responsive to the concerns of the General Assembly through arranging for regular presentation of the Assembly to the Council and discussion by the latter of the views of the General Assembly, as reflected in the Assembly Resolutions, with the President of the Assembly given ex-officio membership on the Council, and through continued study of the representative qualities of the UNSC membership;

6. THAT the rule of law among nations be strengthened through (a) a movement toward universal acceptance of the jurisdiction of the International Court of Justice by introducing a procedure where the Security Council would decide, in cases where continuing bilateral disputes threaten world security, to require the UN member states involved (including Security Council members) either to present themselves to conciliation proceedings or to take the dispute to the International Court of Justice; (b) General Assembly authorization of the Secretary General to turn to the International Court of

Justice for advisory opinions; (c) the establishment of an International Criminal Court to try individuals accused of specific violations of international law; and (d) provisions that individuals or groups who consider that their rights have not been respected may petition the UN High Commissioner for Human Rights for reaction and then, if the issue is not resolved, to petition the General Assembly for a hearing;

7. THAT further international cooperation for peace and substantial development be enhanced through the establishment of a UN Economic Security Council to take the place of ECOSOC, its functions being to balance the interests of citizens, nations, and corporations in an increasingly globalized economy and, in particular, to improve coordination on economic and social programs within the UN system;

8. THAT movement be made toward a genuine career UN civil service, with training of UN staff on all levels to include the recognition of diversity of cultures. And, further, with the elimination of political appointments, level-by-level over a period of years, with all positions in the UN Secretariat except those of the Secretary General and his immediate staff being held only by those who have passed the UN entry examination or met other well-established professional criteria including maintenance of a high-level of

9. THAT the influence of civil society at the UN be strengthened through enhancing the role and access of citizen organizations with regard to their participation in proceedings of the General Assembly and all UN conferences through a biennial Citizens' Assembly at the UN representing all NGOs to develop concepts and proposals for transmittal to and discussion by the UN General Assembly;

10. THAT isolationism within the United States be fought in all its forms, as the US with about five percent of the world's population needs the UN to serve as a necessary and vital bridge to the rest of the world; and

11. THAT funding of the UN Trusteeship Council should end inasmuch as there are no longer any Trust Territories, thereby eliminating a stark example of bureaucratic waste within the UN itself and setting a precedent for other comparable action as warranted.

6. US RATIFICATION OF RELEVANT CONVENTIONS PROTOCOLS, AND TREATIES ON WOMEN'S RIGHTS

Recognizing the importance of the United Nations Conventions on the Elimination of Discrimination Against Women (CEDAW) and other international conventions and treaties which promote the human rights of women and their desire for full equality with men in all pursuits of life;

The American Veterans Committee (AVC) calls for the United States Senate (a) to endorse the CEDAW which would make the United States a signatory to the CEDAW, and (b) to support other international conventions and treaties promoting the rights and interests of women;

AVC affirms the proposition spelled out in The Platform For Action that human rights are universal and equally applicable to women; the inherent and indivisible rights of women must be affirmed by the international community, and support the Mission Statement from Beijing that ''equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development, and peace.'' [N.B. The previous statement flows from the United Nations 4th International Conference on Women, held in Beijing, China, September 1995.]

7. US RATIFICATION OF UNITED NATIONS HUMAN RIGHTS COVENANTS

Supporting since the adoption by the United Nations nearly a half-century ago of the ''Universal Declaration of Human Rights'' the philosophy and concept of human rights for all people all over the globe;

Supporting further the United Nations Human Rights Covenants on Economic, Social, and Cultural Rights—as well as the United Nations Human Right Covenants on Civil and Political Rights;

Noting that more than 175 nations of the world have ratified the UN Human Rights Covenants;

Noting further that the United States of America became a signatory, during the administration of President Jimmy Carter to the UN HR Covenants;

The American Veterans Committee (AVC) respectfully urges the President of the United States to take all immediate and reasonable steps to move the United States not only as a signatory but also as a nation ratifying both United Nations Human Rights Covenants (a) Economic, Social, and Cultural as well as (b) Civil and Political Rights.

8. US SUPPORT FOR THE REPORT ON THE IMPACT OF ARMED CONFLICT ON CHILDREN

Noting with satisfaction the release of the important study of the ''Impact Of Armed Conflict On

Reaffirming the American Veterans Committee's traditional support for strict adherence to international humanitarian laws and human rights standards in situations of armed conflict;

Reaffirming further our support for the implementation of the Convention of the Rights of the Child;

The American Veterans Committee (a) calls upon the international community to offer special care and protection of refugee and internally placed children and (b) further calls international support for the findings of the of the Report, including calling upon governments to prevent the recruitment of children under the age of 18 and to demobilize any children under that age.

9. THE UNITED NATIONS ASSOCIATION/US AND THE WORLD FEDERALIST ASSOCIATION

Recognizing for decades that the World Federalist Association (WFA) in the United States and World Federalism elsewhere in the world have appropriately emphasized the global nature of the Earth and our life thereon;

Recognizing further that the work of the United Nations Associations/US in its support of the United Nations itself has similarly reflected an understanding of the global nature of the world;

Observing that both of these organizations have emphasized the great need of peoples to work together for a better world at the same time their governments work together in the United Nations for peace and security;

Having members of the American Veterans Committee (AVC) also in positions of leadership and membership in the WFA and likewise in positions of leadership in the United Nations Association/US;

Believing today that the WFA position is still sound and that its annual and regional and assembly meetings are productive . . . likewise noting the effectiveness and value of the National Assembly of the UNA/US;

Believing today that the WFA position is still sound and that its national and regional meetings are productive, having produced recent leadership in advancing the international criminal court, the Hague Appeal for Peace and adequate UN funding . . . likewise noting the effectiveness and value of the results achieved by the national and regional assemblies of the UNA/US;

American Veterans Committee finds that both the work of the United Nations Association/US and the World Federalist Association have goals and programs that lead to a stronger and more productive relationship of the peoples in the nations of the world; and, therefore, AVC supports both of these organizations.

10. WORLD VETERANS FEDERATION—A HALF CENTURY OF AVC SUPPORT

Reviewing with gratification the nearly half century history of the World Veterans Federation (WVF) and the funding membership of the American Veterans Committee (AVC) in WVF in 1950 as well as the continuing AVC membership now in 1997;

Reviewing also the long and consistent programs and work of WVF in behalf of veterans as well as those who have suffered on account of war—the WVF program always including support of the United Nations;

Recalling the guidance of WVF by the CREDO created by the late United Nations Under-secretary General Ralph J. Bunche . . . the Credo having the celebrated phrase ''None can speak more eloquently for peace than those who have fought in war'';

Noting that WVF has consistently brought veterans from all over the world to its General Assemblies, Council meetings, and such special meetings as the 1990 Conference on the Mediterranean held in Malta, and observing that WVF now looks forward this year to its 23rd General Assembly to be held in Seoul, Korea;

Taking pride in the fifty-year leadership of WVF Presidents and Secretaries General, including the present leader General Bjorn Egge and Secretary General Serge Wourgaft;

Observing also that contributing to WVF over many, many years have been and are such AVCers as the late United States District Court Judge Hubert Will (WVF US Council Member for the three terms and WVF International Vice President), Executive Director June A. Willenz (who heads the WVF Standing Committee on Women), Stanley Allen (who has served the WVF US Council for more than four decades as its Executive Secretary), and Dr. Paul P. Cooke (who serves the WVF US Council at this time as its Alternate Council Member);

The Americans Veterans Committee continues to support without reservation the World Veterans Federation and looks forward to continuing membership and contribution to WVF programs.

IN SPECIAL RECOGNITION OF NELSON B. GRAY V ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. GILLMOR. Mr. Speaker, today I pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Nelson B. Gray V, of Norwalk, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Nelson's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Nelson brings a special blend of leadership, service, and dedication to the incoming class of West Point cadets. While attending Edison High School in Milan, Nelson has attained a grade point average of 4.047, which places him seventh in his class of one hundred forty-three students. Nelson is a member of the National Honor Society, French National Honor Society, Honor Roll, Varsity Scholarship Team, and has placed highly on the American Legion Americanism and Government test and the Greater Toledo Council of Teachers Mathematics exam.

Outside the classroom, Nelson has distinguished himself as a fine student-athlete. On the fields of competition, he has earned letters in Varsity Football and Baseball, and was named Field Captain of the Varsity Football team this year. Nelson has also been active in the Boy Scouts of America, earning the rank of Eagle Scout in 1998. He is a member of the French Club, Drama Club, Choir Band, and was a representative to Buckeye Boys' State.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Nelson B. Gray V. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Nelson will do very well during his career at West Point and I wish him the very best in all of his future endeavors.

SENSE OF THE HOUSE IN SUPPORT OF AMERICA'S TEACHERS

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Ms. ESHOO. Mr. Speaker, today I honor teachers throughout our nation and speak in support of H. Res. 492, which expresses a sense of the House of Representatives in support of America's Teachers.

Teaching is one of the oldest and most important professions in the world, yet it is a profession which is underappreciated by too many. I come to the House floor today to demonstrate my appreciation for the teachers who shaped my life and those who inspire our children today.

Diane Hooper is one such individual from California's 14th Congressional District who has devoted her life to shaping and improving the lives of tomorrow's leaders by educating and inspiring her students. Ms. Hooper teaches math at Sequoia High School and she was named San Mateo County's Teacher of the Year for 2000 for her outstanding contributions.

The 14th Congressional District is blessed with Vonneke Broekhof-Miller and team teachers Brenda Goldstein and Andrew Lucia. They teach middle school science at Peterson Middle School in Sunnyvale and were honored at the 1999 American Teacher Awards last November.

Paul Jorgans, a teacher at Stanford Middle School in Palo Alto was recognized for developing cutting-edge curriculum for integrating computer technology into classroom curriculum. Clarence Bakken from Palo Alto Unified School District, Gayle Britt from the San Carlos School District, and Shane Tatman from the Cupertino Union School District were recognized for excellence in teaching by the Innovations in Teaching Awards Program. These teachers are shaping the way students learn in the 21st Century by using innovative and proven methods that inspire other teachers and lead to increased student learning and greater achievements.

Teachers touch the future and shape it every day. My sister, Veronica Georges, teaches in the Sequoia School District and my daughter and son-in-law are devoted educators as well. They along with Linda Mitchell, Pat Dawson, Sheila Haberkorn, Kris Weaver, and Dale Deffiner are the mothers, fathers and sisters of my staff who are influencing America's future today. I'm exceedingly proud of them and the superb work they do daily.

This statement of recognition by the House of Representatives is but a small tribute of gratitude to those who have dedicated themselves to education. On behalf of a grateful nation, I salute every teacher in our land!

TRIBUTE TO SOUTHERN HOMES SERVICES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Southern Homes Services (SHS) as it celebrates its 150th anniversary. Since 1840 SHS has provided quality services to preserve, build and stabilize the lives of children and families within their communities.

During the first 100 years of its existence SHS provided services for youngsters who had been placed in its care because of the death of their fathers and the mothers' inability to care for their children. But, in the early 1950's SHS refocused its mission. The result was the adoption of a psychiatric residential treatment program for children that included support services for their families.

Today SHS is a multi-disciplined, multi-facility that is licensed as a Residential Treatment Facility. Annually it provides comprehensive services to more than 2,000 children and adolescents with severe emotional problems. Its comprehensive mental health and social services include: foster and kinship care; residential treatment services; an on-site licensed private school; outpatient mental health and psychiatric services; in-home family preservation services; and mentor/volunteer opportunities.

In February 2000, SHS became one of the first children's services agency to be accredited as a behavioral Healthcare Organization by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

In recognition of its 15 decades of providing critical services to at-risk children when their families are the most vulnerable, I join SHS as it celebrates this important milestone.

TAIWAN INAUGURATES A NEW PRESIDENT

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. HILLIARD. Mr. Speaker, today I pay tribute to Mr. Chen Shui-bian who will be inaugurated as the tenth president of the Republic of China on May 20th. I am honored to stand before you today in a spirit of freedom and change. President-elect Chen Shui-bian's victory on March 18, 2000, signals a new milestone for Taiwan's history of democratization. His Excellency defeated two other formidable opponents, and for the first time in Chinese history, an opposition party attained real political power from the ruling National Party. Taiwan united and is now clearly a model for reform and promise for most Asian countries.

As Taiwan voters collaborate on a brighter future, reevaluating the past proves a desirable democratization record which must be commended. The United States, and all countries of the free world, should pledge open support to President Chen Shui-bian, and encourage meaningful discussions of reunification issues in an effort to build better relationships with mainland China.

I congratulate a leader of vision and express my full confidence in Taiwan's President-elect Chen Shui-bian and the people of Taiwan.

HONORING REV. DR. JOE SAMUEL RATLIFF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. BENTSEN. Mr. Speaker, today I recognize Rev. Joe Samuel Ratliff for his 30 years of service in the ministry.

Since 1980, Rev. Ratliff has faithfully addressed the needs of the Brentwood Baptist Church community. Throughout his tenure as the church's spiritual leader, Rev. Ratliff has brought remarkable vision, transforming the 400-member church into a dynamic 10,000-member congregation. Brentwood has experienced unprecedented growth since Rev. Ratliff has been at the helm, including a new 1,800-seat sanctuary, land acquisitions, and an enhanced role as public servant and community activist in the surrounding community. The growth and success that Brentwood Baptist Church has undergone stems from a visionary pastor who is truly connected to his community and to his congregants.

Rev. Ratliff is the eldest of his mother's nine children. As a child growing up in Lumberton, NC, he was always active in the church, and played piano at services as a teenager. But he did not aspire to a career in the ministry until after he moved to Atlanta to attend Morehouse

College. It was in his junior year that Rev. Ratliff recognized the power of the church in bringing about change and making a positive impact on the community. He took his first pastorate as a college senior, and went on to earn his master of divinity and doctor of ministry degrees from the Atlanta's Interdenominational Theological Center. Before coming to Brentwood in 1980, Rev. Ratliff served Cobb Memorial Church in Atlanta and as acting dean of chapel at Morehouse College. In 1988, he was a research fellow at Harvard University for a semester.

During his 20 years as pastor for Brentwood Baptist Church, Rev. Ratliff is credited with building one of the fastest-growing churches in America. At the same time, he has provided congregants with an outlet for giving back to the community. A stellar example of the good works performed by the church includes the Brentwood Community Foundation, a program that serves the needs of HIV/AIDS patients by providing housing and health care. Programs include a mobile health unit and services for pregnant teens and young adults who are HIV-positive. The church also raises money to benefit students' scholarships.

Rev. Ratliff's religious and spiritual dedication to the community and to his growing congregation have won him many distinctions and awards, including induction into the Martin Luther King Jr. Board of Preachers, the Julie and Ben Rogers Ecumenism Award from the Anti-Defamation League of Houston, and ''Minister of the Year'' award for improving ecumenical dialog and interracial understanding in Houston.

Mr. Speaker, throughout his 30 years in the ministry, Rev. Ratliff's intelligence, enthusiasm, and can-do spirit has served his congregations well. He brings tireless energy and compassion to each of his endeavors, whether its as a pastor, community leader, or friend. His contributions to the ministry and his energy in addressing the needs of his congregation and surrounding community are truly commendable.

WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 15, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for bringing this important piece of legislation to the floor this week.

Mr. Speaker, I rise in support of H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act.

I would like to thank Congressman LEACH for including the core provisions of BARBARA LEE's original bill, H.R. 2765, the AIDS Marshall Plan and Congressman Dellums for his public awareness regarding the importance of this bill.

This bill garners bipartisan support, including the Democratic Caucus and the CBC which both recognize the necessity of HIV/AIDS funding in Sub-Saharan Africa. Further, I was an original co-sponsor of AIDS Marshall Plan legislation authored by Congresswoman BARBARA LEE.

Mr. Speaker, I personally saw the devastation that the AIDS epidemic is causing in Africa during a visit with the President during March of 1999. During that trip, I visited places like St. Anthony's Compound in Zambia where grandparents were caring for grandchildren orphaned by AIDS.

In Uganda, the government showed the delegation the impact of AIDS as we met with a grandmother who was caring for 38 of her grandchildren because they were orphaned by her 11 children.

I also met with Ugandan First Lady Janet K. Museveni who is leading the campaign to help orphans as we discussed the fact that over 13 million children have been orphaned because of AIDS.

This trip emphasized to me the dire circumstances existing in Africa today and the obligation countries like the United States have to combat this disease.

The goal of this bill to create a trust fund administered by the World Bank to combat the AIDS epidemic is long overdue.

By directing the Secretary of Treasury to enter into negotiations with the World Bank and member nations, H.R. 3519 would serve as the impetus for an international response to the HIV/AIDS epidemic.

This bill would authorize the United States to contribute $100 million a year through fiscal year 2005 to this fund which would provide grants for prevention care programs and partnerships between local governments and the private sector that would lead to education, treatment, research, and affordable drugs.

Organizations like the Joint United Nations Programme on HIV/AIDS (UNAIDS) would be recipients of these grants.

By providing grants to organizations like UNAIDS, this bill could help address the ''drug corruption'' in sub-Saharan Africa by requiring that only those countries that eliminate corruption are eligible for trust funds.

Just last week, this Congress passed the Africa Growth and Opportunity Act in which there is a structured framework for this country to use trade and investment as an economic development tool throughout Africa and the Caribbean.

Unfortunately, the conference report does not include Senators FEINSTEIN and FEINGOLD's Amendment that would have prohibited the Executive Branch from denying African countries to use legal means to improve access to HIV/AIDS pharmaceuticals for their citizens. This amendment would have clarified the African Growth and Opportunity Act so that African Governments, in accordance with the World Trade Organization policies, could exercise flexibility in addressing public health concerns.

Thus, this amendment would simply allow countries to determine the availability of HIV/AIDS pharmaceuticals in their countries and provide their people with affordable HIV drugs.

Despite the failure of Senators FEINSTEIN and FEINGOLD's amendment, the White House still recognized the importance of access to drug therapies by issuing an Executive Order just

This Executive Order incorporates the language of the Senator Feinstein-Feingold Amendment and declares that the United States would not invoke a key clause in U.S. trade law against sub-Saharan African countries concerning the protection of patents on AIDS drugs. Like the Senators' amendment, the Executive Order would instead hold the African countries to the less stringent standard of the WTO on intellectual property protection.

Furthermore, I am pleased the House-Senate conference report includes amendments, which I offered during last year's consideration of the House bill.

The first provision encourages the development of small businesses in sub-Saharan Africa, including the promotion of trade between the small businesses in the United States and sub-Saharan Africa. This is an important victory for small business enterprises in America that are looking to expand remarkable trade opportunities in Africa.

It was once said, ''There is nothing more dangerous than to build a society, with a large segment of people in that society, who feel that they have no stake in it; who feel that they have nothing to lose. People who have a stake in their society, protect that society, but when they don't have it, they unconsciously want to destroy it.'' Although Martin Luther King was not speaking of AIDS, his comment rings true in so many aspects today.

The private sector must take responsibility for the eradication of this disease if these U.S. businesses are going to use African resources for their economic benefit.

Thus, I am pleased that an additional amendment I offered was incorporated into the conference report. This provision encourages U.S. businesses to provide assistance to sub-Saharan African nations to reduce the incidence of HIV/AIDS and consider the establishment of a Response Fund to coordinate such efforts.

This is important because HIV/AIDS has now been declared a national security threat. My provision reflects a national and international consensus that we must do everything we can to eliminate the HIV/AIDS disease.

Senior Clinton Administration officials clearly express their frustration that by all estimates on HIV/AIDS, that nearly $2 billion is needed to adequately prevent the spread of this disease in Africa per year.

Although, some say this may not be feasible at the moment, and the $100 million a year donation from the U.S. is not either, we no longer can deny that this disease is an epidemic of enormous proportion that can no longer be ignored.

The very fact that the Clinton Administration formally recognized a month ago that the spread of HIV/AIDS in the world today is an international crisis by declaring HIV/AIDS to be a National Security threat is illustrative of the devastating effect of this disease.

It is estimated that 800,000 to 900,000 American are living with HIV and every year another 40,000 become infected. Although newer and effective therapies have led to reductions in the mortality rate of people with HIV/AIDS, the demographics of this epidemic have shifted. Thus, women, young people, and people of color represent an alarming portion of the new cases of HIV/AIDS.

Globally, more than 16 million have died from AIDS since the 1980's, 80% of them in sub-Saharan Africa.

The creation of a WorldWide trust in which nations would be able to obtain grants to address the needs of HIV/AIDS victims globally is truly needed.

We know that 60% of those that have died from AIDS are in sub-Saharan Africa.

An even more heart-wrenching statistic is that 13 million children have lose one or both of their parents to AIDS and this number is projected to reach 40 million by 2010.

AIDS in Sub-Saharan Africa accounts for nearly half of all infectious disease deaths globally.

The percentage of the adult population infected with HIV or suffering from AIDS is alarming. To name a few: In Zimbabwe—25.9%; Botswana—25.1%; Namibia—19.4%; and South Africa—12.9%.

Additionally, in places like Namibia there has been a 44.5% drop in the life expectancy. Now adults in Namibia are only expected to live 38.9 years.

In Zimbabwe, the life expectancy is only 38.8 years and in Malawi, 34.8 years. Not since the bubonic plague of the Middle Ages, has there been a more devastating disease.

Yet, HIV/AIDS is 100% preventable. There is no reason for 2 million to die a year in Sub-Saharan Africa and 4 million to become infected.

The AIDS Marshall plan will help to ensure that the federal government commits to addressing the HIV/AIDS epidemic over the next several years.

The survival of Africa is at stake. The United States can and should be the leader in generating a global response to this incredible contagion.

Now is the time to act and I urge my colleagues to support this measure in its entirety.

IN SPECIAL RECOGNITION OF NATHAN J. NAHM ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. GILLMOR. Mr. Speaker, today I pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Nathan J. Nahm of Tiffin, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Nathan's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertaking of their lives.

Nathan brings an enormous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Columbian High School in Tiffin, Nathan has attained a grade point average of 3.64, which places him twenty-first in his class of two hundred sixty-nine students. Nathan is a member of the National Honor Society, Honor Roll, Who's Who Among American High School Students, and has earned several Scholar-Athlete awards.

Outside the classroom, Nathan has distinguished himself as an excellent student-athlete. On the fields of competition, Nathan has earned letters in Varsity Football and Basketball. Nathan was named Captain of the Tiffin Columbian Varsity Basketball team this year. Nathan has also been active in the Tiffin Columbian Boosters Club and the Technology Advisory Council.

West Point has become a home away from home for the Nahm family. With Nathan's appointment, he stands ready to walk the same path as his two older brothers, Blair and Reed, as a West Point cadet.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Nathan J. Nahm. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Nathan will do very well during his career at West Point and I wish him the very best in all of his future endeavors.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent on a matter of critical importance and missed the following votes:

On H. Res. 491, naming a room in the House of Representative wing of the Capitol in honor of G.V. "Sonny" Montgomery, introduced by the Gentleman from Indiana, Mr. PEASE, I would have voted "yea."

On H.R. 4251, Congressional Oversight of Nuclear Transfers to North Korea Act of 2000, introduced by the gentleman from New York, Mr. GILMAN, I would have voted "nay."

On H. Con. Res. 309, sense of Congress with regard to in-school personal safety education programs for children, introduced by the gentleman from Delaware, Mr. CASTLE, I would have voted "yea."

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. COBLE. Mr. Speaker, on Wednesday, May 10, and Thursday, May 11, I missed rollcall votes 160–179. On these dates, I was representing the Subcommittee on Courts and Intellectual Property at the opening of the Diplomatic Conference on the Patent Law Treaty in Geneva, Switzerland. As Chairman of the House Subcommittee on Courts and Intellectual Property, I believe congressional representation at this meeting was important, and I was honored to address the delegates of the conference.

COMMENDING THE ANN ARBOR HURON SCHOOL MUSIC DEPARTMENT

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Ms. RIVERS. Mr. Speaker, today I commend the Ann Arbor Huron High School Music Department for being named as a Grammy Award Signature School. Their hard work and commitment to excellence has made this achievement possible and it brings me great pleasure to have the opportunity to share this day with them.

As a former member of the Ann Arbor School Board, I know the special significance of such an achievement for a high school music program and I look forward to future accomplishments from the department.

RECOGNITION OF THE 100TH ANNIVERSARY OF HERRIN, IL

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. PHELPS. Mr. Speaker, I rise to recognize one of the towns in my district. On April 17, 2000, The City of Herrin marked the 100th Anniversary of its incorporation, and I thought it appropriate to acknowledge this city's great heritage of farming, coal mining, and industry. I would also like to commend the spirit of its citizens working together for a better community.

The City of Herrin gets its name from its first settler, Isaac Herring, a veteran of the War of 1812. Mr. Herring received a parcel of land, which became Herrin, as a land-grant for his service in the war. Mr. Herring later shortened his name, and that of the town, to Herrin.

Herrin was incorporated as a city in the election of April 17, 1900. At this time Herrin also elected its first mayor, Mr. C.E. Ingraham. Today Herrin is admirably served by Mayor Victor Ritter.

Herrin began as a farming community with cotton being the primary crop. It was later discovered that Herrin was surrounded by vast veins of bituminous coal. The coal helped Herrin to grow rapidly and to develop as a leading community in the region, attracting numerous immigrants seeking work in the coal mines. At one point, thirty coal mines operated within six miles of the city. The coal fields of Herrin were ripe for widespread union organization at this time.

Following World War II, Herrin's leaders and the Chamber of Commerce actively sought new industry for the community. Because of their efforts, Herrin is still one of the area's largest industrial cities, being home over the years to the Norge Division, Borg-Warner Corporation (now Maytag), Smoler Brothers, Inc., International Staple and Machine Company, Allen Industries, Container Stapling Corporation, Dura-Containers, Central Technology, Inc., and National Tape Corporation. Today Herrin continues providing business infrastructure and promoting even more industry, along with a better quality of life for its citizens.

Herrin's first school was a log structure built in 1844. Today Herrin's schools provide quality education to approximately 2,600 students from the greater Herrin area. Southern Illinois Healthcare, owner of Herrin Hospital, provides excellent healthcare for the region, as well as many jobs for the area. Herrin is also a deeply religious community, exemplified by its many churches of differing faiths. These churches, along with other charitable organizations, work together in providing help for those in need, the Herrin Food Pantry being a prime example.

Herrin is also home to the annual Herrin Festa Italiana celebration, which is held over Memorial Day. The festival is known to draw around 60,000 people over the four-day weekend. Home to one of the most popular city parks in the area, Herrin provides seasonal recreation including swimming, fishing, and picnicking. The park is also home to several ballfields used by a variety of school teams and city leagues.

I ask my colleagues to join me in congratulating the citizens and leaders of Herrin on their Centennial celebration, and also in wishing the City of Herrin continued prosperity in the new millennium.

IN HONOR OF MRS. LINDA STEIGLER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Mrs. Linda Steigler, a teacher at Welch Middle School in the 25th Congressional District, who this Thursday will be honored at the last concert of the school year by her eighth-grade band students.

Mrs. Steigler's dedication to her band students has been boundless. Parents of the members of the Welch Middle School band will tell you that her positive influence on her students' futures are immeasurable. Mrs. Steigler's instruction and passion for music bring education to life for her students, and her outstanding efforts deserve recognition.

Mrs. Steigler inspires her students with the power of music. Her instruction taps into music's potential to enhance human development and speed up the learning process. She gives the Welch Middle School band students a leg-up in their education through musical instruction that will last their entire lives. The diversity and talent of her band students is an admirable sight to behold.

Mrs. Steigler has had students compete and place in various music competitions. She has worked to get music scholarships at Mars Music Store for students, awarding them with free music lessons and instruments for those who could not afford them. She has held various fundraisers to support the students on field trips, allowing them to broaden their experiences through travel that they could not otherwise afford. She inspires them to go to music camps during the summer, and to work hard at their music—some students arrive at school early just for additional practice. She often works single-handed and tirelessly to spread the gift of music.

It is the involvement and support of dedicated teachers such as Mrs. Steigler at Welch Middle School that reaps ever-lasting rewards for these young people on their paths to adulthood. Studies have shown that children who take music score higher on standardized tests than students who are never taught an instrument. When students learn music, there is an overlap that occurs in nearly all subjects.

I, along with the Eighth-grade members of the Welch Middle School Band, salute Mrs. Linda Steigler for her accomplishments and her commitment to teaching. She is an outstanding role model for her students, parents, and other teachers.

IN SPECIAL RECOGNITION OF NEIL HARBER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 2000

Mr. GILLMOR. Mr. Speaker, today I pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Neil Harber of Bascom, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Neil's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Neil brings a tremendous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Hopewell-Loudon High School in Bascom, Neil has attained a grade point average of 3.97, which places him sixth in his class of sixty-five students. Neil is an Honor Roll member, and has received the Honor Award for Spanish, English, History, and Biology. Neil has received Scholastic Awards in Baseball and has been recognized for his academic efforts at Tiffin University.

Outside the classroom, Neil has performed very well on the fields of competition and has distinguished himself as an excellent student-athlete. Neil has earned letters in Varsity Football, Basketball, and Baseball. In addition, Neil was named Captain of both the Varsity Football and Basketball teams this year. Neil was named the Hopewell-Loudon Outstanding Male Athlete of the Year in 1998–1999. Neil has also been active in Student Council, Choir, Traveling Ensemble, and Quiz Bowl. He was a delegate to Buckeye Boys' State and currently serves as Vice President of the Senior Class.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Neil Harber. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Neil will do very well during his career at West Point and I wish him the very best in all of his future endeavors.