SENATE—*Thursday, May 18, 2000*

The Senate met at 9 a.m., and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Rev. Eugene F. Rivers, from Azusa Christian Community Church, Dorchester, MA.

PRAYER

The guest Chaplain, Rev. Eugene F. Rivers, offered the following prayer:

Father, we thank You, praise You, and adore You for how You have blessed us. May we be good stewards of all the resources with which You have entrusted us. Provide the men and women of this Senate with knowledge, wisdom, and understanding that they may make decisions that are just and fair.

God of strength and love, because You care for us, we are never alone. Give us the wisdom to turn our fears into courage, so that we will have the power to make good decisions, even in bad situations. Thank You for loving us and teach us how to love ourselves.

Father, give us a love that is patient and kind; that does not envy or boast; that is not proud; that is not rude or self-seeking or easily angered and keeps no record of wrongs. Give us a love that does not delight in evil but rejoices in the truth; that always hopes and perseveres. Give us a love that never fails.—1 Corinthians 13.

Amen.

THE GUEST CHAPLAIN

Mr. KERRY. Mr. President, it is my great privilege today to introduce to my colleagues in the Senate a very special person who is here with us, a long time friend of mine and a true leader, nationally as well as in Massachusetts, the Rev. Eugene Rivers.

Reverend Rivers is the pastor of the Azusa Christian Community in Four Corners, which is an inner-city community in Boston. He honored the Senate today by delivering our opening prayer, asking particularly that each and every one of us are bestowed with the wisdom to turn our fears into courage so that we will have the power to make good decisions even in bad situations. I think those words are particularly important to us in the context of this debate in the last few days.

Not only should we be touched by Gene Rivers' words this morning, but I emphasize to my colleagues the degree to which the words of this person of the cloth and the acts of life come from his heart. As someone who knows him and has worked with him and has been inspired by him, I can tell my colleagues that he is the living embodiment of the words he shared with us today. Those words reflect the important work that he has made his life's work—walking often in places of danger, always in places of difficulty, in order to try to bring the word of God and the spirit to our fellow citizens—in fact, the citizens of the world.

Gene Rivers comes from a place that understands some of the toughest fights in our country. He was born and raised in south Chicago and in northwest Philadelphia. He found himself in a bad situation as a gang member. He was struggling to break free from the life that he knew was either going to take him to jail or to a cemetery.

After, from that difficult life of the streets, Reverend Rivers persevered and he attended Harvard University and then did studies at the Divinity School. Ultimately, he has returned to the streets to live out his inner self in the spirit that commands his life. He has been part of what we call the Boston Miracle. As he puts it, he has let God use him to fight the gangs. Most recently, through his tremendous efforts in Boston, with Operation 2006 and the Baker House, my staff and I have seen Gene Rivers go out into the community, knocking on doors, standing on street corners to develop the services and assistance and the inspiration that so many young people need. He works very closely with the law enforcement authorities in helping to defuse the danger of the gangs.

As a consequence of his hands-on efforts, we went through, I think, almost a 2-year period in which we had not one young person killed in the city of Boston. He is consistently working to try to defuse those kinds of situations. Because of his direct hands-on action, Operation 2006 reduces juvenile violence and it brings the community together in ways that perhaps no one in public life could do without that special kind of connection.

I might add that, since then, Gene Rivers has tackled a much larger call beyond Massachusetts. The Senate this year has become particularly aware of the devastation taking place in Africa as a result of the AIDS epidemic. Gene Rivers has tackled that issue, challenging leaders in Africa, as well as leaders here, to engage in a candid discussion that tries to bring us all together in a united effort to deal with this terrible scourge. He has helped to make us all aware of the responsibility to do something about this, and he has had an impact.

Reverend Rivers was, in fact, the subject of a cover story in Newsweek magazine, I think a little over a year ago. They described him as an ''intellectual burst of firecrackers spinning off ideas and energy.''

He has been called an ''impolitic preacher'' and a man of action. Today, I simply want to thank him for always answering the call of leadership, for battling, from every day for the souls and safety of our inner-city kids to standing up to halt the spread of AIDS throughout Africa. I thank him for being a great voice of our generation, and he graces us with his wisdom and his prayers. I extend my heartfelt thanks to Rev. Eugene Rivers for his guidance, his friendship, and his leadership.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 18, 2000.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. L. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume consideration of the military construction appropriations bill. There are nearly 5½ hours of debate remaining on the Levin amendment in regard to Kosovo. Senators

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

who have statements are encouraged to work with the amendment managers on a time to come to the floor. Following the use or yielding back of time, a vote will occur at approximately 2:30 this afternoon. After the disposition of the Levin amendment, it is hoped the Senate can proceed to a vote on final passage of the bill.

For the remainder of the day, it is the intention of the leader to begin consideration of the foreign operations appropriations bill. Senators, therefore, can anticipate votes into this evening's session.

MEASURE PLACED ON THE CALENDAR—H.R. 3709

Mr. ROBERTS. Mr. President, I understand there is a bill at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3709) to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

Mr. ROBERTS. Mr. President, I object to further proceedings on the bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. Under the rule, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The ACTING PRESIDENT pro tempore. 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.

Pending:

Levin amendment No. 3154, to strike certain provisions which require ground troops be withdrawn from Kosovo by a fixed date.

The ACTING PRESIDENT pro tempore. The pending amendment is the Levin amendment No. 3154.

Under the previous order, the Senator from Kansas, Mr. ROBERTS, is recognized to speak for up to 15 minutes.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may proceed for 20 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, there is a time that has been allocated to each side. I ask my good friend from Kansas whether or not the additional 5 minutes will come out from the time that is allocated to his side.

Mr. ROBERTS. The Senator is correct. Last night I asked, under a unanimous consent request, for 20 minutes. I discovered this morning it was 15 minutes. I am merely asking for an additional 5 minutes. Obviously, it will come out of our time.

Mr. LEVIN. I have no objection if it comes out of their time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for 20 minutes.

Mr. ROBERTS. Mr. President, I rise to lend my support to the proposed legislation by my colleagues, Senator BYRD and Senator WARNER, in reference to U.S. obligations and involvement in Kosovo and, in a larger sense, in NATO as well, and in opposition to the amendment to strike that has been offered by the distinguished Senator from Michigan.

In this regard, I am a cosponsor of the language introduced several weeks ago by the distinguished chairman of the Armed Services Committee, Senator WARNER. I had the privilege of being in the Presiding Officer's chair when he introduced his legislation. Senator WARNER, after many trips to Kosovo and firsthand experience, became convinced that our united efforts in the Balkans would have no chance of success unless promises made by our allies were kept—obligations for humanitarian assistance and reconstruction so crucial to any positive outcome.

Senator WARNER, in effect, issued a strong warning to our valued allies, and I believe his legislation has become a catalyst for action. Almost every contributing NATO ally and the officials within the administration, has assured the chairman, that they have been, are, or will step up to the plate and fulfill their financial obligations.

I feel with certainty that President Clinton can and will certify the Warner requirements have been met, so essential to achieving peace and stability in Kosovo. Regardless of how Members feel about this legislation or U.S. involvement in Kosovo, we owe Senator WARNER a debt of gratitude.

The second part of this legislation has been authored by Senator ROBERT BYRD. His knowledge of the U.S. Constitution has no equal in this body and his tireless efforts in defending and protecting the constitutional prerogatives of this institution will be among the many legacies he will leave us.

Senator BYRD has a not-so-unique conviction. He believes, and I believe, that we should balance the need for Presidential flexibility in foreign affairs and our constitutional power of the purse.

His legislation signals the end to open-ended—and I emphasize the word ''open-ended''—U.S. peacekeeping operations in Kosovo and by periodic reporting promote actual consultation with the Congress and enable us to abide by the Constitution's directives on the separation of powers.

I certainly identify with Senator BYRD's purpose, as I authored a somewhat similar reporting requirement in 1998 during consideration of the Defense appropriations bill, as did Senators CLELAND and SNOWE. This is not new ground we are plowing. The reporting requirement was a little different. It was after the fact, and it was a foregone conclusion in terms of our involvement. We were trying to better determine the mission, the cost, the timing, et cetera. Again, this is not new ground we are plowing.

Notwithstanding the actual content of the Byrd-Warner amendment, it certainly has caused quite a fuss, so much of a fuss that the Senate of the United States is actually in the midst of a foreign policy debate, some $15 billion and 6 or 7 years into intervention in the Balkans.

We actually have Senators in both the Republican conference and the Democratic caucus involved in some very spirited debate about the U.S. policy in the Balkans, so emblematic of the so-called Clinton doctrine. Imagine that, foreign policy actually getting some attention in the middle of an election year and a Presidential campaign. That is good. That is not bad; that is good. We need this debate.

In fact, I know of two Senators, the Senator from Georgia, Mr. CLELAND, and this Senator from Kansas who have braved the morning business hours, always held in the late afternoons, to launch what we call a foreign policy dialog and discuss at length our vital national security interests, the direction of our foreign policy, and the use of force and related topics.

A few Senators have joined us, particularly Senators HUTCHINSON, HAGEL, LUGAR, and LEVIN. It was a good dialog. We will have more. But this debate is about an actual amendment calling for the Senate to meet our obligations and responsibilities to be an equal partner with the executive in determining where and why our American men and women in uniform are put in harm's way, and for what purpose, and commensurate with our commitments in regard to our allies.

This is almost beyond the hopes of Senator CLELAND and myself, who have been trying to attract attention to this topic for the better part of this session.

My colleagues, this legislation does us, our military, and the American people a big favor, it seems to me. It places the Congress into a process, a process where we already have a constitutional obligation. Simply put, if we, as a body, believe our continued

presence in Kosovo is justified, then we do so by voting to stay.

Second, the provision asks the United States to provide a plan to return the peacekeeping responsibility—I emphasize that, the peacekeeping responsibility—to our allies in Europe by the first of October of next year—18 months away.

Last, it asks the President to certify that the E.U. and the European members of NATO meet the obligations for the humanitarian assistance and the reconstruction they have promised.

This legislation has created quite a fuss. Supporters have been labeled—and I am quoting here—as ''isolationists,'' ''Cassandras,'' and ''blind to the facts.''

The critics of this legislation say, if this amendment is adopted, Europe will be plunged into darkness, NATO will resemble Humpty-Dumpty, and 50 years of U.S.-Europe cooperation will be in danger, not to mention the peace and stability in the Balkans. Really?

My colleagues, to suggest that if we ask to bring our combat troops home after an orderly turnover to European peacekeepers, to ask the Congress to vote on their approval or their disapproval of continued U.S. participation in Kosovo, and to ask that the President certify that the Europeans will meet their funding obligations they promised—if that represents a lessening of our commitment to Europe, this, to me, is histrionics of amazing proportions.

Let the critics, let all of my colleagues who oppose this legislation, answer the following questions:

First: Are the Europeans capable of maintaining the peace in Kosovo? That is a very important question.

Second: Are the Europeans solvent enough to meet their promised fiscal responsibility? I think we all know the answer to that.

Does the Congress have any responsibility for foreign policy?

Have we asked the President, time and time again, with numerous reporting requirements—as I have indicated, as Senator CLELAND, Senator SNOWE, and I have over 2 years ago—to better inform and include Congress in foreign policy decisions?

Would the United States respond militarily if a conflict erupted in Europe following the passage of this legislation?

Does an ill-defined, poorly executed, and ineffective policy in the Balkans have a direct negative effect on our military and our remaining military obligations around the world?

I think the answers, my colleagues and critics, is yes to all of those questions.

In fact, I think it is a bit condescending or paternalistic, if not outright arrogant, to suggest, as some have stated, that without direct U.S. participation—we are talking about ground troops now, not logistics, not airlift, not intelligence—that the European military would be unable to maintain the peace and war will spread to neighboring nations.

Those of us who are privileged to serve on the Senate Armed Services Committee have met repeatedly with our foreign counterparts to learn repeatedly that the European Union members are developing a rapid deployment force with defensive capability—they call it the ESDI—that they say will be, or is right now, capable of maintaining the peace in the Balkans. Are they wrong? We have 17 months to really try to figure that out.

As an aside, would our peacekeepers assume a combat role? Do I recall press accounts where Americans are no longer permitted to come to the assistance of other peacekeepers in other sectors, in certain situations, following a skirmish in the German sector?

So let me get this right. We are peacekeepers, but we cannot withdraw because of a possible problem that could break out; but we are not allowed to go to other sectors to assist if a problem breaks out? Something is wrong here.

Do the opponents of this legislation actually think that because of this provision, the United States will in fact become isolationists? Do opponents think by passing this provision, it signals an end to our participation in NATO or in Europe? That argument is absurd. I think the opponents know it. That is not the issue.

Aside from fulfilling our constitutional obligations, the issue is this: The U.S. military is being deployed all over the world by this administration at rates far above that seen in regard to the cold war. We must ensure that we have the forces to be able to respond to threats to our vital national security interests.

The point is not to debate whether we should have gone to war in Kosovo—those 20–20 hindsight lessons learned are still in progress, and they should be—but rather to decide how long we will keep draining limited U.S. resources when we still cannot define what our long-term objectives in Kosovo are, or when the Europeans are fully capable of performing the peacekeeping mission again, and they have committed to providing the reconstruction resources and the resources for humanitarian relief.

This legislation is, in fact, in concert with the new Combined Joint Task Force mechanism adopted by NATO during the Washington summit. That is the summit that was held last spring. In this regard, we all left town and the NATO ambassadors stayed here. They adopted a new Strategic Concept. I doubt if many Senators have read the new Strategic Concept. I did.

I am a little concerned about our mission in that regard. I even had an amendment, that was adopted, that asked the President to certify whether we had obligations and responsibilities on all these new missions in regard to the Strategic Concept.

In that Strategic Concept, passed last fall, largely at the request of our European allies, the task force allows NATO members to utilize—listen up, my colleagues—the task force allows NATO members to utilize noncombat NATO resources in support of an operation that is conducted by a coalition of willing nations without requiring all alliance members to participate in it.

That is the concept. That is what this legislation does.

There is no reason this CJTF plan would not allow the United States to continue to provide—as the distinguished chairman of the Armed Services Committee said over and over again in this debate—airlift, logistics, intelligence, and, yes, peacekeeping support.

What is the end game here? Not only are there no clear objectives that would end our involvement in Kosovo, but there is no understanding, at least from this Senator's standpoint, of what constitutes ''winning the peace.'' I would like somebody to tell me.

I would like somebody to tell me, after years of discussion and hearings, especially in the Intelligence Committee and Armed Services Committee, the President, Secretary Albright or National Security Adviser Berger or Gen. Wesley Clark, who is back in Washington after a very tough duty assignment that he conducted so well, or my colleagues who are so critical of this amendment: What is it that winning the peace in Kosovo means?

Is it harmonious coexistence of the Serb and the Albanian population in some yet to be defined autonomous or semiautonomous region called Kosovo? Is it when the level of violence, Serb on Albanian, Albanian on Serb, Albanian on Albanian or Serb on Serb or any combination of those, has been reduced to a point that CNN no longer covers it? Or is it when the western nations have kept the peace long enough for generations to pass and the great grandchildren of the combatants no longer remember the atrocities they inflicted on one another?

I am all for winning a peace. I don't know of anybody who is not. But I am concerned, and I am afraid the reality is that the U.S. cannot afford to wait. We are not talking about now. We are talking about October from October, 18 months. I say this not out of a lack of compassion for the inflicted innocents of Kosovo—those who I met and whose pleas I have heard and the memories of which I will carry forever—but because our U.S. military is stretched and strained and growing hollow once again, and our world commitments are too great to allow us to stay in Kosovo indefinitely.

Some time ago, June 19, 1998, Senator CLELAND and Senator SNOWE passed an amendment calling for a report from the Executive, what clear and distinct objectives guide the activities of the United States in the Balkans, what the President has identified on the basis of those objectives as the date or set of conditions that define the end point of the operation. That was 2 years ago.

There are findings here that pretty well underscore the concern and the frustration we have had, all of us, in a bipartisan way. We have a May 3, 1994, Presidential Decision Directive 25 declaring that American participation in the United Nations and other peace operations will depend in part—this was before Kosovo; this is Bosnia—on whether the role of the U.S. forces is tied to clear objectives and an end point for U.S. participation can be identified.

I think the distinguished chairman's amendment and that of Senator BYRD is commensurate with the Presidential directive. I had an amendment, as I indicated, to the Defense appropriations bill, saying: None of the funds appropriated on or otherwise made available, et cetera, could be obligated or expended for any additional deployment of forces—this is before Kosovo and the bombing, all of that—until the following questions were answered: The reasons why the deployment is in the national security interests of the United States; the number of U.S. military personnel; the mission and objectives, et cetera; the exit strategy.

About 6 months to a year later, we finally got a response. I can tell you that the mission has changed dramatically. Then we all wanted to safeguard the return of the refugees and provide a safe haven and end the fighting. Today, I am not sure if we can define ''winning the peace.''

A GAO report that just came says: On the eve of the Senate vote to set a deadline for withdrawing American troops from Kosovo. A GAO report released today said that prospects for lasting peace in Kosovo are bleak. It says it will take another 5 years. Maybe we should have an amendment by those opposed to this amendment simply stating that the GAO indicates there is going to be another 5 years and simply to go ahead and say that, that we tell the truth in regards to how long it is going to take.

Last week in our foreign policy dialog, Senator LUGAR asked the question: Are we committed to NATO, after the lessons hopefully learned following the isolationist policies of World War I and all we have worked to achieve in the 50 years since World War II? Are we still committed to Europe in that their security involves our security? The answer is yes. His point is well taken. That is not the issue.

I submit the conduct of foreign policy is just as important as the alleged or stated goal. And there is the rub for this Senator. Some day I hope to pull together all of the information and reports I have stacked up in my office and address the concern, the frustration, in regard to the planning, the intelligence, the conduct, the law of unintended effects of the Kosovo and Bosnia operations, but now is not the appropriate time.

Upon returning from Kosovo and talking with one of the colonels in charge, who was a member of the Airborne, I asked him what he did from the time he got up in the morning until the end of the day, other than the briefing we had. He indicated there was some progress being made.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent I be granted another 2 minutes to close.

Mr. KERRY. Mr. President, I assume that comes off their time?

Mr. ROBERTS. That is correct.

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

Mr. ROBERTS. I asked the colonel what he was proud of, what kind of progress he had made. That was the trip that we had in February to Kosovo. He indicated that finally they had found somebody who agreed to serve as a schoolbus driver for the Serb children. Unfortunately, there were no Serb schoolchildren in Urisivic, and they would not have been allowed to attend the Kosovar school had they been there. In addition, there would have had to have been a separate curriculum and separate teachers. But they found a schoolbus driver who was willing to drive the schoolbus if, in fact, there was schoolchildren.

These troops were guarding six Serb families in what was called Serb Alley. They were escorted by armored vehicles to shop and get groceries once a week. These families are staying with the hope that their youngsters would return some day, if they are, in fact, still part of Serbia, and so they could continue their businesses.

I could go on with example after example. Basically, we asked him what he spent most of his time on. He said, Albanian violence on Albanian. The basic question is, within the next 18 months that we figure out if, in fact, Europe has the capability to conduct the peacekeeping operations. This is not a pullout. This is not an automatic retreat. All this is, is for the Congress of the United States to assume its constitutional responsibility at the end of 18 months, if the President requests it and says it is in our vital national interests, that we vote to stay. I, for one, would vote to stay if, in fact, the President looked me in the eye and said that was the case. I think under the circumstances I have made my point.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, under the standing order, the vote on this issue will occur at 2:30, give or take a few minutes on either side. Senator LEVIN has, under his control, 2 hours 45 minutes. The Senator from Virginia has roughly an hour and a half or less, of which 1 hour is reserved to our distinguished colleague, Mr. BYRD of West Virginia. Thus far, the Senator from Virginia is desirous of trying to accommodate those who wish to speak in support of the amendment. I have the names of Mr. TORRICELLI, Mr. CLELAND, Mr. FEINGOLD, Mr. GREGG, Mr. BURNS, Mr. INHOFE, Ms. SNOWE, Mr. THOMAS, and Mrs. HUTCHISON of Texas. I am going to be right here to do the very best I can to accommodate all.

Time is going to move very swiftly, and I hope Senators will contact the managers and indicate the times convenient for them to speak.

Mr. LEVIN. Mr. President, I wonder if my good friend will yield for a question as to whether we might be able to schedule——

Mr. WARNER. On your time because my clock is ticking.

Mr. LEVIN. It will be brief and on my time. Senator LAUTENBERG is scheduled to go next under the unanimous consent agreement. Can we schedule a speaker on your side, perhaps?

Mr. WARNER. Yes, Senator INHOFE will be seeking recognition, and perhaps 10 minutes would be agreeable. Would that be agreeable?

Mr. INHOFE. I would like to have 12, if I could.

Mr. WARNER. We will give the Senator 12.

Mr. LEVIN. I ask unanimous consent that Senator DEWINE be recognized for 10 minutes immediately after Senator INHOFE, and then does the Senator know who would be ready on his side?

Mr. WARNER. I reserve 8 minutes for a Senator in support of the amendment.

Mr. LEVIN. After that, Senator KERRY of Massachusetts could go on our side.

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

Mr. WARNER. Mr. President, I add that following Senator KERRY, I will have a speaker for about 7 minutes. I thank the Chair and my colleague.

The PRESIDING OFFICER. The Senator from New Jersey is recognized, under the previous order, to speak for up to 20 minutes.

Mr. LAUTENBERG. Mr. President, I thank Senator LEVIN for the courtesy of being able to speak at this time. I believe very strongly in the issue which is before us. I am in opposition to section 2410 in the military construction appropriations bill, which in the view of most, I think it is fair to say, effectively terminates the U.S.

military role in Kosovo. I opposed this amendment when it was offered in committee, and I am proud to join with Senator LEVIN in offering an amendment to strike it here in the full Senate.

Last year, the Armed Forces of the U.S., our NATO allies, and other countries, valiantly fought to stop the killing in Kosovo. They ended Slobodan Milosevic's brutal campaign of ethnic cleansing against the Albanians and prevented his genocidal warfare from being carried out to its full extent.

Like many of my colleagues, I have made many visits to the area. I watched with admiration and awe when I saw our fliers flying out of Aviano, Italy, to the front in Kosovo. That flight—in a fighter plane there is not much room—typically would take up to 8 or 9 hours to complete. It also needed four to five refuelings in the air to keep that pilot and that equipment going. It was an incredibly well-done campaign. Our pilots' morale and commitment was second to nothing I have ever seen. I served 3 years in World War II, so I have seen war directly before. I remember even then, when everybody was so committed, how sometimes the morale would flag after a period of time. But these pilots would get in those planes almost daily and exhaust themselves in carrying out their missions. They were at high, high risk.

Fortunately, with good planning, skilled pilots, skilled crews and ground personnel, we only had one plane go down, and the rescue of that pilot is something that will live in the annals of military history—how they scooped him up in the middle of the night in a carefully planned evacuation. They got him and brought him home safely. When I met him a couple of days later, he wanted to fly again and was ready to go back and do his duty.

In Kosovo, we watched hundreds of thousands, perhaps millions, of people being uprooted from their homes—men, women, and children. A few men they would take away.

Even before the air campaign, I met a family in Albania where they lifted grandpa up to cross the mountains along with lots of little kids—about five of them—to cross the mountains to try to protect themselves. It was a sad story they related. They got to Albania to their relatives and slept on the floor and thought they were in heaven.

This was a genocidal act, if we have ever seen one. It was a brutal massacre involving the worst crimes that one could imagine—mutilation, rape. It was a terrible situation. We were compelled sometimes by our heartstrings more perhaps than our planning to intervene, and to say to the world you can't do that kind of killing while civilized nations exist around the world. We violated that, if we look at Africa. But we had a direct interest there.

When we think now of just pulling out—and I will say arbitrarily. I hate to disagree with two very distinguished and good friends in this Senate, the distinguished Senator from Virginia, chairman of the Armed Services Committee—I don't like to argue with him. He is too smart. He has too much knowledge—and the Senator from West Virginia, not in a different category. But I disagree with them on this very important decision that is about to be made.

In my view, and in the view of the Senate in the past, the United States and our allies were right to act last year in Operation Allied Force. And we were right to stay in Kosovo to accomplish our goals in Operation Joint Guardian.

We won the war. Now we have to ensure that victory by maintaining the peace.

Mr. President, the discussion and the debate on this provision since the Appropriations Committee markup has shed considerable light on the Byrd-Warner amendment and its consequences.

Most immediately, it ties our military presence in Kosovo to burden-sharing criteria for European reconstruction and humanitarian aid. They are doing it.

It has been my belief for a long time that our allies must do more burden-sharing. I talked about it with Japan; I talked about it with Saudi Arabia; I talked about it with South Korea—that there has to be burden sharing by our allies. I believe that the European countries should fulfill their broad commitment to take the lead in the reconstruction of Kosovo, as well as their specific aid pledges.

But I don't think threatening to reduce our peacekeeping presence is a constructive way to speed up European aid disbursement.

More importantly, I don't think anyone can predict with any certainty that the President will be able to meet the burden-sharing certification requirements by July 15 as this bill requires. July 15, 2000, is not very far away. Administration people—top people at OMB—say it is unlikely that it can be done. They are saying it certainly cannot be done now, and I know some of my colleagues who supported the amendment in the committee had a different understanding about whether or not the certification of the allies meeting their obligation could be done at this time. It can't be.

If the Europeans fail to meet even one of the yardsticks, U.S. funds for military operations could only be used to withdraw U.S. forces.

This provision could force U.S. troops to withdraw from Kosovo this July, 2 months from now. I think even some of the sponsors of the measure would consider this highly undesirable.

But let us suppose the Europeans do indeed fulfill their aid pledges as is required, after the first phase, which is July of this year, 2000. What happens then?

Section 2410 in this bill is quite clear on this point: Unless the President gets explicit congressional authorization in the form of a joint resolution, the next President will have to pull our troops out of the NATO-led peacekeeping mission in Kosovo by July of next year at the latest.

Just a reminder: The Second World War ended in August of 1945. We had troops stationed in Germany and Japan. We still have troops stationed in Europe and Japan as a result of that war. After more than 50 years, we still have troops there. We still have troops in South Korea as a result of that war. Why? Because we have determined we are better off keeping the peace than fighting another war.

I believe that is the attitude that ought to dominate. We were never asked permission to keep those troops there. Two-hundred thousand Americans have been stationed around the world—in Japan and Germany, in the Pacific and European theaters. We were never asked if it was OK to continue. It is automatically thrown into the budget. Why, I ask, isn't that question raised? Why doesn't someone say, hey, if the burden-sharing falls behind—mind you, there was a time when it was way behind, and I fought very hard to get that up to date—why don't we write legislation that would say, should one of those countries—Japan, South Korea, or Germany—fall behind in fulfilling their share of the burden, pull our troops out arbitrarily? Just pull them out. One would never dare think of that.

It has been 9 years since we concluded the war in the Persian Gulf. We have 9,000 troops stationed there in harm's way. We have lost a bunch of our people during the last 2 years because of an attack on a barracks. But we still have 9,000 people there monitoring the no-fly zones and making sure we have reserve troops to move in in case Iraq gets frisky and attacks again. I do not hear anybody saying, OK, look, done with; let's get out of there. The reason we don't do it is common sense. It is military sense. It is foreign policy sense.

We are leaders because of the actions we take. That is the position America is in. This debate, I think, is a real tough one because there are two very popular Senators who are offering this amendment. I know they don't want to win this battle based on their popularity, I am sure, but the fact of the matter is this is a very important policy decision. Proponents of this measure argue that they are upholding the role of the Congress in deciding when and where to send our troops into harm's way.

I just gave you a list of some places where we have troops. We all know that South Korea is on the border with

North Korea, and our troops could very easily be in harm's way.

The President asked Congress to support his decision for U.S. Armed Forces to participate in the NATO air campaign against Yugoslavia. Unlike the House, the Senate, on March 23, 1999, on the eve of the first air strikes, adopted Senate Concurrent Resolution 21 authorizing U.S. participation in the NATO air campaign.

The issue now is not authorization for offensive military action but continued deployment of U.S. troops in a peacekeeping mission that is carried out with our NATO allies and other nations.

Congress has in the past used the constitutional power of the purse to support or to end U.S. participation in peacekeeping missions. For example, in 1993, the Senate adopted an amendment offered by the Senator from West Virginia to cut off funding for the U.S. participation in peacekeeping operations in Somalia after the tragic death of U.S. marines. The Congress has never passed a joint resolution authorizing deployment of U.S. troops in a peacekeeping mission and has never before required the President to seek one.

In fact, Congress has generally supported U.S. deployments abroad by providing funding. In my view, that is what we should do right now for Operation Joint Guardian in Kosovo.

Historically, when our armed forces have prevailed in war, we have counted on our armed forces to remain deployed to consolidate our victory, to keep the hard won peace, to ensure that our values of democracy and human rights are respected.

The distinguished Senator from Virginia knows that. He was in the military for some time. He headed one of our most important divisions of the military. He knows after a conflict is over, we don't just walk away, pack up our bags, fold the tent, and go home. That is impossible.

Remember, this whole military engagement started late because we couldn't get agreement among our NATO allies. It was in March of last year, just over a year ago. We are being asked to continue this operation. We ought not put strings on it that impair the ability of the President to make decisions.

After more than half a century, in the war in which I was honored to serve, we still have the troops in Europe. I haven't heard my colleagues demanding we withdraw from those situations unless explicitly authorized by a joint resolution in the Congress. In fact, in all of my years in this body, I have never been asked to authorize the deployment of United States forces in Germany, Japan, Korea, or many other places, other than by authorizing and appropriating funds to continue those deployments.

The alternative in this bill would not really leave it to the next President to decide whether to continue the deployment of U.S. troops in Kosovo, as the sponsors have asserted. Rather, section 2410 requires that the pullout by July 1, 2001, essentially be a done deal during President Clinton's term of office.

Do we want to do that? I have a short term remaining, and I share the same schedule as the President. I am out of office in just a few months. To say that my successor ought to do exactly what I have done, Heaven forbid, we would never consider that. Do we want to tie the hands of the next President of the United States? We don't even know which party that President will come from.

Under section 2410, this President, President Clinton, must ''develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries, will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo.''

This President, President Clinton, must submit ''an interim plan for the achievement of the plan's objectives'' to Congress by September 30, 2000. That means President Clinton has to plan for a pullout and prevail upon our allies to pick up the slack within the next few months.

I am not trying to protect President Clinton's initiatives. I am trying to protect the President's initiative, whoever that President may be. Whether it is AL GORE or George W. Bush, our next President would have to reverse course to fulfill our small share of the burden to keep the peace in Kosovo, to keep the soldiers, the brutes from attacking the men and women. By the way, that could be from the Albanians to the Serbs, or the Serbs to the Albanians.

Kosovo is a tinderbox. In my view, this part of the bill puts a fuse on that tinderbox. If we pass it, we will light that fuse.

I hope my colleagues now understand the issue posed by section 2410 of this bill.

It is not about burden-sharing. We don't need to threaten to pull our troops out to make a point that the Europeans need to fulfill their commitments to take a lead in the reconstruction effort.

This is not about the prerogatives of Congress. We can exercise our rights by providing or denying funds to continue to deploy. We have every right to do that.

This is not about presenting the next President with a decision on a national security issue, since it would instead present the next President with a fait accompli, a done deal.

The issue now before the Senate is whether to force the President, this President, to withdraw U.S. troops from Kosovo in this year, or at the latest by July of 2001, hoping our allies will go on without us. If they fail to, are we ready to bring those pilots back and assemble our armada, when we could avoid that? It is a mission that carries some danger, there is no doubt about it. Our brave men and women are there to do that. They are well trained and ready to take on the obligation.

The issue we are deciding in the Senate is about policy and about making policy. What we do is immediately strap the hands of the President and the military leaders in our country, a pretty bright group. We strap their hands behind their backs and say: Sorry, we've decided to subject this to a perhaps appropriate political or power discussion.

The policy now codified in this bill is against the national security interests of the United States.

Why should we support the continued deployment of U.S. forces in the peacekeeping mission in Kosovo? Let me give you some reasons.

First, leadership. U.S. leadership in Europe and around the world does not just mean having modern and effective armed forces backed by a nuclear deterrent. U.S. leadership does not mean just defending our territory, our citizens at home, or our supply of foreign oil. U.S. leadership means standing up for our interests and values and standing up for those who cannot themselves prevent genocide, as we have done and should continue to do in Kosovo.

The second reason is burden-sharing. United States aircraft, the best technology flown by the best pilots, flew most of the missions in the air campaign against Yugoslavia, but many of our allies were there with us providing aircraft, bases, and other critical resources.

The Europeans have agreed to bear most of the burden of peacekeeping and reconstruction in Kosovo, and while some assistance has been slow in coming they are unquestionably doing the lion's share of the tasks we now face.

The United States contributes fewer than 6,000 of more than 45,000 NATO troops deployed in Kosovo for Operation Joint Guardian. This is more than a token presence; we have accepted responsibility for security in a sector of Kosovo and have the robust force necessary to do the job right without unnecessary risk. But this limited role shows our allies that we understand the importance of doing our part to achieve a common interest.

The third reason is peace and stability in the Balkans and in Europe. Maintaining a significant U.S. presence in a robust, NATO-led force lets the Serbs and the Kosovar Albanians know that the future of Kosovo and its people will not be determined by renewed ethnic violence. Over time, and with a strengthened civilian effort, this

should open the way to development of civil society and self-government in Kosovo and a negotiated solution on its international status.

Maintaining peace in Kosovo helps prevent a wider war which could otherwise draw in NATO allies as combatants. In contrast, withdrawal of U.S. forces would likely weaken Operation Joint Guardian. The Kosovar Albanians and the Serbs would instead rearm and prepare to resume fighting for control of territory once our allies join us on the sidelines. The killing we intervened to stop would eventually resume, with devastating consequences.

The fourth reason we should continue our limited role in Operation Joint Guardian is credibility.

If we show the world that we don't have the resources or the political will to stay on the ground in Kosovo, then all our potential enemies will believe they can prevail simply by waiting us out. We were far too reluctant to use ground forces or even helicopters to stop the killing in the first place. Do we really want to cut and run now?

Finally, we should maintain our forces in the peacekeeping mission in Kosovo to maintain the NATO alliance which is vital to our national security.

The nations of the European Union, in trying to deepen their unity, are developing a European Security and Defense Identity, or ESDI. We are at a critical juncture in the evolution of the NATO, as we work to give the European Union a stronger identity and more autonomy within the alliance rather than dividing it. Failing to stay on the ground to address a threat to European security would reinforce calls for Europe to make unilateral decisions on the use of military force.

We must not undermine the unity of purpose and unity of action that has been the strength of an alliance which has been a mainstay of our national security for more than half a century.

Mr. President, I hope my colleagues will look at this in the context of other decisions we have made about our military presence and its necessity. We will look at it in terms of whether or not in this Chamber, in these offices, we are making decisions that should be reserved for the military. Let's hear from them. We heard from General Clark, one of the brightest leaders we have had in the military in the history of this country. He said this could be disaster. Montenegro and other nearby countries could explode with Milosevic's ambition; he has been looking at Montenegro, salivating for the opportunity to get in that small division of Yugoslavia and absorb it.

So to maintain the strength of NATO, to preserve our own credibility, to keep the peace in the Balkans and Europe, to uphold our commitment to burden-sharing, and to demonstrate United States leadership, the United States Senate should reject Section 2410 of the Military Construction Appropriations bill. Instead we should support our Armed Forces deployed in Kosovo by voting for the Levin amendment.

I thank the Chair and yield the floor.

Mr. WARNER. I ask unanimous consent to speak for 2 minutes on my time.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. We have been privileged to serve together for many years. The Senator draws on personal experience, having served in World War II in the concluding chapters of the war in Europe. The Senator's opinion, in my judgment, is to be respected. I regret we are on different sides.

As I listened very carefully to the speech, the theme time and time again was, our allies, our allies. And that is important. Senator BYRD yesterday recounted the history from World War I and World War II. Time and time again, we have always been in partnership with the allies for that portion of Europe. We will do so in the future.

We have 100,000 in NATO. Time and time again, I get the feeling that people who are trying to strike this provision have no confidence in the ability of the Congress of the United States, acting at the direction and request of the next President, to make a proper decision for national security.

Those who select a vote to take this out, think about your constituency: $2 billion of taxpayers' money expended on Kosovo; yet there is no conclusion as to how this is going to be spent over the years, how long we will be there. What we are trying to do is put some discipline in the Congress of the United States to assume its responsibilities and to involve itself in a coequal way with the President of the United States. That is not asking too much for hometown America which is supplying these dollars and supplying the men and women who proudly wear their uniform.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from Oklahoma is recognized for 12 minutes.

Mr. INHOFE. Mr. President, as our chairman, Chairman WARNER, I listened to the distinguished Senator from New Jersey talk about this issue. While I do have the utmost respect for him, I would have to say that one of the problems we had, getting into this mess to start with, was the grossly exaggerated figures that were used. I believe the Senator used the number 100,000—100,000 has been batted around quite often. I am going to read into the RECORD at this point from Robin Cook, the Foreign Secretary—this is October of 1999. He is under pressure to answer claims that ministers misled the public on the scale of deaths of civilians in Kosovo:

> At the height of the war, western officials spoke of a death toll as high as 100,000. President Bill Clinton said the NATO campaign had prevented ''deliberate, systematic efforts at ethnic cleansing and genocide''.

Emilio Perez Pujol, a pathologist who led the Spanish team looking for bodies in the aftermath of the fighting, said:

> I calculate that the final figure of dead in Kosovo will be 2,500 at the most.

The U.N. report came out and said the figure is closer to 2,000. There is a big difference between 2,000 dead and 100,000. I am involved in West Africa. I can assure you, as I said on the floor back during this debate, for every one killed there through ethnic cleansing and otherwise, 100 were killed in Sierra Leone. That seemed to be the excuse that was used for our intervention into that area.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. INHOFE. No, I will not yield unless I yield on your time.

I would like to have a better solution than the solution that is in front us. Frankly, I think we should have done this some time ago, but this seems to be the only vehicle in town. There are reasons we should not have been involved in Kosovo. It is not in our vital national security interests. There is no clear mission objective or schedule to accomplish it. There is no exit strategy.

The thing that really concerns me more than anything else, as chairman of the Senate Armed Services Subcommittee on Readiness, is what this has done to our state of readiness. I have been saying since before we sent the cruise missiles into Kosovo that the United States is in the most threatened position we have been in as a nation in this Nation's history. I have been saying that for a long time. It finally was redeemed the other day—our chairman will remember this—when we had George Tenet, Director of Central Intelligence, before our committee. I made that statement. I asked him to respond live on C–SPAN. He said, yes, we are in the most threatened position we have been in as a nation in the history of this country.

Why is that? It is because of three things. First of all, we are at one-half the force strength that we were in 1991 during the Persian Gulf war. Second, we do not have a national missile defense system. We were to have one deployed by fiscal year 1998, and through the President's veto and his veto messages saying he is not going to put more money into a national missile defense system, in spite of the fact that in July of last year we passed a bill that he signed into law with a veto-proof margin saying that is our No. 1 concern, we still do not have one.

But the third reason is all these deployments that have nothing to do with our national security interests. I can remember the first one that came along. It was Bosnia. I went up to Bosnia. I knew the President was bound and determined to send our troops into Bosnia. I knew we did not have the spare troops to send in, that we could not respond to a crisis in the Middle East or North Korea if we were to continue to make these deployments, so I went up to the northeast sector. I remember this so well because I was the first American, civilian or military, up there. I went up there with a British General named Rupert Smith, a colorful guy. He and I really enjoyed that trip, going up, talking about what the President promised the American people.

If you remember, we had a resolution of disapproval to stop the President from sending troops over there and getting involved. We lost it only by three votes. We lost it because the President said all the troops they would send there, in December of 1995, would be home for Christmas 1996. This is not an approximation. This is the commitment the President made to the American people.

We knew that was not going to happen. So we tried this same thing before. We tried at that time to say let's just draw a line in the sand at June of 1996; then June of 1997. We had the same debate at that time. ''No, they are going to come back, but all in good time.''

There is no end in sight in Bosnia. They are still there. So here we have our people involved in an area with the Croats and Serbs and Muslims. Then you have the various other groups such as the Arkan Tigers and Black Swans. The only thing all these groups have in common is they all hate us, hate that we are over there. We lost our resolution of disapproval by three votes.

I have tried to determine how much we have spent in Bosnia alone. The most conservative figure will be $13 billion. When you consider everything that has to go with it in terms of ground logistics support, it is considerably more than that.

Then along came Kosovo. I knew the same thing was going to happen. This President has an obsession for sending our troops into places where we do not have any national security interests. So I went over to Kosovo. It is not a hard place to go across; it is only 75 miles across. I went by myself, one individual with me. As I went across Kosovo, I only saw one dead person, and that was a Serb, a Serb soldier who had been killed by an Albanian.

I rounded one corner and looked down the barrel of a rocket launcher, and it was held by an Albanian. Of some 92 mosques that are there, only 1 was burning. CNN had pictures of it from every angle. When you got back to the United States, you thought every mosque in Kosovo was burning. It was a propaganda effort deliberately to make the American people believe things were going on there that were not going on there.

What has happened since then, I might add, speaking of us, on this Senate floor I showed pictures and documented, since the Albanians are now on top, they have burned to the ground a minimum of 52—and we have pictures of all 52—Serb Christian Orthodox churches, most of them built prior to the 15th century. If you do not have any sensitivity to the religious aspect of this, look at the historic aspect. Nonetheless, this is the propaganda effort that got us over there.

I can remember one of my many trips. I have to say, I believe I have been in the Balkans, both places, more than any other Member has. Normally I am by myself, to really try to determine what is going on there. I remember being in Tirana. Tirana is where all the refugees showed up. They were all pretty well dressed, but they were all upset with us. They said to me, ''When are you going to do something about this?'' I said, ''Why should we do it?'' They said, ''It's your fault we had this ethnic cleansing.''

I will quote out of the Washington Post of March 31 of last year. They wrote:

> For weeks before the NATO air campaign against Yugoslavia, CIA Director Gen. Tenet had been forecasting that Serb-led Yugoslavian forces might respond by accelerating ethnic cleansing.

Then Bill Cohen said:

> With respect to Director Tenet testifying that the bombing could in fact accelerate Milosevic's plans, we also knew that.

This was live on Tirana television. They said: When are you—and I was the only American in the group—going to do something about our plight? Because it is your fault we had the ethnic cleansing.

Anyway, I think one of the bigger issues is the fact we are diluting our scarce resources. I will quote the comments by Henry Kissinger. He said at that time:

> Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea.

He said:

> The proposed deployment to Kosovo does not deal with any threat to American security. . . .
>
> Kosovo is no more a threat to America than Haiti was to Europe.

So I know a lot of lies got us into this thing. I remember they rewrote history, saying if we do not go in there, we are going to have another world war because that is the way World War I started and that is the way World War II started.

Again quoting from Kissinger's book:

> The Second World War did not start in the Balkans, much less as a result of its ethnic conflicts.

He wrote:

> World War I started in the Balkans not as a result of ethnic conflicts but for precisely the opposite reason: because outside powers intervened in a local conflict. The assassination of the Crown Prince of Austria—an imperial power—by a Serbian nationalist led to a world war because Russia backed Serbia and France backed Russia while Germany supported Austria.

That is exactly what we are doing. We have rubbed Russia's nose in this thing because we have gotten involved in this thing, creating another serious problem facing our Nation. We are now down to where we have diluted the forces. General Richard Hawley, who at that time, in 1999, headed the Air Combat Command, said:

> The Air Force . . . would be hard-pressed to handle a second war in the Middle East or Korea.

Hawley said that 5 weeks of bombing Yugoslavia have left the United States munitions stocks critically short, not just of air-launched cruise missiles as previously reported but also of another precision weapon, the Joint Direct Attack munition, that is JDAM, dropped by the B–2 bombers.

If my colleagues go to the 21st TACOM in Germany, right down the road from Ramstein, they will find—that is where they handle the ground logistics—that even before we went into Kosovo, we were at 100-percent capacity. I asked the question: What would happen if we had to respond to a serious problem in the Persian Gulf where we do have national security interests?

The response was: We would be 100-percent dependent upon Guard and Reserve.

What has happened to our Guard and Reserve as a result of all these deployments? We have critical MOSs, military occupational specialities, because they cannot be deployed 180 and 270 days out of a year and keep the jobs they have at home.

Finally, I want to read one paragraph of an article written by Henry Kissinger which says:

> President Clinton has justified American troop deployments in Kosovo on the grounds that ethnic conflict in Yugoslavia threatens ''Europe's stability and future.'' Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

I ask unanimous consent that at the conclusion of my remarks the article be printed in the RECORD.

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

(See Exhibit 1.)

Mr. INHOFE. Mr. President, I thank my colleagues for this time.

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

Mr. INHOFE. I want to have a better solution, but this is the only solution there is. I urge my colleagues to support this for the state of readiness of our Nation.

EXHIBIT 1

[From the Washington Post, Feb. 22, 1999]

(By Henry Kissinger)

NO U.S. GROUND FORCES FOR KOSOVO—LEADERSHIP DOESN'T MEAN THAT WE MUST DO EVERYTHING OURSELVES.

President Clinton's announcement that some 4,000 American troops will join a NATO force of 28,000 to help police a Kosovo agreement faces all those concerned with long-range American national security policy with a quandary.

Having at once time shared responsibility for national security policy and the extrication from Vietnam, I am profoundly uneasy about the proliferation of open-ended American commitments involving the deployment of U.S. forces. American forces are in harm's way in Kosovo, Bosnia and the gulf. They lack both a definition of strategic purpose by which success can be measured and an exit strategy. In the case of Kosovo, the concern is that America's leadership would be impaired by the refusal of Congress to approve American participation in the NATO force that has come into being largely as a result of a diplomacy conceived and spurred by Washington.

Thus, in the end, Congress may feel it has little choice but to go along. In any event, its formal approval is not required. But Congress needs to put the administration on notice that it is uneasy about being repeatedly confronted with ad hoc military missions. The development and articulation of a comprehensive strategy is imperative if we are to avoid being stretched too thin in the face of other foreseeable and militarily more dangerous challenges.

Before any future deployments take place, we must be able to answer these questions: What consequences are we seeking to prevent? What goals are we seeking to achieve? In what way do they serve the national interest?

President Clinton has justified American troop deployments in Kosovo on the ground that ethnic conflict in Yugoslavia threatens ''Europe's stability and future.'' Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived. The threatening escalations sketched by the president—to Macedonia or Greece and Turkey—are in the long run more likely to result from the emergence of a Kosovo state.

Nor is the Kosovo problem new. Ethnic conflict has been endemic in the Balkans for centuries. Waves of conquests have congealed divisions between ethnic groups and religions, between the Eastern Orthodox and Catholic faiths; between Christianity and Islam; between the heirs of the Austrian and Ottoman empires.

Through the centuries, these conflicts have been fought with unparalleled ferocity because none of the populations has any experience with—and essentially no belief in—Western concepts of toleration. Majority rule and compromise that underlie most of the proposals for a ''solution'' never have found an echo in the Balkans.

Moreover, the projected Kosovo agreement is unlikely to enjoy the support of the parties for a long period of time. For Serbia, acquiescing under the threat of NATO bombardment, it involves nearly unprecedented international intercession. Yugoslavia, a sovereign state, is being asked to cede control and in time sovereignty of a province containing its national shrines to foreign military force.

Though President Slobodan Milosevic has much to answer for, especially in Bosnia, he is less the cause of the conflict in Kosovo than an expression of it. On the need to retain Kosovo, Serbian leaders—including Milosevic's domestic opponents—seem united. For Serbia, current NATO policy means either dismemberment of the country or postponement of the conflict to a future date when, according to the NATO proposal, the future of the province will be decided.

The same attitude governs the Albanian side. The Kosovo Liberation Army (KLA) is fighting for independence, not autonomy. But under the projected agreement, Kosovo, now an integral part of Serbia, is to be made an autonomous and self-governing entity within Serbia, which, however, will remain responsible for external security and even exercise some unspecified internal police functions. A plebiscite at the end of three years is to determine the region's future.

The KLA is certain to try to use the cease-fire to expel the last Serbian influences from the province and drag its feet on giving up its arms. And if NATO resists, it may come under attack itself—perhaps from both sides. What is described by the administration as a ''strong peace agreement'' is likely to be at best the overture to another, far more complicated set of conflicts.

Ironically, the projected peace agreement increases the likelihood of the various possible escalations sketched by the president as justification for a U.S. deployment. An independent Albanian Kosovo surely would seek to incorporate the neighboring Albanian minorities—mostly in Macedonia—and perhaps even Albania itself. And a Macedonian conflict would land us precisely back in the Balkan wars of earlier in this century. Will Kosovo then become the premise for a NATO move into Macedonia, just as the deployment in Bosnia is invoked as justification for the move into Kosovo? Is NATO to be the home for a whole series of Balkan NATO protectorates?

What confuses the situation even more is that the American missions in Bosnia and Kosovo are justified by different, perhaps incompatible, objectives. In Bosnia, American deployment is being promoted as a means to unite Croats, Muslims and Serbs into a single state. Serbs and Croats prefer to practice self-determination but are being asked to subordinate their preference to the geopolitical argument that a small Muslim Bosnian state would be too precarious and irredentist. But in Kosovo, national self-determination is invoked to produce a tiny state nearly certain to be irredentist.

Since neither traditional concepts of the national interest nor U.S. security impel the deployment, the ultimate justification is the laudable and very American goal of easing human suffering. This is why, in the end, I went along with the Dayton agreement in so far as it ended the war by separating the contending forces. But I cannot bring myself to endorse American ground forces in Kosovo.

In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will require their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate.

In Kosovo, that option does not exist. There are no ethnic dividing lines, and both sides claim the entire territory. America's attitude toward the Serb's attempts to insist on their claim has been made plain enough; it is the threat of bombing. But how do we and NATO react to Albanian transgressions and irredentism? Are we prepared to fight both sides and for how long? In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

We must take care not to treat a humanitarian foreign policy as a magic recipe for the basic problem of establishing priorities in foreign policy. The president's statements ''that we can make a difference'' and that ''America symbolizes hope and resolve'' are exhortations, not policy prescriptions. Do they mean that America's military power is available to enable every ethnic or religious group to achieve self-determination? Is NATO to become the artillery for ethnic conflict? If Kosovo, why not East Africa or Central Asia? And would a doctrine of universal humanitarian intervention reduce or increase suffering by intensifying ethnic and religious conflict? What are the limits of such a policy and by what criteria is it established?

In my view, that line should be drawn at American ground forces for Kosovo. Europeans never tire of stressing the need for greater European autonomy. Here is an occasion to demonstrate it. If Kosovo presents a security problem, it is to Europe, largely because of the refugees the conflict might generate, as the president has pointed out. Kosovo is no more a threat to America than Haiti was to Europe—and we never asked for NATO support there. The nearly 300 million Europeans should be able to generate the ground forces to deal with 2.3 million Kosovars. To symbolize Allied unity on larger issues, we should provide logistics, intelligence and air support. But I see no need for U.S. ground forces; leadership should not be interpreted to mean that we must do everything ourselves.

Sooner or later, we must articulate the American capability to sustain a global policy. The failure to do so landed us in the Vietnam morass. Even if one stipulates an American strategic interest in Kosovo (which I do not), we must take care not to stretch ourselves too thin in the face of far less ambiguous threats in the Middle East and Northeast Asia.

Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea. The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a ''peace implementation force.''

Such comments have two unfortunate consequences. They increase the impression among Americans that military force can be used casualty-free, and they send a signal of weakness to potential enemies. For in the end, our forces will be judged on how adequate they are for peace imposition, not peace implementation.

I always am inclined to support the incumbent administration in a forceful assertion of the national interest. And as a passionate believer in the NATO alliance, I make the distinctions between European and American security interests in the Balkans with the utmost reluctance. But support for a strong foreign policy and a strong NATO surely will evaporate if we fail to anchor them in a clear

definition of the national interest and impart a sense of direction to our foreign policy in a period of turbulent change.

The PRESIDING OFFICER. The Senator from Ohio, under a previous order, is recognized.

Mr. WARNER. Mr. President, I seek 50 seconds. I thank the Senator from Oklahoma. Underlying this is clearly the readiness issue. It is not just the Kosovo operation, but it is how our troops are spread throughout the world. We are speaking in this amendment to a discipline that could well apply to the next mission, wherever it may be, or an existing mission. It is simply the accountability of the Congress of the United States in the expenditure of these funds to exercise a voice. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes under a previous order.

Mr. LEVIN. Mr. President, I wonder if the Senator will yield 30 seconds to the Senator from New Jersey.

Mr. DEWINE. I will.

Mr. LEVIN. Parliamentary inquiry: Is the time just used by my good friend from Virginia taken from the other side?

The PRESIDING OFFICER. It is taken from the time of the Senator from Virginia.

Mr. WARNER. I advised the Chair when I arrived this morning that all my comments will be charged to the Chair.

Mr. LAUTENBERG. Mr. President, I say in response to the commentary of the Senator from Oklahoma, I talked of hundreds of thousands. If the Senator listened carefully, I talked about displacement, and I talked about movements. I did not talk about deaths. We can get the number of deaths from the records. I want to make sure that is clearly understood.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today to express my strong support for the Levin amendment which would strike the Byrd-Warner provision regarding U.S. troop withdrawal from Kosovo. As my colleagues know, the Byrd-Warner provision includes language designed to ensure our allies in NATO provide their fair share of the peacekeeping burden in Kosovo. This certainly is an important goal, and I understand the Europeans right now are meeting the requirements outlined in the Byrd-Warner provision.

Frankly, I believe a great deal of the credit for this great accomplishment goes to my friend and colleague from Virginia, Senator WARNER. He has demonstrated unfailing dedication and commitment to this very important burdensharing issue. Senator WARNER traveled to Kosovo in January of this year and saw firsthand that the Europeans needed to share a larger portion of the burden in the Balkans. Because of his efforts in the short time since his visit to Kosovo, the proportion of European involvement has changed considerably. In fact, currently U.S. troops now make up 5,900 of the 39,000-member NATO peacekeeping force. U.S. involvement accounts for 15 percent of the overall peacekeeping effort, and the Europeans are carrying the bulk of the effort on the civilian side. This is a victory for Senator WARNER. I believe we have to pause for a moment today to congratulate him on a job very well done.

I also agree with the Senator from Virginia, Mr. WARNER, and the distinguished ranking member of the Appropriations Committee, Senator BYRD, that Congress needs to assert itself more in foreign affairs. Congress can and Congress should engage more in the kinds of debate over foreign policy issues such as the one we are having today and should work harder to shape U.S. defense and foreign policy. The last 7 years of drift in foreign affairs has demonstrated the need for Congress to reassert its constitutional role in shaping American foreign policy.

I also share the very legitimate concerns expressed by the distinguished chairman of the Appropriations Committee, Senator STEVENS, about the way the current administration funds our peacekeeping activities. We find ourselves repeatedly in a situation in which the administration draws funds and resources away from important defense activities to pay for its peacekeeping operations.

For example, the administration knew before the end of last year when we were negotiating the remaining appropriations bills that they were planning to keep our forces in Kosovo for the duration of the fiscal year. They knew it but did nothing in the budget about it, except to put a number of readiness and operational projects on hold at reduced funding levels. That practice has become the standard practice in recent years. That practice needs to change. We should debate the cost of operations before the operations. We should debate the cost before the beginning of each fiscal year and not do this back-door funding.

I do understand the motives of the proponents of this provision. I understand what they are trying to accomplish. They have good reason to be frustrated, but this is not a debate about motive but, rather, one about method. It is the method that will be employed under this language that deeply troubles me. What concerns me most about this provision is that it sets an arbitrary deadline for the withdrawal of U.S. forces from Kosovo. The deadline is not based on any goals that would make it possible for the reduction of forces in the region. This arbitrary deadline signals to the Albanians the limits to our commitment for providing for their protection. This, in turn, could give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. In essence, this provision would undermine our current efforts to achieve stability in the region and could give the despotic Milosevic the victory he could not achieve on the battlefield.

The fact is, in the delicate and complex world of foreign affairs, one thing should always be clear: As a nation, we should demonstrate to our allies the certainty of our resolve, and we must demonstrate that same resolve to our enemies, while at the same time making our enemies uncertain as to how and when we will exercise that resolve.

Unfortunately, what this provision does is just the opposite. It makes our allies uncertain and signals to our adversaries what we will do and what we will not do.

The proponents of this provision have argued this is really all about process. Respectfully, I disagree. This debate is about whether Congress will use sound judgment in the exercise of power. I believe the Byrd-Warner provision is not a wise use of congressional power. By voting for this provision, we will be exercising our power arbitrarily and setting ourselves on a course toward the removal of U.S. troops in Kosovo in 14 months.

The next President would be placed in the position of having to convince Congress to change the policy, to act. We have sadly found many times that to get this Congress to act is very difficult.

The current administration, for example, could not convince the House of Representatives to authorize airstrikes over Serbia. There simply are no guarantees that Congress will act in 14 months.

Congressional inaction over the next year could result in a dramatic change in policy that would create uncertainty and undermine our credibility with NATO and with our own troops. Fostering that kind of uncertainty about U.S. resolve is not what is intended but that, sadly, could be the result. That result, that uncertainty, will, I believe, create a more dangerous situation for our troops for the next 14 months.

The fact is that our credibility as a leader in the international community is predicated on a shared commitment to the stability and growth of democracy and free markets on the European continent.

We cannot reach these goals through arbitrary, unilateral deadlines. We cannot reach these goals by placing the next administration in the position of shaping foreign policy in response to a congressionally imposed deadline rather than on current and future world events. In essence, we cannot allow our foreign policy to run on autopilot.

I say to my colleagues, if they believe we should withdraw our troops,

there is ample opportunity to have an up-or-down vote on that at any time. We could do it today. We could do it in 14 months. We could do it in July of the year 2001. That is the right way for us to exercise our power.

I believe this is the wrong action because what this does is, in essence, say that Congress may never directly vote on this issue. Members can vote for this language which would provide that our troops would automatically have to come out in July of the year 2001 if Congress took no action. Members could vote for this, and then Congress could take absolutely no action and we would never have a direct vote on the issue.

I believe that is the wrong way to approach this issue. I believe that if Members believe our troops should be withdrawn, they have ample opportunity to have an up-or-down vote on this at any time they wish to do it.

I believe the uncertainty that will be created over the next 14 months by the insertion of this language into law will create a very difficult and untenable position for our troops and for our country in the conduct of American foreign policy.

I thank my colleague for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I yield myself 30 seconds.

I, again, thank my distinguished colleague for his contribution to this very important debate, and particularly to his thoughtful references to this humble Senator, but I must say that I respectfully disagree.

The time has come when we have to speak to the people of the United States who are constantly giving us this money—to expend $2 billion in this instance—to provide for the men and women in uniform, who march off in harm's way. This is simply a procedure by which to speak on behalf of this constituency and not just always our allies abroad. But I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I also yield myself 30 seconds to thank my good friend from Ohio for a very thoughtful statement. He has put his finger on the heart of the matter, which is that Congress, by acting now, putting on automatic pilot a withdrawal of forces a year from now, unless action is taken later on, creates a very dangerous year of uncertainty which threatens the success of this mission as well as our alliance.

It was an extremely thoughtful statement, which I hope all of our colleagues had an opportunity to hear. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I believe the distinguished Senator from New Jersey is to be recognized for a period on my time of 8 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 8 minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator from Virginia for yielding the time. I commend the Senator from Virginia and my colleague, Senator BYRD from West Virginia, in bringing this issue before the Senate.

Before discussing Kosovo, or the provisions of the NATO treaty, there is something more paramount that should come before the Senate. It is not a treaty with a foreign nation or obligations in another land but our own Constitution and our own responsibilities in this country.

For too long, the foreign policy and military powers of the Congress have been yielded to the executive. This Congress has not been a jealous guardian of its own constitutional prerogatives.

Under our system of government and its Constitution, the military and foreign policy powers are shared between the executive and the legislative branches. By necessity, the Commander in Chief must have the ability to deploy troops and make command decisions in emergencies. Often there is not time to consult, certainly not time to receive permission. But the power remains shared because we have the responsibility for the resources of the Government.

The unfolding events in Kosovo that threaten to go not a matter of months but many years—even more than a decade—does not require emergency powers. There is no shortage of time. There is an opportunity for our Constitution to function and for the President to return to this Chamber.

We are now having the debate in this Chamber. The Bundestag had theirs in Berlin a year ago. The British Parliament gave its assent. The National Assembly in Paris and the Italian Parliament have had their debate. This Congress, unlike the great democracies in Europe, has remained silent. Is our Constitution less? Do our people exercise less powers through their elected representatives than those in Germany or Italy or France?

Many Members have risen to talk about Kosovo. I rise to talk about the United States. There has been great concern for the NATO treaty. As did my colleagues from Virginia and West Virginia, I rise because I am concerned about our Constitution.

I believe there is a legitimate role for the United States in Kosovo. I strongly believe in the NATO treaty. The United States has met its responsibilities under the NATO treaty.

Strictly defined, that treaty was for the defense of Western Europe from external threats. By necessity, it was properly expanded at the end of the cold war to include legitimate internal threats to European order.

The United States was not a participant in dealing with that threat. We were a leader. Not a single European soldier would have been in Kosovo or Bosnia but for the U.S. Air Force. None of it could have been supported but for the U.S. Army. None of it would have been viable but for the U.S. Government. Our responsibilities were met.

But expanding the NATO treaty to include internal threats to Europe was one thing—legitimate, in my judgment—but expanding the NATO treaty to deal with permanent control of order and peacekeeping is another.

I believe we have met our responsibilities. I believe it is incumbent upon a new administration, next year, to return to this Congress and make the case, if it is possible, that it is necessary on an ongoing basis to have a near-permanent presence in Kosovo—no longer a crisis—now maintaining order.

It is not too much to ask the administration to make that case or this Congress to meet its responsibilities and act affirmatively upon the judgment. It will, in truth, not be an easy case to make.

Kosovo is a nation of a mere 2 million people. This long after the war in Kosovo, it must be made in a case to this Congress that 300 million Europeans, with a gross national product larger than the United States, with combined government resources in excess of the United States, are unable to maintain these modest numbers of troops to maintain order within their own borders, on their own continent, for their own purposes. It is not a question of our unwillingness to respond to crises or threats, but to learn to separate the crisis response from the near permanent presence to maintain order.

The final point made against this amendment is the most extraordinary of all, that our credibility is at issue. Who could rise to challenge the credibility of the U.S. Government to international security or the defense of freedom—which of our NATO allies? Fifty-five years after the close of World War II, tens of millions of American young men and women have served in western Europe. Our presence remains, at an expenditure of hundreds of billions of dollars. Who among our NATO allies could rise and say that our credibility is in question? But for the United States, there would have been no operation in Bosnia or in Kosovo. It was made possible by the U.S. Government.

This Government's credibility is not at issue. Fifty years after the war in Korea, we and we alone remain on the line to defend freedom. A decade after the war in the Persian Gulf, often we and we alone remain resolute in defiance of Saddam Hussein. Twelve years after the destruction at Lockerbie, we alone have to convince our allies to remain strong against Libya. We alone often maintain vigilance against those

few remaining Communist states where freedom is eclipsed. The credibility of the U.S. Government is not at issue.

What is at issue is the constitutional prerogatives of this institution. It remains a question of Europe meeting responsibilities not for crisis response, which we share under NATO, but for maintaining order on a near permanent basis. It is not an issue of credibility.

There is a fourth issue. Kosovo is not the last crisis this Government is going to deal with in international order or maintaining peace and stability.

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

Mr. TORRICELLI. May I have another 30 seconds?

Mr. WARNER. I yield the Senator another minute.

Mr. TORRICELLI. A future American President is going to have to factor in, in responding to a crisis in Asia or North Africa or the Middle East, that American ships and planes are on station supporting operations in Kosovo, not dealing with a crisis but on a police patrol. The number of forces may not be great, but, indeed, our resources are very strained. Is it fair to this country, the security of the United States, that we will have to at some point forgo defending interests elsewhere because our forces are substituting what Europe should be doing in Kosovo?

No, Mr. President, our credibility is not at issue, nor our resolve. Whether or not this generation of Senators and Members of the House defend its prerogatives under the Constitution is at issue.

I commend the gentleman from Virginia for bringing this before the Senate.

Mr. WARNER. Mr. President, I yield myself 30 seconds.

I thank the distinguished Senator from New Jersey. This clearly shows this is a bipartisan issue. It is not a political issue. We are not directing anything at our President. We are directing it solely, as my distinguished colleague said, at fulfilling our duties under the Constitution. I am grateful for his pointing out that the United States, in the Korean conflict, where we have had a large number of nations, stands alone today. In Iraq, we stand alone with Great Britain containing that situation, after a dozen allies in 1991 helped us with that conflict.

I yield the floor.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

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

Mr. KERRY. Mr. President, I thank the Chair and the Senator from Michigan.

In the 16 years I have been here, I have debated a number of these issues with my colleague from Virginia. We have debated a number of different incursions in various countries, involvement of U.S. troops abroad. There are few people in the Senate I respect as much or have as much affection for as the Senator from Virginia, whose knowledge and patriotism are absolutely unquestionable on subjects such as this.

I, as a veteran of Vietnam and as somebody who came back from that war to argue about Congress's capacity and prerogatives to make judgments about our involvement there, have nothing but respect for the position he espouses today about congressional prerogative. It exists. We should respect it. It is a critical component of the balance of power in this country. It is entirely appropriate that Senator BYRD and Senator WARNER ask the Senate to make a judgment about our troops. We should do no less. We owe the American people that judgment. That is one of the great prerogatives of the Senate.

What they are asking the Senate to do is, in effect, to make the judgment today that we have reached our limit with respect to the current involvement in Kosovo and we are going to set up a structure for withdrawal. They argue: not at all; there is a vote down the road as to whether or not we will appropriate money. But in point of fact, the way this amendment is structured, the message is clear: The vote is now; the choice is whether or not we believe we should continue to be involved.

I do not question that there are aspects of this involvement that I think are not necessarily well thought out even today. I think there are divisions between the ethnic parties in Kosovo that we have not properly thought through as to how we resolve them in the long run. There are aspects of the risks we are asking young American troops, male and female, to bear with which I am uncomfortable.

I am not suggesting there aren't ways to strengthen our approach to this, both our responsibilities and European responsibilities. But—here is the ''but''—I ask my colleagues to look at the law as it is set forth in the language of S. 2521. It says: None of the funds appropriated or otherwise made available shall be available for the continued deployment of U.S. combat troops in Kosovo after July 1, 2001, unless and until the President does something.

What does the President have to do? He has to submit a report to Congress asking for the money to be spent but, most importantly, describing the specific progress made in implementing a plan.

What is the plan the President has to describe to Congress on which he is making progress? The plan refers to a subsection (b). If we turn to it, it says very specifically:

> The President shall develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo.

That means, according to the plan he must now begin to put into effect, he must report to us how far along we are in getting out. There are quarterly target dates that that plan requires us to establish, with 3-month intervals, achieving an orderly transition. There is an interim plan for achieving the objectives not later than September 30, 2000, and then there is the final plan.

We are, in effect, being asked to vote today on a plan for withdrawal. We are stating our intention that, absent a future vote at some later time, which has been met with a succession of interim stages of withdrawal, we will have a vote on appropriations.

I say to my colleagues, that is not the way to deal with foreign policy generally. It is certainly not the way to deal with this specific issue. Why is it not the way to deal with this specific issue? Well, effectively, we are being asked to vote today as to whether or not we think the investment we made in the war itself is worthwhile.

On March 23, 1999, I joined with 57 of our colleagues to vote that we thought there was something worthwhile doing in Kosovo. And we voted to support a resolution that authorized the President to conduct military operations against the Federal Republic of Yugoslavia. I did so because I believed then, as I believe now, that the U.S. national interest and stability throughout Europe is unquestionable and that the oppression and thuggery of the Milosevic regime not only threatened that stability throughout Europe, but it posed an unacceptable challenge to the humanitarian values of the American people.

Mr. President, this Nation committed 50 years and trillions of dollars to protecting the security of Europe through the Marshall Plan. Half a million American troops served in Europe to preserve the peace won by our fathers and grandfathers in World War II. I respectfully suggest that the Senate effectively decided, when we voted to do those military operations, that we were not willing to walk away from the ethnic cleansing in Kosovo because that would have been walking away from the very investment in peace and freedom for which we paid so dearly. It troubles me, then, to say that today some of the most stalwart supporters of our efforts in Kosovo only a year ago would now say that we should effectively put into gear the process of walking away from whatever responsibilities may remain in terms of how we adequately finish the job.

I share the frustration of my colleagues that our European allies, whose own stability is so closely tied

to peace in the Balkans, have not met their obligations to the Kosovo peacekeeping effort as swiftly and as deftly as we would like. I want to underscore that I think the efforts of Senator BYRD and Senator WARNER have helped to place that responsibility squarely in front of them.

Let me ask a simple question of my colleagues. If restoring the peace in Kosovo was in our interest 1 year ago, isn't preserving the peace in Kosovo in our interest today? I don't believe you can separate those obligations. I think the answer is resoundingly yes, it is in our interest today. Some people may rethink their vote, and that is perfectly legitimate. Some people may believe that they misinterpreted that national interest, and they should explain it as such. But I don't understand how this country can clearly define its interest in Europe for the 50 years since World War II and maintain hundreds of thousands of troops in Europe in order to make clear our determination to stay with that peace effort and not be willing to keep 5,000-plus troops in Kosovo, which we all deem to be a component of our European interests. I don't understand that.

Are we suggesting that we are not willing to bear any of those risks? Now, I understand as well as anybody the post-Vietnam syndrome and the sort of nervousness people have about putting troops in harm's way. But I am confident that most of my colleagues who have worn the uniform will share with me the belief that that is what you put it on for, and that being in the military is not a cakewalk to get your GI bill so that you can ride on the benefits for the rest of your life; it is assuming certain risks. Sometimes in the national interest of our country—maybe not the vital security interest, but in a security interest, or some level of interest—there are sometimes risks that we have to be willing to bear to achieve our goals.

The price of leadership that we have spent so much of our treasure earning is not cheap. You can't fulfill the obligations that we have in the world on the fly. You can't do it on the cheap. I know there are certain questions of readiness and other questions, but there are many choices we make with respect to the entire military budget, national missile defense, and others that bear significantly on where we spend money and how we spend money. I believe that we won an enormously important victory in terms of the values that drive our foreign policy and on which this country is founded. I think 5,000 troops, the lack of losses, and the extraordinary accomplishments we have gained in this region over the last years say to us that even with the difficulties, this is a policy that, measured against the risk to our troops, is worth pursuing.

I ask my colleagues to measure very carefully whether or not they are prepared today to send a message to Milosevic, as well as our allies, that we are not willing to stand the test of time with respect to those obligations and responsibilities.

I thank the Chair.

Mr. WARNER. Mr. President, the next speaker will be the distinguished Senator from Montana, Mr. BURNS, for 7 minutes.

Mr. LEVIN. Mr. President, if the Senator will yield for 30 seconds, I thank the Senator from Massachusetts for the contribution he just made, pointing out with extreme accuracy that, No. 1, this is not an issue of the prerogative of the Senate—we have the prerogative to do this if we choose to exercise it—but raising the question: Is it wise this year to set a deadline for the withdrawal of troops next year and the dangers that will ensue in the interim both to the troops, the alliance, and to the cause for which they fought? His experience, both in war and in peace, has been invaluable and his contribution this morning is very clear. I thank him for that.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, We are setting an all-time record for spending Senate time on the military construction bill this year. Never has it taken this long to pass military construction. Since this bill is under my management, I am not real happy about the precedent that we are setting.

I do want to rise in support of the Byrd-Warner amendment. This debate today is not about withdrawal, or even the continued deployment, of our troops in Kosovo. What it is about is more important: the role of Congress and its relationship with the executive branch of this Government under our Constitution.

Congress has a constitutional responsibility to vote on long-term military commitments, especially when they are offensive and not defensive in nature. Kosovo is not a defensive response to an armed attack against the United States or its allies. There is no pressing emergency requiring the President to act with dispatch. In such cases, it is very important for Congress to act on its role. It is easy to see the need for the exercise of Congressional responsibility in the case at hand since the administration has already spent $21.2 billion since 1992 in the Bosnia/Kosovo area.

Contrary to the rumors, and even as stated by my good friend from Massachusetts who has interpreted this as a step to withdraw, the Byrd-Warner amendment makes specific provisions for Congress to continue American presence beyond July 1, 2001. The process outlined is orderly but it will require planning by the administration and the type of public debate expected in a democracy.

Without the Byrd-Warner amendment, the administration is taking congressional appropriations as a tacit approval by the Congress for American involvement in Kosovo. In these circumstances, by approving emergency supplemental funding to continue our presence in that area, Congress can be seen as avoiding its responsibilities under the Constitution.

In the first place, we are not properly exercising our Constitutional responsibility for the power of the purse as vested in the Congress. United States presence in Kosovo, without congressional scrutiny and affirmative endorsement, does not meet our duties to the American people that their voices be heard through congressional representation.

Administration officials have repeatedly spent defense funds for these deployments. Afterwards, they come back to the Congress and ask us to pay bills that are improperly—and some would say illegally—incurred. This process must stop.

Our effort to uphold the Constitution will not undermine the troops in the field. There is ample time under the amendment for rational implementation while still imposing the accountability required by our laws.

Some opposed to the Byrd-Warner amendment say we should not even have this debate, and that the timing is wrong. But when is it a good time to intercede? The Congress has been patient with the administration in Kosovo. But we, too, have responsibilities under the Constitution, especially when it comes to spending money. Today is the day we step up to the plate to face those responsibilities.

The amendment shifts the responsibility for determining our future involvement in Kosovo to the next administration.

I think the American people should also understand one other thing. We are not just talking about cents or dollars. I repeat that we are talking about $21.2 billion spent in this area since 1992. In addition, we currently have over 5,000 troops there participating in peacekeeping operations in Kosovo.

The primary responsibility of the peacekeeping force is to act as escorts for Serbs and Albanians. That is not what our troops were trained for. And administration officials wonder why our recruitment and retention in our military services is lagging.

Senator TORRICELLI of New Jersey had it right when he called upon our NATO allies to provide their share of resources in this operation. That is what this amendment does. It is not because the Europeans don't have the resources or cannot get the resources. This debate has gone on, and they have been willing to let the United States of America shoulder the majority of the costs of the operation. As long as somebody in the administration stands up and says we will always do it, then we

will always have to do it. But, we cannot be the police force for the world community.

It is time to give our good friends, the European allies, the opportunity to demonstrate to the world their support for true democracy in the face of a dictator that was overstepping his bounds in the region of the Balkans.

I urge my colleagues to support this amendment. It is well thought out, and needs our full support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are alternating between those who wish to strike the provision and those who wish to retain it.

I see Senator LEVIN is prepared to accept a speaker from his side.

Mr. LEVIN. Mr. President, we would be happy for their side to go forward. We have many other speakers, but they are still on their way.

Mr. WARNER. We are trying to conduct this in an orderly debate. I hope some from their side will begin to appear.

Mr. LEVIN. We are going to have too many on our side to speak with little time to do it.

Mr. WARNER. We have the same situation. Senators FEINGOLD, THOMAS, and CLELAND are on the floor waiting to speak in support of the Byrd-Warner amendment.

I yield the floor. I yield to Senator FEINGOLD 7 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in opposition to the Levin amendment and in support of the Warner-Byrd amendment to the military construction appropriations bill.

The Warner-Byrd amendment to the Military Construction Appropriations bill. The Warner-Byrd amendment, which was accepted in committee, would require Congressional authorization for the continued presence of U.S. troops in Kosovo beyond July 1, 2001. In other words, it would require this Congress, finally, to debate and to decide on the issue of U.S. troops in Kosovo, as I believe that we are required to do under the War Powers Resolution.

I am sure that some opponents of this measure will paint a picture of a power-hungry Congress, eager to wrest authorities away from the executive in an attempt to gain leverage over the White House.

But this is about more than power, Mr. President. It is about responsibility. Approximately 5,900 U.S. troops are currently serving in an apparently open-ended operation in Kosovo. Fifty-nine hundred Americans are operating in often dangerous conditions in the pursuit of a policy that this Congress has not authorized. Fifty-nine hundred families are sacrificing. We cannot continue to suggest to the American people, to our constituents, that this is none of our business. Congressional approval is essential to the commitment of U.S. troops in dangerous situations abroad.

Still other opponents of this measure paint a grim picture of the consequences that will follow should Congress insist on authorizing a large-scale deployment like that in Kosovo. Because they believe that Congress would act irresponsibly, they prefer that Congress not act at all.

Again, this is a simply unacceptable abdication of responsibility. What does it say about the state of the this body that we do not trust ourselves to make tough decisions? What kind of leadership do we exercise when we dodge accountability for a policy of such critical importance to this country?

The decision that this legislation would force upon the Congress—a decision to either remain in or withdraw from Kosovo—is exactly the kind of choice that we are here to make. It, Mr. President, is our responsibility. I urge my colleagues to shoulder it with care, as fifty-nine hundred dedicated men and women are counting on us to do our duty.

The Warner-Byrd amendment would also mandate the burden-sharing that was supposed to be at the heart of the U.S. approach to Kosovo. The U.S. bore the lion's share of the burden in NATO's military campaign of last year. I did not agree with that policy; I believed then and I believe now that the leading role was Europe's to fill. But I was heartened by the promise that Europe would take the lead when it came to securing the peace, and that Europe, and not America, would provide the vast majority of the resources required to meet Kosovo's enormous needs.

There have been a lot of suggestions that this legislation does a lot more than it actually does.

All this legislation does, Mr. President, is hold our valued friends and allies to their word. Kosovo's reconstruction and return to civil authority cannot be allowed to become a U.S.-led project. Certainly, Mr. President, while the U.S. fails to intervene in equally compelling crises around the globe, we make the case—and it is, in my view, a very strong case—for regional leadership in regional conflicts. African solutions to African problems—that is often our prescription for the conflicts and challenges of that troubled continent. In East Timor, we stood back, allowed a regional force led by Australia to take the lead, and then played a supporting role in that effort. This, Mr. President, is the most promising recipe for U.S. engagement in the world today. And it should be followed when it comes to Kosovo.

But there have been problems, Mr. President, with the timely delivery of Europe's pledges. This amendment makes the U.S. position crystal clear—our allies must fulfill their responsibilities if they are to continue to count on U.S. support. This is the right message and the right thing to do, and Mr. President, I hope that my colleagues will remember how right this is the next time the tables are turned and it is our country that is failing to honor our international commitments, be it at the U.N. or elsewhere.

So I urge my colleagues to face up to our shared responsibility when it comes to the U.S. involvement in Kosovo, and to insist that our allies do the same. The fifty-nine hundred American men and women in Kosovo cannot dodge reality or duck responsibility. Neither should our European allies, and neither should we.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise in opposition to the Levin amendment on the military construction appropriations bill. Of course, the Levin amendment is designed to strike the Byrd-Warner provision, which I support.

I suspect that most of the things that could be said have been said. We find ourselves saying them again, perhaps in other ways, or simply committing ourselves to our views with regard to this issue.

Clearly, it seems to me, there are two issues involved.

One is the role of Congress. What is the responsibility? What is the obligation? What is the authority of the Congress in terms of committing troops for long terms in places around the world?

The other, of course, is a policy question of an exit strategy for Kosovo. That has been a question in a number of places where we have been recently.

It comes, I suppose, as no surprise to my colleagues that I view the Kosovo foreign policy as sort of an oxymoron—that it actually has not been a policy. We went in. Indeed, that was one of the things that concerned me the most in the beginning. There was not a strategy. We did not have a plan for where we would go. Indeed, that has proven to be the case. We didn't articulate the goals as to where we were, nor what the responsibilities would be among our allies, and, of course, the length of time to be there complicates that.

We have seen an unbridled passion for involving the United States in peacekeeping operations around the world. I believe that has begun to overtax our military capacity. We have military people deployed in many places.

There is no better or worse example of that than Bosnia and Kosovo. There we have not had a strategy as to when we complete our job and who, in fact, takes the leadership role. I agree with the Senator from Wisconsin. We had an example in East Timor where we shared the responsibility with others in the region. Indeed, in that case, Australia took the lead. We were very supportive, as we should be.

The idea we need to have a major role both in the activity as well as the financing in each of these areas is one that needs some specific examination. Certainly the European Community has done some work there. They are very capable. It is not as if we are talking about Third World countries. We are talking about two of the world's most vibrant economies.

Another reason I question the involvement, again, as a member of the Foreign Relations Committee, we asked questions when this first came up and we were told certainly we would not be in Bosnia more than 18 months. How many years have we been there? We were told we were not going to be in Kosovo.

We have to come to some decision. The question arises, What is the role of the Senate? I believe the Senate is responsible in terms of spending the money, in terms of authorizing long-term commitments. We should step up to the post and express our views. We now have the opportunity to do that. We could also question, as I mentioned, the whole idea of our level of involvement in places where we are with allies. We would certainly have the capacity to do much.

I am concerned about the constitutional implications of the President's actions. Clearly, the President should have, and does have, the authority to move when there is a case of an emergency. That is as it should be. But the fact is, in both Bosnia and Kosovo, we didn't have the opportunity. Did we vote? Yes, we voted after the troops were there. Certainly no one is going to vote against the support for troops who are already committed. I remember meetings held in Ohio and the original talk about Bosnia and Kosovo. We asked: What will we do? They said: We can't tell you yet; we have to go to Europe and have a meeting there. We asked: What is our commitment? Well, we can't tell you yet. Before the Congress had an opportunity to do anything, the troops were there. We were committed. Clearly, we were going to support them.

This idea of an exit strategy, and certainly the idea that we have a role as Congress, as a responsibility to the people of the United States, to do that, is the question. I am not concerned that we are making a judgment ahead. That is not the case at all. We are setting guidelines. We say if those guidelines are not appropriate in that time, then the President can come—whomever the President might be—to the Congress and say there have been changes; here is what I am supporting, and with the support of Congress can go forward with something different.

Byrd-Warner gives a clear plan to work with the European Community and, in fact, turn some of the full responsibility over to the European Community whenever it is appropriate. Byrd-Warner gives us that. We need to ensure that the community is not reneging on its promises regarding its share of reconstruction funds. That is important. That should be done.

Finally, it puts us on a track, a flexible track, for exit and moving our troops out of that situation. That is what we ought to do. Certainly, it was mentioned on the floor that preserving peace in Kosovo is important. That is not the issue. The issue is how do we do that. Everyone knows it is important to have peace there. I think we can do that through this system. It will solve both the constitutional question and the question of direction.

I urge my colleagues oppose the Levin amendment and support the Byrd-Warner amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Georgia is recognized.

Mr. REID. If the Senator will yield, it is my understanding Senator CLELAND is taking time off the other side.

Mr. WARNER. That is correct. I say with some dismay, we have been trying to alternate. If the tactic here is to hold those in opposition until the end, I think an element of fairness in this debate may be slipping away.

Mr. REID. I say to my friend from Virginia, there is no reason to be suspect of anything. We had a speaker lined up who you persuaded not to speak. It threw us out of queue. We have Senator CLELAND ready to speak.

Mr. WARNER. I had to make that case.

Mr. LEVIN. Regarding that change, we are happy to have two or three of our speakers in a row when the Senator from Georgia is finished.

Mr. CLELAND. Mr. President, I echo the marvelous remarks of the distinguished Senator from Wyoming, and my seatmate, the great distinguished Senator from Wisconsin, and others who support the Byrd-Warner amendment.

The question is, simply put: Will the Congress of the United States step forward and help this Government articulate an exit strategy of our military might out of Kosovo and out of the Balkans ultimately or will we not?

I just got back from a trip to Western Europe, particularly to Kosovo. I visited Brussels. I talked to NATO leaders. I visited the Aviano Air Base in Italy where I met with some who flew the incredible air missions in the war. I went to Macedonia and saw the areas where more than 100,000 refugees were, and into Kosovo itself and up on the Serbian border. We then exited through London. I came back with a definite impression that unless this country articulates its own exit strategy, particularly for our military forces, there will be no exit strategy. Our allies are quite willing for us to stay there forever and ever and ever.

I met with the distinguished Deputy Secretary General of NATO in Brussels. He looked at me and said: I can't count on one hand the number of years NATO will have to be in Kosovo. People in the United States have to accept that you are a European power whether you like it or not, both in Europe and the Balkans.

I believe very strongly that we have borne the brunt of war. Seventy percent of the air missions in that war in Kosovo were ours. It was American airpower and American mobility and technology that actually won that war. I supported that. I voted on the floor of this great body for air and missile strikes against Milosevic. I have also voted for the accession of the Czech Republic, Poland, and Hungary to come into NATO. I, by no means, want to abdicate the role of the United States in filling the power vacuum in Eastern Europe left by the fall of the Soviet Union. By the same token, I came back with a couple of clear senses that I carry in my mind of what our American role should be. First, before we went in a helicopter into Kosovo, an Army colonel said: Look out the windows. There is a Roman aqueduct. I thought: I'm flying over terrain where Alexander the Great and his father, Philip II, made wars in Macedonia and that part of the world in 300 B.C. Then the Romans were there. Later the Turks were there. And now we are there.

I respectfully submit, what thousands of years of foreign occupation have failed to do to that area, we will fail to do. So I specifically support the Byrd-Warner language which allows 75 percent of the more than $2 billion contained in the supplemental appropriations title for Kosovo operations to be released immediately and unconditionally for such operations.

I do support these operations now. But the remaining 25 percent would be withheld pending a certification by the President, due by July 15 of this year, that our European allies are making significant progress in meeting their overall commitments for economic reconstruction, humanitarian assistance, administrative expenses, and police forces for Kosovo.

I understand our European allies did not have the capability, in terms of technology or maneuverability or mobility, to mass in an offensive attack against the forces of Milosevic. But I also understand they do have the ability to provide economic reconstruction aid. As a matter of fact, the European Union is stepping forward with $2.3 billion. I applaud that. They have the capability for humanitarian assistance, and that is forthcoming. They do have the ability to provide police forces for Kosovo. These are things our European allies can do and should do.

Furthermore, the amendment requires the President to develop and report to the Congress a plan to turn

over all peacekeeping operations in Kosovo to those allies by July 1, 2001. This is the plan that is due by July 1, 2001, not the withdrawal of American forces. But at least this is a plan; it is an exit strategy.

How do we get to this point? The U.S. Constitution says the Congress declares war. The Congress raises money for our Army and our Navy. It is the Congress that is the ultimate, final authority on whether young men and women are committed in harm's way.

Finally, by that day, July 1, 2001, the Byrd-Warner language requires the termination of funding for the continued deployment of U.S. ground combat troops in Kosovo unless the President seeks and obtains specific congressional authorization for a continuation of such deployment.

I am open to reasoned argument by any President on our role there, but I think the Congress ought to make that decision.

As Senator WARNER said in explaining the authors' intent, the Byrd-Warner language reflects two concerns:

> the indefinite commitment of our troops into the Kosovo situation and that indefinite commitment not being backed up by the affirmative action of the Congress of the United States which has a clear responsibility to act when we send young men and women in harm's way.

I have just returned from a trip to Brussels and Kosovo where I met with key military leaders from the U.S., European nations and NATO. On that trip, I was discussing the role of the United States in Europe with the Deputy Secretary of NATO, Sergio Balanzio, when he told me that the United States is, ''a European power whether you like it or not—not only in Europe but in the Balkans too.'' I responded that it is one thing to be on the point of the spear and to bear the heavy load in certain cases, as the U.S. did in Bosnia and Kosovo, but quite another to always be called upon to ride to the rescue, even in Europe itself.

A large portion of the military operation in Kosovo was supplied by the United States, and I believe it is now time to ''Europeanize'' the peace in Bosnia and Kosovo. While the soldiers I spoke with at Camp Bondsteel certainly displayed high morale, reflected in the excellent job they have done, if we stay in the Balkans indefinitely, with no clear way out, I believe we run an increasing risk of further overextending our military thus exacerbating our recruitment and retention problems and lessening our capability to respond to more serious challenges to our vital national interests. The Byrd-Warner amendment will help Europeanize the peace, unless and until a compelling and vital American interest can be identified which would justify our continued deployment of ground forces, and I will be pleased to support it.

However, I must add that, while this amendment does indeed address our military problem in Kosovo and does indeed reassert the constitutional responsibilities of Congress with respect to that problem, it does not address the underlying situation in Kosovo and is silent on the similar problem right across the border in Bosnia. From my perspective, the basic problem in the Balkans today is political, not military, and requires a political rather than military solution. And, in the same way as the United States took the lead in military operations, it is now time for the U.S. to lead in finding a political solution. Essentially, at this point in time, the various communities wish to live apart and exercise self-determination along ethnic lines. I would agree that such a development is unfortunate and not in keeping with our American view of the way the world should be. However, for any solution to the current situation to be acceptable to the parties directly involved—and thus durable—this inescapable fact must be taken into account.

On June 30 of last year, the Senate accepted by voice vote my amendment to the foreign operations appropriations bill which expressed ''the sense of the Senate that the United States should call immediately for the convening of an international conference on the Balkans'' to develop a final political settlement of both the Kosovo and Bosnia conflicts.

I ask unanimous consent that the full text of my amendment be printed in the RECORD.

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

AMENDMENT NO. 1163 TO S. 1234, FISCAL YEAR 2000 FOREIGN OPERATIONS APPROPRIATIONS

(Adopted by the Senate by unanimous consent, June 30, 1999)

At the appropriate place in the bill, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its allies in the North Atlantic Treaty Organization (NATO) conducted large-scale military operations against the Federal Republic of Yugoslavia.

(2) At the conclusion of 78 days of these hostilities, the United States and its NATO allies suspended military operations against the Federal Republic of Yugoslavia based upon credible assurances by the latter that it would fulfill the following conditions as laid down by the so called Group of Eight (G–8):

(A) An immediate and verifiable end of violence and repression in Kosovo.

(B) Staged withdrawal of all Yugoslav military, police, and paramilitary forces from Kosovo.

(C) Deployment in Kosovo of effective international and security presences, endorsed and adopted by the United Nations Security Council, and capable of guaranteeing the achievement of the agreed objectives.

(D) Establishment of an interim administration for Kosovo, to be decided by the United Nations Security Council which will seek to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.

(E) Provision for the safe and free return of all refugees and displaced persons from Kosovo and an unimpeded access to Kosovo by humanitarian aid organizations.

(3) These objectives appear to have been fulfilled, or to be in the process of being fulfilled, which has led the United States and its NATO allies to terminate military operations against the Federal Republic of Yugoslavia.

(4) The G–8 also called for a comprehensive approach to the economic development and stabilization of the crisis region, and the European Union has announced plans for $1,500,000,000 over the next 3 years for the reconstruction of Kosovo, for the convening in July of an international donors' conference for Kosovo aid, and for subsequent provision of reconstruction aid to the other countries in the region affected by the recent hostilities followed by reconstruction aid directed at the Balkans region as a whole.

(5) The United States and some of its NATO allies oppose the provision of any aid, other than limited humanitarian assistance, to Serbia until Yugoslav President Slobodan Milosevic is out of office.

(6) The policy of providing reconstruction aid to Kosovo and other countries in the region affected by the recent hostilities while withholding such aid for Serbia presents a number of practical problems, including the absence in Kosovo of financial and other institutions independent of Yugoslavia, the difficulty in drawing clear and enforceable distinctions between humanitarian and reconstruction assistance, and the difficulty in reconstructing Montenegro in the absence of similar efforts in Serbia.

(7) In any case, the achievement of effective and durable economic reconstruction and revitalization in the countries of the Balkans is unlikely until a political settlement is reached as to the final status of Kosovo and Yugoslavia.

(8) The G–8 proposed a political process towards the establishment of an interim political framework agreement for a substantial self-government for Kosovo, taking into full account the final Interim Agreement for Peace and Self-Government in Kosovo, also known as the Rambouillet Accords, and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the UCK (Kosovo Liberation Army).

(9) The G–8 proposal contains no guidance as to a final political settlement for Kosovo and Yugoslavia, while the original position of the United States and the other participants in the so-called Contact Group on this matter, as reflected in the Rambouillet Accords, called for the convening of an international conference, after 3 years, to determine a mechanism for a final settlement of Kosovo status based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act.

(10) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the Parties directly involved, including the governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia and Kosovo.

(11) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of over $10,000,000,000, with no clear end in sight to such enforcement.

(12) The trend throughout the Balkans since 1990 has been in the direction of ethnically based particularism, as exemplified by the 1991 declarations of independence from Yugoslavia by Slovenia and Croatia, and the country in the Balkans which currently comes the closest to the goal of a democratic government which respects the human rights of its citizens is the nation of Slovenia, which was the first portion of the former Federal Republic of Yugoslavia to secede and is also the nation in the region with the greatest ethnic homogeneity, with a population which is 91 percent Slovene.

(13) The boundaries of the various national and sub-national divisions in the Balkans have been altered repeatedly throughout history, and international conferences have frequently played the decisive role in fixing such boundaries in the modern era, including the Berlin Congress of 1878, the London Conference of 1913, and the Paris Peace Conference of 1919.

(14) The development of an effective exit strategy for the withdrawal from the Balkans of foreign military forces, including the armed forces of the United States, its NATO allies, Russia, and any other nation from outside the Balkans which has such forces in the Balkans is in the best interests of all such nations.

(15) The ultimate withdrawal of foreign military forces, accompanied by the establishment of durable and peaceful relations among all of the nations and peoples of the Balkans is in the best interests of those nations and peoples.

(16) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and that only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The United States should call immediately for the convening of an international conference on the Balkans, under the auspices of the United Nations, and based upon the principles of the Rambouillet Accords for a final settlement of Kosovo status, namely that such a settlement should be based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act;

(2) The international conference on the Balkans should also be empowered to seek a final settlement for Bosnia-Herzegovina based on the same principles as specified for Kosovo in the Rambouillet Accords; and

(3) In order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following: political boundaries; humanitarian and reconstruction assistance for all nations in the Balkans; stationing of United Nations peacekeeping forces along international boundaries; security arrangements and guarantees for all of the nations of the Balkans; and tangible, enforceable and verifiable human rights guarantees for the individuals and peoples of the Balkans.

Mr. CLELAND. Mr. President, I truly believe that such an approach is best, if not the only, way to resolve the difficulties in Bosnia and Kosovo—allowing our troops eventually to come home but avoiding an unacceptable security vacuum in southeast Europe—and is definitely in the best interest of the United States and Europe.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Georgia. He is on the Senate Armed Services Committee. He just exemplifies duty, honor, and country in every respect. I hope our colleagues take to heart the message from this distinguished Senator and soldier-citizen of America.

I will yield the floor after one procedural matter. As I understand it, the distinguished Senator from Oregon, Mr. SMITH, will next address the Senate—if, after that, we could have our colleague from Texas for 6 minutes?

Mr. LEVIN. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. As we indicated before, we had a number of Senators on the way. If we could have, now, two of ours, since my colleague had two or three of his in a row, it would be, I think, better order.

Mr. WARNER. We were trying to rotate. Our colleague from Texas has been here about an hour.

Mrs. HUTCHISON. I make an inquiry of the distinguished Senator from Michigan how long the next two would be, so I can determine if I could stay that long.

Mr. LEVIN. I do appreciate that. Senator SMITH would be 10 minutes and Senator HAGEL 12 minutes.

Mr. WARNER. How does that convenience or inconvenience our colleague from Texas?

Mrs. HUTCHISON. After 22 minutes? If we could put that in stone?

Mr. WARNER. We will just have that understood. I put the unanimous consent request.

Mr. HAGEL. Mr. President, if it is a convenience to the distinguished Senator from Texas, I would be very happy to go after the Senator from Texas, if that helps her schedule.

Mr. LEVIN. We don't have to etch the stone, then.

Mrs. HUTCHISON. I am happy to wait beyond the Senator from Oregon for 10 minutes and the Senator from Nebraska for 12 minutes. Then if we could get a unanimous consent, I would go next?

Mr. LEVIN. Mr. President, I ask unanimous consent we go in that order: Senator SMITH for 10, Senator HAGEL for 12, and then the Senator from Texas.

Before the Senator from Georgia leaves, if I could just take 30 of my seconds to thank him for his constant contribution to the debates and to this body. While we disagree on this particular issue, it is not very easy for me; he always makes a major contribution, and we are grateful for it.

Mr. WARNER. Will the Chair act on the unanimous consent request, and now with 7 minutes for the Senator from Texas?

The PRESIDING OFFICER. The Chair, without objection, enters the unanimous consent. There will be 10 minutes for the Senator from Oregon——

Mr. WARNER. If I could take 20 seconds of my time just to advise Senators that the time remaining under the control of those proponents of keeping the amendment, namely Senators BYRD and WARNER, has now diminished to the point where the time Senator BYRD and I have allocated between ourselves—that is, the time of the Senator from Virginia has all but expired, and the distinguished Senator from West Virginia has, under a previous order, 1 hour remaining under his control. I just wish to advise the Senate of that.

The PRESIDING OFFICER. The Chair will observe there is a unanimous consent order that gives the opportunity to the Senator from Oregon to speak for 10 minutes, to be followed by the Senator from Nebraska for 12 minutes. Is someone propounding another consent to change that consent?

Mr. WARNER. I did not hear that.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding part of the unanimous consent request is the Senator from Texas would follow Senator HAGEL for 7 minutes. So there would be some order here, the Senator from Virginia could follow the Senator from Texas?

Mr. LEVIN. Mr. President, I will make a revised unanimous consent request, after talking with Senator ROBB who just came in, and with gratitude to Senator HAGEL. I ask unanimous consent for this order of speakers: Senator SMITH of Oregon, then Senator ROBB for 6 minutes, then Senator HUTCHISON, and then Senator HAGEL.

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

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, frankly, I am pleased, as we alternate back and forth, there are Republicans and Democrats not crossing on party lines but arguing a very important issue of what they feel, what they think, and how they perceive America's interests to be best served.

I realize that many of my colleagues have spoken eloquently about the consequences that will result if the United

States Senate supports the Byrd-Warner amendment. And though I may repeat some of their arguments this morning, I think it is critical that those of us who oppose this language state loudly and clearly that this is the wrong way to go.

I spoke last week on this matter Mr. President. I said then that there may come a time when it is appropriate for the U.S. to withdraw from Kosovo—but that time is not now. We face enormous worldwide responsibilities, and I agree with those that feel the burden sometimes seems rather heavy. But that is not a reason for us to seriously jeopardize the most important and most successful Alliance in history.

We are a European power. It is in our interests to maintain American leadership in Europe. And we have seen what happens when the U.S. chooses to come home after a bitter conflict has ended. I am confident that if the U.S. pulls out of Kosovo, as this legislation requires if the Congress does not authorize continued participation, we will be forced to return—under circumstances that will certainly not be as favorable as we face today. We have managed to create a situation where our troops certainly face threats in Kosovo, but the risks are relatively limited.

By our action, by setting up the conditions under which American troops would withdraw from Kosovo next summer, we could trigger the very instability in Kosovo that we have managed to forestall thus far. I am not going to whitewash what is happening in Kosovo today. We have our work cut out for us in establishing a functioning administration there that respects the rights of minorities. But the situation is relatively stable, after over 10 years of disorder. We can only speculate, of course, as to what would transpire if we were to pull out. But there is a real possibility—one can almost say a probability—that the Kosovar Albanians would feel compelled to prepare for another assault by Serbian henchman directed by Slobodan Milosevic. Could our European allies adequately protect the Kosovar Albanians from this assault? I can not answer that definitively, but I will tell you that the Kosovars think that the answer is no. So we withdraw, the Kosovars rearm, Milosevic feels emboldened, and we are back where we started before the NATO air campaign began. Is that why we fought this war?

Why do we want to jeopardize the peace? The 5,900 American soldiers that are participating in KFOR are making a critical contribution to maintaining peace in Kosovo. Our troops comprise approximately 15% of the total of KFOR. That seems to me to be a reasonable percentage for the U.S. to contribute. The European forces are making a difference in Kosovo—they are doing their job. But we should be willing to do ours as well.

Mr. President, let me return to my principal concern with this amendment—the threat that it poses to U.S. leadership in Europe. I have met with five different Foreign Ministers from Europe over the past several weeks, and in these meetings I have emphasized the importance of maintaining the trans-Atlantic link. Our security is directly related to European security, whether we like that or not, and for us to signal to our Allies that we are unwilling to participate in securing the peace in Kosovo—when they are contributing 85% of the troops—inherently divides us from our Allies. I have criticized them for seeking to establish a separate defense structure that is not tied in with NATO at every step of the way.

We should not encourage them in these efforts by indicating that we are an unreliable ally that cannot be counted on to stay the course. I do not think this should be an endless commitment, however, there should certainly be a drawdown in our forces as circumstances warrant and as Europeans do more in Kosovo. But we should not make the determination now as to what our troops should do next year.

I realize that the supporters of this amendment say that they are not calling for the withdrawal of U.S. troops from Kosovo—that they are simply asking for an authorization. But Mr. President, with all due respect for my colleagues, their amendment forces the withdrawal of our forces unless positive action is taken by the Congress. I do not quibble with their complaints that the President did not ask for Congressional authorization for this mission. I agree with them: he should have done so. But is it in our interests to tie the hands of the next President? To force him to adopt a course of action because of a lack of Presidential leadership today? I think not.

I am reminded of the early, tragic days of the war in Bosnia. As you recall, Mr. President, European troops were on the ground in Bosnia as part of the UN mission, but no American troops were there. As a result of the dramatically different risks we faced at that time, the U.S. and our Allies supported different approaches to deal with that conflict. We lost valuable time trying to coordinate our strategy—time when Bosnians of all ethnic groups were slaughtered. A strong Alliance is one where benefits and risks are shared, and that is the direction that we should be going now.

Let me say, that I agree with my colleagues who have complained about unequal burdensharing. The Europeans were incredibly slow in approving their contributions to the Kosovo Consolidated Budget, their humanitarian and reconstruction assistance, and getting their police forces on the ground. I commend Senator WARNER for his successful efforts at ensuring they get the picture. We have the right to expect that our European allies do their fair share consolidating the peace in Kosovo, particularly given the unequal burden borne by the U.S. during the war. And I believe that thanks to the distinguished Chairman of the Armed Services Committee, the Europeans now understand this and are taking steps to correct the problem.

Mr. President, we must maintain American leadership in Europe. We should do our part in solidifying the progress we have seen in Kosovo. I urge my colleagues to support Senator LEVIN's motion to strike the Byrd-Warner language.

Mr. President, I admire Senator WARNER, the chairman of the Armed Services Committee. He is a great American and a great man. While I am not with him on this issue, it is a privilege to be with him on most issues.

Also, I believe Senator BYRD, the other author of this amendment, is a man who stands uniquely among us as a defender of the prerogatives of the Senate. I appreciate that, I admire him for that, and I thank him for that.

I believe it is Senator WARNER's desire to protect our armed services, as is his charge, and I believe it is Senator BYRD's desire to protect the prerogatives of the Senate that has motivated this. I respect that. I say to them that they have already achieved much of what they hoped to do with this amendment, so this debate, this effort, is not in vain. I tell them respectfully now why I am not with them on this issue.

I know that many Americans are weary of our involvement abroad, and I know that many would like to just go home. I actually believe the right political vote in this case would be to vote for a date certain with my colleagues on the other side to get out of Kosovo. I say to every American who cares about foreign policy or our standing in the world, this is not the right way; this is not the right instrument; this is not the right time for this branch of Government to interject itself with this kind of an amendment.

I happen to have traveled to the Balkans at the height of the Kosovo conflict. I was privileged to travel with Senator HUTCHISON of Texas in her codel where we visited many of the surrounding countries of Kosovo. I remember when we went to Hungary, we were standing on the balcony of the Foreign Ministry of Hungary, and the Foreign Minister came up to me—this is a beautiful setting, overlooking the Danube—and he said: Senator SMITH, I did not realize when we were admitted to the NATO alliance that we would be at war a few days later, but we are thrilled to be a member of NATO, and we are proud to stand with the United States of America.

I drew him out and said: Why do you say that, Mr. Foreign Minister?

He said: We are proud to stand with the United States because the United States is a nation uniquely positioned in world history; that we are unique in that we have the capacity to fight for values and not just to fight for somebody's treasure or somebody's territory.

I was proud of my country when he said that.

I found myself a few days later in Macedonia. When we were there, we were at the point where, coming out of Kosovo through a pass in the mountains, literally tens of thousands of refugees were pouring into two camps. We went to the second camp. There were 50,000 people there. It was arranged that each of the Senators would have an hour there with interpreters.

We went through the camp talking to the refugees, examining the conditions of the people, and hearing their concerns. I became aware about halfway through my visit that there were three little girls following me around as though I was from Mars. They looked at me with some degree of awe and wonder.

Before we boarded the buses, I decided to try and engage them in a conversation. I was delighted to find that one of the little girls who was 10 years old could speak reasonably good English. I said to her: Would you like to go home?

She said: I'd love to go home, but I can't; there are very scary people there.

Then I said to her: Well, if you can't go home, would you like to go to America? And her eyes lit up with sparkles.

She put her hands to her face and said: Oh, to be a little girl in America.

I will never forget that expression. I thought of my own little girl all the way home. I wonder what has happened to that little girl. She did not come to America, but she was able to go home because the United States was there.

The United States is in Europe. The world is better because after the Second World War, the United States learned from a mistake and did not repeat the mistake of the First World War. We did not go home. We stayed there as a beacon of stability that Europe has needed and I believe still needs.

The Europeans are beginning to feel a need for more security of their own. I have cautioned them: Be careful as you set up these European defense identities that you do it within the context of NATO or you will begin to decouple the United States from NATO. Be careful about this.

My concern is heightened because as they talk of setting up these new structures, they are all cutting their defense budgets. It appears to me they are setting up a paper lion.

We made a commitment to go into Yugoslavia. If anything should be criticized, it may be we should not have gone into Bosnia. We have elections for a reason. We elected a President of the United States, not of my party, but a President who decided it was in the America's interest as the leader of the NATO alliance to go into Bosnia, and we went. That job was complicated because Mr. Milosevic continued his mischievous ways, his murderous ways in a fashion that was unthinkable to the Western World that we should do nothing. In view of our own troops, we were watching people being exterminated.

In the end, I decided to support President Clinton at this next level because I did not want to have to answer why, in the face of mass murder, I did not do anything.

Lest Americans think it is all in vain, it is not. Things are not great in Kosovo, but they are much better than when we found them.

The benefit of Senator WARNER's work is in this: The Europeans were slow off the mark in meeting their commitments financially and in troops, but they are now. They are putting in the resources, and they are manning 85 percent of the burden there. We have 15 percent, a little over 5,000 troops, there. Is that in vain? Is it appropriate for us now to set an arbitrary cutoff time and, with the blunt instrument of the budget, to say we have had enough, we are going home? I say with all respect, if we do that, we will somewhat be saying to the Europeans what they are saying to us; that we are ready to delink the United States and NATO.

I do not want to do that yet. The day may come when we can say it is time to go home, and the Europeans will be in a position where they can handle it on their own. I do not believe that day has yet arrived.

I tell my colleagues and I plead with all Americans to understand that while we can take for granted the peace, the security, and the prosperity of this land, most of the world looks to us as an example and with some envy and some hope that they may someday have what we now enjoy. If America says we are going home, I believe that vacuum will be so enormous, it will be filled not with an ideology but with a whole bunch of tyrants.

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

Mr. SMITH of Oregon. If I may have but a few more minutes, I will conclude.

Mr. LEVIN. I yield 2 additional minutes.

Mr. SMITH of Oregon. I do not want to see that vacuum filled by people who do not share the values of Western Civilization as we know it in Western Europe and in the United States of America. I believe the Europeans are beginning to do their duty and we ought to continue to do ours.

I also would like to conclude with an anecdote from campaigning with Governor Bush on Tuesday in Oregon, in which he assured me his opposition to this was not about getting America's withdrawal from Yugoslavia but to do it in a reasoned way, in a bipartisan way, and in a way that does not compromise the long-term security interests of the United States, which is now inseparably linked to Europe.

So I plead with my colleagues to vote for the McCain-Levin amendment to strike. I believe this is in the country's interests, in the world's interests, and certainly in the interests of Kosovo.

I thank the Chair and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia has 6 minutes.

Mr. LEVIN. Would the Senator yield?

Mr. ROBB. Of course.

Mr. LEVIN. I will take 30 seconds, on my time, to thank the Senator.

The PRESIDING OFFICER. Senator ROBB from Virginia, I believe, according to the unanimous consent agreement, has 6 minutes at this time.

Mr. ROBB. I yield to the distinguished Senator from Michigan on his time, as requested.

Mr. LEVIN. I take 30 seconds, on my time, to thank the Senator from Oregon for his very thoughtful and very heartfelt statement, based on a tremendous amount of study of Europe.

I also ask unanimous consent that Senator VOINOVICH be recognized after the conclusion of Senator HAGEL's remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that I be given 1 minute prior to Senator ROBB.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. But I want to draw the attention of the Senate to the fact that we—the U.S. taxpayers—have already spent $4.5 billion on this Kosovo operation. The President did not ask for any money for the year 2000. That is why we are faced with this supplemental of another $2 billion. So $4.5 billion plus $2 billion is $6.5 billion. Then the authorization bill, which we are now working on, and the appropriations for the next fiscal year, has another $1.6 to $1.7 billion.

Wake up, colleagues. We are shoveling money out of here as fast as we can swing our arms, without giving, I think, due consideration.

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

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I join my distinguished colleague from Michigan in recognizing the eloquence of the

statement just made, very much from the heart, by the Senator from Oregon. I concur in his remarks.

Once again we are on the floor of the Senate debating the strength of the U.S. commitment to peace and stability in the Balkans, and once again we are being asked to weigh the benefits and costs of our current commitments.

I do not like to find myself at odds, especially on national security matters, with my friend and senior colleague from Virginia. We share so many of the values that shape our view of the world and the critical role of the United States in that world. We also share an unshakeable conviction in the importance of the moral and physical leadership of the United States in a dangerous world and the belief that a strong United States is the best guarantor of peace.

Likewise, I have enormous respect for the other coauthor of the amendment which is currently incorporated in the military construction appropriations bill we are now considering. There is no other Member of this body who is more knowledgeable, when it comes to the history of our Constitution, or who has fought harder to uphold the constitutional role of the Congress and of this body in relation to the executive branch than the senior Senator from West Virginia.

I understand and share our colleagues' frustration with the costs of our commitments in the Balkans, not just in terms of dollars but also the wear and tear on our armed forces around the world.

I understand and share our colleagues' frustration with the glacial pace of progress toward reconstruction in Kosovo and the establishment of a capable civil police force. But we knew the risks going into this effort to stop the killing and give peace a chance to take hold in this troubled land. We know from experience that these types of efforts defy deadlines. We know from experience the consequences of setting conditions that let other countries control our destiny.

Each time we have debated deadlines, I have argued against them. Each time we have proposed statutorily binding deadlines, I have voted against them. I believe the provisions in this bill establishing a deadline for the withdrawal of ground troops from Kosovo undermine U.S. leadership around the world and raise understandable anxiety about our commitment to peace and stability in the Balkans. They play directly into the hands of those in the region who depend on conflict and chaos to achieve their ends.

The situation in Kosovo defies a simple calculus for withdrawal of U.S. forces. The situation in Kosovo defies a simple calculus for those whose burdens are greater or smaller, fair or unfair.

We know from experience that the requirement of our physical presence and our relative share of the burden will shift with changing conditions on the ground—either through reduced threats or improved stability.

Setting statutory deadlines now, in my judgment, will only undermine the confidence of our allies. Setting statutory deadlines now will only shake the world's confidence in our leadership. Setting statutory deadlines now will only encourage those who oppose peace and stability in the region.

The deadline framework established by this provision in the military construction bill tells our adversary what combination of actions or manipulation of conditions by which he can ''control'' U.S. and NATO policy.

Although the authors argue that this provision has no automatic triggers and that there are escape clauses allowing the Congress to undo what this provision would do, the advantage of knowing the limit of our commitment transfers the advantage and the leverage to our adversary.

Under this provision, July 1 becomes a magic date—either this year or next; or some other date, if it happens to be switched in conference—against which he can plan, organize, and execute efforts to pursue regional destabilization.

Under this provision, in the mind of our adversary, we trade the certainty of our commitment to stability, and our military capability to enforce it, for the certain knowledge of our limited determination and the eventual unhinging of the political and military cohesion of our coalition.

I am concerned that regardless of when the deadlines may be set in this provision, our perceived lack of will could put at risk militarily our coalition troops on the ground in Kosovo.

I have been proud to stand shoulder to shoulder with my friend and senior colleague on many issues involving our Nation's national security interests. But I cannot do so on this issue because I believe it would undermine our position of world leadership and place us in an untenable position regarding the Balkans.

In support of our men and women in uniform in the field, and of America's enduring open-ended commitment to peace and stability, I must, therefore, oppose the provision currently included in the bill and urge our colleagues to support the motion to strike offered by the ranking member of the Senate Armed Services Committee.

With that, Mr. President, I believe my time has expired. If not, I reserve any remaining time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself 60 seconds.

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

Mr. WARNER. I thank my colleague for his kind personal references. Indeed, we have worked together as a team. On this one, we divide.

Regarding his concluding remarks on world leadership, in this debate we are constantly talking about our allies. I am concerned about the hometowns in Virginia that are shoveling out taxpayer funds, billions and billions of dollars. I have already added it up—well over $6 billion.

There has really been no debate or action in this Senate. We have an obligation in the Congress to speak before we shovel these funds out in incredible sums. It is from the towns and villages in our State and other States from whence we get these brave young men and women, who put on these uniforms, as the Senator and I have in the past, and march forth from the shores of our country into harm's way. I think Congress has to stand up and be accountable in those decisions and support the President. I have no fear that this institution will support the next President of the United States in his request, if he comes forward and says: It is my intention not to just leave this indefinitely but here is my plan to keep our troops over there.

I yield the floor.

Mr. ROBB. Mr. President, I ask unanimous consent for 15 seconds to respond to my colleague.

Mr. LEVIN. Mr. President, I am happy to yield 15 seconds to the Senator.

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

Mr. ROBB. Mr. President, I thank my distinguished senior colleague. We agree on so many things. Sometimes we have to consider the cost of doing nothing as opposed to the cost of doing what we are doing. It is in that context that I view this particular dilemma we face. I certainly share my distinguished senior colleague's commitment to finding a way to maintain our commitments to peace in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I have been on the floor for a long time this morning. I will address two major points I keep hearing because it is important that we refute those points.

First, we are not setting a deadline. We are not withdrawing troops. The Byrd-Warner amendment says we are voting to make the decision, after plenty of time for the President and our allies, consulting with Congress, to make a plan. We are setting a timetable in which we would have the opportunity to set a plan, and that timetable will probably be October or December of next year. Then after we have a plan from the President, we will have a vote on that plan and on the long-term strategy.

Every time Congress exercises its responsibility to do what it is required to

do under the Constitution, which is declare war and support the Army and the Navy, the administration and many on the other side say: What kind of signal does that send? What kind of signal does that send to our allies? What kind of signal does that send to that terrible tyrant Milosevic?

No. 2, they say setting a deadline is irresponsible. I will answer both of those questions.

We are sending a message. We are sending a message to our allies and to President Milosevic. It is a clear message, and it says, America is going to lead. America is going to come in and bring all the parties to the table, and we are going to formulate a policy. We are going to lead.

It says, our goal is a lasting peace in the Balkans, not an unending morass of indecision that wears out our troops, debilitates our own national security, and does not help our allies or the Serb people at all. It says to Milosevic, we are serious and we are going to formulate a plan. The President of the United States should take the lead and consult with our allies and consult with Congress, as is required in the Constitution.

Our policy in the Balkans has been drifting. Ever since I came to Congress 7 years ago, it has been drifting because the administration has never come to Congress and said: This is my plan; will you approve it? Instead, he spends money from the Defense budget with no authorization and then comes in and asks for emergency funds to replenish the Department of Defense. Of course, we are going to vote yes. Of course, we are going to replenish the funds that have already been spent so our troops will be paid and our equipment will be updated. Is this Senate going to allow our troops to be deployed on a mission that has never been laid out? Is that a responsible action of the Senate? The answer is no. The Byrd-Warner amendment is taking the responsible action for the Senate.

I will answer question No. 2: Setting a deadline is irresponsible. This is the bait and switch. This is what they say every time. If you set a deadline, you are irresponsible. How could you do that and cut and run from our allies? But if you say, OK, we are not setting a deadline, we are going to say, 1 year from now, we have a timetable that begins the process for a plan and then, once you have the plan on the table, you have an orderly process to implement that plan.

This is not a vote to withdraw troops. It is not a vote to cut and run. It is not a vote to even have a deadline. It is a vote to take the responsibility to approve a plan for a lasting peace in the Balkans. This is a vote to be a responsible and strong ally and a formidable enemy. It is a vote that asks the same of our allies in return, that they be strong and reliable allies.

It is a vote to take the responsibility in the Senate for our own national defense. I ask the question of my colleagues: If we do not take the responsibility for our national security, if we do not take the responsibility when we see that we cannot recruit and retain members of our armed services today, if we don't take the responsibility for addressing that problem, who will? Which of our allies will step up to the line and say, we are worried about your national security deteriorating? Which of our allies is going to step up to the line and say, I am concerned that you are not providing the nuclear umbrella that we must have and that only you can provide?

The buck stops here. The Byrd-Warner amendment says we are up to the task. We will defend our own troops in the field, to give them a mission and a timetable and a responsible plan under which they can operate. We will be a strong, reliable, and stable ally for all of our friends. We will formulate a plan that is responsible as a superpower should. We will no longer have emergency funds that refill coffers of money that have already been spent on a mission that is not spelled out. We will no longer be irresponsible. We will take the responsibility that has been put on our shoulders by the people of our States.

A vote for the Byrd-Warner amendment will do exactly what we were elected to do; that is, take the responsibility for our country and our allies.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 12 minutes.

Mr. WARNER. Mr. President, I yield myself 20 seconds.

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

Mr. WARNER. I compliment my distinguished colleague from Texas. It is very important that we get the type of message she has delivered today in the debate. I thank her.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 12 minutes.

Mr. HAGEL. I thank the Chair.

Mr. President, I rise today to support the McCain-Levin amendment. Kosovo is complicated. It is frustrating, dangerous, and fragile.

But I believe Kosovo and the Balkans are very clearly in the legitimate sphere of American security. As I listened to the debate last night and this morning—good, committed, informed debate—I believe we are not debating the congressional constitutional responsibility or authority in foreign policy. I don't think that is the issue. It seems to me that the issue which, in my opinion, comes down two ways, is: Is this action a wise and correct action at this time? Two, what are the consequences of this action?

Make no mistake, there will be consequences. We are always confronted with imperfect choices. Conflict, peacekeeping, war, how you deal with these problems always represents an imprecise business. We don't know the answers. We don't know the outcomes. We don't know all the dangers and complications. These don't come in tidy little boxes, or wrapped up in easy-to-figure-out little equations. There are many unknowns. That is one of the reasons why it is very unwise and very dangerous to set arbitrary deadlines. They never work.

Now, we have heard a lot this morning and last night about what our European allies have not done. Well, in the fairness of this debate, I think we should again remind those listening that, currently, America's ground troops in Kosovo represent less than 15 percent. Less than 15 percent of all ground troops in Kosovo are American. That means 85 percent of the ground troops are European—including, by the way, the Russians.

I think something else that is relevant to this debate is the fact that we have been there in Kosovo in this capacity, a peacekeeping responsibility, for less than 1 year. If we want to take this to the logical conclusion of lack of congressional authority as to when, where, how, and how long we are going to commit our peacekeeping forces, then I suggest that we go back and have a good debate on Korea, and on Japan, and on Europe.

We did have a debate on Kosovo last year, and we had a rather significant vote on moving forward in supporting the President's military action. Now, it stands to some reason that if we made that investment and we had that vote and the American public was tuned in, informed, educated, and their representatives were representing them in this body, they had some sense of where we were going with this. Are we going to walk away from what we achieved and have been achieving? It is messy, yes; uncertain, yes; fragile, yes; complicated, yes; but that is a very relevant point to this debate. Then what is connected to that question is, what happens next?

Does anybody in this Chamber believe that the Byrd-Warner amendment, planning to plan to withdraw, is a policy? Withdrawal is not a policy. Why are we doing it now—less than 6 months before America elects a new President? We all of a sudden are quite agitated and excited about Kosovo. We have had some time to deal with this. So we will ask our new President to take office in a matter of months, at the same time forming a new national policy team, new security, foreign policy, working with new leaders, the Congress, the nuances and relationships that are all part of that, and imposed upon him, encumbering him, is this arbitrary deadline and this plan to withdraw. I don't think that is responsible. We leave this new President little latitude, little flexibility.

What about the magnitude and seriousness of this debate? If this is so important, why has it not been brought before the Foreign Relations Committee? Certainly, the Foreign Relations Committee of the Senate should have some responsibility in this debate. We have not had 1 minute of debate on this. This came up in an Appropriations Committee meeting, with no formal notice, and boom. This is responsible policymaking? I don't think so. This is not a thoughtful approach to something this serious.

We need to listen to those who have responsibility for our troops on the ground. General Clark and others have had the interest of our young men and women as their main responsibility. What do they say about this? They have said it is irresponsible, with dangerous consequences. A heavy, dark cloud of dangerous uncertainty hangs over this debate. What are the other consequences? Yes, there will be a vacuum. But there are connecting rods as well here. Does anybody doubt, if we would pass this, that this would not have an effect on Milosevic and others like him, and their interpretation, and their waiting game, and all that they would do to wait us out? Of course not.

Let's get real. Let's get real in this body. This isn't theory. Does anybody doubt that this would not have a responsible consequence to our relationship with our NATO allies, at the very time we are trying to convince our NATO allies to go with us on a national missile defense system—and we will need that concurrence and cooperation with our NATO allies if we are going to, in fact, go forward with a ground-based national missile defense system because we will need some radar sites. Does this have an effect on that? Of course. Does it have an effect on our new relationship with the President of Russia? Of course it does. Does it have an effect on how the Chinese and the Taiwanese see America's commitment to its allies? Of course it does. These are big issues out here, Mr. President. We better understand the bigger picture. There will certainly be consequences in the Balkans. Do we think if we do leave, we plan to leave the Balkans better than we found it? I don't think so.

America's word means something. America's commitment means something. I believe stability in Europe, stability in the Balkans is in the interest of America. There is legitimate debate on the other side, maybe, but I think it is in our interest. America has always represented hope, a better life, a better world. We have made the world better. Yes, we can debate all of our military conflicts, involvements, and engagements since World War II—Vietnam, Korea, Kuwait. Have we made mistakes? Yes, we have. But, generally, is the world better off, more peaceful, more prosperous, with more hope today because of America? Of course it is.

There is one other thing we tend to forget: As the leader of the world, we will always be asked and be required to carry a heavier burden than any other nation. We may not like that; it may be unfair, but it is a fact. One of the reasons America is the greatest Nation on earth, in the history of man, is because we have had the unique ability to control our own destiny. How have we done that? We have done it because we were engaged; we were vigilant; we were strong. We anchored our country and our beliefs on principles, trusts, and values. Others have responded to that.

These are all part of the dynamics of this debate.

I do not want my 9-year-old daughter and 7-year-old son to inherit a world where America does not lead, if for no other reason, the next great power in the world may not be as benevolent or judicious as America has been with its power over the last 200 years. All of these dynamics are part of this equation. This body must be very serious in understanding that.

Let Americans speak in November. Let our people speak. Elect a new President. That new President will begin a new, productive, positive relationship with the Congress. We can together work on a foreign policy that makes sense in a timely, effective way. That is the answer. That is a wiser course of action. That is a more responsible course of action than voting for the Byrd-Warner amendment.

I might say before I end that it is because of Chairman WARNER's efforts and leadership. That has been recounted last night and today. The Europeans have in fact stepped up each day, each month, to more and more responsibility to their obligations. And I thank the chairman for that. Rarely do I disagree with him, but in this case I do.

I strongly encourage my colleagues to support the Levin amendment.

I yield the floor. Thank you.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is to be recognized.

Mr. WARNER. Mr. President, I ask for 60 seconds on my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his very important contribution to the debate. It has been one of the best debates on foreign policy we have had in the Senate I think this year. I appreciate his references to the Senator from Virginia.

We have accomplished much of what we set out to do in this amendment. I bring to the Senator's attention that yesterday there were 263 votes in the House of Representatives in support of the principles that are embodied in the Byrd-Warner amendment. The other body spoke just yesterday. But I say to my dear friend that I am willing to calculate we have spent close to $20 billion in Bosnia and Kosovo. I will place it in the RECORD.

This is, in a sense, handing out another blank check for $1.8 billion in this supplemental for Kosovo with no clear, decisive action for the Congress requiring a strategy as to when our troops can hopefully be considered along with others to be withdrawn.

I say to my good friend, how many of my colleagues are calling back home today to get the sentiments of hometown America and put them against——

The PRESIDING OFFICER. The Senator from Virginia has consumed 1 minute.

Mr. WARNER. The sentiments expressed so fervently by those wanting to strike on behalf of our allies? There are 350-plus years of history, going back before World War II, of our steadfast alliance to our allies, and they can anticipate another 50 years. But on this, it is time for Congress to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent I be allowed to speak for 1 minute on my time.

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

Mr. LEVIN. Mr. President, first I thank Senator HAGEL for a statement which is very meaningful because of the broad picture he drew, and also the interrelationship between what we are voting on and the whole host of other issues that are connected to it and impacted by it, as well as for the life experience and the life study he has brought to these questions.

In response to the good Senator from Virginia, I can only say what was voted on in the House yesterday is dramatically different from what we will be voting on. In addition to the funds that he made reference to that we have spent to avoid a wider war, even greater expenditures of funds have been well spent, in my judgment. And, indeed, the good chairman of our committee has been very supportive of those efforts.

We should not pull back from the success which has been achieved because the American people have made a commitment to stability in the Balkans to avoid a much broader problem in Europe and around the world.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, we are approaching the one year anniversary of the end of the NATO air campaign in Kosovo. But just like a year ago, we find ourselves debating U.S. military involvement in Kosovo and what the U.S. mission in southeastern Europe should be.

With respect to southeastern Europe, I believe the Byrd-Warner language

that has been included in this Military Construction Appropriations bill is the wrong approach at the wrong time. In addition to our direct national security interests in Europe that would be threatened by this provision, our efforts to encourage the establishment of the rule of law, universal respect for minority rights and market economies throughout southeastern Europe would be devastated by the Byrd-Warner language.

In the aftermath of the air war over Kosovo, we have an opportunity to work with the international community to integrate the nations of the region into the broader European community; an action I believe will help avoid the continuation of the bloodshed and destruction we've seen over the last decade. To effectively threaten a troop pull-out—which the Byrd-Warner language does—jeopardizes our efforts to take advantage of the worldwide interest in the region, and our ability to make an historic positive change for the future in southeastern Europe.

Mr. President, we have American military resources on the ground and in the skies in southeastern Europe with the specific intent of bringing peace and stability to the region.

Unfortunately, the Byrd-Warner amendment will be viewed by friend and foe alike in the region as a unilateral troop pull-out of Kosovo and an end to the commitment the United States of America has made to our European allies to help bring peace to the war-torn Balkans.

The Byrd-Warner language requires the next president to make a difficult determination on American presence in Kosovo soon after his election—a time when he should be working to establish and implement his foreign policy agenda for our nation with his senior management team including his National Security Advisor, Secretary of State, Secretary of Defense and Chairman of the Joint Chiefs of Staff.

It will be a period when he will need to measure his allies and become intimately familiar with a myriad of foreign policy challenges. His decisions will have a wide national security impact and must not be made hastily, but that is what the Byrd-Warner language does.

Mr. President, if we are to succeed in opposing aggression around the globe, we need to work with our allies. However, what the Byrd-Warner language would do is show our NATO allies that as far as peace and security in Europe is concerned, particularly in southeastern Europe, it is Congress' intention to extricate ourselves. I don't believe that is the message that the U.S. wants to convey.

For those of my colleagues who are interested in seeing Europe take on more responsibility in southeastern Europe, the issue is, does the Byrd-Warner language help or hurt?

I believe it would hurt, because I know that the Europeans have made the commitment, and are continuing to make the commitment, to their southeastern European neighbors.

This past February, I was in Brussels to make my feelings known on the subject of fair-share burdensharing to the leadership of the European Union. I was pleasantly surprised to learn that the Europeans basically understand that unless the Balkan region is fully integrated into the broader European community, the region will ''Balkanize Europe.'' I was further pleased to see the Europeans taking the necessary steps that will eventually include the nations of the region in the EU and NATO.

Of the total financial support committed to Kosovo by the international community, including humanitarian, development, economic recovery and reconstruction assistance, the U.S. has pledged 15 percent, while the rest of the world has pledged 85 percent.

Of the total amount pledged for the operations of the UN Mission in Kosovo, UNMIK, the EU and its member countries have pledged 74 percent, and the U.S. 13.2 percent.

In addition, at the Stability Pact conference in Brussels this past March, four dozen countries and three dozen organizations pledged $2.3 billion—well above the $1.7 billion goal to fund regional economic development and infrastructure projects in southeast Europe over the next twelve months. I believe this commitment represents one of the first positive steps that has been taken since the end of the air war towards restoring peace and stability to the region.

What I am saying is: on the whole, the Europeans are meeting the challenge. They are supplying the funds and they understand the importance of involvement in the region. They are surpassing the thresholds established in the Byrd-Warner language.

What the U.S. needs to do is encourage them. For those nations that are responding to the challenge, pat them on the back. And for those that aren't, coax them into contributing. We should be working with our allies in a cooperative fashion and not a confrontational one.

We need to understand that while the Europeans are handling the bulk of the spending in the region, we must also be willing to come to the table to provide leadership and a little bit of a financial commitment. When I was in Brussels, the importance of the United States to provide leadership was underscored by members of NATO and the EU alike.

In addition, our leadership is absolutely desired and sought by the benefactors of the Stability Pact. Just last week, I received a letter from the Bulgarian Minister of Foreign Affairs, Nadezhda Mihailova, who reiterated the need for the United States to stay at the table. She said:

> . . . the importance of U.S. leadership in southeastern Europe during reconstruction and beyond cannot be overestimated—it is critical to the future success of the region.

It is imperative that we stay focused and interested in what happens in this region of the world.

We should try to imagine what actions Slobodan Milosevic will take if he knows that the United States has given up its commitment to restoring peace in Kosovo. Imagine the last U.S. plane, the last armored personnel carrier, the last U.S. soldier leaving Kosovo. How confident can we be that Milosevic will not renew his reign of terror against the people of Kosovo in an effort to solidify his power. What if he moves aggressively into Montenegro to quell the Djukanovic threat in the vacuum created by the American withdrawal. What will the United States do then?

We are also trying to get the Kosovo Albanian community, especially former members of the KLA, to support the rule of law and help establish a governmental framework to make it work. Can any of my colleagues imagine the psychological blow to this cause if they believe that the U.S. is pulling the plug and leaving? There is no way they will disarm. And, as a matter of fact, without U.S. support, the moderate factions could be swept-up into the arms of the zealots.

Can you also imagine what the prospect a U.S. pull-out will have on the Kosovo Serbs who have not fled; who chose to stay and try to live in peace with the Kosovo Albanians? What about those we encouraged to stay to help be a part of the interim government? With Milosevic's campaign of ethnic cleansing still fresh in the minds of many Kosovo Albanians, what will become of the Kosovo Serbs without the protection of the United States? What will become of the fragile peace and the fledgling government that we are trying to establish? It is my belief that even the possibility of departure will destroy any chance for stability in Kosovo, as well as end the prospect of reconciliation in Kosovo.

And what about extremist factions throughout the region, in Bosnia, Macedonia, Croatia, etc.—factions that have remained relatively dormant due to the U.S. presence? I think about Mr. Arber Xhaferi in Macedonia, one of the key leaders of the Albanian community there, who's working with President Boris Trajkovski to create a truly multi-ethnic Macedonia. President Trajkovski's democratically elected government has made it clear that the ethnic Albanian community, which makes up roughly 25 percent to 30 percent of the population, is an integral and respected component of society.

However, there is evidence of an extremist element within the ethnic Albanian community. These individuals are willing to resort to violence in

order to destabilize the government of Macedonia, and put in its place a government run by Albanians, for Albanians. There is genuine concern in Macedonia, as well as other nations, that if the United States leaves southeastern Europe, the deterrent factor on the extremist elements will have been removed, allowing for further regional instability.

Mr. President, I have the greatest respect for my distinguished colleagues, Senators WARNER and BYRD, but their amendment to this bill puts us on a course that will unravel the prospect of a peaceful integration of southeastern Europe into the whole of Europe.

We have the ability to help keep the peace in southeastern Europe, and I believe we should continue to provide our leadership and our fair share of the costs during the next several years as we deal with the transition in Kosovo and the fall from power of Slobodan Milosevic. We should ensure the countries of the region that we do care about their future, and that we understand how fragile the political situation is in countries like Bulgaria, Macedonia, Romania and Croatia. We need to let them know that we understand how important it is to support their new democratic leadership as they transition to multi-ethnic societies that respect human rights, the rule of law and which embrace market economies.

A commitment on the part of the United States to the Balkans on all of these items will help ensure stability for generations to come. I believe by working together—Congress and the White House—we can come up with a solution that will allow for the United States to continue to live up to such a commitment in southeastern Europe.

Our allies are willing to stay the course; they have made a commitment to southeastern Europe and have put their money where their mouth is. It's no time for us to leave them high and dry. It is not in the interest of our national security, our economic interests or the cause of peace in the world.

I urge my colleagues to support the Levin amendment.

Thank you, Mr. President. I yield the floor.

Mr. WARNER. Mr. President, I will speak for a minute awaiting Senator LEVIN's appearance on the floor.

As we approach the desk for this historic vote, and it will be a historic vote, I point out to my colleagues we have in the past contributed, in fiscal year 1999, $4.5 billion for this action in Kosovo. We are about to vote on, in a sense, another blank check, for $1.85 billion. In the bill I am working on and will bring to the floor hopefully next week and pass on to the appropriators, there is authorization for another $1.65 billion for a total of up to $8 billion for Kosovo.

I think we have an obligation to the people of our Nation in hometown America who are paying this through their taxes, who are sending forth the young men and women into harm's way beyond our shores. We have an obligation to them. If we are going to vote to strike the Byrd-Warner amendment, in essence we are saying Congress is out of it. It is another blank check. Add up Bosnia; it is about $11 billion to $12 billion. We are approaching $20 billion for U.S. participation in this critical part of the world.

I certainly agree it is in our security interests to have been with NATO in Bosnia, then with NATO in Kosovo. We did the bulk of the fighting in the 78-day war. How proud we are of the men and women of the Armed Forces. Now we have an obligation to those serving today. For an indefinite commitment, there is no one who can come forth in this Chamber—and I ask anyone to come forth in this Chamber—and give any time expectation as to when this commitment terminates.

The Byrd-Warner amendment, within the confines of the constitutional responsibility of the Congress, is trying to lay down a strategy and some information for the American people who are paying the bills and sending forth the troops. To strike this language is back to business as usual, blank checks which will total, just in Kosovo alone, $8 billion.

Then the section about our allies. They fought bravely with us to the extent they had the air assets, the lift assets, the highly technical guided ammunitions. They fought bravely. This is no disrespect to any soldier, sailor, airman, or marine of any nation that fought in that the 78-day war.

In a sense, we are fighting for their own interest in knowing how long they are going to be there. No one can come to this floor and controvert the Senator from Virginia saying in January and February and March of this year they were falling behind in their commitments they made following that war to provide economic assistance, humanitarian assistance, police.

We got their attention. I thank Senator STEVENS, Senator INOUYE. It was a bipartisan effort. Many Members came to the floor and laid in the RECORD the intention to bring this issue on the first legislative vehicle we could. That is before the Senate today, the requirement for our allies to fulfill their commitments. They are doing that. I am confident that the President can make the certification as required in a section of this amendment and certify that the allies have at long last met their commitments.

This is a historic vote. It affects not only our commitments in this worldwide and important place in the Balkan region but all the other commitments. It will set a standard by which the Congress will have said that we are going to enter our decision power under the Constitution as we send forth men and women of the Armed Forces into harm's way and expend the taxpayers' money in such enormous sums.

Mr. LEVIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Michigan has 69 minutes and there is a total of 63 minutes for Senators BYRD and WARNER.

Mr. LEVIN. I yield myself 1 minute.

I happen to agree with the Senator and fought very hard with him to get the Europeans to do more. We have succeeded. They are not up to 85 percent of the combat forces, which is exactly what we wanted them to do. They are coming across with more police because of the pressure we put on them. Senator WARNER, I, and others put pressure on the Europeans to do more to carry through with their commitments. I think that pressure is useful.

The language before the Senate has two parts. The first part says if they don't meet specified targets in a certain date, we are out of there—unless, of course, Congress decides to change its mind. What we are putting in place on automatic pilot, we are out of there unless certain, specific, commitments can be kept.

The head of the Office of Management and Budget, by the way, has gone through the items and has said those specific items at this moment can't be certified, at least three out of four, for some very technical reason. But there is a second part to this. Even if the Europeans do all that is required by this amendment in the first half of it —or in half of it—we are pulling out anyway. The second part of the amendment says unless Congress changes its mind by next July, we are pulling our forces out of there.

This is a totally inconsistent message in the language before us. Half the message is: You have to do certain things by certain dates, Europeans. The second half of the message is: Even if you do that, we are out of there. We need a plan, and unless the President requests and Congress authorizes, our troops are out of there. Those are inconsistent directions. It seems to me wrong for many reasons which have been outlined.

I notice the Senator from Connecticut and the Senator from West Virginia are on the floor. I do not know if the Senator from Connecticut is ready, and I do not know if the Senator from West Virginia is ready. But I inquire, perhaps of both of them, if I could, whether or not they both wish to proceed at this time. Could I ask the Senator from West Virginia?

Mr. BYRD. Yes, I hope the distinguished Senator from Connecticut, Mr. LIEBERMAN, will proceed.

I have a question, if I might ask the Senator.

Mr. LEVIN. Would this be on the Senator's time?

Mr. BYRD. No, it will be on the time of the Senator from Michigan. It is a very brief question. I am alluding to something the Senator said.

Is the Senator under an impression that there has been no previous occasion when Congress has laid down a certain date and said after that date there would be no further moneys unless the President comes back and requests them and Congress authorizes?

Mr. LEVIN. My guess is, and I could be wrong on this, that happened on two recent occasions at least. We properly, in my judgment, said troops must be out of Somalia by a certain date; troops must be out of Haiti by a certain date, period. We approved that and I supported that. This language is very different from that.

Mr. BYRD. In what respect?

Mr. LEVIN. This language says that we are deciding now that next year the troops must leave, unless—unless—later on Congress changes its mind. It is on automatic pilot. If the President does not request in a year, and unless the Congress authorizes in a year—in other words if the Congress does nothing, if the Congress does not change its mind—we are saying now that the troops are out of there in a year. That creates a year of very dangerous uncertainty, according to our recent commander, according to the head of NATO, according to the Secretary of Defense. It is that year of dangerous uncertainty which is being created here.

This is not a question, if I may say on my time, of the power of Congress. I could not agree with the Senator from West Virginia more. We have the power to do what is being proposed. There is no doubt about it. We can set deadlines. We can set conditional deadlines. We can set deadlines which are going to take place unless something else happens.

The question here is the wisdom—the wisdom of doing what is being proposed here, of deciding now that troops are going to come out of Kosovo, that they must be withdrawn unless, a year from now, the Congress changes its mind and decides to authorize it following a request from the President. What that precipitates is a year of very dangerous uncertainty, of wavering commitment to an alliance, and this is what both General Clark, the head of NATO, and our Secretary of Defense have outlined for us.

Again, the question is not the power of the Congress to do what is being suggested by my good friend from West Virginia. That is indisputable. If that were the issue—does Congress have the power to do this—this vote I hope would be 100–0, that we have the power to do this. The question is its wisdom. What is the impact of the uncertainty, the trumpet that is unclear and uncertain, when we have just been successful in Kosovo with NATO allies? We are now asking NATO allies to do more—and they are doing more; now up to 85 percent of the ground forces. The question is the wisdom then to put into place language which says unless Congress changes its mind a year from now we are out of this?

And if I can quote, since I am on my time, this is the main objective of the language. According to the sponsors' Dear Colleague letter, the provision has three main objectives. First, it terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives congressional authorization to keep troops in Kosovo. In other words, a year from now something happens automatically unless we reverse ourselves.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LEVIN. I will be happy to yield.

Mr. BYRD. Mr. President, we said the same thing on October 14, 1993, with reference to Somalia. Let me read what the language said:

> . . . Provided further, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994—

Remember, we are talking on October 14, 1993—

> . . . That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994,—

Several months away—

> for the operations of United States Armed Forces in Somalia: Provided further, That such date may be extended if so requested by the President and authorized by the Congress. . . .

That is what we are doing here exactly, precisely. So what is so new about it?

I thank the Senator for yielding.

Mr. LEVIN. The question is whether it is wise to do this when we have just been successful in Kosovo. In Somalia, we had determined to withdraw. The sponsors of this language suggest we are not exactly determining to withdraw; we are sort of planning to withdraw and we can change our mind. That was not the case in Somalia. In Somalia, we had decided—and I very strongly supported the decision—to withdraw. It was time to withdraw and we made that decision. It was the right one. It was wise in the circumstances. We decided to pull our forces out.

Here it seems to me that is the question: Do we want to pull our forces out now? To say now that a year from now our forces are out of there? It seems to me that is the question, not the power of Congress.

The constitutional question, if put to this body, I hope would have a 100–0 vote that we have the power to do what is being proposed. But on whether it is wise when we have just been successful—part of a coalition fighting together for the first time, putting pressure on our allies to do more; succeeding in that pressure, they responded with now up to 85 percent of the ground forces—in that same language to say we are planning now on getting out a year from now, that is the question. It is the wisdom of this language, not the power of Congress to pass it.

I thank my good friend from West Virginia and yield up to 20 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and my friend from Michigan and my friend from West Virginia for his courtesy allowing me to go forward.

Mr. President, I rise to support the motion to strike, and in doing so I join colleagues before me who have expressed what is clearly our very sincere respect for the two cosponsors of the part of the underlying bill which we seek to strike with our motion. There honestly are two no more distinguished Members of this body. May I say there are no more patriotic citizens that I have ever met than the Senator from West Virginia and the Senator from Virginia. So I go forward with a certain sense of awkwardness but certainly with a profound sense of respect for the two of them, even as I disagree with the provision regarding Kosovo that they have added to this appropriations bill before us.

Much has been said on both sides. I will try to either say it quickly or add a few new thoughts. It seems to me we have to begin here by looking backwards; in some senses, way backwards. By coincidence, last night I was reading a new biography of President Woodrow Wilson.

One of the chapters begins with a description of the election of 1912. The opening line says that as people were going to vote in the United States in 1912—and the great choices were Wilson, Teddy Roosevelt, and Taft—no one had in mind or could have imagined that 2 years later an event would occur in the Balkans that would eventually draw almost 2 million people into combat in that far away quarter—World War I.

We have struggled with, been affected by, lost lives as a result of conflict in the Balkans which spread throughout Europe and which has always eventually engaged us because of our intimate relationship with Europe. We are a nation that, at the outset, was formed by children of Europe, by people who left Europe to come to these shores. We, of course, are much broader and more multicultural than that now, but that was our origin.

Today our military and economic ties, our security and cultural ties with Europe are deep and they are broad. We may in the push and pull of the moment be drawn to other parts of the

world. We are a global power today. But the base of our strength and the most comprehensive economic relationships we have and the heart of our international security posture has always been in Europe and is today. What happens in Europe matters to us today as it did in the second decade of this century, bloody as it was, which began with conflict in the Balkans.

Again, as the ''third world war'' of the last century concluded—and I say that referring to the cold war—and new alliances began the movement of people, conflict broke out in the Balkans and threatened to go further and engage our European allies and threatened the stability of that region so important to us.

I begin this way because what I want to suggest, and I hope I can convince people, is that what happened in Kosovo—the outbreak, again, of barbarism, aggression against the people by force and what became cosmetically described as ethnic cleansing—was a singling out of people because of their ethnicity, coincidentally their religion, and they were subjected to mass forced movement, exile from their country, murder, rape, and torture.

The fires were burning again in the Balkans, and this time, having more recently confronted a similar threat in Bosnia, we waited, in my opinion, too long to get involved. We and our NATO allies acted on an immensely successful air campaign a little more than a year ago which stopped the barbarism, stopped the aggression, stopped the killing, and allowed more than a million refugees to return to the homes from which they had been brutally forced.

All of this is by way of saying that what happened in Kosovo that led to the peacekeeping in which we are involved—and which is threatened by the underlying amendment offered by the Senators from West Virginia and Virginia—was a great victory. It was a great victory.

General Clark recently returned from his position as SACEUR, our Supreme Allied Commander in Europe, a historic position, a position of great importance. He has been quoted frequently on the floor. In conversation with him, one of the things he said to me a week ago was that the reaction to what happened in Kosovo from the European public and the American public, including particularly the American political elite, was so remarkably different. In Europe, there was a sense of extraordinary pride about the course of events as they concluded last year in Kosovo, that stability, that freedom, that human rights had won a victory in Kosovo. Here General Clark worried the reaction was not so clear, that there was not the sense of pride that should have been felt because of a pivotal leadership role the United States of America played in ending the barbarism and aggression in Kosovo.

I mention this today because it is perhaps that differing attitude that leads us in the Senate to consider the Byrd-Warner amendment to this Appropriations Committee bill, and also now we have witnessed the House take similar action on the question of whether our European allies are doing enough. Maybe we in this country never appreciated the significance of what we did.

I believe history will show, when historians look back at the 1990s and judge what occurred, the United States and NATO interventions in Bosnia and Kosovo was a turning point, as an example that we and our allies had learned the lessons of the 20th century, the most bloody in history, unfortunately. One of the lessons is, if you turn your back on aggression and genocide, in the end it will find you; it will force you to turn your face to it; and you will face carnage and will be drawn into it at a cost that is ultimately so much greater.

We achieved a great victory. I support this amendment to strike because the language in the underlying bill that it would strike I fear, I say respectfully, will snatch defeat from the jaws of victory. It will shake our alliance. It will send a message to Mr. Milosevic, as has been said over and over: Just wait it out; the United States is not a resolute power; it doesn't understand what it did in Europe.

It would encourage, unfortunately, those in Kosovo, particularly the Albanians I fear, to a certain extent the Serbs, to worry we are about to leave and to begin to take up arms again, the very arms, as part of this peace we are helping to enforce, they gave up. The Kosovo Liberation Army turned over its arms to the peacekeeping authorities.

I know those who have sponsored the underlying amendment have said it is not their intention to cut and run, to undercut NATO, to encourage Milosevic, but I fear that will be the effect of this proposal, notwithstanding the intentions of its distinguished sponsors.

If, as has been said by proponents of the underlying provision, this is just a message to our allies in Europe to meet their commitments, if it is just giving an opportunity to the incoming President next year, whomever it may be, whichever candidate it may be, to offer a plan to make a decision, then let's do that. Let's not put America on a course to withdraw, which is what this underlying proposal does, to literally cut and run. Let's leave it to the next President to make those decisions.

I was quite struck and appreciative of the statement Governor Bush has made on this. It is a statement that is made in the national interest. I hope all of us will heed it because it means the two major party candidates, Vice President GORE and Governor Bush, both have said they feel the underlying amendment would not only be bad for America's national security interests but is something they do not want because it will hamstring whomever is privileged to occupy the White House in January of next year.

Much has been said about the effects of this amendment. I want to just add this in addition to the way in which it will encourage Milosevic. Europe is stable now and yet not fully stable. A new Government has come to power in Russia. It is a Government that we are hopeful about and yet uncertain.

The people of Central and Eastern Europe, who lived under Soviet domination for, oh, those four and more decades, in some cases, are now beginning to stretch, to be free, to develop market-based economies, self-government, national independence. Some of them—three—now have joined NATO; a whole other group—I believe it is nine—have been put in line. This is a historic development and the most extraordinary and enormous victory for the forces of victory and freedom that won the cold war.

I want to suggest to my colleagues that putting us on a course to withdraw our forces from Kosovo, from the peacekeeping effort, to withdraw our financial support for the economic and humanitarian reconstruction, will send a message of faithlessness, if I can say that, of irresoluteness, of lack of concern by the world's superpower—the beacon of hope for those who yearn for freedom and now have achieved it post-cold war in Central and Eastern Europe—that perhaps our commitment there is not firm, and that as they begin to enjoy the sunlight of liberty, we may be pulling back and not worried if the clouds begin to come over them again.

Our presence in Kosovo, important as it is to keeping the peace in Kosovo, is clearly more broadly important to the ongoing march of freedom for which we fought and won the cold war. In that sense, too, we would begin to be snatching defeat from the jaws of the great victory we won in the cold war.

The same is true for places of conflict throughout the world where this kind of American irresoluteness—what will appear to be, whether it is intended or not, a cut-and-run approach—will encourage the enemies of freedom, the enemies of the United States, to take action, with the hope that the United States does not care anymore, that we have grown either so comfortable or so isolationist that we have taken a shorter range of view and are not prepared to exercise the political, strategic, and moral leadership on which I continue to believe the world depends.

Much has been said here about the question of what our European allies have done or not done. I was at the annual security conference in Munich in

February. We were battling with our European allies about whether they kept this $35 million commitment they made. They had not kept it then. They have done it now.

But as has been said over and over again—I will not belabor it—the Europeans are paying more than their fair share, which is to say they are paying the overwhelming majority of the costs of the military and the humanitarian operation.

Although the numbers are very difficult to be totally comfortable about as to who has given what—and I have tried very hard, working with the Congressional Research Service, the World Bank, the European Commission, and the Department of Defense, to pin these down—it does seem to me that, overall, an argument could be made not just that the Europeans are paying 80 or 85 percent of the costs of these operations in Kosovo but that they have met the terms thereby of the Warner part of the Byrd-Warner amendment. But the accounting can be difficult.

I think the amendment, if it is put in place, becomes meddlesome and troublesome because it sends a message of doubt about our support and, on a technical accounting basis, actually could put us in a position where the President could find it difficult, on the technicalities, to certify that the Europeans have done what this amendment requires them to do. Therefore, we would be on the road to withdrawal, with all the consequences I have described.

Surely there are better ways for us to express to our allies in Europe that we believe they are not meeting their commitments than this blunt instrument, putting this amendment on this appropriations bill. It is for that reason I support so strongly this motion to strike.

I will just add two general points. The first is from a very interesting column from the Washington Times by Mr. Tod Lindberg on Tuesday, May 16, in which he, quite correctly, points to the ambivalence Congress has expressed regarding Kosovo, an ambivalence which is so inconsistent; it reminds us that although Congress has the power of the purse, that is why we elect Presidents and we call them Commanders in Chief and why we expect them to make the foreign and military policy of our country, because with 535 of us, it would be hard for us to get together and do what we need to do to protect our national interests with the kind of authority a Commander in Chief can have.

Of course, we have the power of the purse, and we can exercise it. But we have tended, too often, to go in different directions. As Mr. Lindberg points out:

> Kosovo, more or less from the moment the issues there became critical in the fall of 1998, has not exactly been Congress' finest hour. The nadir, perhaps, came a year ago during NATO's air campaign itself, [while our pilots' flying actions endangered themselves over the Balkans] when the House of Representatives voted within a short span not to support the campaign and to double funding for it.

Remember the words from the Bible: If the sound of the trumpet is not clear, who will follow into battle? And 535 voices often find it hard not to sound a clear trumpet. I think that has been the case here. It will be the case if we do not strike this provision from this bill.

Mr. Lindbergh finally, at the end of the column, makes a few points which I also would like to quote. He thinks what is expressed in this underlying amendment that we now seek to strike is not just concern about whether the Europeans are keeping their financial commitments, but I believe a strong argument could be made that they are; clearly, we are paying only a minority of the costs of this operation. That is undeniable.

What is at work here, Mr. Lindberg says—I think, correctly—is not just the constitutional question that we have an obligation to exercise our judgment and decide whether we should stay or not—and, again, I say the way to do that is not to put us on a march to withdrawal when we are succeeding—but, he says, this amendment ''also serves for some as a false flag flying over isolationist sentiment—an opportunity to vent discontent with a whole range of American commitments without openly stating the general case. For some, setting a deadline for the withdrawal of U.S. troops from Kosovo has nothing whatsoever to do with Kosovo; it's just the opportune application of a general principle of disengagement to a particular case.''

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. LIEBERMAN. I ask unanimous consent to have 2 more minutes.

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

Mr. LIEBERMAN. Mr. President, I do think we have to ask ourselves—I do not make any accusations here, of course, with respect to all my colleagues. Lingering behind some sentiments is not just specific concern about Kosovo but what Mr. Lindberg calls, in the Washington Times, ''the opportune application of a general principle of disengagement. . . .''

If it is that, it is extremely consequential. We have been tempted over our history and have fought the impulse of isolationism and disengagement from the world, and every time we have succumbed it has come back to cost us dearly.

I sat with our colleague from Nebraska, Senator KERREY, a week or two ago, discussing this very issue. Perhaps he has told this story on the floor. But he reminded me, on the 25th anniversary of the end of the Vietnam war, a newspaper asked him, because he is a distinguished and honored veteran of that conflict, whether he would write his thoughts about it. He said one of the thoughts that came to his mind is that 25 years after the end of the first war—which I referred to at the opening of my remarks—in 1943, the sons and some of the daughters of those who fought in the First World War, which ended in 1918, in 1943, were training for and beginning to go to war in Europe.

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

Mr. LIEBERMAN. Mr. President, I ask the Chair for up to 5 more minutes. I hope not to use them.

The PRESIDING OFFICER. The Senator from Michigan controls the time.

Mr. LEVIN. I ask the Chair how much time remains on our side.

The PRESIDING OFFICER. Thirty-seven minutes.

Mr. LEVIN. I yield 3 additional minutes.

Mr. LIEBERMAN. The powerful point of the Senator from Nebraska, Mr. KERREY, our distinguished colleague, was that, because the world and America did not learn the lesson of engagement after World War I, 25 years later the sons and daughters of those who fought in World War I were again entering an even bloodier conflict, World War II. Twenty-five years after the end of Vietnam, because America had learned the lesson, had not turned isolationist, had been engaged, the sons and daughters of those who fought in Vietnam were not heading in massive numbers into a bloody world conflict. The price of that difference is involvement in potential conflicts which can grow into conflagrations, such as those in Kosovo.

Mr. Lindberg closes his op-ed piece by saying:

> The deadline in the Byrd-Warner amendment seems clear enough. But a deadline for withdrawal is not a policy. It's an anti-policy. It says that as of the date specified, we don't care what happens. If that sentiment is ever powerful enough to override a presidential veto, we are going to have a world of trouble on our hands.

With all respect, this is a momentous vote the Senate will cast today. I urge my colleagues to vote for the motion to strike. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

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

The PRESIDING OFFICER. The Senator has 61 minutes.

Mr. BYRD. I thank the Chair. I ask unanimous consent that the last 15 minutes of my remarks be reserved until just prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I wonder if the Senator from West Virginia would allow the proponents to conclude, since we have to

carry the burden here. Senator DASCHLE also wants to speak. If the Senator could speak his last 15 minutes, say, from 2 to 2:15, allowing the proponents to wind up, I think that would be the fair way to break this down.

Mr. BYRD. Well, I don't know. I think as good an argument could be made for those who have established an amendment here and who want to defend it at the end. I would like 10 minutes. I certainly understand Mr. DASCHLE's situation. He has time of his own. He has leader time he can use.

Mr. LEVIN. I wonder if the Senator from West Virginia might then reserve the last 10 minutes of his remarks from 2:10 to 2:20, allowing Senator DASCHLE to conclude by 2:30, so we could have the vote at 2:30.

Mr. BYRD. Yes, that is fine.

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

Mr. BYRD. Mr. President, the distinguished Senator from Michigan says this vote is not about power. He says it is about the wisdom of taking a vote on this matter. I hope I am not mischaracterizing his statement.

I say to him that this matter is about power. It is about the arrogance of power and a White House that insists on putting our men and women in harm's way and spending their tax dollars without the consent of their elected representatives. Where is the wisdom in that course? Where is the wisdom in allowing a policy of indefinite drift in the Balkans with no end strategy and no clearly defined goal?

We have heard a great deal of impassioned, occasionally inflammatory, debate over Kosovo in recent hours, the first such debate we have had since U.S. ground troops entered Kosovo 11 months ago as part of a NATO peacekeeping operation.

I welcome this debate. It's about time. And I am glad that so many Senators are engaged in this debate. But before we bring this discussion to a head, I think that we need to address some of the more outrageous claims that have been made about the Byrd-Warner provision. To hear some speak, this amendment will mean the end of civilization as we know it. Hardly. Hardly. I appreciate the usefulness of hyperbole in speech making as much as anyone, but it is time to bring this debate back to the realm of reality.

I have also heard, over and over again, that this provision is a slap in the face of our allies; that they are already shouldering the lion's share of the peacekeeping and reconstruction burden in Kosovo, and that what we are doing is tantamount to abandoning NATO. I simply don't buy that. I believe that Congress has every right to demand an accounting from the President on the level of effort that all the participants are expending in Kosovo. That to me is not a slap in the face of the allies; that is basic bookkeeping.

I read carefully the letter that General Wesley Clark, former Supreme Allied Commander of NATO forces in Europe, sent to Senator LEVIN. I was frankly shocked at his conclusions. Gen. Clark wrote: ''In fact, these measures''—referring to the Byrd-Warner provision—''would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide''—how ridiculous—''and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.''

The Byrd-Warner provision is directed squarely at the institutional and constitutional responsibilities of Congress. Contrary to so much of the rhetoric that we have been hearing, the Byrd-Warner provision does not establish, as General Clark suggested, ''a de facto deadline for a U.S. pullout'' from Kosovo.

Those are strong words. Unfortunately, they wrongly characterize the Byrd-Warner provision. Our language does not establish a ''de facto deadline for U.S. pullout'' from Kosovo. The only deadlines our amendment establishes are directed at the President.—who may be Mr. Bush or Mr. GORE—and require him to seek congressional authorization to continue the deployment of U.S. ground combat troops in Kosovo.

Yes, I believe that U.S. ground combat troops should be withdrawn from Kosovo, in a safe, orderly, and phased withdrawal.

Our provision gives the administration a year to come up with an exit strategy. We don't have one. Is it too much to ask that we have one? It requires that two plans outlining a withdrawal be submitted to Congress—an interim plan to be submitted by the current President, Mr. Clinton, and a final plan to be submitted by the next President, be it Mr. Bush or Mr. GORE.

Moreover, our provision explicitly directs this President and the next President to develop their plans in consultation with our NATO allies, and to ensure that the plans provide for an orderly transition to an all-European ground troop element in Kosovo. We are not pulling the rug out from under our NATO allies. We are not discouraging them from seeing the job through. We are encouraging them to take full responsibility, in terms of ground combat troops, for the security of the Balkans. We are encouraging our allies to meet their commitments in Kosovo. We are encouraging them to demonstrate that the United States does not always have to be the lead dog in a NATO operation.

I have heard it said that the Byrd-Warner provision could deal a death blow to NATO; that the alliance will crumble if the United States brings a few thousand men and women home from Kosovo. That kind of talk is reckless; it is demoralizing to our allies. The NATO alliance will not collapse if the United States does not have ground combat troops in Kosovo. And if by some chance the allies are so shaky that the Byrd-Warner Kosovo provision would cause it to disintegrate, then I think we need to give some thought as to why we are lending such a major amount of support to such a paper tiger. I believe the United States is the strongest member of NATO, but I do not believe for a moment the United States has to prop up NATO at every step of the way.

Let me return for a moment to the notion that the Byrd-Warner provision sets a de facto deadline for a pullout of troops from Kosovo. Let me assure you that if Senator WARNER and I wanted to set a deadline for a pullout of forces from Kosovo, we would set it, and we would set it in stone. We do not do that. The Byrd-Warner provision does not mandate a troop withdrawal from Kosovo. Yes, it anticipates such a possible outcome, but it does not mandate it. If, in the wisdom of the next President, it is necessary to continue the deployment of U.S. ground combat troops in Kosovo, or if events in that troubled region of the world so dictate, our provision provides explicit direction for the consideration, under expedited procedures, of a joint resolution authorizing the continued deployment of U.S. ground combat troops in Kosovo.

The intent of our provision is not to micromanage the Pentagon or the State Department. The intent of the provision is to restore congressional oversight—restore congressional oversight—to the Kosovo peacekeeping operation. By its inaction, Congress has allowed the executive branch to usurp Congress' constitutional authority in this matter. That is our fault, but it need not be our fault. We need not continue to let that happen.

The Founding Fathers vested in Congress alone the power of the purse. The Constitution is very clear on this matter. Article I, section 9 of the Constitution states:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .

Yet what are we seeing? We are seeing in Kosovo, as we have seen in so many other peacekeeping operations, a bastardization of that process. Instead of Congress appropriating funds for expenditure by the executive branch, the executive branch has adopted the practice—arrogant practice—of spending the money first. That is what they have done here—spending the money first and then asking Congress after the fact to pay the bills.

I wonder if my colleagues can see the pattern here: Buy now, pay later.

Spend the money first, borrow from the military readiness accounts, and then give Congress no alternative but to reimburse the money. That is what has happened here. Trust me, this is not what the Founding Fathers had in mind when they created the Constitution of this Nation.

As heir to that wisdom, every Senator has a duty to guard vigilantly the rights bestowed on Congress by the Constitution, and no such right is more central to the separation of powers on which our system of Government is built than the vesting in Congress alone the power of the purse.

The issue is not only what policy the United States should be following in Kosovo; the issue is also whether the Congress is upholding its authority, its powers, its rights and responsibilities under the Constitution. I submit that by allowing the executive branch to de facto determine the expenditure of appropriated funds, we are not.

It was reported some months ago that the United States is building—hear this—semipermanent military buildings at Camp Bondsteel in Kosovo. These so-called C-huts are designed to last 5 years before major repairs are required. According to a report in the Washington Times on March 1, the Army is putting up 300 of these structures at a cost of about $175,000 each. Well, you can do the math yourself. It adds up to a $52.5 million investment in military construction in Kosovo. This sounds to me like the U.S. military is putting down serious roots, long-time roots, deep roots, in Kosovo.

The fiscal year 2001 military construction appropriations bill is the matter pending before the Senate today. Scores of needed infrastructure projects that must be funded by this bill have gone begging because there is not enough military construction funding to go around. The $52.5 million being spent to construct those C-huts in Kosovo would go a long way toward funding some of the backlog of projects that we have in this country. Mind you, I believe that if the United States chooses to send its men and women in uniform on missions to far-flung parts of the world, they deserve a decent standard of living.

My question is: Why is the administration planning for a 5-year or more stay in Kosovo without bringing the matter to Congress? That is my question. Why are you, down there at the White House, and at the Pentagon—why are you, in the executive branch, planning for a 5-year stay or more in Kosovo without bringing the matter to Congress and getting Congress to authorize this? Should Congress not have a voice in the expenditure of the people's money? Should Congress not have a say in such deployments? Should the American people not have a voice in whether they support such a deployment, such a long-term deployment? I have read where some generals in NATO say it will be 5 years or it will be 10 years. Others have said it will be a generation. I believe Congress and the American people should—no, not should, but must—have a say in how the United States is deploying its increasingly scarce military resources.

We hear they have recruitment problems in the services, in all of the services, except perhaps for the Marines. They are having recruitment problems, we are spreading our forces thin all over the globe.

Time after weary time, we have had the same gambit from Administrations, both Democratic and Republican. Send the troops in, and Congress will not have the fortitude to pull the plug. Once we get the men in harms way, so the argument always goes, it is dangerous to talk about pulling them out. It is especially dangerous to set a date certain for them to leave. Heaven help us. Never do that. Don't set a date certain. How many times have we heard that same old tune? It turns logic on its head. Just as we went into Bosnia, they said we will just be there about a year. Now we are in the fifth year. That is the administration leading us in and then believing that Congress won't have the fortitude to pull the men and the women out. That kind of logic asks us to believe that pulling troops out of harm's way is potentially more dangerous than leaving them in harm's way.

The Executive Branch is much more inclined to use our military might to accomplish various policy objectives, such as nation building—policy objectives which may not be supported by the American people or their elected Representatives in the Congress. We have lately seen the use of American boys and girls to enforce objectives authorized only by U.N. Resolution, which raises a serious question of national sovereignty in the mind of this Senator. I have perused the Constitution very carefully over the years, and I see no reference to conflict by U.N. Resolution or NATO Resolution. It is the Congress and the Congress alone which the Framers entrusted with the awesome decisions to send America's sons, and now her daughters as well, into situations which might mean their death.

No armed conflict can succeed without the support of the American people. It didn't succeed in Vietnam because it didn't have the support of the American people. It is their sons and daughters which we send to fight and to possibly die. It is their tax dollars which pay for the missiles and the tanks and the bullets. We enter into armed conflict at our peril if there is no consensus among the people to take that course. And the best way that this Senator knows to achieve such a consensus is for such matters to be debated and debated thoroughly on the Floors of the Senate and the House of Representatives, and then for a vote to be taken that reflects the people's will. The most solemn duty which we have as legislators and as sworn representatives of the people who sent us here is to decide whether to ask young Americans to put their lives at risk. To abdicate that duty to a President—to any President, a Democrat President or a Republican—to abdicate that duty to any chief executive is wrong. It circumvents the Constitution, it bypasses the people, and it short changes the nation because the people's will is never even known, never even known much less considered until the body bags start coming home. There are those who will say that this Kosovo provision sets up a process which is too cumbersome. Some will say that Congress cannot be asked to declare war every time there is a skirmish in the world. Well, of course, Congress should not have to frame an official declaration of war for each and every conflict. But, it should have to authorize in some way the conflict, and agree or disagree with its objectives.

Of course, the Administration will not like it. They never like it. They do not want to see the Congress exercise its constitutional duty in matters of this kind. They don't want Congress to lift a hand. They do not want Congress to say a word. Congress needs to be quiet. They want a free hand. The administration wants a free hand to participate in military adventurism whenever and wherever they please. And they do not brook interference by the Congress, the elected representatives of the people, the directly elected representatives of people, unlike the President who is indirectly elected by the people. Presidents are elected by the electors who are elected by the people. If they can avoid it, they don't want the Congress to even whimper—just do not hear a peep, not a peep, out of Congress. But this is not the way it ought to be.

The military is not a plaything or toy, subject to the whim and caprice of a chief executive. The title ''Commander in Chief'' does not make any President a king, free to send America's men and women in uniform wherever he may bid them to go, free to commit America's resources to battle or to police actions or to peacekeeping without brooking any interference by Congress. Congress is not just the place that pays the bills although the executive branch would like that. They would like the Congress to be only the place to pay the bills. That is all. But Congress is not just a place to pay the bills. The legislative department is an equal and coordinate department with the executive, even though it is sometimes hard for the executive branch to fully understand that.

As to the war powers, these are meant to be shared between the President and the people's elected Representatives in Congress. Let there be no doubt: The Framers intended for the Congress, in the final analysis, to hold the upper hand and have the final say.

That is why the framers vested the power over the purse in Congress. Let us take a look at the Constitution. I hold it in my hand.

These are the powers of Congress. Congress shall have the power ''To declare War.'' Congress shall have the power to ''grant Letters of Marque and Reprisal.'' Congress shall have the power to ''make Rules concerning Captures on Land and Water.''

Hear me. This is the Constitution speaking.

Congress also has the general power ''To raise and support Armies.''

Congress shall have the power ''To provide and maintain a Navy.''

Congress has the power ''To make Rules for the Government and Regulation of the land and naval Forces.''

Congress shall have the power ''To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repeal Invasions.''

Congress shall have the power ''To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States.'' Add to these powers contained in this Constitution the power ''to exercise exclusive legislation . . . over all places . . . for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings . . .''.

Congress has the power ''To lay and collect Taxes'' to defend this country.

Congress shall have the power to ''provide for the common Defense.''

That is what this Constitution says.

Congress shall have the power ''To borrow money on the credit of the United States.''

That is what the Constitution says.

Congress shall have the power ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.''

And finally, this Constitution says, Congress has the greatest power of all. Congress is given the power in section 9, article I: ''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.'' Thus, the scope of the warpower granted to Congress is, indeed, remarkable. The intent of the framers is clear.

Now let us examine the war powers that flow from the Constitution to the President of the United States. In section 2, article II, the Constitution states: ''The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.''

That is it. That is it, lock, stock, and barrel, except the Constitution says that the President ''shall Commission all the Officers of the United States.'' But that is it.

So compare what the Constitution says with respect to the powers of the Congress when it comes to warmaking, when it comes to the military, with the powers the Constitution gives to the President:

The title, Commander in Chief, was given by the Framers to the President for a number of reasons. As Hamilton said in Federalist #74, the direction of war ''most peculiarly demands those qualities which distinguish the exercise of power by a single head.'' The power of directing war and emphasizing the common strength ''forms a usual and essential part in the definition of the executive authority.'' That has to be by a single head. This clause of the Constitution also protects the principle of civilian supremacy.

It says that the person who leads the Armed Forces will be a civilian president, not a military officer.

Consider the language in the Constitution: ''The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States.'' With respect to the Army, the Congress, not the President, does the raising and the supporting; with respect to the Navy the Congress, not the President, does the providing and maintaining; with respect to the militia, when called into the actual service of the United States, Congress, not the President, does the calling.

So, the President is Commander in Chief of the Army and Navy, but without the power of Congress, there can be no Army and Navy to command, and the President's title would be but an empty title.

Thus, we should clearly see that the Constitutional Framers took Blackstone's royal prerogatives and gave them either to Congress exclusively or assigned them on a shared basis to Congress and President. This Administration and most of the recent Administrations that have immediately preceded it seem never to have understood this salient fact that the President's warmaking powers are not omnipotent as were those of the King of Great Britain. The Framers gave the political compass a 180 degree turn. The delegates at the Philadelphia Convention repeatedly emphasized that the power of peace and war associated with the monarchy would not be given to a President of the United States. Charles Pinckney, one of the delegates to the convention from South Carolina, supported a vigorous executive. Pinckney was afraid Executive powers of [the existing] might extend to peace and war &c which will Render the Executive and Monarchy, of the worst kind, to wit an elective one.' John Rutledge endorsed a single executive, 'tho' he was not for giving him the power of war and peace.' Roger Sherman looked upon the President as an agent of Congress, and considered 'the Executive majesty as nothing more than an institution for carrying the will of the Legislature into effect, that the person or persons ought to be appointed by and accountable to the Legislature only, which was the depositary of the supreme will of the Society.'

What about James Wilson of Pennsylvania?

James Wilson endorsed a single executive, but did not consider 'the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a Legislative nature. Among others that of war & peace &c.'

How about Alexander Hamilton from the great State of New York?

Alexander Hamilton, in Federalist #69, differentiated between the power of the monarchy and the power of the American President. Hamilton stated that the President, under the Constitution, has ''concurrent power with a branch of the legislature in the formation of treaties,'' whereas the British King ''is the sole possessor of the power of making treaties.''

Control over the deployment of military forces was vested in Congress, as we can see from reading the Constitution. Madison emphasized that the Constitution ''supposes, what the History of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it.'' We have seen that to be the case. ''It has accordingly with studied care, vested the question of war in the legislature.''

On the power of declaring war, from Madison's notes, an incisive colloquy occurred at the Constitutional Convention on August 17, 1787. I now read from Madison's notes: ''Mr. Madison and Mr. Gerry moved to insert 'declare,' striking out 'make' war; leaving to the Executive the power to repel sudden attacks.

''Mr. Sherman thought it stood very well. The Executive should be able to repel and not to commence war. 'Make' better than 'declare' the latter narrowing the power too much.

''Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war.

''Mr. Ellsworth. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war, than into it. War also is a simple and overt declaration. Peace attended with intricate and secret negotiations.''

What about George Mason?

''Mr. Mason was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but

for facilitating peace. He preferred 'declare' to 'make.'

''On the motion to insert declare - - in place of make, it was agreed to.''

Louis Fisher comments on the reaction taken at the Philadelphia Convention: ''The Framers empowered the President to repel sudden attacks in an emergency when Congress was not in session. That power covered attacks against the mainland of the United States and on the seas. The President never received a general power to deploy troops whenever and wherever he thought best. When Congress came back in session, it could reassert whatever control on military activity it considered necessary.

James Wilson expressed the prevailing sentiment that the system of checks and balances ''will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large.''

Madison insisted that the Constitutional liberties could be preserved only by reserving the power of war to Congress. Madison stated: ''Those who are to conduct a war cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued, or concluded. They are barred from the latter functions by a great principle in free government, analogous to that which separate the sword from the purse, or the power of executing from the power of enacting laws.''

When Jefferson saw the draft Constitution, he praised the decision to transfer the war power ''from the executive to the Legislative body, from those who are to spend to those who are to pay.'' The Administration, and all Senators who may be prone to advocate an all-powerful executive, should take note.

I have already referred to General Clark's letter, to which our attention was called by Senator LEVIN last week. That letter brings to mind another letter to which I shall refer. Presidents, of course, are in a position to deploy forces in military environments before Congress has a chance to deliberate and decide what policies should be followed, and Presidents often do that. The potential for engaging the country in war was demonstrated by President Polk's actions in 1846, when he ordered General Zachary Taylor to occupy disputed territory on the Texas-Mexico border. His initiative provoked a clash between American and Mexican soldiers, allowing Polk to tell Congress a few weeks later that ''war exists.'' Although Congress formally declared war on Mexico, Polk's actions were censured in 1848 by the House of Representatives because the war had been ''unnecessarily and unconstitutionally begun by the President of the United States.'' One of the members of the House of Representatives who voted against Polk was Representative Abraham Lincoln, who later wrote to William H. Herndon:

Much ado has been made of General Clark's letter to Senator LEVIN. Let's read Abraham Lincoln's letter to William H. Herndon:

> Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, ''I see no probability of the British invading us'' but he will say to you ''be silent; I see it, if you don't.'' The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

I wonder what Lincoln's advice would be to us today as we reflect upon the Administration's actions in Kosovo? Now that Congress has spent many months of complacent quietude before mounting a challenge to the Administration's continued usurpation of Congress' share in the war powers, we learn that the Administration fiercely opposes the Byrd-Warner Amendment. Why so? Is it too much to ask of the Administration that it come up with an exit strategy over the next year? Is it too much to ask of the Administration that it develop plans, in consultation with our NATO allies, for an orderly transition to an all-European ground troop element in Kosovo? Is it too much to ask that, if there is a necessity for the continued deployment of U.S. ground troops in Kosovo after July 1, 2001—or October 1, 2001 which we hope to make the date and will make it in conference—the President must request specific authorization for such continued deployment of U.S. ground combat troops in Kosovo, and that Congress must enact a joint resolution specifically authorizing the continued deployment of United States ground combat troops in Kosovo?

Is it too much to ask that the peoples Representative—people out there, their Representatives—be allowed to speak? What is wrong with that? Why is the Administration so suddenly very hysterical about this amendment? Very hysterical? They are panic stricken. They sent their big guns to Congress. They have even sent General Clark up to address the Democratic conference. What business does he have in the Democratic conference? Here we have in this Constitution, we have civilian control over the military, but here we find General Clark in the Democratic conference, trying to tell Senators what the intent of the Byrd-Warner amendment is, trying to tell Members of Congress what their constitutional duty in this institution is.

Does the Administration believe that the possible justification for the continued deployment of U.S. ground combat troops in Kosovo after July 1 of next year would be so weak that the Administration dare not face the risk of a vote by Congress in this regard?

I say to my colleagues in the Senate: Each of us has taken an oath to support and defend the Constitution of the United States and we take that oath because this Constitution requires Senators and Members of the House of Representatives to take that oath. Now is the time to live up to that oath. We must insist that the war powers that devolve upon Congress, under the Constitution, be preserved and protected against usurpation by this or any other administration. Nobody is talking about a declaration of war in references made to the powers and responsibilities of Congress in this situation. Nonetheless, any careful reading of the Constitution should make it as clear as the noonday sun in a cloudless sky that when American combat troops are deployed in a foreign country under circumstances where the lives of those troops are put in jeopardy by possible combat in a potential battlefield situation, the Congress is not required to remain silent. Remaining silent can become a habit. Congress can sleep on its rights until it can no longer claim those rights. And let us remember that it is also the people's rights on which we sleep.

As the late Justice of the Supreme Court, George Sutherland said in Associated Press vs. NRIB:

> For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

The supporters of the Byrd-Warner amendment are stretching forth a saving hand while yet there is time. I hope that all Senators will take this occasion to assert the rights and powers of the legislative branch to which you belong, to which I belong, in respect to the conduct and use of the American military while there is yet time. If we allow the continued encroachment of these powers, which were meant by the Framers to be shared by the legislative branch, future generations of Americans will not rise up and call us blessed.

Whether the next President comes up with a strategy to turn the ground troop element of the Kosovo peacekeeping operation entirely over to the Europeans, or whether Congress authorizes the continued deployment of

U.S. ground troops in Kosovo, we will have taken affirmative action. We will have protected the people's rights—the people's rights—and exercised our responsibilities under the Constitution. We will have done our duty, as we have all solemnly sworn before God and man to do.

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

The PRESIDING OFFICER. The Senator has 8 minutes remaining, plus the 10 minutes that has been reserved at 2:10.

Mr. BYRD. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the Senator has no more time under his control. The Senator from Michigan, Mr. LEVIN, has control. If there is not another speaker, I see no other recourse but to put in a quorum call.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thought we agreed on a schedule—perhaps I am mistaken—that Senator BYRD would be going from 2:10 p.m. to 2:20 p.m.; that then Senator DASCHLE would go from 2:20 p.m. to 2:30 p.m. Am I correct there are 22 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. We would precede Senator BYRD with our 22 minutes. That means Senator BYRD has 8 minutes left. I thought that was going to be used at this time. If Senator BYRD does not use that time now—at least my understanding was we either go to Senator WARNER or Senator BYRD before Senator MCCAIN and I use our 22 minutes.

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

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

Mr. WARNER. Mr. President, we have had an orderly debate. We started last night at 5 o'clock. We have moved along. This will be the first quorum call in the 10 hours scheduled for this debate. We have tried to be as cooperative as we could all the way along. I have no more control of the time. I suggest there be a quorum call placed, since no one seeks recognition, and it be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I have 8 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I yield 2 minutes of my 8 minutes to Mr. WARNER, I yield 4 minutes of my 8 minutes to Mr. LEVIN, and that leaves me 2 minutes of the 8 to add to the 8 that I will have later.

Mr. WARNER. Mr. President, it had been my hope as cosponsor of the bill to have the opportunity to make some rebuttal arguments to those who are about to speak. Since that will not be possible, I will take my 2 minutes to sum up the manner in which I view this entire debate of those who have come to strike the Byrd-Warner inclusion in this appropriations bill.

I am reminded of the immortal words of a great President, Franklin Roosevelt, when he said: The only thing this Nation has to fear is fear itself. Underlying the debate of those who are considering striking this language is the fear that the next President will be unable to convince the Congress to do what is right for America. That is what it is—fear.

I say to those who have fear, if there is not a simple majority, but 51 votes, to support the next President, then logic says to me that the continuation of those deployments in Kosovo are not in the public interest or the national security interest of this country. It is as simple as that. If there are not 51 votes for it, we should not be there, and we may as well stand up and face the world and say that this body, with coequal responsibility, has exercised its voice.

I committed earlier in this debate and I commit now that if the next President makes a strong case, he will have the Senator of Virginia voting and supporting him. I have confidence in this institution to make the right decision, and in this Senator's heart, he has no fear. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 15 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from Michigan, Senator LEVIN, for his leadership on this issue. This has been an excellent debate, probably what we should have a lot more of in this body on a variety of issues that confront the Nation and, therefore, call us to our duties as the Senate and the Congress.

I agree with Senator BYRD when he quoted Congress should not remain silent. Unfortunately, we passed a law some years ago called the War Powers Act. That act—and I believe Senator BYRD was here at the time of its passage—has been largely ignored, both by the executive branch and by the legislative branch.

On numerous occasions, I have approached leaders on both sides and said we are violating the law called the War Powers Act, and we blithely ignore that law. Yet when we pass laws that affect our fellow citizens, we do not allow them to ignore the laws we pass.

It is a bit disgraceful, really, that we have a law on the books which we fail to address, particularly since this law is concerning an issue of no small importance; in fact one can argue, I think persuasively, of the most importance, and that is when and under what circumstances we send young men and women into harm's way.

Since we ignore the War Powers Act, the power that the Congress has, which I respect, revere, and believe is entirely appropriate under our constitutional responsibilities, is the ability to cut off funding for any military enterprise in which this Nation enters. I think that is clear. I do not think there is any argument about that.

If the Byrd-Warner amendment was about cutting off funds for further deployment of U.S. military forces in Kosovo, I would be much more comfortable about this debate and what it is all about, but what we are doing is very unusual. I have not been here as long as some of the other Members of this body, but I have never seen an issue of this import placed on a military construction appropriations bill which generally is a routine piece of legislation, except for a few of us who come over and complain about the pork-laden aspects of it. But it is a routine piece of legislation.

Now it is a vehicle for debate and decision over an issue of grave importance, in the view of certainly General Clark, certainly Secretary Cohen, certainly the Secretary General of the North Atlantic Treaty Organization. We are talking about an issue that can impact the issue of war or peace in the center of Europe. And what have we done in the Senate? We have placed it on the military construction appropriations bill. This legislation should have been the subject of hearings in the Foreign Relations Committee and the Armed Services Committee. It should have had a legislative vehicle that proceeded through both committees and then came to the floor of the Senate. In an incredibly bizarre fashion, both committee chairmen and ranking members, in my view, have abrogated their responsibilities as committee chairmen and the oversight of issues of this grave importance.

What is more bothersome is the fact that we are conditioning this vote on another vote that will take place sometime—which may be changed by the sponsors of the bill. On what are we voting? We are voting to propose a situation which would then require another vote.

As I have said, I have not been here a long time, but I have not seen anything quite like this. Our responsibility is not to have a vote on an issue that at a time certain requires another vote which, if affirmative, would allow the President of the United States to carry

out his duties as President of the United States. What this vote should be about is funding, yes or no. Do we want to fund further operations in Kosovo or do we not? We have enough information to make that decision. Members of this body have been informed.

When the distinguished Senator from West Virginia, for whom I have the greatest respect and admiration, says Congress should not remain silent, my answer is, Congress should not speak in this fashion. Congress should not be speaking in this fashion. Congress should be speaking, as is its constitutional responsibility, to fund this operation or not to fund it.

I am concerned about burden sharing. I have been concerned about it all my days here in the Senate and before that in the other body. I am concerned about what are the rules of engagement. I am concerned about the role of our European allies. All of those things should be taken into a context in which Members should make a decision as to whether we stay or go.

With all due respect, we are taking a vote to put off a vote which would have profound consequences. The Congress, in my view, is not fulfilling its responsibilities when it addresses this issue in this fashion.

In the 1980s, I was in the minority and my party held the Presidency of the United States. All through the 1980s, there were attempts at micromanagement of U.S. foreign policy, particularly in Central America. Some of the bitterest debates I ever observed in the House of Representatives and here in the Senate concerned our involvement, our support for certain elements, our support for freedom and democracy in Central America.

I, as did many of my colleagues on this side of the aisle—who I understand are now supporting this resolution—opposed that very same kind of micromanagement on the part of Congress when the other party was in control of the White House.

I am very pleased to see the nominee of my party, Gov. George Bush, with whom I had a very spirited contest over the previous year, step forward forthrightly and say this is an ''overreach of congressional authority.''

Governor Bush has it right. President Clinton has it right. Secretary Cohen has it right. And every objective observer that I know has it right.

The Washington Post of May 11, 2000, states:

> But the Senate measure is the wrong answer to these legitimate concerns.

We did not have to get into Kosovo. It was through the ineptitude of this administration where they tried to impose an agreement, called the Rambouillet agreement, which Mr. Milosevic could not accept. Then we carried out, in my view, one of the more immoral military actions in the history of this country. I say that because of the tactical way we conducted it: Flying our airplanes around at such high altitudes that our planes would not be shot down but we needlessly inflicted civilian casualties. That is a shameful kind of operation on the part of the U.S. military.

The Washington Post says:

> But the Senate measure is the wrong answer to these legitimate concerns. By establishing a de facto deadline for a U.S. pullout, it would actually discourage U.S. allies—who are, after all, providing the lion's share of the ground forces already—from seeing the job through as Sen. WARNER and others wish. It tells the enemies of a democratic, multiethnic state in Kosovo—Serb and Albanian—that they can wait out the Americans.

That is really what the message, if we adopt this resolution over a clear Presidential veto, would be: We can wait you out. We can wait you out, Americans, because we know you're going home.

The Secretary General of NATO, a man who is respected by all of us, sent us a letter.

I quote from that letter:

> In my view, while ensuring proper burdensharing is important, we should not let that issue distract us from our larger policy objectives. The NATO presence in Kosovo needs to be decided on the merits of our being there—the job that we are doing and that we need to finish.

That is the key. As critical as the burdensharing issue is, we should be deciding this issue solely on the basis of whether or not it is in the U.S. national security interests to have a military presence in the middle of Europe in Kosovo.

Burden sharing is an important issue. We now hear, even from the cosponsor of the legislation, Senator WARNER, that he is pleased with the increase in the burdensharing responsibility that has been taken up by our European allies. But this issue should not be based on burden sharing; it should be based on where our national security interests lie.

The Secretary General of the North Atlantic Treaty Organization goes on to say:

> I believe that we owe it to ourselves, if not the people of that region, to finish the job we began. As Secretary General of NATO, I will pursue that goal with the utmost vigour. I hope I can count on continued U.S. support, even recognizing that the European Allies must continue carrying the largest share of the load at this stage.

The Secretary General of NATO does not just speak for himself, and even the NATO alliance, but I think he speaks for all of Europe when he says: ''I hope I can count on continued U.S. support.''

Since 1945, the United States has had a military presence in Europe. Any objective observer will tell you, our victory in the cold war was due to our steadfast presence.

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

Mr. MCCAIN. I ask unanimous consent for an additional 30 seconds.

Mr. LEVIN. I yield an additional minute to the Senator.

Mr. MCCAIN. It is an important debate. It is an important issue. Will the forces of isolationism and withdrawal prevail or will the United States continue to hold its rightful position as the military and economic leader of the world?

The language currently in the bill represents not just bad policy, but bad law. Its inclusion in the Military Construction Appropriations Bill is highly inappropriate. The Congressional committees that oversee the Armed Forces and our nation's foreign relations should have the opportunity to review and debate national security matters of such consequence. The Kosovo withdrawal language in the Military Construction Appropriations bill is unprecedented and will certainly prompt a veto by the President. For these reasons, it is imperative that we move to strike Section 2410 by voting in favor of the Levin-McCain amendment.

The requirement in the bill for a withdrawal of ground forces unless Congress passes a joint resolution authorizing their continued deployment is precisely the kind of provision that Congress should never impose upon any Chief Executive. Congress has within its constitutional authorities the power of the purse—the legislative means to terminate funding for an ongoing military operation. It is historically reluctant to exercising that authority, even when the majority oppose the operation in question. But we should never impose the kind of statutory burden on any President that this bill seeks to impose.

Clearly, this Administration could have—and most definitely should have—dealt more forthrightly with Congress and the American public from the beginning. Had it done so, it likely could have avoided this kind of exercise. As with Bosnia, however, its arrogance and ineptitude left many in Congress with a sense of having to act lest its rightful place in the debate over the U.S. role abroad would be completely ignored. The result is the damaging language currently in the bill.

Congress has been down this road many times before. The propensity of the Administration to deploy American military forces with seemingly wanton abandon on ill-defined missions of indeterminate duration is repeatedly met with efforts by Members of Congress to legislate the terms of those deployments. We can, and most assuredly will, revisit the question of separation of powers on national security again and again. The Founding Fathers built into our system of constitutional government certain tensions designed to prevent a potentially dangerous shift in the balance of power between branches of government.

We last debated the issue of war powers and the U.S. role in Kosovo in March 1999. The War Powers Resolution, which many view as unconstitutional, ironically proved to be the vehicle by which both Houses of Congress finally consented to debate the issue in its totality, including my failed effort to authorize the use of ground forces in Kosovo during Operation Allied Force. That debate was illuminating for the degree to which it illustrated the depth of opposition on the part of many senators to the military operation. That opposition, of course, is what lies behind the language on Kosovo in the bill before us today.

I am fully supportive of measures designed to improve the burden-sharing arrangements under which we operate alongside other nations, especially in contingencies that should never have required U.S. military involvement in the beginning. For this reason, I am not opposed to the burden-sharing language in the bill, although the frequency of the reporting requirements are somewhat excessive. I take issue, however, with the draconian measures the bill mandates should the answers we receive from the President not meet our expectations.

And make no mistake. When I refer here to the President, I refer to the Office of the Presidency, for the language in this bill will have far-reaching and damaging consequences for all future occupants of the Oval Office. Funding cutoffs and mandatory troop withdrawals that must occur based on future circumstances absent congressional action, such as are reflected in this legislation, represent Congress at its worst. By requiring enactment of a congressional joint resolution authorizing the continuation of our current role in Kosovo, we are establishing a very dangerous precedent that will seriously weaken this nation's ability to conduct foreign policy long after many of us have left this most august of bodies.

I would ask supporters of Section 2410 what they believe would be accomplished by the provisions limiting funding pending presidential certification with regard to allied burden-sharing. Burden-sharing is a legitimate issue for discussion. To threaten funding cutoffs for troops in the field in the middle of an ongoing operation over the issues of equitable distribution of workload and financial commitment, however, is irresponsible in the extreme.

The strategic ramifications of Section 2410 should not be underestimated. The United States has important national security and economic interests around the world that are affected by what we do here in Congress. By mandating a troop withdrawal from an ongoing operation, we threaten those interests by emboldening our adversaries. Slobodan Milosevic is a calculating and ruthless individual with a record of responding to outside pressures and inducements, retreating when necessary; conducting brutal campaigns when the opportunity avails itself. A precipitious withdrawal of U.S. ground forces while Kosovo remains unstable and the potential threat to Montenegro looms over the horizon will undermine our interests in Europe and around the world. That is a path down which we do not want to go.

Additionally, the implications for NATO must be considered. The United States has a very definite stake in the evolution of a European Security and Defense Identity, as manifested in the efforts by our allies to establish the so-called Eurocorps. It is not in our interests for such a unit, should it take shape and mature into a viable force, to act independent of U.S. influence—influence that would be severely undermined by a unilateral action of the kind contemplated in this bill.

Clearly, the failure of our European allies to deploy the numbers of police officers necessary to accomplish the mission of pacifying the region without the continued use of military personnel untrained in such activities has been very troubling. And I would be hard-pressed to defend the conduct of the operation in light of internal U.S. military disagreements regarding the deployability of U.S. troops from their sector to areas like Mitrovica where tensions and the propensity for violence remain high. This has not been a well-conceived mission. But there are worse alternatives, and the approach represented in this bill is one such example.

A far better approach, I would suggest, would dispense with the automatic funding cut-offs currently in the bill. Rather than automatic cut-offs in the event presidential certifications fall short, Congress would still be free to offer legislation terminating the U.S. role in this operation. A vote by Congress to act affirmatively to cut off funding, while I would oppose it, is less damaging to U.S. foreign policy than is a triggering mechanism written into law—the object of the authors of the current language. And we would avoid establishing a very dangerous precedent that I would like to think few among us actually wish to see materialize.

Mr. President, you do not have to be a supporter of the manner in which the operation in Kosovo has been conducted in order to have serious problems with this language. It is a peacekeeping operation in a region where the commitment to peace remains tenuous.

Many in Congress and the public we represent want out of Kosovo. We should never have had to go there to begin with, but for the unwillingness of our European friends and allies to act swiftly and decisively to prevent a brushfire from becoming a raging inferno. But we should not willingly commit untold damage to our future ability to conduct foreign policy when alternatives may exist. And we should never undercut our forces in the field out of pique that other countries are failing to shoulder their share of the load—especially when the burden-sharing issue has devolved primarily to one centering around the deployment of police officers.

We had every right to be angered by what Generals Clark and Reinhardt referred to as the hollowing-out of allied force contingents. The quiet, almost surreptitious withdrawal of soldiers by key allies was not their finest hour. But forceful diplomacy, not congressionally-mandated troop withdrawals, is the answer to such problems. The language in this bill is counterproductive and damaging to U.S. foreign policy. We should not compliment a questionable policy with even worse legislation. I urge my colleagues to support the removal of Section 2410 from the bill and vote yes on the Levin-McCain amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask Senator BYRD for 50 seconds.

Mr. BYRD. I yield the Senator 2 minutes.

Mr. WARNER. I say to my good friend from Arizona, we respect his judgment, his long association with the U.S. military, and indeed his depth of knowledge as it relates to security and foreign affairs. While I respectfully differ, I nevertheless think it has been a constructive and important part of this debate.

May I also, at this time, congratulate the Senator on 20 years of a great marriage, which he celebrated last night.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my good friend from Arizona for his statement and for the clarity and passion he brings to this issue, as he does on so many important issues confronting this Nation, including our security, and thank him for his longstanding involvement and contribution to this Nation's well-being. His voice in this debate is an exceedingly important one. I hope all Members have had a chance to listen to his remarks today.

Mr. President, I wonder if I could ask what the time situation is. How many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has until 2:10.

Mr. WARNER. I yield 3 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have gone back and forth on this question. Let me start by making a couple of quick points.

First of all, I would be more than pleased to test this question about

whether or not we should have a peacekeeping force in Kosovo. I would be more than pleased to have an up-or-down vote on the Kosovo peacekeeping operation today or this week. Frankly, I think that is the way we should do it. That would be a true test of accountability.

I have a high doctrine of War Powers and have always insisted on appropriate congressional authorization of the use of troops in situations where they might face hostilities or imminent hostilities. I think that is required by our Constitution and by our system of checks and balances.

But I think there is a subtle difference here between that kind of situation and this peacekeeping operation in Kosovo. Kosovo is a peacekeeping and peace enforcement effort. Our troops are playing a security role there, but they are not now, nor do I expect them to be, involved in combat with organized hostile Serb or other forces in Kosovo. If that changes, of course, we in Congress would likely reconsider the role of these peacekeepers in light of the risks, what is at stake, and make a judgment then.

But in the current situation, these peacekeepers deserve a chance to stay and to do their jobs as they have been asked to do, without the prospect of their funding from the United States getting cut off if our European allies do not meet the somewhat arbitrary standards set out in this bill, some of which many in the administration say may not be able to be met in terms of the current timetable.

Mr. President, it is with some regret that I oppose this provision to effectively impose a deadline for Kosovo peacekeeping efforts, and to support efforts by Senator LEVIN to strike it from the bill. While I support many of the foreign policy goals which Senators BYRD and WARNER have identified in this debate, I believe the amendment itself would likely put at serious practical risk the peacekeeping operation in Kosovo which, while not without its flaws, is one which I support.

I regret that I am not able to support this effort not only because of the respect and admiration I have for these two men, but also because I do share some of their concerns, most especially about ensuring our appropriate and constitutionally-mandated congressional role in decisions regarding war and peace. But while it is clear that we need to intensify the dialogue between the Administration and Congress on the larger questions about the circumstances under which we enter into peacekeeping commitments, and the criteria by which we decide that issue, this set of complex foreign policy questions should not be decided in this way, on this bill, in a way which potentially undercuts our peacekeeping efforts on the ground in Kosovo.

I support what I believe are the key underlying goals of the amendment: prompting a comprehensive debate on the Kosovo peacekeeping operation, its successes and failures; ensuring fair burden-sharing by our European allies, including on civilian police; and intensifying executive-congressional consultation on future decisions made regarding peacekeeping and peace enforcement operations in the region.

Of course we in Congress must continue to keep a close watch on the situation there, and intervene—forcefully and directly, if necessary, through the power of the purse or otherwise—if we believe the administration is going in the wrong direction. And I know that both Senator WARNER and Senator BYRD have pressed the administration on the burdensharing issue for many months, and have had some real success in helping to ensure a fairer proportion of U.S. to European assistance.

The fact is that we have about 5,900 of the approximately 39,000 troops in the region now; overall we are providing, according to the Administration, only about 15 percent of the troops and reconstruction aid for this effort. While it is important to continue to press to make sure the Europeans follow through on their commitments of resources and police personnel, I do not think fifteen percent is too much for us to bear to help our allies keep the peace in this troubled region. International peacekeeping must be a joint effort, with shared burdens, shared responsibilities and shared risks.

That is why I think it would be in a way more honest, more responsible, for those who wish to test the question, to simply prompt a debate by calling for a vote up or down on the Kosovo peacekeeping operation. If there are those who want to press that question, that would be a test of true accountability. We could vote on that this week. But I think most of us suspect that if the question were posed that starkly, many who might end up supporting this resolution, with its elaborate formula and framework for a potential withdrawal, would not vote to pull out our troops. They would not want to so grossly and suddenly undercut our troops, our allies, and those in Kosovo, Albania, and elsewhere in the region whom we have labored so mightily to protect in the past two years.

On the whole, our peacekeepers, and those of our allies, have done a remarkable job of enforcing, in a difficult and tense environment, an uncertain peace. Their presence has clearly helped to avoid a return to the horrendous violence that we all witnessed in Kosovo, and that NATO fought so hard to stem. Let's not forget that the ethnic cleansing that prompted our presence in the first place has been stopped, and that a return to the fighting has been prevented by the peacekeeping forces on the ground. Given the fragility of the current peace, it seems to me a likely result of our withdrawal would be a withdrawal by our allies, followed by a return to such fighting.

I share some of the frustration expressed about the Kosovo operation. While it is clear that some functions of this force could have been handled better, and that all parties involved could strengthen efforts—by the administration, by civilian police on the ground, by the UN bureaucracy, by those nations who have sent sometimes inadequate aid, or who have failed to live up completely and a timely way to their commitments—the peacekeeping forces have done a good job, under harrowing circumstances, and we should not undercut them, directly or indirectly, by passing this amendment. The fact that there has been less long-term progress than had been hoped for toward the development of a multi-ethnic state in Kosovo is not the fault of these peacekeepers.

I have a high doctrine of War Powers, and have always insisted on appropriate congressional authorization of the use of troops in situations where they might face hostilities or imminent hostilities. I think that's required by our Constitution, by our system of checks and balances.

But I think there is a subtle difference here between that kind of situation of imminent or real hostilities and the current peacekeeping operation in Kosovo. Kosovo is a peacekeeping and peace enforcement effort; our troops are playing a security role there, but they are not now, nor do I expect them to be, involved in combat with organized hostile Serb or other forces in Kosovo. If that changes, of course we in Congress would likely reconsider the role of these peacekeepers in light of the risks, what's at stake, and make a judgment then.

But in the current situation, these peacekeepers deserve a chance to stay, and to do their jobs as they've been asked to do, without the prospect of their funding from the U.S. getting cut if our European allies don't meet the somewhat arbitrary standards set out in this bill, some of which the Administration says aren't likely to be met under this particular timetable.

Some oppose the Kosovo peacekeeping operation outright, and would simply turn it over completely to the Europeans. That's a legitimate view, but not one I share. We cannot send a signal to our allies that we will help out in difficult and complex situations like this, but only if they bear all the risks of peacekeeping.

Others have raised the issue of the U.S. looking irresolute to our allies within NATO, and to Milosevic. Or the concern that Milosevic might, if he knows there's an almost certain date set for our withdrawal, he'll likely instruct his troops to simply wait us out—or worse, instruct his radical Serb allies to foment violence to influence

Western opinion, and even future votes in Congress, on whether to keep the peacekeepers there. These are legitimate concerns, but I think a more fundamental question is posed.

Will we shoulder our responsibilities, along with our NATO allies, to continue to help bolster and build a stable peace in Kosovo, to give them a chance at reconstruction, or will we start to scale back our effort now, and then pull out down the road, even after all the blood and treasure that's been spent to secure that peace, signaling to our allies and adversaries in the region alike that we're not firmly committed to seeing through the job that we started? I hope not. And I hope that we'll not start down that road by voting for a year of questions and uncertainty about our commitment in Kosovo.

That is not to say the administration must not push harder our European allies to accelerate their assistance to the reconstruction effort. It is not to say the President should not intensify his consultations with Congress on his plans and intentions regarding the peacekeeping force. He absolutely must do those things. But I do not think that this amendment is the way to ensure those results. And so I will vote for Senator LEVIN'S amendment to strike this language from the bill, and I hope my colleagues will join me in voting to support our peacekeeping efforts in Kosovo, and against this provision which, in its current form, could do that effort real harm.

Mr. President, again, I have great respect for my colleagues on the other side of this question. I would be pleased to have an up-or-down vote on the peacekeeping operation. I would be pleased to be held accountable. I would love for the Senate to deal with this question right now and vote up or down on the peacekeeping operation. To me, that is checks and balances. I would vote for the peacekeeping operation, and that is why I will support Senator LEVIN's initiative.

I yield the floor.

Mr. DODD. Mr. President, a little over a year ago, I rose in this Chamber to address the crisis in Kosovo. At that time, I had just recently returned from a trip to the refugee camps of Macedonia, where I witnessed firsthand the pain and suffering of displaced people in the troubled Balkan peninsula. During that visit, I was struck by the sight of 45,000 people living in tents in an area half the size of The Mall. Families were lined up for food and medicine and used ditches as latrines. Some individuals told me stories of being brutalized by the Serbian military and police in Kosovo and others of being evicted from their homes and separated from their families. Mr. President, I have seen a lot of hardship in my time, but nothing I have ever seen comes close to what I saw in the Balkans.

I returned from that trip determined to convince my colleagues that the United States had an integral role to play in the alleviation of suffering that the people of Kosovo had been subjected to by Serbian President Milosevic. At that time many in this body agreed that the United States had a moral obligation to join with our European allies in stopping Serbian aggression and creating the conditions to allow Kosovars to return to their homes.

Now it is a year later. Some things have changed. The international community stood up to the bully—Milosevic, and like most bullies he backed down and withdrew his forces from Kosovo. However, he left the province in total devastation—both physically and psychologically. Many of those displaced by the conflict returned to find their homes and livelihoods in ashes. Rebuilding from the rubble has been difficult. Particularly as just across the provincial border, President Milosevic still rules, a million people are still displaced from their homes and families, and lasting peace has not been achieved.

The United States, in partnership with our friends and allies, has attempted to assist Kosovars in picking up the pieces and restoring some semblance of law and order to the province. There has been some progress in that direction, but much remains to be done. Yet, despite the unfinished business that remains the legislation before us today, if it becomes law, would establish a date certain—next July—for ending United States participation in restoring democracy in Kosovo.

I remember well, that prior to the commencement of NATO bombing in March of last year many in this body criticized the President for sitting on his hands while ethnic Albanian Kosovars were being subjected to gross human rights violations under the direction of President Milosevic and Serbian security forces. I hope that those individuals are not now going to turn around and support an effort to mandate the full and complete withdrawal of U.S. ground troops from Kosovo.

Even if the United States were to decide to withdraw from the region, which, let me state, is not what I believe we should do, it is incredibly foolhardy to announce the exact date to the enemy. Knowing of imminent United States withdrawal from the Balkans, President Milosevic will have no incentive to step down or improve his human rights record at all, and the timing of the withdrawal, July 2001, follows far too quickly the inauguration of a new President here in the United States.

If there is any doubt in anyone's mind about whether U.S. presence is warranted in Kosovo, I promise my colleagues that had they been with me in Kosovo last year and seen what I saw, there would be absolutely no debate in this Chamber about whether or not we are taking the right course of action. Our efforts to restore people to their homes, bring an end to conflict, and save the lives of thousands are assuredly the right things to do.

Rather than send out more mixed signals, I hope that Slobodan Milosevic will hear from this Chamber—That we are not going to second guess the President or Secretary of Defense in deciding when the appropriate time has come for the United States to withdraw its forces from the Balkans—That the United States is determined to remain in Kosovo until the wounds have healed and civil society is strong enough to support democratic governance of all the people of Kosovo, including its Serbian minority—And that we are proud of the American service men and women who are deployed in Kosovo and who are committed to getting the job done. They know why they are there and understand the seriousness and importance of their mission. We do them a disservice by suggesting otherwise.

Mr. President, the Senate will be acting irresponsibly if it approves legislation mandating an end to our participation in Kosovo. I would urge my colleagues to support an amendment to strike this provision from the bill and renew our commitment to assist the people of Kosovo in the months ahead as they try to rebuild their lives and those of their loved ones.

Mr. ROTH. Mr. President, I am going to vote for the Levin amendment to the military construction appropriations bill, which would strike the Byrd-Warner amendment concerning Kosovo.

As a strong supporter of NATO, I have long advocated efforts to strengthen the European pillar of the alliance. The air war in Kosovo highlighted a great technical disparity in U.S. and European capabilities, and reopened long-standing debates of burden sharing within the Alliance.

I fully understand and support the motivation behind the authors and supporters of this provision. While it is true the Europeans are contributing over 80 percent of the peacekeeping forces that make up K-For, they have yet to fully live up to their commitments to NATO Peacekeeping, UNMIK, and the funds that make up the civilian and military dimensions of the peace effort.

However, this provision undercuts our incentives to the Europeans to meet those goals because it contains a ''de facto'' withdrawal date of July 1, 2001. It signals to our allies that the United States will withdraw regardless of any improved European efforts to meet their commitments.

This bill will effectively constitute a decision to withdraw forces at a given date. That is not the authors' stated intent, but that is how this amendment will be viewed. That is a message that

will embolden Milosevic. That is a message that we will communicate an absence of commitment to our NATO allies.

American General Wes Clark, the former Supreme Allied Commander Europe and the former highest ranking military officer in NATO, has warned,

> These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans. In fact, these measures would invalidate the policies, commitments and trust of our allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

While I, and many others, have had concerns about how the Kosovo operation has been conducted by the current administration, the solution to these concerns are not a withdrawal, or another debate on whether or not to withdraw. The solution is to establish a definition of goals we hoe to achieve with regard to Kosovo, how we intend to accomplish our goals, and work more effectively with our European allies in achieving those goals. When our next President takes office in January, under the Byrd-Warner provision he would be burdened not only with addressing the current administration's shortcomings in establishing a Kosovo policy, but also with a congressionally-imposed fixed date for United States withdrawal from Kosovo.

So for these reasons, while I support the goals of this provision, I cannot support the means used to achieve that goal and I will vote for the Levin amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to address the Levin amendment to the military construction appropriations bill, which strikes the provisions of the Byrd-Warner amendment on Kosovo which was attached to the bill in committee.

Unfortunately, for an issue of such importance, this amendment came up very quickly in committee without, I think, due consideration and study.

Since the committee markup last week I have had a chance to further consider and study this issue and I have had the opportunity to discuss this issue, at length, with senior members of the Administration, with Secretary Cohen, with Jack Lew, Director of the OMB, and with General Wesley Clark, the former supreme NATO commander. As a result of these discussions, I have some serious concerns about the potential impact of the Byrd-Warner amendment

During the committee markup, proponents of this amendment asserted that the certifications called for by the amendment could be made ''tomorrow'' without delay. According to Mr. Lew, however, the certifications can not be met by July 15 of this year. The reason why these certifications can not be made, he has stated, is not because our European allies are not making efforts to meet their commitments—they are and in many cases they have—but for technical reasons.

So we could very well find ourselves in a position whereby we have accomplished the policy goals of the Byrd-Warner amendment but, because technical reasons prevent Presidential certifications, we are forced to withdraw U.S. forces from Kosovo.

Both Senator BYRD and Senator WARNER have given assurances that these shortcomings will be fixed in conference. I very much appreciate these assurances. But I have reason to believe that it is not a simple fix, but that a number of issues needs to be addressed, and this may well prove difficult to accomplish.

In addition, as General Clark has made clear, by setting in motion an automatic mechanism for complete withdrawal by 2001 that will telegraph our troop deployments and our policy, and which ties the hand of the next President, the Byrd-Warner amendment has an impact far beyond that originally anticipated in that it complicates and makes more difficult the U.S. role in Kosovo. I cannot ignore the conviction of General Clark that passage of this amendment would run the risk of destroying the NATO mission in Kosovo.

As General Clark stated in his May 11 letter to Senator LEVIN, ''This action will also undermine specific plans and commitments made within the Alliance. At the time that U.S. military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and parallel diplomatic efforts.''

Or, as Secretary Cohen said in a discussion I had with him just a short time ago, ''if the Senate passes this, it will weaken the allies' resolve rather than strengthen it.''

As General Clark concludes in his May 11 letter, ''A U.S. withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield.''

Because of these concerns, I find that I must vote in favor of the Levin motion to strike the Byrd amendment, and urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the Byrd-Warner provision would make the decision that U.S. ground troops must pull out of Kosovo starting in August of this year if the Europeans don't meet certain specified percentages of their financial and civilian police commitment, unless the Congress changes its mind and decides otherwise.

It did decide, in any event, that even if the Europeans do meet their commitments, even if they do meet the commitments we have been urging them to meet—and they have been making progress—even if they meet those commitments, next year, in any event, our troops are coming out of Kosovo, unless Congress changes its mind. It is all self-executing. If Congress does nothing from this point on, if we adopt the Byrd-Warner language, next year, in the middle of the year, our troops must come out of Kosovo.

Now, the issue here isn't whether we have the power to set a withdrawal date and to enforce it with the power of the purse. That is not the issue. I think all of us would support the right of this Senate and this Congress to set a withdrawal date for our forces from anywhere. We have exercised that power. We exercised it in Somalia and in Haiti. The issue before us is the wisdom of setting a withdrawal date today, putting it on automatic pilot, and saying that a year from now, unless Congress reverses its position, those troops must come out. That creates a dangerous period of uncertainty, a destabilizing period of uncertainty, which we have been urged not to set in motion by our Secretary of Defense, by the Secretary General of NATO, and by the recent commander of our forces in Kosovo.

First, Secretary Cohen, on May 11, said:

> I strongly believe the Kosovo language in the supplemental is counterproductive to peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies.

I ask unanimous consent that Secretary Cohen's letter be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, May 11, 2000.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, United States Senate, Washington, DC.

DEAR TED: I appreciate your efforts to secure as quickly as possible the Supplemental appropriations for our peace-keeping operations in Kosovo. As you know, however, I am deeply troubled by the Kosovo provision in the bill. While I appreciated the opportunity to discuss this provision with Senator Byrd and Senator Warner prior to the mark up, I feel compelled to express in writing my concerns with this amendment.

I have worked hard to reinforce the message to our European allies that they must carry the lion's share in winning the peace in Kosovo. While certainly more could be done, we should not lose sight of the fact that the Europeans are in fact carrying this burden. The U.S. accounts for only about 15 percent of peacekeeping forces in Kosovo. The Europeans are also carrying the bulk of the effort on the civilian side, as appropriate.

While strong messages from Congress on the importance of burden-sharing can be helpful, I strongly believe the Kosovo language in the Supplemental is counterproductive to peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies. For instance, unilateral actions by the U.S. regarding Kosovo will seriously undermine our efforts to discourage unilateral action by our NATO allies with regard to the European Strategic Defense Initiative (ESDI).

I believe that the Kosovo provision, as presently written, will force me to recommend that the President veto this legislation. Such an outcome will only further delay a badly needed infusion of funds for the DoD budget and most particularly the Army.

Finally, I once again urge you to fully fund the supplemental appropriations request for International Affairs (Function 150) Kosovo. The requested funds support essential civilian infrastructure that would facilitate a prudent exit strategy for Kosovo and achievement of long-term stability in the Balkans.

I look forward to discussing this critical matter with you further.

Sincerely,

BILL COHEN.

Mr. LEVIN. The Secretary General of NATO, on May 16, in a letter that has been referred to by Senator MCCAIN, said the following in a different paragraph—one that he didn't read, but which I think is also significant:

If this language is adopted, it would point toward a single policy outcome to the withdrawal of U.S. forces.

Then he went on to say:

As Secretary General, the prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me deep concern. It risks sending a dangerous signal to the Yugoslav dictator Milosevic that NATO is divided and that its biggest and most important ally is pulling up stakes.

This is the Secretary General of the greatest alliance in world history—one that we have been a leader of—who is saying the adoption of this language risks sending a dangerous signal to Milosevic that NATO is divided and that its biggest and most important ally is pulling up stakes.

General Clark, recently the commander of our forces in Kosovo, wrote the following:

These measures, if adopted, would be seen as a de facto pullout decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments, and trust of our allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting, and instability in the Balkans.

So the issue here isn't our power. We have it. Everyone in this body will protect it—I hope. As long as I am here, I will be fighting for the same power Senator BYRD so eloquently talks about that the Congress must have—the power of the purse, the power to set a deadline, should we choose, such as the power we exercised in Somalia to set a deadline and to force our troops out.

We have, at times, exercised that power. At times, we have shown, in my judgment, the wisdom not to exercise that power. We have not exercised it in Iraq. We are not exercising it in Korea. We are not exercising it in Bosnia at this point. We have not authorized those engagements to continue. We have not determined that we are going to put an end to them. So we have exercised judgment both ways, in our wisdom. We have the power to put an end to our presence in Iraq, or in Bosnia, or in South Korea. We have the power, but we have decided, in our wisdom, not to exercise that power.

I hope that today, in our wisdom, for the reasons set forth by Mr. Cohen, General Clark, and the Secretary General of NATO, we will not create this period of dangerous uncertainty if we today decide that a year from now we are going to withdraw troops unless Congress changes its mind. It is the wrong message for our troops, for the reasons General Clark gives. It is a terrible message to our European allies because in one part of this amendment it says we want you to meet certain standards, but in the other part of the Byrd-Warner language it says even if the Europeans meet their standards and their commitments, nonetheless, unless Congress changes its mind in the next year, our troops are going to be withdrawn. It is on automatic pilot. It is self-effectuating. If no action is taken further by the Congress, our troops must be withdrawn.

Mr. GORTON. Mr. President, on March 23, 1999, I voted against the initial Senate resolution to authorize air attacks in Yugoslavia. More than 420 days have passed since I cast that vote, and I could not be more confident in my initial decision.

I argued in 1999 that the United States was foolishly injecting and engaging the brave men and women of our Armed Forces into a civil war that I dare say may never be resolved. Furthermore, the Administration had then not proposed, and to date has not yet recommended an exit strategy for the occupation of Kosovo. In reaching my decision, I questioned the mission's objectives, the implication of a long-term U.S. commitment in Yugoslavia, and most importantly I argued that our vital national interests did not warrant a full scale war in the Balkans.

In less than two months after the Administration was authorized to enter the war in the Balkans, Congress faced an $11 billion taxpayer commitment to the endeavor. Once again I voted against the U.S. commitment to the civil war in Kosovo, citing the same concerns.

And what has resulted from the U.S. and NATO engagement in Kosovo? NATO's thrust into the Balkans has fostered the creation of an entirely new class of refugees; the U.S. military has been required to police the region for an undetermined and unspecified amount of time; our own NATO allies' financial and military obligation to the endeavor remains questionable; ethnic related violent incidents in the region have increased; commitment by the region's leaders to embrace reconciliation efforts are conspicuous by their absence; and now Americans and Congress are being asked to provide nearly $2 billion in additional funding for contingency operations in Kosovo.

Just this week, the Government Accounting Office (GAO) released its report on the U.S. involvement in the Balkans. The report is critical of not only the U.S. and NATO participation in the region, but provides further doubt about the long-term prospect for peace in Kosovo. The report points out that the security situation remains highly volatile, that political and social reconciliation efforts are unsuccessful, that the wartime goals of the factions remain intact, and that NATO has failed to prepare for the transition of security responsibilities to the United Nations.

In addition, the GAO reports that between 1992 and 2000, U.S. military and civilian costs for operations in Bosnia and Kosovo have cost the American taxpayer more than $18 billion. This figure includes commitments by the State Department, DoD, the U.S. Agency for International Development, U.S. participation in UN peacekeeping missions, the Department of Transportation, and the U.S. Treasury.

GAO also concluded that between 1991 and 1999, more than 4.4 million people have been displaced as a result of the wars in Kosovo, Bosnia, and Croatia. A large share of these people remain in refugee camps. These displaced, war torn individuals have lost their homes, and have few prospects to regain them.

In spite of such a massive financial and political commitment, the report also concludes that should NATO withdraw, unrest is inevitable. Political leaders have not embraced change, people who have tried to return to their homes have been attacked, the peace process has been continuously obstructed by ethnic groups, the economy remains flat, and efforts to advance the formulation of a multiethnic society have failed.

Our asserted goals are a multiethnic Kosovo as a part of Yugoslavia; the Kosovars want independence and the expulsion of all Serbs.

With all of these negative forces at play against the peace process, how long does the United States intend to police the region? How many more taxpayer dollars will be spent on security issues in Kosovo that appear to have little or no possibility of reformation? What is the price for peace, if peace is even attainable?

One of the reasons that I opposed the war in Kosovo from the beginning was not the risk that we were going to lose the war but the consequences of winning. We now have ''won'', we have won

most of what we asked for in the beginning, but the consequences of winning is that we are putting thousands of our troops into Kosovo without any thought of when they will return.

I am convinced that a U.S. presence may continue in Kosovo for a generation or so. We have, and most likely will expend billions of dollars in an out of the way place that has never been important to our national security, and we are doing it in a way in which most of the destruction that we are going to pay for in the future was caused by us. Most Americans are going to find that Kosovo was much easier to get into than it was to get out of.

I intend to vote against the Fiscal Year 2001 Military Construction Appropriations bill because of my deep concern over the U.S. commitment and participation in the Balkan conflict. It is time to leave it to the Europeans. Even though the State of Washington, home to the most efficient, strategically positioned, and significant Army, Navy and Air Force bases stand to inherit valuable military construction funds by the passage of this legislation, I cannot in good conscience support another financial commitment to an unresolvable conflict in the Balkans.

Those brave and courageous men and women of the U.S. military who have been tasked with implementing this Kosovo intervention, and those serving in the Armed Forces in the State of Washington, have my admiration and support. But in the goal of attaining peace in the Balkans, of the Administration's questionable leadership in this endeavor, and the long-term commitment that is expected of the American taxpayer, I have no confidence at all.

Ms. SNOWE. Mr. President, I rise today in strong support of the Fiscal Year 2001 military construction appropriations bill and to commend my colleagues Senator STEVENS, Senator BYRD, Senator BURNS, and Senator MURRAY for their leadership in bringing this most important spending bill before the Senate. This bill provides critical funding for military construction projects as well as Department of Defense related emergency supplemental funding for fiscal year 2000.

Other colleagues have already spoken on the merits of the military construction aspect of this bill and the importance of those projects to the men and women of our armed forces and their families. So today, I am going to focus my remarks on the critical provisions contained in the Byrd-Warner amendment and why I believe those provisions are as important to these same men and women and their families.

By including emergency supplemental funding in this bill, and fast tracking its passage, the Congress will be supporting the loyal men and women of our armed forces who are participating in contingency operations overseas. But, Mr. President, support of our troops is not always ''sending money,'' sometimes we support them best by ensuring that they are not overextended in missions that appear to have no end. And that is why I commend Senator BYRD and Senator WARNER for their leadership by including these provisions that will force the debate about open-ended obligations.

For example, on May 1, 2000, the top U.S. commander in Kosovo, Brigadier General Ricardo Sanchez told reporters that he predicts that NATO peacekeepers will have to remain in the Balkans for ''at least a generation.''

In testimony before the Senate just this last April, Secretary of Defense Bill Cohen acknowledged that U.S. troops may not be pulled out during his final months in his cabinet position, and possibly not during the time of his predecessor. Our airmen performed superbly during the 78-day air war. Now, a year has passed and we have more than 5,500 troops on the ground in Kosovo, having spent more than $2 billion on the air campaign, and by September of this year estimates are that the U.S. will spend upwards of $5.9 billion in support of stabilizing the peace in Kosovo. And, as the policy currently stands, there is no end in sight.

We have learned through our experience in Bosnia that rhetoric alone will not expedite mission accomplishment and bring our troops home. In 1996, the U.S. sent 22,500 soldiers to the Balkans, in support of the Dayton Accords for an operation that was to last until December 16th of that year. We have made great progress there, but, four years later, the U.S. still has a significant force there and no deadline for withdrawal. So here we are Mr. President, four and one half years since the signing of the Dayton Accords in Bosnia, we have more than 4,300 troops in Bosnia and another 3,000 support personnel committed in the region and no deadline for withdrawal, no end in sight.

In Kosovo we won the peace in June 1999 with our air campaign and a year later we are providing more then 5,500 troops to support an operation that is becoming increasingly more threatening.

In this bill, Mr. President, with the leadership of Senator BYRD and Senator WARNER, the Senate is taking action to establish some way of getting to an end in Kosovo. Provisions in this bill provide a limitation of funds for U.S. ground combat troops in Kosovo. Section 2410 of this bill terminates funding for the U.S. presence in Kosovo after July 1, 2001, unless and until the President submits a report to Congress containing a request to specifically authorize continued U.S. ground troop deployment and Congress enacts a joint resolution specifically authorizing such continued deployment. I must note, that this provision does continue the support of non-combat troops in Kosovo who can provide limited support to the continued NATO peacekeeping operation.

The provision further requires the President to develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the U.S., and other non-NATO countries will provide all ground combat troops necessary to execute peacekeeping operations in Kosovo. Again, we are looking for a plan—something that this Administration has not been able to do. The plan is to establish a schedule or target dates, at three month intervals, for achieving an orderly transition to a non-U.S. force in Kosovo.

Mr. President, it is also in this spirit that I must express my disappointment in the lack of support for operations in Kosovo by the European Commission, the European Union, and the European member nations of NATO and why I strongly support the provisions of the Byrd-Warner amendment.

In Kosovo, the U.S. has taken the lead toward ending the ethnic violence and establishing civil law with the intention of turning the responsibility for long term development and revitalization over to the European community. However, the European community has not stepped forward as a unified body to assume this responsibility, and appears unwilling to take a leadership role.

In testimony before the Senate Armed Services Committee on February 29th, General Clark, then Commander-In-Chief of the U.S. European Command stated that ''despite our progress in missions assigned to the military, civil implementation has been slow and in Kosovo today, civil government structures are lacking.'' He further stated that ''the pace of contributions to the manning and resources of UNMIK [United Nations Mission in Kosovo] have resulted in sporadic and uneven progress toward civil implementation goals'' and concluded his testimony by saying ''the hardest part of securing peace in Kosovo lies ahead.''

A well-publicized area where the lack of European support for civil implementation is readily apparent is the European's lack of support for the Kosovo Police Force. The United Nations has stated the requirement for 4,718 police and at this point the United States has provided 97% of the 550 police we have pledged, yet our European partners have only mustered 63% of the 1288 police they had pledged. Mr. President, I call on the leadership of our allies to meet their commitments!

Let me remind my colleagues that in the last decade we anticipated reaping the benefits of the peace dividend. Many touted that the end of the Cold War would allow us to draw down our military forces and spend less money

on defense. Well we have drawn our forces down, and they are deployed more now than ever anticipated in the post-cold-war era, and we are paying for it. In the period 1999 through 1999, U.S. taxpayers will have spent more than $23.6 billion for contingency operations. Mr. President, we just cannot afford to unilaterally deploy troops and provide monetary support to each global hot spot for an indefinite period of time, with tepid and inconsistent support from the UN, NATO, and our other allies.

In the four years of the Bosnia Operation, more Army reservists have been activated than in the entire Vietnam War, and I am concerned that our involvement in Kosovo will mirror our involvement in Bosnia. I tell you this first hand, because these reservists include men and women of the 112th Medical Company from the Army National Guard and members of the 101st Air Refueling Wing from my home state of Maine who were called up or volunteered to serve in Bosnia.

And we are paying for these extended deployments in more than just dollars. At a time when the Department of Defense is meeting only 92 percent of its active duty recruiting goal, 88 percent of its Reserve recruiting goal and is struggling to retain the highly trained people that are currently serving, we in Congress and in the Administration need to be mindful of the message that we are sending to the American people. They need to know that we are aware that we are closely watching, and that we are ready to step in to protect the best interests of the U.S. and our men and women in uniform.

Although military members reference the high operational tempo as a consideration for leaving the military, it is difficult to quantify the exact effect those contingency operations have had on the recruiting and retention of personnel. It is, however, easy to determine the monetary effect. As we marked-up the Fiscal Year 2001 Defense Authorization Act, we were forced to look for ways to find money to fund new equipment to modernize our forces, money to improve housing and the quality of life, and money to improve healthcare for our men and women in uniform, as well as their families and our often forgotten retirees. We continue to uphold our commitments, just as we are upholding our commitment to this operation in Kosovo—to the detriment of our readiness to fight and win if there was a major theater war—while our European allies remain in the shadows.

Now this Senate is considering the addition of $1.85 billion in supplemental appropriations to support overseas contingency operations. But this bill is different in that the Byrd-Warner amendment limits the amount that can be obligated to 75 percent of the total Kosovo appropriation until the President certifies that four specific conditions have been met; at which time the remaining 25 percent would be released. These conditions stipulate that the European Commission, the European Union and the European member nations of NATO must provide a third of the assistance for reconstruction that they pledged, 75 percent of the funds promised for humanitarian assistance, 75 percent of the amount pledged for the Kosovo consolidated budget, and 75 percent of the personnel pledged for the Kosovo Police Force.

These provisions provide specific, tangible steps toward the fulfillment of the commitment promised by these countries. This does not require these countries to provide something that they do not have or something that they are not capable of supporting. It is merely a means of holding them accountable for that to which they have already committed.

If, however, our allies continue to go back on their pledged commitment, and the President cannot certify that those four conditions have been met by July 15th of this year, then the remaining funds must be used for the planned, phased, and safe withdrawal of U.S. troops from Kosovo. The details and time line for this withdrawal will be left to the President and his advisers, with these plans to be fully developed by the 30th of September.

So, as our troops in Kosovo valiantly conduct 1,321 security patrols each week and provide around the clock security at 48 checkpoints and 62 key facilities, we must support them in every way, beginning with holding our allies in Europe to the fiscal and personnel support they pledged to provide when the U.S. decided to support the air offensive in Kosovo.

I know, that as a result of the leadership of Senators STEVENS, BYRD, BURNS, and MURRAY, the FY2001 military construction appropriations bill is good legislation that provides our men and women in the armed forces the support they need as they go about their business of protecting our long-term national interests.

Mr. SMITH of New Hampshire. Mr. President, new revelations from ''Newsweek'' and ''Inside the Pentagon'' show that the air war against Serbia was inaccurately portrayed. These reports allege hyper-inflating of reports of damage done by allied bombing.

Now we are awakening to the realization that we expended a small fortune in precision munitions with very little effect—but the administration felt it necessary to exaggerate grossly the results of the air campaign in an attempt to buy public support for the war.

This is shameful—and the individuals involved in this deceit ought to be reprimanded.

The bombing triggered a refugee crisis—that was its main result. There was never any threat to NATO from the conflict in the Balkans.

In fact, the real threat to NATO is that it has abandoned its traditional role of being a defensive alliance, and under this administration has blundered and contorted into a post-cold war crisis management agency with a lost sense of mission.

NATO's bombing killed innocent civilians and raised regional tensions.

Like Haiti and Somalia before, the war in Kosovo has cost the taxpayers billions, exhausted and demoralized our men and women in the armed forces, and accomplished nothing, yet damaged our image in the region as a nation that believes in democracy and justice.

As a result of demonizing Milosevic in Serbia, we have become tacit allies with the Kosovo Liberation Army, a group in the recent past acknowledged to be an organization which commits terrorist acts and which appears to be supported by the Albanian mafia, which is said to be a major supplier of heroin in the European market.

In our zeal to ''stop the killing'' in the Balkans, we, as a result, aligned ourselves with a terrorist mob with links to drug traffickers and killed a lot of innocent people. This is peacekeeping run amok, and it has to be brought to an end as quickly as possible.

I support the Byrd-Warner amendment, not that it goes far enough. It does not. We should have never gotten involved in the Balkans, and we should have gotten out long ago recognizing that our intervention was damaging, and like too many other missions from which we have failed to learn any lessons, open-ended, and lacking any clear objectives.

We are using our young men and women in uniform as police officers, something which they are not trained to be and which they understandably resent.

They are not policemen, they are soldiers. If they had wanted to be police, they could have signed up in their local towns and at least have been home with their families at night.

I want to make one thing perfectly clear. I am tired of hearing those who support the Balkan blunder say that we are ''undercutting'' our troops by seeking authorization for the mission's continuation.

I believe that sending our armed forces into harm's way into a conflict in which we have no identifiable national security objectives undercuts our troops.

I believe that wasting our precious military resources in a futile peacekeeping mission undercuts the troops.

I believe that we undercut the troops when we plunge into a conflict without Congress making a declaration of war. Did we learn anything from Vietnam?

Finally, I warn my colleagues that rather than admitting to a colossal

mistake in Kosovo, which this administration would never be willing to do, it is likely that it will blunder more deeply, possibly into Montenegro, even if the Byrd-Warner amendment were to pass the Congress.

General Wesley Clark's latest comments, as well as a reading of Agence France Press and some of the other foreign news sources, including comments by some of Europe's war hawks, reveal that Montenegro and the Presovo Valley might be the next jumping off point.

In fact, the KLA can read between the lines. If they create yet another provocation, and force the Serbs to respond, creating an atmosphere charged with allegations of atrocities or another humanitarian crisis, it will give NATO the excuse it needs to blunder more deeply into the Balkan quagmire.

We need to start pulling down our forces in Kosovo and winding down this operation. We need to be able to admit to a mistake when we make it.

Our military forces are stretched as thin as they have ever been. This year, the services' unfunded requirements list was in the realm of $15 billion.

We cannot afford to squander our limited military dollars in Kosovo.

The PRESIDING OFFICER. The hour of 2:10 has arrived, and Senator BYRD is to be recognized. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, the Senator from Michigan says this vote is not about power.

I say to the distinguished Senator that this matter is about power. It is about the arrogance of power in a White House that insists on putting our men and our women in harm's way, and spending their tax dollars without the consent of their elected representatives.

Where is the wisdom in that course? Where is the wisdom in allowing a policy of indefinite drift in the Balkans with no end strategy, no exit strategy, and no clearly defined goals?

We keep hearing it said that we are endangering our men and women. I say we are endangering the lives of our men and women in the military by failing to make the case up front for putting them in harm's way. We are endangering the lives of our men and women in the military when we neglect to be sure that the American people support taking those risks before we put those men and women in harm's way. We are endangering the lives of our men and women in the military when we budget for dangerous missions in emergency bills after the fact that cannot provide for a long-term investment in those missions. We are endangering the lives of our men and women in the military when we have no clear-cut achievable goals and when we have no exit strategy. No ground has been plowed for this mission, with no explanation of our goals and objectives, except some vague nebulous shibboleths.

Let me say this in closing. We are hearing from everybody but the people who pay the bills; the people who send their sons and daughters off to foreign lands to shed their blood. We hear from General Clark. We hear from the Secretary General of the United Nations. We hear from Secretary Cohen. We hear from everybody but the people.

I know what it is. I have been in Congress 48 years. I have seen a lot of these things happen before.

When we come here we have our picture taken with the Commander in Chief. My first picture that was taken after I came to Congress 48 years ago was with General Eisenhower, President Eisenhower. We go down to the White House. We get wined and dined. We have pictures taken with the brass over at the Pentagon. And we hear the people who live in the white towers, the political pundits, the media, and we forget about the people who send us here. We get all swollen up by virtue of these contacts that we have, and the people who are telling us what they think, the so-called commanders in chief, Presidents of the United States, and so on. We forget about the people, and we forget about the Constitution.

They may say this Constitution was all right for yesterday. They may say it is old, that it was all right 200 years ago, or that it was all right 100 years ago.

I say to you, my colleagues, if it were not for this Constitution, you wouldn't be here. There wouldn't be a Senate of the United States. There wouldn't be a Senate in which the small States of the Union have the same voice that the largest States have in this Union if it were not for this Constitution. If it were not for this Constitution, we wouldn't have the United States of America. We would probably have a ''Balkanized States of America.''

So let's remember this Constitution. We take an oath to support and defend this Constitution.

That is what Senator WARNER and I and the supporters of this amendment are trying to do. We believe that the main warpowers are concentrated in the Congress, and that the main absolute top warpower, the power of appropriating the money, is vested here.

Let's stop listening to these dreamings of distempered fancies—by the great generals, the Secretaries General, Defense Secretaries, and Presidents of the United States. Let's listen to the people of the United States. What do they think? They send their men and women to foreign fields to shed their blood. The people of the United States, the people who are listening in through that electronic eye up there, are the people we should be talking about. They are the people whom we should be listening to—not some far away Secretary General, not some Secretary of Defense, not some Commander in Chief. They are only here for a day, or for a term, or 4 years. But the people are out there yesterday, today, and forever. And we are their elected representatives.

Let's regain our voices and no longer be standing in awe of someone who wears the title of Commander in Chief. He is here only temporarily. He will be gone in a short time. There will be a new Commander in Chief. What does he think? We want to give the new Commander in Chief a voice.

Oh, they say: Why not vote today? That would be highly irresponsible. Vote today to take them out is not what Senator WARNER and I are saying. We are not saying take them out. We are not saying take them out today. We are not saying take them out tomorrow. We are saying, lay down a plan in consultation with the allies, whereby in due time the allies will take over the ground troop responsibility. We will leave our air support. We will leave our intelligence support.

But let's regain our senses here. Let's just try to remind ourselves that we are not here to represent the Commander in Chief. I am not. I am not here to represent a Commander in Chief. I am here to represent the people of West Virginia. I am not here to represent the Secretary General of NATO. I am not here to represent the Secretary of Defense. I respect these people. I respect them. But they cannot tell me what this Constitution means. They cannot tell me what the intent of the Constitution is. I have my own eyes. I have my own ears. I have my own conscience, and I will be driven by my conscience and by this Constitution as long as I stay here.

May God continue to bless this country—one nation, one Constitution, one destiny.

I yield the floor.

Mr. WARNER. Mr. President, I am proud to come to the floor once again to defend and explain the Kosovo amendment which I have sponsored with the distinguished senior Senator from West Virginia, Senator BYRD, and other, well-respected, conscientious colleagues—despite the accusations of some to the contrary. That amendment is now part of the bill before the Senate.

Several weeks ago, Senator BYRD and I joined forces to draft a plan of action that would lead to a vote or votes on the continued deployment of U.S. troops in Kosovo. For almost a year now, thousands of U.S. troops have been patrolling the streets of Kosovo as part of a NATO-led peacekeeping operation—with no end in sight. The Congress has been silent; that must end. Congress is about to appropriate, pursuant to a request by our President, almost 2 billion U.S. taxpayer dollars for military operations in Kosovo without any knowledge of when our troops will come home.

The purpose of our legislation is twofold. First, it requires the Congress to fulfill its co-equal constitutional responsibility, with the President, to make decisions—by vote—that are in the best interest of the nation, and particularly the men and women of the Armed Forces deployed in the Kosovo operation. This is a responsibility that the Congress has consistently failed to exercise for many years with respect to other military operations. Second, the legislation sends the message that other nations and organizations must follow through on their commitments of assistance for Kosovo if U.S. troops are to remain a part of the military force in Kosovo.

The legislation that is before the Senate today has three main objectives. First, it terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives Congressional authorization to keep troops in Kosovo. Second, the legislation requires the President to develop a plan, in consultation with our allies, to turn the ground combat troop element of the Kosovo peacekeeping operation entirely over to other nations by July 1, 2001. Third, related to today's operations in Kosovo, and to signal to the Europeans the need for them to fulfill their commitments for implementing peace and stability in Kosovo, the legislation withholds 25 percent of the emergency supplemental funding for military operations in Kosovo until the President certifies that our allies are making adequate progress in meeting the commitments they made to the Kosovo peacekeeping process. If the President does not make that certification by July 15 of this year, the funding held in reserve can only be used for the safe, orderly and phased withdrawal of U.S. troops from Kosovo, unless Congress votes otherwise.

While I expected opposition to this legislation, I am, quite frankly, surprised by the misleading statements which are being used to describe our effort. Those of us who support this legislation are being accused of endangering the lives of U.S. troops, providing aid and comfort to the enemy—Milosevic, and sounding the ''death knell'' of NATO. According to General Clark, the measures contained in this legislation, ''are unlikely to encourage our European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.'' There is simply no basis in fact for making such statements. Why is the Administration so afraid of letting the Congress have a voice, by vote, on our continued military presence in Kosovo? We are elected by the people of our nation to speak and vote in their best interests.

Have the opponents really looked at this legislation? It is not a ''cut and run'' from Kosovo. We are not deserting our allies. Nowhere in this legislation is there an automatic, mandated withdrawal of U.S. troops from Kosovo on a date certain. In every case, what we have done is make the continued U.S. ground combat troop presence in Kosovo subject to a vote by the Congress. We are requiring a Congressional affirmation of a Presidential decision that affects the security of our nation and the welfare of the men and women of the Armed Forces deployed overseas and their families here at home. That was the intention of the Framers of the Constitution in giving the Congress co-equal power for such decisions.

I point out to our critics that this legislation was carefully crafted to impact only the ground combat element of our presence in Kosovo. Even if the Congress decides, over a year hence, not to support our continued military presence in Kosovo, the U.S. would still be able to provide support elements to the NATO-led mission in Kosovo, and would be able to respond to an emergency situation with combat units.

General Clark has pointed out that other nations—primarily our NATO allies—contribute 85 percent of the troops that make up the Kosovo operation. To now say that the possible elimination of only part of the remaining 15 percent U.S. forces would mean that ''the sky is falling'' calls into question the importance of the allied contribution to this effort. Is General Clark really saying that the 85 percent of the troops in Kosovo are of such little consequence, little effectiveness, in the effort to achieve peace and stability in that troubled region? I would hope that is not his message to our allies.

One of the main reasons we are proceeding with this legislation is out of a deep sense of concern for the safety and security of our men and women in uniform in Kosovo. They are making sacrifices, they are facing daily risk to their personal safety. We, as their elected representatives, with co-equal responsibility under the Constitution for deploying troops into harm's way, must fully examine and debate this issue and—ultimately—vote on whether or not U.S. troops should remain in Kosovo. That is our responsibility, and we owe our brave servicemembers no less. We cannot—we must not—allow the situation in Kosovo to drift on endlessly, as we stand idly by, unwilling to act.

Over the past decade, as our military has been reduced by a third, U.S. troops have been involved in overseas deployments at an unprecedented rate. According to General Hugh Shelton, the Chairman of the Joint Chiefs, ''Two factors that erode military readiness are the pace of operations and funding shortfalls. There is no doubt that the force is much smaller than it was a decade ago, but also much busier.'' The increasing frequency of these contingency operations—which involve extensive, repeated separation from family and home—is one of the major causes for the problems the military is having in recruiting and retaining quality personnel. The United States has far too many commitments around the world, our military is stretched too thin; we cannot have an open-ended, decades-long military deployment to the Balkans. It is time for Congress to act.

I was very troubled by what I discovered during my January trip to Kosovo. I was a supporter of our military involvement in Kosovo; in fact, I was a principal sponsor of the resolution for authorization by the Congress of the air war. But I was disturbed by what I saw in January.

I found U.S. troops running towns and villages—acting as mayors, police, and jailers; I found U.S. troops—in groups of 2 or 3—guarding individual houses and churches, escorting Serb families to market; I found U.S. troops concerned with the slow pace of the UN's effort to rebuild the region, and frustrated by the seemingly endless and mindless cycle of ethnic violence in Kosovo—Albanian on Serb, Serb on Albanian, and Albanian on Albanian.

When I visited Bernard Kouchner, the UN Administrator in Kosovo, I found a man frustrated with the level of progress he had been able to achieve; I found a man pleading for help from the international community. ''I have no money'' was a phrase I heard over and over as we sat in KFOR Headquarters in Pristina, in one of the few buildings in the city with power—but no running water—as most of Kosovo was cold and dark during the winter. He told me that many pledges and commitments of assistance had been made at international conferences, but he could not pay the government workers or fix the power supply with pledges. He needed money.

Until he, and others, are able to make progress, our troops will continue to be policemen and mayors and mediators—targets of the frustration of the people of Kosovo, and increasingly at risk. We saw some of the danger that our troops face during the violence in Mitrovica. That will only increase if an adequate economic and security infrastructure does not quickly materialize in Kosovo.

I returned from that trip in January determined to do something to change the situation I found in that troubled region. I could not turn a blind eye to what I had seen. The legislation before the Senate is the result. Some may not agree with the approach, but I strongly believe that it is the proper course of action.

Let me address some of the charges that have been leveled against the proponents of this legislation. The one

that most troubles me is the charge that we are putting U.S. troops at risk because of this legislation. Who among us really believes that Senator ROBERT BYRD, Senator TED STEVENS, Senator DANIEL INOUYE, and the many others who have either cosponsored or voted for this amendment—15 of whom are veterans—would do anything to put U.S. troops at risk? We have devoted our careers to fighting for the well-being or our troops. I say to those who make this charge, we are trying to take action to address the risks our troops in Kosovo face everyday—which we must no longer ignore.

My office recently received a communication from a soldier in Kosovo describing a recent confrontation with local citizens. I would like to quote parts of this e-mail so that my colleagues can understand the day-to-day reality of our troops in Kosovo:

> The entire village went out into the street, erected a barricade and as the squad (of my soldiers) came out they were pelted with rocks and other debris . . . As we moved in people were hitting us with sticks and actually hitting us with their fists . . . By the time of the linkup I was punched in the face, hit with a stick and got in a wrestling match. . . . Several hundred moved up the hill and started throwing rocks, tree limbs, fire wood, and everything else they could get their hands on. After getting hit in the head by a large rock and getting smashed across the back with a tree limb I gave the order for the soldiers to open fire with nonlethal munitions.

How long will it take until one of these incidents turns deadly? Those who vote against this amendment vote to leave our troops in these situations indefinitely.

I would like to address a particular issue raised in the letter which General Clark sent to Senator LEVIN concerning this legislation; that is, General Clark's contention that this legislation ''is unlikely to encourage European allies to do more.'' On this, General Clark, there is already evidence to the contrary. In the several months since I first began discussing my original amendment—which is now incorporated in the Byrd-Warner amendment—there has been progress. I quote from a March 18, 2000, letter from Dr. Kouchner, in which he details results: ''I very much appreciate the efforts that you have made so far which have been instrumental in improving our budget situation. Existing donor pledges have now been honored. The next challenge will be to get new donor pledges and to ensure that the pledges for the reconstruction budget of 17 November 1999 do materialize.'' Dr. Kouchner, we are continuing our efforts to help.

I would like to address one other issue, one that was raised in a recent editorial by the Ranking Member of the Foreign Relations Committee—an editorial in which he accused the supporters of this legislation of being isolationists, a new charge for most of us. In this editorial, Senator BIDEN states, ''Some would even condition U.S. assistance on actions of the European Union, an abdication of our prerogatives in decision-making that ought to horrify conservatives.'' Since that is directly aimed at the certification requirement which I contributed to this legislation, I will respond. I point out to my colleagues that our President has already conditioned ''U.S. assistance''—that is, U.S. troops—on the actions of others. I remind my good friend from Delaware that the exit strategy for our troops in Kosovo—as it is for our troops in Bosnia—is directly linked to the actions of the UN, the EU, the OSCE, and others in achieving civil implementation goals. As Secretary Cohen stated in an October 15, 1999 letter to the Congress, ''The duration of the requirement for U.S. military presence (in Kosovo) will depend on the course of events . . . The military force will be progressively reduced based on an assessment of progress in civil implementation and the security situation.'' This legislation uses the same link—the same tie to the actions of others—already adopted by the Administration. If this logic is good for one side in this debate, I say to my good friend, then it is good for the other side as well.

I encourage my colleagues to read this legislation carefully; examine it for what it does, and especially for what it does not do. Consider the well-respected, conscientious group of supporters. And judge for yourself what is the best course of action.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I make a parliamentary inquiry: As I understand it, Senator DASCHLE will be recognized at 2:20. Is that correct?

The PRESIDING OFFICER. That is correct. The time between now and 2:20 is under the control of the Senator from West Virginia.

Mr. LEVIN. I thank the Chair.

Mr. BYRD. Mr. President, would the distinguished majority leader like to go ahead? I have 3 minutes. Do I?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DASCHLE. Mr. President, was it the intention of the distinguished senior Senator from West Virginia to yield back his time?

Mr. BYRD. Mr. President, I have no desire to take any more time. I am very happy to listen to the distinguished minority leader. I have said all I intended to say. I am ready to vote.

Mr. DASCHLE. I thank the distinguished Senator from West Virginia for his graciousness, as is so often the case.

I begin by commenting on our two colleagues, Senators WARNER and BYRD. Some of the finest security thinkers this Senate has ever produced have chaired the Senate Armed Services Committee.

I think of the names Russell, Stennis, Nunn, STROM THURMOND. They have all made significant contributions to this Nation's debate on national security. Although he has chaired the Armed Services Committee for less than 2 years, Senator WARNER has demonstrated many of the traits that made his predecessors so successful. I have great respect for him.

What can one say about Senator ROBERT C. BYRD? This is a rare and unique occasion for me. I can't remember the last time I was on the opposite side of an issue with Senator BYRD. I admire him immensely.

No Member, past or present, has ever displayed a greater love or respect for this institution than has ROBERT C. BYRD. No Member enjoys greater respect and admiration from his colleagues. No Member is more reluctant than this Member to come to the floor and disagree with ROBERT C. BYRD.

There is another reason this is difficult, besides the high regard I hold for him. The other reason I find this difficult is that I share many of the concerns that led Senators WARNER and BYRD to draft this resolution in the first place.

As we close this debate, I compliment our extraordinary member, the ranking member of the Armed Services Committee, Senator LEVIN, for the outstanding job he has done in presenting the arguments over the course of this debate and providing us his leadership. We owe him a major debt of gratitude.

I think he shares my view that this debate is not about a number of things. It is not about whether the U.S. military commitment to Kosovo or any region of the world should be open-ended. Supporters of this amendment agree with the supporters of the Byrd-Warner amendment. Every U.S. commitment should be examined regularly by Congress and the President to ensure that it remains in our national interest. This debate is not about whether the U.S. commitment to Kosovo or any other region of the world should be open ended.

This debate is not about whether our NATO allies should pay a fair share of any joint operation. We all agree. We have great difficulty reaching unanimity in many areas these days, but we are not in disagreement over that fact. Our allies should be sharing the burden, and, in fact, they are.

As my colleagues have already noted in several of their excellent presentations to this body, they are supplying 85 percent of the peacekeeping forces in Kosovo today. They are shouldering the vast majority of the effort on the civilian side. That is not the debate either.

We agree that they should pay more than we are paying, and they are. Eighty-seven percent of their pledge to

Kosovo's budget has been made by our NATO allies; 63 percent of the pledge to the civilian police force has now been fulfilled by our NATO allies; 75 percent of their pledge on humanitarian assistance has been fulfilled by our NATO allies. They have begun to step up their commitment on reconstruction assistance.

Third, this debate is not about whether Congress has a responsibility to exercise its constitutional duties over the power of the purse. I heard the eloquence once more of ROBERT C. BYRD. We all understand the importance of this responsibility. No one is more adamant and eloquent in pointing out that responsibility than is he. Anyone who does not understand the significance of this responsibility should simply spend a moment or two, an hour or two, a day or two, with Senator BYRD to discuss our founders' deliberations over the importance of vesting the power of the purse in the people's representatives, and all doubts will disappear.

This debate is not about whether the Byrd-Warner amendment is constitutionally permissible. This debate is about whether the course of action it espouses is in our Nation's best interest. As much as I respect the two authors of the provisions incorporated in this bill, I join Senator LEVIN, our Secretary of Defense, our senior military leaders, this administration, and many others who have concluded that it is not.

I am deeply concerned about the effect this amendment would have. First and foremost, it would increase the risk to U.S. forces. There is a fragile peace in Kosovo today and no one has spoken more powerfully, eloquently, or compellingly about the ramifications of setting a date certain for a withdrawal of U.S. forces from Kosovo than Wesley Clark. General Clark has said that setting a date certain for withdrawal would trigger instability throughout the region and increase violence in the area.

I hope everyone will listen, regardless of whether or not he is a constituent of ours; he is the expert. If we do anything as we make these decisions, I think we need to listen to those who are expert in their fields. Triggering instability throughout the region and increasing violence in the area is something about which all Members ought to be concerned.

Second, this action rewards Slobodan Milosevic for his ethnic cleansing campaigns and would greatly strengthen him and his supporters in the region. Again, according to General Clark:

> A U.S. withdrawal would give Mr. Milosevic the victory he could not achieve on the battlefield.

What a remarkable statement, that a U.S. withdrawal would give Mr. Milosevic a victory he could not achieve on the battlefield.

Third, this would rupture NATO. Passing this amendment would jeopardize the strength and the cohesion of our NATO alliance by casting doubt about the reliability of the United States as a partner. Again, according to General Clark:

> Our allies would see this as a universal, adverse move that splits 50 years of shared burdens, shared risks, and shared benefits in NATO.

Don't just listen to General Clark. NATO Secretary General Lord Robertson put it more directly:

> The prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me great concern. It risks sending a dangerous signal to the Yugoslavian dictator —Milosevic—that NATO is divided and that its biggest and most important ally is pulling up stake.

Finally, this action would undermine the U.S. position as a global leader. Unilaterally withdrawing our troops from Kosovo would call into question our relations with Europe and the world. Many will question the willingness of the United States to play a role in bringing democracy and prosperity to troubled regions of the world.

I know Senator BYRD and Senator WARNER share some of these concerns because they tried to modify their language yesterday. Under other conditions, these concerns would not be insurmountable. Unfortunately, this amendment comes to the Senate in such a way that they are just that. Why? Because Members, under the rules now established by the majority, are prohibited from trying to offer any amendments, alternatives, or substitutes. All we can do is accept this amendment in whole, or reject it in whole. This is not the proper way for the Senate to deal with such an important issue.

Supporters of this amendment say it will not force withdrawal of U.S. troops from Kosovo. They argue that the President can prevent a withdrawal by simply certifying by July 15—roughly 8 weeks from now—that our allies have met a series of rigid, numeric burden-sharing tests.

Unfortunately, the Director of the OMB disagrees. Yesterday, in a letter to me he said:

> Despite progress, the targets are not yet met, nor can I provide assurances that they will be met by July 15th . . . Certification required by the amendment . . . is currently not possible.

Listen to the Director of the OMB. He has indicated certification today, tomorrow, or for the foreseeable future is not possible.

And even if the burden-sharing requirement of this amendment does not force immediate withdrawal of troops, it sets the stage for withdrawal.

Make no mistake, if we pass this amendment, we are lighting a fuse. We may be able to extinguish it in time, but no one in this Senate can guarantee that. Why would we create such a crisis at this point? History shows that lighting a fuse in this region can produce an explosion that engulfs the entire world. That is not ancient history; that is recent history.

Even if we are somehow able to extinguish the fuse, in the meantime our troops and our allies are left with the uncertainty about whether we are going to keep our commitment. History also shows that winning the peace can often take some time.

Peace is a fragile plant whose roots need time to take hold. Mr. President, 55 years after the end of World War II, 100,000 troops remain in Europe. Never once in 55 years has Congress felt it necessary to ratify that decision. What would have happened had we pulled our troops out of Europe less than 1 year after that war—as this amendment would have us do today in Kosovo? We know Europe would look significantly different today. The probability is the second half of the 20th century would have looked like the first half—in which we fought two World Wars.

NATO, the most successful military alliance in the history of the world, would not exist. The emerging new democracies of Eastern Europe would still be behind the Iron Curtain. Congress did not even approve the Marshall Plan until 1947. Why should we be so impatient now? Why should we be so unwilling to give peace and democracy time to take firm root in Kosovo.

For 50 years we fought a cold war to bring peace, stability, and democracy in all of Europe. We have finally won that peace. It seems to me that 5,900 troops in Kosovo is a small price to pay to keep it.

Just over 1 year ago, leaders from 18 countries came to Washington to celebrate the 50th anniversary of NATO. On that occasion, Senator WARNER eloquently said:

> [NATO] must remain. It must be strong, and U.S. leadership in NATO is absolutely essential.

Senator WARNER's words were right then and they are right now. If we are to achieve these worthy ends we must strike the Byrd-Warner language.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I yield myself time under my leader time.

Mr. President, I know Senators expect to vote at 2:30. I know there are meetings that are going to be occurring momentarily. I will not delay that, but I do just want to make three or four points.

No. 1, I want to say what an instructive and constructive debate I think this has been. I listened to a good bit of it last night. Some of it I came and sat on the floor and listened to; I engaged in some of that discussion; I watched some more of it later on on television; and I listened to various parts of it this morning. I think it has been a very

healthy debate. I congratulate all who have been involved on both sides of the issue on both sides of the aisle.

I also want to pay a particular tribute to Senator BYRD—it is always an education when he speaks about the Constitution, about why he believes that Congress should step in to deal with an issue such as this—and, of course, Senator WARNER. They have both done an outstanding job. They have been convincing to me.

Also, I think it should be noted that as sponsors of the language that is in the bill, they have indicated a willingness to compromise in the conference, to make some changes if Members think that is necessary, on dates, or to see if the administration could work with them on language that could be acceptable. I think that is the way to approach it.

Those things have really made the difference for me. We have no long-term plan for Kosovo. We do not know how long we are going to be there. We do not know how much it is going to cost. We do know our allies have not been meeting their commitments. Progress is being made in that regard, but I give credit to Senator WARNER and Senator STEVENS and others, talking about this amendment and pointing out that those commitments were not being fulfilled in terms of people, troops, police—or in terms of money. That is unacceptable. But I think there is a little bit of an attitude: If we don't do it, the United States, the sole remaining world power, will take care of it. That is not right for the American people. It is not right for the taxpayers of America. So I think we need to have a better understanding about fulfillment of commitments and what is the long-term plan. How long are we going to be there? Under what conditions would we ever get out?

It should be noted, even with these amendments, the Byrd-Warner package being adopted, we would still be able to provide logistics support, intelligence—a number of other facets. We are dealing with war troops on the ground who would be affected by this.

Here is the most important point of all. For years we have been through this debate about constitutional requirements—what the Congresses do, the President's prerogatives. Clearly we have been abdicating ours. The language under the Warner provision says to our NATO allies No. 1: Fulfill your commitments. And, No. 2, we in the Congress should vote to authorize this action.

For those who say Congress would not authorize this involvement next year, the presence of combat troops in Kosovo, I do not believe that. I do not think we know yet. I certainly would listen to the debate. I voted to use U.S. combat troops in various parts around the world, in Republican administrations and in Democrat administrations, and, quite frankly, against it sometimes in both of them. I do not think this is risky. I think there has been a lot of exaggeration as to the result. I am prepared to vote for keeping the language in the bill, and I think we can go forward from there. But whatever happens, Congress needs to fulfill its responsibility.

I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment (No. 3154).

The clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 53, nays 47, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—53

Abraham	Feinstein	Mack
Akaka	Frist	McCain
Baucus	Graham	Mikulski
Bayh	Hagel	Moynihan
Biden	Harkin	Murray
Bingaman	Hatch	Reed
Boxer	Jeffords	Reid
Breaux	Johnson	Robb
Bryan	Kennedy	Rockefeller
Chafee, L.	Kerrey	Roth
Cochran	Kerry	Sarbanes
Conrad	Landrieu	Schumer
Daschle	Lautenberg	Smith (OR)
DeWine	Leahy	Thompson
Dodd	Levin	Voinovich
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lugar	

NAYS—47

Allard	Feingold	McConnell
Ashcroft	Fitzgerald	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Roberts
Brownback	Grams	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Byrd	Helms	Smith (NH)
Campbell	Hollings	Snowe
Cleland	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Inouye	Thurmond
Crapo	Kohl	Torricelli
Domenici	Kyl	Warner
Enzi	Lott	

The amendment (No. 3154) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I say to my colleagues, Mr. WARNER and all those who supported the amendment, in the words of the Apostle Paul; we fought a good fight; we finished the course; we kept the faith. Thank you.

Mr. WARNER. Mr. President, I wish to join my distinguished colleague in thanking the Senate for one of the finest debates we have had on this floor this year on an issue that affects every one of us and our constituents back home. The vote was rendered by the Senate, and the Senate spoke. Now we must continue to lead.

I yield the floor.

AMENDMENTS NOS. 3146, 3156 THROUGH 3163, EN BLOC

Mr. BURNS. Mr. President, I send a series of amendments to the desk. They have been cleared on both sides.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes amendments numbered 3146, 3156 through 3163, en bloc.

The amendments are as follows:

AMENDMENT NO. 3146

(Purpose: To make available $220,000,000 for the Navy for fiscal year 2000 for ship depot maintenance)

At the appropriate place, insert the following:

OPERATION AND MAINTENANCE, NAVY

Out of any money in the Treasury not otherwise appropriated, there is appropriated for the fiscal year ending September 30, 2000, for expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $220,000,000: *Provided,* That the amount made available by this heading shall be available for ship depot maintenance; *Provided further*, That the entire amount made available by this heading is designated as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3156

(Purpose: To provide emergency resources to address needs resulting from the catastrophic wildfire at Los Alamos National Laboratory, New Mexico)

On page 44 line 6, strike ''$136,000,000'' and replace with ''$221,000,000''; and on page 44 line 12, strike ''$136,000,000'' and replace with ''$221,000,000''.

AMENDMENT NO. 3157

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to allow for the entry into, or withdrawal from warehouse for consumption in the United States of diamonds if the country of origin in which such diamonds were mined (as evidenced by a legible certificate of origin) is the Republic of Sierra Leone, the Republic of Liberia, the Republic of Cote d'Ivoire, the Democratic Republic of the Congo, or the Republic of Angola.

AMENDMENT NO. 3158

On page 26, at line 15, strike, ''$74,859,000'', and insert in lieu thereof, ''$542,859,000''; and

On page 27, at line 7 and 8, strike, '': *Provided*'', and insert in lieu thereof, ''; Acquisition of six C–130J long-range maritime patrol aircraft authorized under section 812(G) of the Western Hemisphere Drug Elimination Act that are capable of meeting defense-related and other elements of the Coast Guard's multi-mission requirements, $468,000,000: *Provided*, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the

procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project: *Provided further*''.

AMENDMENT NO. 3159

(Purpose: To provide $5,700,000 for testing under the Tactical High Energy Laser (THEL) program of the Army)

On page 35, between lines 17 and 18, insert the following:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test, and Evaluation, Army'', $5,700,000 for continued test activities under the Tactical High Energy Laser (THEL) program of the Army: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 3160

(Purpose: To allow the designation and use of Department of Defense facilities as polling places for local, State, and Federal elections)

At the appropriate place, insert the following:

SEC. ___. USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of enactment of this section and before December 31, 2000.

AMENDMENT NO. 3161

(Purpose: To postpone the effective date of certain enforcement provisions until 6 months after the publication of final electronic and information technology standards)

At the appropriate place, insert the following:

SEC. ___. ELECTRONIC AND INFORMATION TECHNOLOGY.

Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking ''Effective'' and all that follows through ''1998,'' and inserting ''Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2),''; and

(2) in subparagraph (B), by striking ''2 years'' and all that follows and inserting ''6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).''.

AMENDMENT NO. 3162

At the appropriate place, insert the following:

SEC. . FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.

Section 136(a)(3) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–596), is amended by adding at the end the following:

''(C) DETERMINATION OF ECONOMIC JUSTIFICATION.—

''(i) IN GENERAL.—A determination of economic justification under subparagraph (A) shall be based on an assumption that the Federal Government is liable for ground water damage to land or property described in paragraph (1).

''(ii) EFFECT OF CLAUSE.—Clause (i) does not impose on the Federal Government any liability in addition to any liability that the Federal Government may have under law in affect on October 20, 1998.''.

AMENDMENT NO. 3163

At the appropriate place in the bill, insert:

''SEC. . Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262) is amended—

''And other SOFA claims'' to be inserted following ''. . . the funds made available for payments to persons, communities, or other entities in Italy for reimbursement property damages . . .''.''

AMENDMENT NO. 3146

Mr. ROBB. Mr. President, the Navy's ship maintenance problem is large—and growing larger. Scheduled heavy maintenance for fifteen ships has already been canceled this fiscal year. Without the funds provided by this amendment, the Navy will either cancel or drastically reduce work scheduled for eighteen more. The individual cases are striking:

The amphibious assault ship *Bataan* should be undergoing $17 million of work at Norfolk Naval Shipyard. Instead she is deployed to Puerto Rico.

The amphibious transport dock ship *Shreveport* ran aground recently and was repaired overseas for $1.5 million just to get her home. Her subsequent $6 million shipyard availability has been canceled.

The backlog of work for the fast combat support ship *Detroit*—declared ''unsafe for underway operations'' by Navy inspectors last August—climbed to $68 million, nearly twice previous estimates.

All of this unprogrammed funding must come out of this fiscal year's budget.

The Pacific Fleet canceled $20.6 million of work on the amphibious assault ship *Bonhomme Richard* and $13 million on the amphibious transport dock ship *Denver*. They may have to skip availabilities for three aircraft carriers—two of which, the *Kitty Hawk* and the *Constellation*, are nearly 40 years old.

Mr. President, we should not be surprised. Since the end of the Cold War we have reduced the size of the fleet, yet we are running our Navy at unprecedented levels in support of worldwide national security requirements—over eighty contingencies just since 1990.

Ship maintenance challenges have a direct and adverse impact on Navy retention rates. Admiral Vernon Clark, Commander of the Atlantic Fleet and nominee for next Chief of Naval Operations, routinely points out that retention is all about our sailors' quality of life and quality of work. Sailors spend valuable time chipping paint; time that should be spent training, going to school or enjoying their families.

Consider this example, just to provide a sense of this retention relationship. The anchor and chains of the destroyer USS *Briscoe* were refurbished in 1995 and supposed to last twelve years. Within three years, rust was bleeding through. A ten sailor detail was mustered from the ship's crew to redo the job. The chains were lowered to the pier one link at a time, dragged to a barge, then scraped by sailors with vibrating wire needle guns—a total of 1,530 feet of chain. The job took ten sailors working six weeks to finish, a job that should not have been needed until 2007. Clearly, time-consuming and spirit-sapping work. Clearly, the Navy is not getting all the tools, time and parts to do the job right.

Mr. President, there is no question, we are at a crisis point in keeping our magnificent fleet safe and ready. The $220 million in this amendment will provide some immediate relief for the Navy and our sailors around the fleet. The Senate Armed Services Committee, under the capable leadership of Senator WARNER, and the Seapower Subcommittee under Senator SNOWE's leadership, have committed to fully fund all of the Navy's fiscal year 2001 projected maintenance requirements.

It is important to recognize, however, that additional funds are only a part of controlling our ship maintenance problems.

The Administration, the Navy and the Congress must address the larger issues that will continue to erode our fleet's readiness. Aging ships, more deployments, chronic underfunding of maintenance accounts, inefficiencies in the maintenance management system, reductions at our public and private shipyards, and lower retention rates for sailors with maintenance ratings—all compound this situation.

Mr. President, we have a lot of work ahead of us if we are to set the conditions that will ensure the capability and readiness of our Navy today and in the years ahead.

Our shipbuilding rates are too low to sustain the size of the fleet necessary to meet our security requirements.

We need to accelerate the insertion of new and improved ship technologies that will reduce maintenance requirements.

The Navy's maintenance management system needs modernization, arguably a new way of thinking of why, how and when ship maintenance is scheduled.

Modern sailors work too hard and are too valuable to waste time chipping paint—we need to protect them from mind-numbing heavy maintenance that should be done right the first time in the nation's shipyards.

This amendment is only part of what should become a comprehensive approach to the challenges of Navy ship

maintenance—but it is a critical part. We cannot afford to allow the backlog to grow.

With this amendment and the resources we provide for fiscal year 2001, we make a national commitment to fully fund our ship maintenance requirements, and to keeping our fleet safe and ready.

AMENDMENT NO. 3156

Mr. DOMENICI. Mr. President, I rise for the purpose of describing the nature of this very important amendment to provide $85 million on an emergency basis to begin the process of reopening and restarting the Los Alamos National Laboratory in the aftermath of the worst wildfire in the history of New Mexico.

The cost of restoring the laboratory to full operations will undoubtably grow as the Lab discovers further conditions upon reopening and restarting facilities and buildings. But this amendment is designed to provide the first installment of resources to assist the laboratory on its road to recovery. The funds will be used for:

Restart of laboratory operations (including replacement of lost scientific equipment, computers, and government vehicles)

Fire protection (including the replacement of broken or worn fire fighting equipment, replacement of destroyed or malfunctioning fire alarms, and the expansion of fire alarm coverage)

Environmental protection (including extension erosion control efforts to prevent mud slides; expanded air monitoring and equipment replacement; expanded water monitoring of run-off and groundwater)

Cean-up and infrastructure repair (including clean-up of smoke and fire damage, replacement of electrical power lines and transformers, repair of water and gas infrastructure, and repair of communications systems)

AMENDMENT NO. 3157

Mr. GREGG. Mr. President, I want to thank Chairman BURNS and the ranking member, Senator MURRAY, for their support of my amendment combating the illicit trade in diamonds. I also want to acknowledge the assistance of the staff of the Treasury-General Government Subcommittee and the U.S. Customs Service.

As the op-ed in today's Washington Post, ''Diamonds Are For Killers,'' by Sebastian Mallaby, correctly points out, diamonds are fueling the violence in Sierra Leone. The Revolutionary United Front (RUF), responsible for so many horrors, is not fighting for a belief, a cause, or an idea. They are a criminal gang brutalizing the people of Sierra Leone simply to maintain their grip on diamond rich lands. Diamonds from Sierra Leone are unusually large and clear, much prized by a jewelry industry prepared to pay top dollar with no questions asked. The diamonds buy weapons and narcotics, RUF staples. The diamonds are transshipped through Liberia and the Ivory Coast, the leaders of each taking their cut of the profits. From Africa, the diamonds are transported to Amsterdam or London before, in many cases, being shipped here.

My amendment is a simple one. It bans the use of funds for the processing of paperwork associated with the importation of diamonds from Sierra Leone, Liberia, the Ivory Coast, the Democratic Republic of the Congo, or Angola. I have chosen to include the Congo and Angola because so-called ''conflict diamonds'' have fueled the bloody civil wars in those countries as well.

Having choked off the RUF's source of revenue, it is my hope that forces loyal to the legitimate government of Sierra Leone, fighting even now in the outskirts of Freetown, can begin to gain the upper hand on the battlefield. Ultimately, it will take more, far more, than cutting off the diamond trade to crush the RUF, but the road to victory has to begin somewhere. Let it begin here.

Fellow Senators may not realize that my amendment is based on legislation championed by Representatives HALL and WOLF. Clearly, there is bipartisan, bicameral support for banning this bloody trade. Few would treasure a diamond torn at such terrible cost from the blood-soaked soil of Sierra Leone. I look forward to working with colleagues in both houses to bring the trade in ''conflict diamonds'' to an end.

I ask unanimous consent that Mr. Mallaby's op-ed piece be printed in the RECORD.

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

DIAMONDS ARE FOR KILLERS

(By Sebastian Mallaby)

The agony of Sierra Leone demonstrates not only that the West has failed to decide when military intervention is justified. It shows its failure to come to grips with the role of natural resources in provoking conflict. Clausewitz called war ''the pursuit of politics by other means.'' But war is just as often a device for the pursuit of business.

In Sierra Leone, war is caused by diamonds. The limb-chopping rebels of the Revolutionary United Front (RUF) started out in 1991 as a small band. Then they captured the diamond region, got rich and became a very big band. They send the gems to Liberia and other obliging neighbors in exchange for cash and guns. They fight not to win but to keep hold of the diamond trade. They are like the drug warlords who terrorize Colombia.

The latest outbreak of fighting has shown this yet again: It was provoked when U.N. peacekeepers moved to disarm rebels who control the diamond region. The RUF, which had been content to play its role as part of the government since last year's peace deal, was suddenly content no more. It killed four U.N. soldiers, took a few hundred hostage, and the civil war began again. If Sierra Leone had no diamonds, there might well be no rebels, and certainly not such lethal ones. This goes for Angola too, where Jonas Savimbi's election-flouting guerrillas smuggle diamonds to pay for weapons. In Congo, a shifting cast of armies has overrun bits of the country in hope of gold and diamond loot. In Mozambique, by contrast, there are no gem or other resources to speak of. As a result, the civil war that had been fostered by white South Africa's regime fizzled out when apartheid ended.

Mozambique is especially telling, because the country has done well out of a peace deal that resembles last year's arrangement in Sierra Leone—an arrangement widely called unworkable. As in Sierra Leone, Mozambique's rebels were notoriously brutal. But after years of serving apartheid's goals, they were brought into the government and proceeded to behave responsibly. Because it has no diamonds, Mozambique became what Sierra Leone can only hope to be: an apparently failed state that confounds the pessimists by attaining a measure of stability.

This is worth noting in itself, because people tend to pair the term ''failed states'' with a desperate throwing up of hands, as if failure were an inevitable feature of the modern order. But states fail for a reason: gems in Sierra Leone and Angola, cocaine in Colombia.

It makes no sense trying to broker peace in resource-cursed countries unless the resources are brought under control. The U.N. force in Sierra Leone was given no mandate to halt mining or even gather information about it. Its first step should have been to take over the diamond fields. Instead, it waited nearly a year and then sent a force that was not up to the challenge.

The international diamond trade needs to be better regulated. Yes, easier said than done. Cocaine traffickers face the ultimate sanction—their product is illegal—and yet they carry on in business. But two peculiar features of the diamond business make regulation seem workable. First, around two-thirds of the market for freshly mined uncut diamonds is controlled by one company, De Beers, which therefore has enormous power to reform the conduct of the industry. Second, diamonds have no intrinsic value; they are all advertising and image.

These two peculiarities could be mutually reinforcing. The diamond firms know what happened to the fur industry when consumers started worrying about cruelty to animals. Their nightmares feature pictures of girls with stumps instead of arms, captioned with the suggestion that diamonds are not a girl's best friend in certain circumstances. Lovers won't buy gifts that profit psychopaths, and De Beers knows that. So it is desperate to clean up its image.

Sure enough, De Beers recently promised to buy no more diamonds from conflict regions. Antwerp's powerful diamond exchanges, which are said to buy most of Sierra Leone's gems, have also made reformist noises. The American diamond industry is trying to sound polite about a bill introduced by Rep. Tony Hall this week, which would require diamonds to come with certificates stating their country of origin.

There is movement, in other words; but not yet enough of it. De Beers has not opened itself to outside inspectors who could vouch for its sincerity. Antwerp has yet to promise to stop buying from Sierra Leone and the countries like Liberia that act as its agents. The industry resists what ought to be the ultimate goal of its reforms: an auditable trail from the mine to the consumer.

Better accountability is not too much to ask of an industry with annual retail sales

worth $56 billion. Western governments can't carry on financing peacekeeping missions while their consumers finance mayhem.

AMENDMENT NO. 3164

Mr. BAUCUS. Mr. President, I rise today on behalf of myself and Senator ROBERTS to include an amendment to the foreign operations appropriations bill which will benefit both the United States and China.

In particular, Mr. President, our amendment allows United States business to include China in the United States-Asia Environmental Partnership. The time is ripe for such action, particularly as China prepares to enter the rules-based trading system we know as the World Trade Organization. China's participation is good news for China and better news for United States business.

Mr. President, the Senate has already shown its support for including China in the Asian Environmental Partnership through passage of an identical amendment in the 105th Congress. However, such efforts were stifled in conference. Now is the opportune time to take up and pass this amendment and I urge my colleagues to join Senator ROBERTS and me in this endeavor.

AMENDMENT NO. 3160

Mr. MCCONNELL. Mr. President, I rise today to make some brief remarks about an amendment I offered along with Senator STEVENS and Senator WARNER to the Military Construction Appropriations Bill. This amendment temporarily suspends enforcement of a Department of Defense regulation prohibiting State and local election officials from operating polling places at Department of Defense facilities.

A few weeks ago, my staff at the Rules Committee began receiving calls from elections officials in several states complaining that the Department of Defense had directed them to stop using polling places on military facilities that had, in some instances, been used for decades. Senator GRAMS, Senator WARNER and Senator STEVENS also received letters and calls from their State election officials expressing concern about the impact of the Department of Defense regulation on upcoming elections.

Mr. President, let me spell out some of the real hardships that would occur in the absence of our amendment. The Clerk of Franklin County, Kentucky, Guy R. Zeigler, wrote saying that the DOD directive prohibited voting at an Army Reserve facility that the county had used as a polling place for ''15 years.'' He went on to explain: ''[c]hanging the polling sites for these precincts creates confusion for voters trying to locate the new polling place.'' The Franklin County Clerk concluded that the ''timing of this directive could not be worse . . . a Presidential Election Year.''

I would also like to share a letter from Minnesota Secretary of State Mary Kiffmeyer. Ms. Kiffmeyer wrote that the DOD directive prevented voting at military and reserve bases that Minnesota precincts have used as polling places ''for several decades.'' She concluded that if these traditional polling places were changed this late in an election year, then ''many voters, including military personnel, will be inconvenienced at best, and deterred from voting at worst, due to the loss of these accessible traditional polling places.''

The impact of the DOD regulation on the State of Alaska was so great that the State legislature passed a resolution declaring ''Alaska has a tradition since statehood of public voting on military installations and proposed changes will cause confusion and extra financial costs.''

Working with Senator WARNER's personal and committee staff, my staff was able to elicit a memorandum dated April 19, 2000 from Douglas A. Dworkin, Acting General Counsel for the Department of Defense, clarifying that DOD's regulation ''does not apply to National Guard installations.'' I ask that a copy of this memorandum be printed in the RECORD after my statement.

Despite this clarification, it is still clear that the McConnell-Stevens-Warner amendment is necessary to prevent the disenfranchisement of men and women in the armed forces as well as citizens residing in communities with facilities under DOD's control. The purpose of this amendment is to stay enforcement of the Department of Defense regulation until after this November's election so that State and local election officials who have already designated DOD facilities as polling places or have used DOD facilities as polling places since January 1, 1996 may do so for this year's primary and general elections and not be forced to scramble for alternative sites at this late date. The purpose of this amendment is not to allow election officials who have not yet designated or recently utilized Department of Defense facilities as polling places to suddenly do so now.

After this year's elections are over, elections officials and the Department of Defense can discuss how to address DOD's concerns about operating polling places on military facilities in a manner and at a time that does not risk the disenfranchisement of voters through the confusion entailed in altering traditional polling places shortly before local, State and Federal elections. I would again like to thank Senator STEVENS, Senator WARNER, Senator GRAMS and their staffs for their assistance on this issue, and I am pleased that the Senate is protecting the franchise of our men and women in the military and in communities near military facilities by delaying enforcement of DOD's directive until after this year's election.

I ask that the letters from Mr. Zeigler and Ms. Kiffmeyer and the Resolution passed by the Alaska Legislature be included in the RECORD.

There being no objections the letters and the Resolution were ordered to be printed in the RECORD as follows:

FRANKLIN COUNTY CLERK,
Frankfort, KY, March 24, 2000.

Hon. JOHN WARNER,
Chairman, Armed Services Committee, Washington, DC.

DEAR SENATOR WARNER: I'm writing to seek your help in a matter pertaining to the use of military facilities as polling sites.

As the Chairman of the Franklin County Board of Elections, I recently received notification that I would be unable to use the local Army Reserve building as a polling place due to a recent Department of Defense directive. Specifically, DTG171731Z DEC 99 from SECDEF Washington DC//OASD–PA/DPL// Subsection E1. This directive causes a serious disruption of our election process as two precincts vote in this facility.

Locations as suitable as the Reserve building are hard to find. We have used this facility for over 15 years and voters are accustomed to voting there. Changing the polling sites for these precincts creates confusion for voters trying to locate the new polling place.

Finally, the timing of this directive could not be worse. As you know, this is a Presidential Election year. Turnout is expected to be high and voters all over the United States will be affected.

Any help that you can give in this matter would be greatly appreciated.

Sincerely,

GUY R. ZEIGLER.

MINNESOTA SECRETARY OF STATE,
March 14, 2000.

Senator ROD GRAMS,
Washington, DC.

DEAR SENATOR GRAMS: I am writing to alert you to a recent action by the Department of Defense that will prevent the use of military base and reserve facilities as polling sites for elections. I ask for your assistance in urging Secretary of Defense William Cohen to rescind this directive.

A DOD directive captioned ''DTG 171731Z'', issued by Secretary Cohen's office in December 1999 contains a provision that prohibits the use of bases and reserve facilities as polling sites or voting places (Subdivision E(1)). This action appears to have been taken to prevent the use of such sites for partisan campaigning, a concern that I understand and share. However, those issuing this directive were apparently unaware that for several decades local jurisdictions have been using military bases and reserve facilities as polling places. As a result, many voters, including military personnel, will be inconvenienced at best, and deterred from voting at worst, due to the loss of these accessible traditional polling places.

I therefore urge you to contact Secretary Cohen to urge that subdivision E(1) of this directive be rescinded immediately, so that this long-standing use of military facilities as sites for nonpartisan official Election Day activity can continue. I feel certain that when Secretary Cohen is fully informed regarding this matter, this well-intentioned, but misguided policy will be overturned. Please advise me of Secretary Cohen's response.

Sincerely,

MARY KIFFMEYER,
Secretary of State.

THE DEPARTMENT OF DEFENSE,
1600 DEFENSE PENTAGON,
Washington, DC, April 19, 2000.

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS) PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE (RESERVE AFFAIRS)

SUBJECT: POLITICAL ACTIVITIES GUIDANCE

This memorandum is in response to questions that have been raised regarding the scope of the Department's policy on political activities on military installations. That policy, reissued each election year, provides among other things that ''installation commanders are advised not to allow their installation facilities to be used for polling or voting sites.''

The ''installations'' to which this policy refers are all active duty and reserve installations under the jurisdiction of the Department of Defense, including the Military Departments. The policy does not apply to national guard installations that are subject to the jurisdiction and oversight of the governors of the states and territories and the adjutants general in those states and territories, so long as the guard forces remain in state status. Regulation of political activities on guard installations, including the question whether such installations may be used as polling or voting sites, is within the province of the cognizant authorities in each state or territory.

DOUGLAS A. DWORKIN,
Acting General Counsel.

HOUSE CONCURRENT RESOLUTION NO. 29

Whereas the United States Department of Defense has issued a directive to prohibit election voting sites at military installations; and

Whereas this directive would impede the voting process for citizens who live and work at military installations; and

Whereas the cumulative factors of time, distance, and potentially hostile climate conditions in arctic and subarctic locations increase the risk of accidents; and

Whereas forcing residents at military installations to go off the installations to vote will tend to lower voter turnout; and

Whereas elimination of election sites at military installations will exacerbate crowding and waiting at election sites that are outside of military installations; and

Whereas base commanders may be able to exercise discretion to allow election sites based on local circumstances; and

Whereas some election sites on military installations are in non-federal facilities such as schools and armories, that are operated by state or local governments; and

Whereas Alaska has a tradition since statehood of public voting on military installations, and proposed changes will cause confusion and extra financial costs to the state; and

Whereas the State of Alaska seeks to be a supportive host to our military facilities, and this directive is counterproductive to mutual support between the state and the United States Department of Defense; and

Whereas the imposition of impediments to the exercise of civil rights for the same people who are sworn to uphold, defend, and sacrifice their lives for those rights is an absurdity and an affront to all Americans; be it

Resolved, That the Twenty-First Alaska State Legislature respectfully requests the President of the United States and the United States Secretary of Defense to countermand any directive that impedes the rights and practices of American citizens to vote at election sites at military installations.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable William S. Cohen, Secretary of Defense; Lieutenant General Thomas R. Case, Commander, Alaskan Command, United States Air Force; Lieutenant General E.P. Smith, Commanding General, U.S. Army Pacific; Major General Dean W. Cash, Commanding General, United States Army Alaska; and to 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.

AMENDMENT NO. 3162—FLOOD MITIGATION IN PIERRE AND FT. PIERRE, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, up and down the Missouri River in South Dakota, silt is building up on the river bottom as a result of the operation of federal dams on the river. Water levels are rising as a result, flooding hundreds of homes in the cities of Pierre and Ft. Pierre and causing considerable anguish for these families. Two years ago, Congress enacted legislation authorizing the Corps to conduct a $35 million buyout of affected property to provide much-needed relief to these homeowners.

Today, that project is at a standstill. We could start buying homes tomorrow, but the Corps of Engineers is contending that the price of moving forward is releasing more water through the Oahe dam, thereby generating electricity and revenue that will provide an economic justification for the project. City officials in Pierre and Fort Pierre have rejected this idea because raising water levels will cause new flooding in their towns.

This problem has been caused because the relocation legislation requires that this project be economically justified. I support that provision. Some might question why a project intended to provide relief to homeowners for damages caused by the federal government must earn more than it pays out. Nonetheless, I believe it is important that all Corps projects should be justified, and I agreed to language requiring an economic justification for this relief project.

Nonetheless, I am deeply concerned with the way this language has been interpreted. The only option considered by the Corps for providing an economic justification is raising hydropower revenues. It has ignored a far more appropriate way to justify the project: by relieving the government of potential liability it faces for damage to these homes. In Pierre and Ft. Pierre, groundwater elevations track closely with the elevation of the Missouri River. City officials and homeowners tell me that sometimes just minutes after the Corps begins releasing water from the dam, raising water levels in the river, water begins seeping into basements. For that reason, I am offering an amendment directing the Corps to take into account its responsibility for this damage as part of its economic analysis.

It flies in the face of common sense to provide an economic justification for a flood relief project by flooding new parts of these communities. My amendment will put an end to the Corps' insistence that it raise water levels, and allow the project to move forward. I am continuing to work with the Corps on the language for this amendment, and hope that we can reach an agreement that is acceptable to all.

Time is running short. In April, I hosted a meeting of over 150 homeowners in Ft. Pierre to discuss this project. They were angry and frustrated. One young mother stood before me in tears, at her wit's end because she must stay with her home in Pierre while her children grow up in another city. She's depending on this buyout to allow her to join her children.

Other families have already placed downpayments on new property based upon the Corps' word that this project would begin in April. They now risk losing that money unless the project moves forward. And all residents are watching the construction season slowly slip away, raising the specter that they will be forced to live another year in their flood-damaged homes.

The facts make it clear why we need to start this project immediately. My amendment will allow it to move forward. I hope my colleagues will give it their support.

Mr. President, I ask unanimous consent that three letters describing the link between the Missouri River and groundwater flooding be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITY OF FORT PIERRE,
Fort Pierre, SD, May 5, 2000.

Re: Water Table Levels.

PETER HANSON,
509 Hart Senate Office Building,
Washington, DC.

DEAR PETER: I have compiled the enclosed information about the water table levels in the Fort Pierre area. The information clearly shows the direct relationship of the water table and the water surface profiles in the river. There a couple of other observations that I made during my own investigation.

First, the time lag between a rise in the river and a rise in the water table varied along the river. It varied with distance from the river and with geographic area. Some locations received an immediate increase, while others took nearly 12 hours to see a change.

Secondly, the time required to reduce the level of the water table was much longer than the time it took to increase it. This results in a perched water table. This does make sense when looking at the forces that drive the changes. The photos of the Dunes Golf Course show this.

I sincerely hope this information is useful and produces a quick conclusion to the quagmire we currently are in. If you have any questions please do not hesitate to call me.

Sincerely,

BRAD LAWRENCE,
Director of Public Works.

DUNES GOLF COURSE,
CITY OF FORT PIERRE,
Fort Pierre, SD.

DEAR SIRS: This letter is in regards to the water table elevations and its effects on our property.

I live at 1271 Hamilton Court in Fort Pierre, South Dakota. My home is located approximately 750 feet from the west bank of the Missouri River. I have lived here since the Fall of 1995.

I have two small ponds located on my property that extends below the level of the Missouri River during normal discharges. We irrigate our golf course from a pond located approximately 1500 feet from the river bank. We draw approximately 1200 gallons per minute from the half acre lake. With normal river flow, I cannot drain this pond below the intake. The water in the pond completely recharges in about six hours. The second pond is approximately 2,300 feet from the river. I have noticed that the levels in both ponds vary due to the changing levels in the river. The level changes occur approximately two hours after a corresponding change in river elevation. I can pretty much tell what kind of discharge there is just by looking at the water level of the ponds

In my opinion, the level of the water table is directly related to the level of the water in the river. There is some lag time before the levels are equal, but they do correspond.

Thank you for your consideration of this matter.

Sincerely,

CULLAN DEIS.

CITY OF FORT PIERRE,
Fort Pierre, SD.

Re: Water Table Elevations.

TO WHOM IT MAY CONCERN: I live at 123 E 5th Ave in Fort Pierre, SD. My property is located approximately 350 feet from the west bank of the Missouri River. I have lived there since 1995.

In 1995 I had only one sump pump in the basement of my home. In 1996 I had to put another sump pump in the west end of my basement due to flooding and had water damage to the carpet and walls of the basement. After several periods of flooding I had to add an additional sump pump in the east end of my basement in an attempt to stop the damage to the basement.

In 1997 the Corps of Engineers erroneously allowed the reservoir to get too full, putting both Pierre and Fort Pierre in danger of flooding. At this time it became necessary for the Corps of Engineers to sand bag Pierre and Fort Pierre. By running high levels of water, once again my basement was flooded. At that time my sump pumps were running every 60 seconds and water was still coming in the cracks of my basement.

Today when the Missouri River water level is low my sump holes are empty. When the Corps of Engineers raise the water level my sump pumps run. I can tell you when there is more discharge on the Missouri River by the pumps running more often.

In my opinion, the level of the water table is directly related to the level of the water in the river. There is some time lag before the levels are equal, but they do correspond.

Sincerely,

JAMES HURST.

Mr. BURNS. Mr. President, I urge adoption of the amendments.

The VICE PRESIDENT. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 3146, 3156 through 3163), en bloc, were agreed to.

Mr. BURNS. Mr. President, I thank the ranking member, Senator MURRAY of Washington State, and her staff, and, of course, my staff for putting this bill together. It has been a longer than usual military construction bill. It goes a long way towards supporting the infrastructure of our Armed Forces.

Mr. REID. Will the Senator yield?

Mr. BURNS. Yes.

Mr. REID. Mr. President, the Judiciary Committee will meet immediately after this vote right behind us.

Mr. BURNS. Mr. President, I yield to my friend from Washington.

Mrs. MURRAY. Mr. President, I thank Senator BURNS and all of our staff for doing an excellent job on this bill. I urge its passage. I thank you all for your support.

Mr. BURNS. Mr. President, I ask for the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4425, Calendar No. 554.

The VICE PRESIDENT. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A 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 VICE PRESIDENT. Without objection, the Senate will proceed immediately to consider the bill.

Mr. BURNS. Mr. President, I move to strike all after the enacting clause of H.R. 4425 and to substitute therefor the text of S. 2521, as reported and as amended.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The VICE PRESIDENT. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. DOMENICI. Mr. President, the pending Military Construction Appropriations bill provides $8.6 billion in new budget authority and $5.1 billion in outlays for Military Construction and Family Housing programs and other purposes for the Department of Defense for fiscal year 2001.

A major aspect of this bill is that it is the vehicle for emergency supplemental appropriations for fiscal year 2000 for U.S. military operations in Kosovo, East Timor, and Mozambique and for other purposes. Those other purposes include the repeal of ''pay shifts'' and obligation delays enacted last year, based on agreements with the Office of Management and the Budget.

Because these obligations, amounting to $3.6 billion, will be moved from fiscal year 2001 to 2000, there is a resulting negative impact on 2001 outlays in this bill. The net outlay impact of the bill is reduced from $8.6 billion to $5.1 billion.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The fiscal year 2000 supplemental provisions of this bill support ongoing peacekeeping operations of U.S. Armed Forces, permit the payment of past due health care obligations of active duty military personnel and their dependents, and provide compensation to the Department of Defense for unforeseen increases in fuel costs.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee Chairman, the Senator from Montana, and the Chairman of the full committee, the Senator from Alaska, for bringing this bill to the floor within the subcommittee's allocation.

The bill provides an important and necessary increase in budget authority above the President's request for military construction in 2001. Most of the $601 million increase in budget authority funds high priority projects that the President's request failed to address. The bill also reimburses the military services for the costs already incurred for their peacekeeping operations, and it permits these operations to continue to the end of the fiscal year. It also fully funds healthcare needs and fuel costs that have been left unaddressed by the President but must be funded. Because the bill makes important additions to the President's requests, supports appropriate full funding budgeting practices, and funds highly important programs for our armed services, I urge the adoption of the bill.

Mr. President, I ask unanimous consent that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

S. 2521, MILITARY CONSTRUCTION APPROPRIATIONS SPENDING COMPARISONS

[Fiscal Year 2001, dollars in millions]

Category	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	8,634		8,634
Outlays	5,063		5,063
Senate 302(b) allocation:			
Budget authority	8,634		8,634
Outlays	5,067		5,067
2000 level:			
Budget authority	8,352		8,352
Outlays	8,595		8,595
President's request:			
Budget authority	8,033		8,033
Outlays	8,588		8,588
House-passed bill:			
Budget authority			
Outlays			
Senate-reported bill compared to:			
Senate 302(b) allocation:			
Budget authority			
Outlays	−4		−4
2000 level:			
Budget authority	282		282
Outlays	−3,532		−3,532
President's request:			
Budget authority	601		601
Outlays	−3,525		−3,525
House-passed bill:			
Budget authority	8,634		8,634
Outlays	5,063		5,063

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. EDWARDS. Mr. President, we are about to pass the $8.6 billion military construction appropriations bill. While I am pleased that this bill contains a significant amount of funding for projects in North Carolina, I continue to be concerned that despite repeated assurances, emergency relief for victims of Hurricane Floyd is still in a holding pattern.

Before we began the appropriations process, we were assured that much-needed emergency money for Hurricane Floyd victims would be attached to the first—and fastest—moving appropriation bill. Obviously, Hurricane Floyd relief is not in this bill, and now, thousands of hurricane victims are still waiting on the Federal Government to do what's right.

These people are hurting like they have never hurt before. And I guarantee you that the Hurricane Floyd victims spread across the 13 affected states don't care about the politics that go along with the appropriations process. The victims of Hurricane Floyd did nothing wrong. They paid their taxes for years, voted in the elections and believed us when we told them that this is a government for the people. The victims aren't looking for a handout. Most of these people have never asked for the government's help, and now that they need it desperately, they are caught in a frustrating waiting game.

I sincerely hope that we can work through the Agriculture appropriations request as quickly and fairly as we did with the military construction appropriations bill.

Mr. GRAMS. Mr. President, I am pleased that two important Minnesota projects are being funded in this bill, Phase II of Camp Ripley's Combined Support Maintenance Shop (CSMS) and a new Army National Guard Training and Community Center (TACC) in Mankato, Both of these projects were included in the Department of Defense Future Years Defense Program. They are recognized as being good for the Nation, as well as good for Minnesota.

First, in regard to Camp Ripley, the existing CSMS was constructed in 1949 and has been expanded to three additional warehouse-type facilities. All four facilities are undersized and fail to comply with modern construction criteria. The configuration and site restrictions of the current facilities make it difficult for the personnel to produce the quality and volume of work expected at Camp Ripley.

Due to budget pressures, Congress divided the new CSMS project into two phases. Phase I received 1993 authorization and appropriation of $7,100,000 and includes administration, storage and allied trade shops. Phase II will provide general maintenance workbays, specialty workbays, military vehicle parking, service and access areas, and flammable materials storage. Without the completion of Phase II, the Minnesota Army National Guard's equipment readiness will be degraded and the costs of operating multiple facilities will overwhelm Camp Ripley's operating budget. Funding Phase II of the CSMA at a level of $10,368,000 will allow this project to be completed. I have championed this project from the outset, and I am pleased it is coming to fruition.

Second, a new Army National Guard Training and Community Center (TACC) in Makato, MN is certainly needed. The 2/135th Infantry's current facility was originally built in 1914, although it was torn down and rebuilt in 1922. Since that time, the only major modifications have been the replacement of the windows and the roof. The condition of the facility has deteriorated to such an extent there is approximately $246,200 in backlogged maintenance and another $80,000 in construction would have been needed just to bring the building up to code. Due to health and safety concerns, the Guard currently cannot park its military vehicles on location; most are parked at the nearest National Guard facility 60 miles away. The current facility's limitations are so great the only practical course of action is to build a new TACC. The $4,681,000 for the Mankato Training and Community Center (TACC) will enable this to happen, and I have no doubt it will increase the recruiting and retention abilities of the local Guard unit. Congressman GIL BUTKNECHT has shown leadership on this project, and did a stellar job sheparding it through the House.

Mr. President, once again, I am proud to have worked to gain the support necessary to fund these projects. I have no doubt the funding the Camp Ripley and the Mankato TACC will be good for the readiness of the National Guard, and that means it will be good for the people of Minnesota and our Nation as a whole.

Mr. DODD. Mr. President, I rise in support of the $8.6 billion that this bill provides for military construction accounts. This much needed funding will ensure that our armed forces have adequate facilities to support them in their missions, from training reservists stateside to deploying active duty personnel overseas. Additionally, this bill finances the construction, improvement, and maintenance of military family housing in the United States and abroad. In a time when it is becoming increasingly difficult for the armed services to recruit and retain qualified personnel, the importance of providing for proper housing cannot be overstated.

Thousands of men and women in uniform report for duty each morning in my home state of Connecticut, and this bill will fund improvements where they work as well as where they live. First, this bill will fund the building of a pier at the New London Submarine Base that will greatly contribute to safe and efficient operations at the base's drydock. The single pier that presently serves the drydock is overburdened and cluttered to such a degree that it unnecessarily complicates maintenance work and extends the time required to conduct ship repairs. Once the new pier is built, the Navy estimates that it will pay for itself in under six years.

Additionally, this bill provides for the reconstruction of the Air National Guard Complex in Orange, CT. The current structure, in which the soldiers of the 103rd Air Control Squadron train to control aircraft, was built in the 1950s and suffers from several shortcomings in terms of fire, health, and safety guidelines. Last year, many of the soldiers in this squadron were deployed to Bosnia for 120 days, and they did an outstanding job. Today, they continue to train in order to be ready to deploy to the corners of the earth in defense of this nation's interests. They deserve to work and train in a safe, modern facility.

Also, this bill funds badly needed improvements to 295 homes at the New London Submarine Base. The improvements to these nearly forty-year-old homes include electrical and plumbing upgrades, installation of natural gas heating systems, and replacing roofs, windows, and exterior siding. The time has come to accomplish these projects, and they help fulfill our responsibility to ensure that our armed services personnel and their families live in well-maintained homes. I can think of few better ways to show our men and women in uniform that we appreciate their service and sacrifice on behalf of this nation.

Finally, I thank the chairman and ranking member of the Military Construction Subcommittee, Senators

BURNS and MURRAY. They have accomplished the important work of prioritizing the military construction projects and bringing this bill to the floor. I encourage my colleagues to join me in support of these priorities.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—96

Abraham	Edwards	Lott
Akaka	Enzi	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden

NAYS—4

Feingold	McCain
Gorton	Thomas

The bill (H.R. 4425), as amended, was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. SMITH of Oregon) appointed Mr. BURNS, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUYE, and Mr. BYRD conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, we have been discussing with our colleagues the procedure for the remainder of the day.

At this time, I am going to ask unanimous consent to go to the foreign ops appropriations bill. I understand there will be objection to that. If there is objection, then I would move to proceed to it. That, of course, would be debatable. I understand there is at least a couple of Senators who would want to be heard on this matter.

While that is being debated, we will be working to see if we can get a time agreement and the ability to complete action on legislation by Senator BROWNBACK, Senator WELLSTONE, and others dealing with sex trafficking. We also will be working to see what kind of agreement we might work out on the Elementary and Secondary Education Act while we are doing the sex trafficking bill, if we can get agreement on that.

After this series of three different things are worked through, then we will see if there is a possibility under that arrangement or even a likelihood that we could have a vote later on this afternoon. At this time, I couldn't say what time, but I presume 5:30 or 6:00. At that point, we could announce what would occur next.

With regard to next week, I might go ahead and say that we are still discussing the possibility of clearing some nominations and having some debate time on those on Monday, and going to Agriculture appropriations on Tuesday with an understanding that there is a need for the House to act on that before we complete it. The Senate doesn't want to give up any of its rights. It has emergency funds in it, in addition to the regular appropriations bill.

If we don't get started on the Agriculture appropriations bill early in the week on Tuesday, it is going to be very hard to finish that bill next week. But it would be our intent to stay on it until we complete it. That could be Thursday night, it could be Friday, or it could be Saturday. But it is emergency Agriculture as well as regular Agriculture appropriations items.

I think it is essential that we find a way to commit ourselves to get that legislation through before we leave.

UNANIMOUS CONSENT REQUEST—S. 2522

Mr. LOTT. Mr. President, having said that, I ask unanimous consent that the Senate now turn to S. 2522, the foreign ops appropriations bill, which includes the emergency funding for efforts to aid Colombia and that country's war on drugs, in addition to funding our foreign policy initiatives throughout the world.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 2522, the foreign ops appropriations bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. LOTT. Mr. President, under that debate time, I would say again that I believe Senator GORTON wishes to make a statement at this time. I see Senator MCCONNELL is here, and I presume Senator LEAHY, who is also here, may want to talk about the content of this legislation and discuss how we are going to find a way to get it completed.

I know we have a problem in that the House has not acted on this legislation. But we also need to go ahead and move forward on it. It has emergency funding in it for the counternarcotics program in Colombia. It has the Israeli peace process funds in it and debt relief dealing with Iraqi opposition, and a lot of other very important items.

I think we need to discuss that and decide how we are going to be able to proceed in an emergency way on this legislation.

Having said that, while that debate is taking place, we will be working to see if we can work out an agreement on the next bill that will be called up relatively shortly.

I yield the floor.

The PRESIDING OFFICER. The Democrat leader.

Mr. DASCHLE. Mr. President, I objected, as I noted I would do yesterday, to taking up a bill that has yet to be acted upon in the House. The regular order is the bill must be approved in the House prior to the time we finish our work on the legislation. I see no need to deal with the same bill twice, to deal with it now and to deal with it again later once the bill is acted upon in the House of Representatives.

The distinguished majority leader had noted that there is emergency funding incorporated in this bill. I am sympathetic to that. I won't ask him at this point, but I note I could ask unanimous consent—which I will not do—to take up H.R. 3908, the emergency supplemental bill for the year 2000. The House passed it and urged the Senate to take it up and pass it. The Appropriations Committee had hoped they could take it up and pass it. It was the majority leader's determination not to take it up, not to pass it, but to leave it in committee. I am not as sympathetic as I wish I could be about his desire to deal with these emergency matters when we could easily and quickly and very efficiently deal with emergency funding by simply taking up the bill that is right now on the calendar. Again, that is H.R. 3908.

That is, of course, the right of the majority and the right of the majority leader, especially, to make that decision. I am disappointed. Until that House bill comes before the Senate, it is not my intention to have to require the Senate to go through a debate on the same issue twice. That was the reason the rules were written as they were. Constitutionally, appropriations bills must begin in the House of Representatives. We are, in a sense, circumventing the rules of the Congress by allowing these bills to be debated and considered prior to the time the bill comes before the Senate.

We will certainly object. We will look forward to the House acting, as we hope they will soon, and not only on this bill but on others. Senator LOTT is absolutely right. This legislation should have been reported out it should have been passed in the House by now. It hasn't been. It is disappointing that it hasn't been. That is the only reason we are not taking it up this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for not to exceed 8 minutes.

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

PRESCRIPTION DRUG PRICE DISCRIMINATION

Mr. GORTON. Mr. President, all of us have read accounts of Americans crossing our borders in order to buy vital prescription drugs at deeply discounted prices. Every day seniors and other Americans can save 50 percent, 60 percent, or even 70 percent on their drug bill simply by going to Canada or Mexico. A busload of seniors from Seattle recently saved $12,000 just by driving two hours north to buy their medications at a Canadian pharmacy.

The reason drugs are so much less expensive in Canada, Mexico, and other countries? American manufacturers sell products that were discovered, developed and manufactured in the United States for far lower prices in virtually every other country in the world than the prices they charge American customers.

Why? Every other country imposes some form of a price control on prescription drugs. As long as we let our drug companies impose all of their research and development costs on American consumers, our drug manufacturers agree to this arrangement because they can recoup their manufacturing costs and still make some profit. But the price other countries pay in no way compensates for the expensive research and development costs for new drugs. American consumers end up subsidizing the research and development for the rest of the world.

When Americans pay higher prices at the drug store cash register, that is not the first time they subsidize the research and development of new drugs. Taxpayer dollars are used to fund the research conducted by the National Institutes of Health; much of the basic science conducted with NIH grants is then transferred to the private sector. Taxpayer money is also the major source of funds for training scientific personnel, scientists hired by the drug industry in large numbers.

According to a 1993 report by the Office of Technology, in addition to general research and training support, there are 13 programs specifically targeted to fund pharmaceutical research and development. That same report noted: ''Of all U.S. industries, innovation within the pharmaceutical industry is the most dependent on academic research and the Federal funds that support it.''

Finally there are the tax breaks: for research and development, for orphan drug development; and possession tax credits for manufacturing drugs in Puerto Rico.

Let me be clear. I understand and support the need to invest in research and development. I have supported all of the programs I just spoke about including the National Institutes of Health and the Research and Development tax credit. I also agree that drug companies should be able to recoup costs associated with research and development. But I do not think that American consumers should be the only ones to foot that bill. American consumers who already strongly support R&D efforts through their tax dollars should not have to pay for R&D costs again in the form of higher prices at the drug store. All users, domestic and foreign, should pay a fair share of those costs.

But drug companies are satisfied with the status quo. They know that they can simply raise prices in the U.S., if other countries negotiate or regulate to win lower prices. American consumers should not be subject to this kind of price discrimination—especially for products that are vitally important to preserving our health.

My idea is to borrow from a law that has applied to interstate commerce within the United States for the last 60 years—the Robinson-Patman Anti-discrimination Act. It simply says that manufacturers may not use price to discriminate among like buyers. My bill, the Prescription Drug Fairness Act, takes these same principles and applies them to prescription drug sales overseas. Drug manufacturers would not be able to offer lower prices at the wholesale level in Canada, Mexico or any other country than they charge inside the United States.

Since 1936, the Robinson-Patman Act has established as a legal norm the concept of fair dealing in pricing by prohibiting unjustified price discrimination. The same principle of fair dealing should be applied to prescription drug sales to wholesale buyers in different countries.

The drug companies have demonized my idea by labeling it ''price control.'' If this is a price control then we have had price controls on every product sold in the United States for the last 60 years. My bill in no way tells drug companies what they can or can not charge for a prescription drug. It simply says that they cannot discriminate against Americans.

I asked the pharmaceutical companies for their ideas to ensure that Americans are treated fairly and have access to affordable prescription drugs. Their response? They simply want to expand Medicare by adding drug coverage for its recipients. While I do think coverage is one important part of the solution for seniors—it is only a partial answer.

It does nothing to address the cost for the uninsured American and does nothing to address the growing concerns of employers, health plans, and hospitals about rising costs associated with prescription drugs. As more and more people use prescription drugs, drug costs take up more of overall health care spending. But drugs are also costing Americans more. Last week, Families USA released a study that showed the average cost of the 50 drugs most commonly used by seniors rose by 3.9 percent, outpacing the inflation rate of 2.2 percent. A study from the University of Maryland's Center on Drugs and Public Policy projects prescription drug expenditures will rise 15–18 percent annually. Total prescription drug expenditures could double between 1999 and 2004 from $105 billion to $121 billion.

I do think the Medicare program should be modernized to include a prescription drug benefit. If we expand the program, however, it must be done responsibly and must not jeopardize the benefits seniors currently have. CBO estimates that the program will be insolvent by 2023. While there are a number of ideas for how to structure a benefit, the sticking point always seems to be how to pay for it. CBO recently revised its estimate of the President's proposal. It is expected to cost $160 billion between 2003 and 2010. And that is for minimal coverage up to $1,000 (with seniors paying a second $1,000 out-of-pocket), relatively high premiums, and no protection for those seniors with exceptionally high drug bills.

My skepticism about the industry's support for simply expanding Medicare is increased by reports in the Wall Street Journal last week that Medicare and Medicaid have overpaid the drug industry by as much as $1 billion a year for the few drugs these programs do cover. My idea would save Medicare beneficiaries money on their drug bills

and would in no way jeopardize the solvency of the fiscally ailing Medicare program.

I am convinced that we need to address the issue of price discrimination this year, not only for Medicare patients but for the health system overall. I am pleased to note that Senator JEFFORDS will hold a hearing on the issue of drug pricing and safety in the next few weeks and I hope that the Senate Judiciary Committee, to which my bill has been referred, will also take a look at this issue.

In the meantime, while seniors and health plans, employers, hospitals and others struggle with the growing cost of prescription drugs, the pharmaceutical industry has been among the most profitable U.S. Industries in the last five years, with year to year earnings growing by more than 10 percent and for some companies 20 percent. So far, they have refused to engage in this debate.

I hope they will change their minds. Right now the current system leaves the drug companies' best customers feeling like they've been ripped off. Bob Elmer from University Place, Washington recently wrote:

> I am a recently retired pharmacist . . . and have always been proud of the American pharmaceutical manufacturers and the role that they play in . . . the search for new and innovative entities that help us live not only longer, but better. As a matter of fact, I worked for a major manufacturer for some time.
>
> I, like you, am outraged at the manufacturers' practices of charging the American public more than the Mexican public or the Canadian public. What is their rationale for the price differences?
>
> This overcharging is a black mark on this industry.

Mr. President, I couldn't agree more. Drug companies should no longer be allowed to discriminate against Americans by charging higher prices here than they do elsewhere in the world. My bill will end that discrimination.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to speak with regard to the MOTION TO PROCEED and share my concerns that we should not be moving to an ''S'' numbered appropriations bill at this time. In fact, it is a practice simply we should not be involved in at all. For this reason I rise to speak for a bit about care for the Senate in general.

The Senate is a special place. It is a place steeped in history. Around this chamber stand the desks of Daniel Webster and Robert LaFollette, of Robert Taft and Richard Russell, of Everett Dirksen and Hubert Humphrey. The drawers of these desks still bear their names, etched in the wood. The polished mahogany still reflects their memory. Their voices still echo from these marble walls.

I am honored to have been able to serve with some of the Senate's living legends. It is with pride that I will tell my grandchildren that I worked with the likes of TED KENNEDY, Bob Dole, and ROBERT BYRD. No honest history of the Senate will omit their names.

It is in a modest attempt to follow in the tradition of remarks by Senator BYRD that I rise today. All Senators are aware of Senator BYRD's encyclopedic four-volume treatise on the Senate. And none can forget the series of addresses that Senator BYRD gave on the history of the Roman Senate, which have been reprinted in another volume. His discussions of the special nature of the Senate inspire us all to hold this institution more dearly.

The Senate is an almost sacred place, consecrated by the will of the people, hallowed by the expression of the people in free elections. In this room, our 50 separate States each find expression. Every region of our vast continental nation here finds voice.

In a country as large and as diverse as ours, disputes will naturally arise. The Senate, almost like a court of law, provides a means for our society to resolve those disputes in peace. Courts allow private parties to resolve their disputes without resort to fist fights. And the Senate allows significant sections of our society to resolve their disputes without resort to the battlefield or the street.

For the Senate, as for a court of law, to work this magic, it must do justice. As with a court, as Gordon Hewart, the Lord Chief Justice of Great Britain, wrote, it is:

> Of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.

For the Senate, as for a court of law, to advance the perception of justice and the fair resolution of disputes, it must air disagreements fully. It must give opposing parties their day. It must allow all to approach on an equal footing and make their case.

Justice is not cursory. Justice is not offhand. Doing justice can take time. That is how the Founders wanted this great system to work.

In the debates of the Constitutional Convention, James Madison said of the Senate:

> In order to judge of the form to be given to this institution, it will be proper to take a view of the ends to be served by it. These were first to protect the people against their rulers: secondly to protect the people against the transient impressions into which they themselves might be led.

Madison warned that the people's representatives might be ''liable to err also, from fickleness and passion.'' Madison's answer was that Senators, because of their ''limited number, and firmness[,] might seasonably interpose against impetuous counsels.'' He thus called the Senate: ''A necessary fence against this danger.''

Time and again, in the history of our country, the Senate has served as that ''necessary fence.'' And the firm pillars and posts supporting that fence have been the Senate Rules. The Senate Rules have helped the Senate to do justice. It is because of the Senate Rules that the British Prime Minister William Gladstone is said to have called the Senate:

> That remarkable body, the most remarkable of all the inventions of modern politics.

The Senate Rules make it one of the few places in government where disagreements can be fully aired. The Senate Rules give opposing parties their day. And the Senate Rules allow every Senator to make his or her case.

As Senator Dole said in his speech in the Leader's Lecture Series March 28:

> We all continue to learn that this institution can only survive if it operates by rules.

The two fundamental pillars of those rules are the right to debate and the right to amend. It is these rights that distinguish the Senate from the House of Representatives and from other parliaments. It is these rights of Senators that allow the Senate as a body to preserve the rights of minorities.

Rule XIX of the Standing Rules of the Senate provides that ''the Presiding Officer shall recognize the Senator who shall first address him.'' Precedent, of course, gives priority of recognition to the Leaders. Once the Presiding Officer has recognized a Senator, Senate rule XXII allows that Senator to speak for as long as humanly possible, unless 60 Senators vote to cut off debate. As my Colleagues well know, the mere threat of extended debate—called a ''hold''—can detain legislation.

As well, the Senate Rules give Senators the right to offer amendments. The Senate Rules do not require Senators to go hat-in-hand to a leadership-dominated Rules Committee to ask permission to offer an amendment, as Members of Congress must do in the House of Representatives. This ability to bring up a subject with which the majority does not want to deal provides a check and balance on the agenda-setting power that is vested in the majority leader.

These powers to debate and amend make every single Senator a force to be reckoned with. Every Senator—whether a member of the majority or the minority—can be a player. And Leadership cannot neglect or exclude any single Senator without substantial risk. As a result, Senators do well never to burn bridges with any other Senator. Because any one Senator can disrupt the Senate, every Senator has good reason to show comity for every other Senator.

These rules honor the sentiments of committed minorities. They give dedicated groups of Senators substantial power. And they give any group of 41 Senators the absolute right to kill a bill.

The Senate Rules thereby force consensus. When these rules are honored, no major change in our government's laws may come about without the concurrence of a three-fifths majority. When these rules are honored, policy changes are likely to be more moderate and more incremental.

As Nobel Prize-winning economist James Buchanan has argued, societal efficiency may be served by a Congress that has a hard time enacting laws. Under such circumstances, laws change less often—less frequently disrupting peoples' lives, less often intruding into them. If you agree with Thoreau that the best government is that which governs least, then the most efficient government for society is the one with the most checks and balances.

Unfortunately, the Senate is not honoring its rules. The Senate is breaching its longstanding traditions of comity and respect for the minority. Too often, in the name of expediency, today's Senate is cutting corners on the Senate rules. When we give in to expediency it can be disappointing. When we indulge in expediency in this, the place where deliberation is most sacred, it can be deplorable.

Although some of the trends of which I speak have, of course, their roots in past Senates and other majorities, the Senate's current majority has brought the level of honor for the Senate's unique ideals to a new low.

The current majority has diminished the Senate by abusing and overusing cloture. The application of the rules of cloture have changed dramatically since President Woodrow Wilson, infuriated by an 11-Senator filibuster that blocked the rearming of merchant ships during World War I, complained of ''[a] little group of willful men, representing no opinion but their own,'' who he said ''have rendered the great government of the United States helpless and contemptible.''

Cloture used to be a rarity. The Senate conducted only 45 rollcall votes on cloture in the entire half century from 1919 to 1969.

In 1975, the Senate changed the filibuster rule, reducing the two-thirds vote requirement to a vote of 60 Senators, although one still needs two-thirds to cut off debate on changes to Senate rules. With that change in the rules, the leadership began invoking cloture more frequently.

As the chart behind me shows, the process of invoking cloture has now reached what I call a fevered pitch. The Senate conducted 99 rollcall votes on cloture in the 1970s. It conducted 138 in the entire decade of the 1980s, and it conducted fully 234 in the 1990s.

As this next chart shows, the number of cloture votes has increased in every year of the current majority, nearly doubling, from roughly 20 in 1995 to nearly 40 in 1999.

Even by 1984, a select committee on procedure chaired by then-Senator Dan Quayle concluded: ''Cloture is not only invoked too often, it is invoked too soon.'' Senator Quayle's criticism is all the more true today. In the Congress when Senator Quayle made his remark, the 98th Congress, there had by this time been 10 rollcall votes on cloture motions. In the comparable time period in this 106th Congress, we have held more than four times as many—43 rollcall votes on cloture. Add to that another 11 cloture motions that were withdrawn, vitiated, or otherwise disposed of without a vote.

As Senator Quayle noted, the problem with cloture is not just how often, but when. The form of a motion to invoke cloture reads: ''We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate'' upon the bill.

But on bill after bill, from tax cuts to trade bills to constitutional amendments, the majority no longer tolerates even a day's worth of debate before moving ''to bring to a close the debate'' upon the bill. Indeed, filing cloture without any debate has now become the norm. We proceed to the bill and the cloture motion is filed in the time that it takes the majority leader to draw one breath and make the request.

As an example, I have a chart that shows the entire verbatim transcript of the debate on the motion to proceed to S. 2285, the gas tax bill, prior to the filing of cloture. The ''debate''—if you would call it that—was the 11 words the majority leader uttered to make the motion to proceed. In the same breath, the cloture motion was upon us.

The practice of filing cloture without any debate at all has made a mockery of the motion.

Beyond limiting debate, the majority is also using the blunt instrument of cloture to bludgeon the minority into forgoing its right to offer amendments. All too often, the majority leader now makes a take-it-or-leave-it offer to the minority leader: Either muzzle your right to amendment or we will paint you as obstructionist. Either clear your amendments with us in advance, or have no amendments at all.

I am afraid too often, the minority's leadership can get caught up in the business of helping the majority make the trains run on time, in a sense, playing the role of Alec Guinness's Colonel Nicholson in ''The Bridge on the River Kwai,'' building bridges that should not be built.

This is not how the Senate was meant to act.

Recall that the Senate has often addressed a number of amendments on a single piece of legislation. The Senate conducted 121 rollcall votes on amendments to the Civil Rights Act of 1964. It conducted 127 rollcall votes on the Natural Gas Policy Act in 1977. Now the idea that a bill might elicit more than ten amendments appears to be anathema to the majority.

The current majority has also diminished the Senate by changing the rule that limits what can be incorporated into a conference report. Late in 1996, to secure last-minute passage of a version of the Federal Aviation Authorization Act that included a special provision for the Federal Express Corporation, the Senate voted 56–39 to overturn the Chair and nullify the rule. At the time, Senator SPECTER called the change ''a very, very serious perversion of Senate procedures.''

As conference reports are privileged, Senators cannot engage in extended debate to block getting to them. As well, conference reports are not open to amendment. And after the 1996 precedent, Senators have no recourse if a conference committee exceeds the scope of what the Senate committed to it.

The majority in a conference committee need not work with the minority, and the majority often does not. Conference committees usually work in secret. Senate rules require no open meetings. House practice has generally required one such meeting, but that tends to be a photo opportunity. Thereafter, Senators' signatures on the conference report constitute their votes, and nothing further need be done in public.

Last July, the Democratic leader offered an amendment to restore the rule with regard to conference reports, but the majority would not allow it. The majority voted it down 51–47 in a nearly party-line vote.

The current majority has also diminished the Senate by extending and contorting the congressional budget process far beyond any expectations that its drafters may have had.

Once again, of course, the roots of the current abuse of the budget process lie in earlier Congresses. Participants in the Federal budget process initially underestimated the power of the budget process. They failed completely, however, to foresee the power of reconciliation bills.

The Congressional Budget Act of 1974 originally provided for two budget resolutions: The first would advise, and the second, passed closer to the start of the fiscal year, would bind. The Budget Act provided that the second budget resolution could instruct committees of Congress to reconcile substantive laws passed within their jurisdiction over the summer to the new priorities of the second budget resolution.

Of course, the reconciliation process has not turned out that modestly.

Rather, in 1981, in an effort to expedite President Reagan's first budget, the budget resolution included instructions for years beyond the first fiscal year covered by the resolution, extending the reach of reconciliation bills to more permanent changes in law.

Since then, reconciliation has become a regular feature of most budget resolutions. Since then, Congress has accomplished most significant deficit reduction through the reconciliation process.

Because reconciliation bills limit debate, Senators cannot filibuster them. A simple majority can pass their policies. Because reconciliation limits amendments, Senators must stick to only the narrow subjects chosen by the majority in the committee process.

The reconciliation process is so powerful that the Senate chose in the mid-1980s to adopt the Byrd Rule, named after Senator ROBERT BYRD, to limit reconciliation solely to deficit reduction.

But the current majority dramatically extended reconciliation in 1996. The new Republican Congress sought to move three reconciliation bills—on welfare, Medicare, and tax cuts. And in a marked departure from past practice, the budget that year devoted one of the three reconciliation bills—the one to cut taxes—solely to worsening the deficit, not cutting the deficit but making it worse.

The Democratic leader formally challenged the procedure, but to no avail. Through a series of exchanges with the Presiding Officer, the Democratic leader demonstrated that the new reconciliation procedure has few limits. After the Democratic leader appealed the ruling of the Chair, the Senate sustained the procedure on a straight party-line vote.

In the wake of that precedent, the majority party has repeatedly created reconciliation bills to worsen the deficit or spend the surplus by cutting taxes, and the same logic would allow fast-track reconciliation bills to increase spending. The majority has taken to using the reconciliation process to move its fiscal legislative agenda through the Senate with simple majority votes and few distractions. The result is plain to see: Congress passes extravagant tax bills that do not command a national consensus and that cannot become law.

As well, in this most recently-adopted budget resolution, the majority has even chosen by majority vote to require 60 votes to offer sense-of-the-Senate amendments to future budget resolutions. Though by no means an earth-shaking change in and of itself, it shows yet another instance of how the majority abuses majority-vote vehicles to create yet another variance from the Standing Rules of the Senate. Once again, the current majority seeks to muzzle debate.

The current majority has also diminished the Senate by bringing S.-numbered appropriations bills to the floor.

That is what is happening right now. That is what prompted, in part, these remarks. The majority wants to go to these S.-numbered appropriations bills. They want to do it on the foreign ops bill.

The Senate just considered the military construction appropriations bill as a Senate-numbered bill, not—as is usually the case with appropriations bills—a House bill with Senate Committee-reported amendments. And what does this do? It has a purpose. This posture deprives Senators of the ability to offer legislative amendments. It is yet another way to deny the duly elected Members of this body a chance to offer amendments—an absolutely basic right of every Senator.

Not infrequently, the House chooses to attach legislation to an appropriations measure. In that case, if as is usually done, the Senate considers the House bill with Senate amendments, a Senator can also offer amendments with legislative language. If another Senator raises a point of order under rule XVI against legislating on the appropriation bill, the amendment's proponent can raise the defense of germaneness. The idea is that the House opened the door to legislation on this appropriations bill, and the Senate must be able to respond with germane amendments.

If, on the other hand, as is being attempted here, the Senate takes up a Senate-numbered appropriations bill, as it did with the military construction bill, then there is no House bill to provide a basis for the defense of germaneness. Under this circumstance, if a Senator offers a legislative amendment and another Senator raises a point of order against legislating on an appropriation bill, then the Chair simply rules the amendment out of order and the amendment falls. The Senator does not have a chance, again, to offer an amendment.

Through this device, the majority once again deprives the minority of opportunities to legislate. As well, the majority deprives the full Senate of its ability to respond to riders that the House attaches to appropriations bills. Once again, the majority has diminished the deliberation of the Senate.

And now, we see the spectacle of the majority standing ready to shut down the Senate for over 4 hours, as they did, on Tuesday, just to prevent a sense-of-the-Senate vote on gun safety.

And now, we see the majority leader appealing the ruling of the Chair, and by a majority vote, changing the Standing Rules of the Senate, so as to have the Presiding Officer rule out of order nongermane amendments to appropriations bills.

This in itself was a remarkable thing. Rule XVI, which creates the prohibition against nongermane amendments, states in part:

> [A]ll questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

And as my colleagues know, it takes a two-thirds vote to invoke cloture on a change to the Senate rules. But by a party-line, majority vote Wednesday, the Senate just erased those words from the Standing Rules of the Senate. And why? For the same reason all these other things were done—all to make it more difficult for Senators to offer amendments on appropriations bills.

What has become of our right to debate? What has become of our right to amend?

The traditional Senate, I am afraid, is becoming a thing of the past. I have seen this change just from the time I got here in 1993 to now. Some may say, ''Good riddance.'' After all, as a Democratic Member of Congress once said, ''In the Senate, you can't go to the bathroom without 60 votes.''

But the character of this Senate, I am afraid, has been unmistakably altered. The majority's actions are transforming the Senate into a much more majoritarian institution. And that is not how the founders wanted it.

Recall that the Constitution itself manifests a belief in supermajorities. Supermajority requirements are evident in the veto power, in the ratification of treaties, in the constitutional amendment process, and in a number of other places.

Recall, as well, that the founders who created this Senate also expressed a healthy distrust of simple majority rule.

James Madison said that:

> [i]n Republics, the great danger is, that the majority may not sufficiently respect the rights of the minority.

In a letter to James Monroe, Madison also wrote:

> There is no maxim, in my opinion, which is more liable to be misapplied, and which, therefore, more needs elucidation, than the current one, that the interest of the majority is the political standard of right and wrong.

In his first inaugural address, Thomas Jefferson said:

> Though the will of the majority is . . . to prevail, that will, to be rightful, must be reasonable. . . . The Minority possess their equal rights, which equal laws must protect, and to violate which would be oppression.

And John Adams wrote:

> That the desires of the majority of the people are often for injustice and inhumanity against the minority, is demonstrated by every page of the history of the whole world.

More recently, Senator J. William Fulbright said:

> The greatest single virtue of a strong legislature is not what it can do but what it can prevent.

In 1984, retiring Congressman Barber Conable told Time Magazine: ''Congress is 'functioning the way the founding fathers intended—not very well.' He explain[ed], 'They understood that if you move too quickly, our democracy will be less responsible to the majority. I don't think it's the function of Congress to function well. It should drag its heels on the way to decision.' ''

And Senator BYRD, who has stood on both the giving and receiving end of many a filibuster, writes in his Senate history:

> The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed.

For all their inconvenience, the Senate traditions of deliberation and amendment serve our Nation. It is through those traditions that the Senate protects liberty. It is through those traditions that the Senate can effect justice.

When we stand and look back at the Senate's glorious history, we can be forgiven when we do not measure up to the standards of our greatest predecessors. We cannot be forgiven—and we should not be forgiven—when so often we do not even care to try.

We can be forgiven if, after considering the traditions of the Senate's hallowed past, we choose to depart from those traditions. We can not be forgiven—and we should not be forgiven—if we depart from those traditions unaware or oblivious of what we leave behind.

I invite my colleagues to look around this Senate Chamber, to read the inscriptions in the marble reliefs over the doors. To the east is written ''Patriotism.'' To the west is inscribed ''Courage.'' And to the south is carved ''Wisdom.''

These are the icons under which we walk whenever we come into this Chamber and whenever we leave it. These walls do not speak of ''ease.'' The marble does not memorialize ''rapidity.'' These sculptures do not enshrine ''convenience.''

This Senate advances the love of country that is patriotism when it struggles to deliver justice. The Senate serves the people not when it avoids difficult issues but when it acts with courage to address them fully. And it is only through the crucible of debate and amendment that this Senate can come, as come it must, to wisdom.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me thank my colleague and my neighbor from Wisconsin, Senator FEINGOLD. I have a very strong feeling and belief that this speech, which has been given at 5 o'clock this Thursday afternoon, will end up being one of the more memorable speeches given on the floor of the Senate. I think the speech was eloquent and powerful. It went way beyond political party. I thank my colleague from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank my friend from Minnesota for his efforts on each and every issue I tried to raise to try to constantly point out that this place is supposed to be where we can deliberate and actually talk about these issues and offer amendments. He is probably the best example of a person who understands the need to do that.

Mr. WELLSTONE. Mr. President, I won't be—I can't be—as eloquent, but I actually thought I would come to the floor and try to basically speak to what I think are some important questions for the Senate.

This is, in part, the discussion we had yesterday; and especially with the majority leader not on the floor, I will make sure that what I say, I say in such a way that if he wants to respond later, he can. In any case, I intend to say it at least in the best possible way I can.

I know the majority leader today, in a couple of interviews—it has come my way from several journalists—has said that yesterday he sort of believed that I was responsible for this exchange that we had on the floor—in getting it started. I believe he also mentioned Senator DURBIN.

I want to say that, actually, if that is the case, I would be proud to accept the blame. I think it is a discussion we needed to have, albeit what I hope is that something positive will come out of it. That is to say—and this is what Senator FEINGOLD was trying to say—I came here to do my very best to represent the people in Minnesota. I think when you are a Senator, and also when you pass amendments or bills, it can have implications for people all across the country.

What I have always loved about the Senate in the time I have been here is that individual Senators can matter and can make a difference. We are really much more of an amendment body. I think the Senate is at its best when bills come to the floor and Senators bring amendments out and we start early in the morning and—we don't need to go until midnight; that is not good for families. But we can go until 7 or 8 o'clock at night.

We are about the work of democracy. That is what we are doing. We have votes up or down, and we are all held accountable; we are able to come out here and introduce amendments that speak to the concerns and circumstances, in our view, of the people we represent. That is why I came here.

Yesterday, on the floor of the Senate, in response to some of what the majority leader said—I will make sure I do not make the response personal—I said I felt that we have had a pattern here—and Senator FEINGOLD has spoken about this—over and over and over again where bills are considered and the majority leader and others make it clear that only certain amendments are acceptable—not very many—for debate. If there is no agreement on the minority side, then the majority leader files cloture and usually doesn't get it. The bill is pulled and no legislation is passed. This has been happening over and over and over again.

From my point of view, a point of order challenge for the first time in 16 years, or thereabouts, which prevented Senators from introducing even sense-of-the-Senate resolutions to appropriations bills—the argument that was made was, well, hey, we have to do business and we have to get going. You know what. Every year we have appropriations bills—last year and the year before that and the year before that. Never before—at least in the last 16 or 17 years—has this been done.

My view was that all of this added up to an effort to basically run the Senate like the House of Representatives. That is what I have said, and that is what I believe. I have said it many times. I think that is detrimental to the Senate. I think it takes away the vitality that we have and robs us of some of the capacity for debate, for deliberation, for honest differences of opinion, which need to be expressed out here on the floor of the Senate, and for individual Senators to be able to speak to their priorities.

Now, some of my colleagues on the other side may want to talk about tax cuts or about this or that and the other. I may want to talk about the poverty of children and the need to have affordable child care and the need to make sure we have food and nutrition programs so children don't go hungry. We all have things about which we care the most. Nobody is better than anybody else. But do you know what. I want the right to be able to do that. What I was trying to say yesterday—and I will say it, given what the majority leader said to several journalists—was I actually didn't intend to be silenced.

So I will continue to issue challenges and speak out. I think that Senator DASCHLE spoke probably for every single Democrat yesterday. I think it is going to be important for us to move forward, and I hope we will. Sometimes what happens on the floor of the Senate is that people speak with some indignation because that is what they feel, and they may feel very strongly. So the words are uttered in that way, and some of the discussion takes place that way. Do you know what? I think there comes a time when that is necessary.

Frankly, I think it is important that the minority party makes sure we

maintain our rights. It is important that the minority maintains its voice. It is important that Senators have opportunities to bring amendments out here and do their very best to legislate for people back home, to introduce amendments, have debate, to win or to lose, but to be at the work of democracy. I just think that the Senate doesn't do the work of democracy when we basically go through bills that are laid out, and then cloture is filed and the bills are pulled, and that is about it. And we really aren't about doing the work I think we ought to be doing. That is my own view.

Again, in responding to some of what has been said today, listen, if the majority leader feels that I am the blame for getting this debate started yesterday, I am proud to accept that. I think we needed to have the debate. But the most important thing is that we all figure out a way we can move forward from it.

I will tell you that I feel very strongly that we have to get back to some debate out here on the floor of the Senate. We have to get back to the deliberation.

I would be interested in the Senator's response, frankly, if he can help me a moment.

To me, the work of democracy is when Senators come out here with amendments. As I said earlier, we should start early in the morning, go to 8 or 9 at night, and have at it. We would have good deliberations and good debate, and we would vote amendments up or down. Senators would be able to raise the kinds of questions they want to raise and speak to the kinds of issues they think are so important to the people they represent; we are all accountable. But it is substantive. It is real. It is about issues, and nobody is gagged; nobody is blocked. That is the Senate and the vitality of the Senate.

I wonder what my colleague thinks about that.

Mr. FEINGOLD. Mr. President, I couldn't agree more.

First, I thank the Senator from Minnesota for his discussion of the problems we are having in the Senate, and for that important statement. But I also certainly will not accept his apology for what he did yesterday, for what he did was right.

Mr. WELLSTONE. I wasn't trying to apologize.

Mr. FEINGOLD. I understand. What the Senator did was absolutely essential. We need to get out here and talk about what is happening.

I remember when I first came here. The Senator from Minnesota was here several years before I was—I believe two. But I remember when we were in the majority, Senators on the other side were allowed to freely amend bills.

I learned a great deal from my colleagues, the Senators on the other side. When they offered an amendment, I sometimes agreed with them. Usually I wouldn't. I learned a great deal about what they were thinking, and about what my constituents might think. I, in particular, give credit to the Senator from Texas, Senator GRAMM. He is a superb Senator in terms of his ability. For us to be deprived because of this kind of a process of benefiting from the knowledge and thinking and sentiments of our colleagues on the other side is a terrible loss to the Senate. I have not been here that long, but I remember when it used to be different that it was better.

Mr. WELLSTONE. I will ask my colleague another question. It is interesting that he mentioned Senator GRAMM from Texas because I remember that several years ago, we were in the majority. We were in the office because I know it was July 21. It was my birthday, and we had the cake and candles. Somebody said: Senator GRAMM is out there with an amendment on legal services that you don't agree with. You have to go out there and debate him.

I didn't know he was going to bring that amendment up. I had to end the birthday party, get the notes, and run down here. There was a 2- or 3-hour debate on it.

But that is what I love about being a Senator. It is not a game. He was serious about what he was doing, and I was serious in opposition.

Mr. FEINGOLD. Mr. President, I find it hard to believe in these few years that the nature of what we do out here has changed this much. I wonder if there is any way that the number of Senators on both sides of the aisle, who remember, who valued that, could sort of come together and talk about restoring this institution to what it was.

Mr. WELLSTONE. I would like to ask the Senator from Wisconsin another question. This has not been brought up. I think the Senator gave a speech that, as I said, will be memorable for many years to come. This is a little bit away from the framework. The Senator can respond in any way, of course, that is appropriate from the Senator's point of view.

One of the things that I think in part caused me to raise these questions with the majority leader yesterday was that I was little worried. Back home, people meet with you, and they believe because of the chance of meeting with you that something positive can happen, that it will make a difference in lives, that it will help them.

I get worried that if you can't offer amendments and you are shut out, you are not able to respond to people.

For example, take agriculture and dairy farmers in Wisconsin and in Minnesota, much less other farmers. For them, time is not mutual. They really believe when I meet with them that I can do something right now about the abysmally low prices, whether it is the livestock producers, or whether it is the corn growers. You meet with people. With what is going on in farm country with crops, people are in such pain. They still come out to meetings because they still believe you are their Senator, and by meeting with you and talking about what is happening to them, somehow since you are their Senator you can do something to help. But I can't do anything to help right now.

Mr. FEINGOLD. Again, Mr. President, looking back over the last several years, I have worked a great deal on agriculture issues, as well, and I remember these kinds of meetings and being able to honestly say to a group of farmers I didn't know if we were going to be able to pass a bill. But I could say there was a decent chance to be able to bring it up on the floor, either as a bill or as an amendment. Maybe we would win; maybe we would lose.

It is an odd feeling now to tell a bunch of farmers that we are not allowed to offer amendments anymore. They look at you as if you have lost your mind. But that is what we have to tell them. We aren't allowed anymore in the Senate to bring up ideas and have amendments and have bills because they have to be cleared with the majority leader. We have to show him the amendment first. If he doesn't like it, we can't offer it. I try to be candid with people. That is a candid comment. That is truly different from the way things were. And I have served both in the majority and in the minority in the short years that I have been here.

Mr. WELLSTONE. Mr. President, I wonder what the response of the Senator from Wisconsin would be. I even found myself saying to people—I can think of different meetings, but I will stay with agriculture. I want to talk about some of the other issues where I literally sometimes slip into, if you will, I guess, what I call ''Washington language,'' and say to people I don't know if there will be a vehicle. People are thinking: Wait a minute; we are losing our farms.

They do not know what you are talking about. They have no health care coverage, and can't there be more support for child care, teachers talk about what will make a difference in the schools—pick your issue. And you are at a meeting with people, you are moved by people, and you want to do something to help.

Other Senators might have a very different viewpoint, in which case we can have the debate. I find myself saying I just hope there will be a vehicle. People do not know what you are talking about. What do you mean, there is no vehicle? Don't you have an opportunity as a Senator to try to legislate and to be out there representing people and fighting for people?

That is what I am worried about. That is what yesterday was about.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. I asked the Senator from Wisconsin whether or not he has been in a similar experience. I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota may accept questions when he has the floor.

Mr. FEINGOLD. Mr. President, I wonder if the Senator from Minnesota would respond to a question.

Mr. WELLSTONE. I would be pleased to.

Mr. FEINGOLD. If he will yield for a question, I suggest to the Senator that if I tell a group of my constituents that I cannot find a vehicle, they would offer me a ride. They would say: Do your job; here is your ride. That is the problem.

I ask the Senator if he would agree, if we are forced to talk to our constituents about the minutia of Senate procedure, and if that is the kind of conversation we have to have with our dairy farmers in Wisconsin instead of talking to them about what we should be talking about, the substance of the legislation—let us worry about the Senate procedure—then really the opponents of any kind of change have won because that is not something they should have to concern themselves with. It is very interesting; great. But that is not what dairy farmers in Wisconsin need. They have some great ideas about how to do things differently, and we should be able to come out here and have an amendment or a bill.

In fact, I ask the Senator from Minnesota if he would agree with this. We are not used to getting a lot of votes sometimes. Sometimes we don't get many votes on our amendments. Sometimes there is a little laughter about how WELLSTONE and FEINGOLD only got 10 or 12 votes. But at least we got a chance to get some votes.

Mr. WELLSTONE. The Senator should speak for himself.

Mr. FEINGOLD. That is right. I would ask the Senator how he would react to that.

Mr. WELLSTONE. I would say to my colleague from Wisconsin that I have two answers. The first answer is part of what I have been trying to say, which is I am really in a debate with the majority leader. I think other Democrats are with me. I hope some Republicans are. It is not a debate for the sake of debate because what I worry about the most is to go back home all the time and to have people meet with you to talk about their lives and have the hope that you as a Senator can make a difference, and you can't make a difference. If there is this effort basically to silence you and if there is this effort basically to block amendments and block debate, Senator FEINGOLD is right. Sometimes you win; sometimes you lose. But you have to have that opportunity to be out here advocating and legislating and fighting for people. That is important to me.

Second, this didn't come up in yesterday's debate. I ask my colleague in the form of a question, part of what is going on I think is whether or not the Senate becomes just a nondecision-making body. Whether that is good or bad very much depends on one's view about government. If one thinks there is no positive role that government or public policy can play in the lives of people and in improving the lives of people, it would not bother Members that Senators cannot introduce amendments and that we don't debate these issues.

I ask my colleague whether or not he thinks that is in part what is going on. If one believes there is nothing the government can or should do to respond to dairy farmers, family farmers, by way of making health care more affordable, or improving educational opportunities for children, then denying Senators the opportunity to debate and offer amendments and moving forward is not a problem. If one believes there is a role for government to be doing this, I think it is a problem.

I ask my colleague whether he thinks there is a philosophical debate.

Mr. FEINGOLD. Mr. President, I suggest that is one way that a person can come to the conclusion that the Senate should operate this way. However, there are others who would believe that government sometimes has to stop things that are bad that other levels of government or perhaps the other body would want done.

I ask the Senator if he does not agree that the Senate has a role from another philosophical point of view; I think it is called the ''saucer'' that THOMAS Jefferson spoke of, the saucer that goes with the cup in order to cool the Senate.

Whether this reflects a belief that government does not have a function, or whether it reflects a fundamental misunderstanding of what the Senate is supposed to be, I wonder if the Senator would react.

Mr. WELLSTONE. I thank my colleague from Wisconsin. I am a political scientist and taught American politics classes, but I think the Senator from Wisconsin is my teacher.

I talked about it from the point of view we ought to be about the business of legislating and deciding, not about the business of not deciding and not moving forward.

I think what my colleague from Wisconsin is saying is, but also, Senator WELLSTONE, the other critical role of the Senate is by definition, two Senators from every State, regardless of population of State. It is not straight majority or majoritarian principles. The Senate is there to defend the rights of minorities, sometimes to represent unpopular causes, and sometimes to make sure that if there is a rush to pass a piece of legislation which has cataclysmic consequences in people's lives, such as the bankruptcy bill, there is an opportunity for Senator or Senators to say: Wait a minute; I insist this not move through. I will be out here fighting, even if it is an unpopular cause. I want the public and the country to know. Sometimes there is much to be said for deliberation. Sometimes there is much to be said for the Senate as a deliberative body, and therefore there is much to be said for a Senator's rights or a group of Senators' rights to represent this viewpoint.

I thank my colleague from Wisconsin for his comments, and I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. This was a useful opportunity to discuss very serious problems in the Senate.

CRISIS FACING THE ADMINISTRATION OF THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, I rise today to talk about the crisis facing our criminal justice system. For the first time since the reinstatement of the modern death penalty almost a quarter century ago, there is an increasing recognition, from both death penalty supporters and opponents, that the administration of capital punishment in our country has reached a crisis stage.

Our criminal justice system is fraught with errors and the risk that an innocent person may be condemned to die. Since 1976, there have been over 600 executions in the United States. But during this same period, 87 people who were sentenced to death were later proven innocent. That means for every seven persons executed, our criminal justice system has found an innocent person was wrongly condemned to die. The system by which we impose the sentence of death is rife with errors, inadequate legal representation of defendants and racial disparities. At the same time, Congress, state legislatures and the courts have curtailed appellate review of capital convictions.

With declining crime rates and a world where our closest allies have increasingly shunned capital punishment, a growing number of Americans—both opponents and supporters of the death penalty—are realizing that something must be done. Indeed, momentum for a moratorium on executions has been building for some time. In 1997, the American Bar Association called for a moratorium on executions. Numerous city and local governments have followed the ABA's lead by passing resolutions urging a moratorium on executions. Governor George Ryan, a death penalty proponent, has acknowledged that fatal flaws exist in the criminal justice system in Illinois and earlier this year effectively put a halt to executions in his state while a blue ribbon panel reviews his state's

criminal justice system. Christian Coalition founder and death penalty supporter, the Reverend Pat Robertson, also recently proclaimed his support for a moratorium.

Today, on the heels of this activity, the New Hampshire state legislature earlier today took a historic step that is indicative of the deepening public concern about the accuracy and fairness of the use of the death penalty. New Hampshire has had a provision for the death penalty on its books for almost ten years. Over two months ago, the lower chamber of the New Hampshire legislature passed a bill that would repeal the death penalty. Earlier today, the New Hampshire Senate followed the House's lead and passed a bill to abolish the death penalty. This marks the first time since the late 1970's that a state legislature has passed legislation to abolish the death penalty, and I urge Governor Shaheen to let the will of the legislature stand. The New Hampshire legislature's action is particularly remarkable because it comes at the same time that the pace of executions has been accelerating in this country. Last year, we hit an all-time high for executions in any one year since 1976, 98 executions. This year, we are on track to execute at least 100 people.

The action of the New Hampshire legislature and long-time death penalty supporters like Governor Ryan and Reverend Pat Robertson indicates that our nation is beginning to re-think its longstanding support for capital punishment. When an auto manufacturer produces a vehicle with a bad fuel tank or malfunctioning airbags that risks injury or death to passengers, we push to have that product recalled, thoroughly review the problem and don't allow the vehicle back on the road until the problem is solved. Like a defective automobile, it is time for a recall on the death penalty. It is time to suspend executions nationwide while we review our criminal justice system to understand why so many innocents have been condemned to death row and to ensure that our justice system is a truly just system.

A bill I introduced just a few weeks ago does just that. The National Death Penalty moratorium Act would place a moratorium on executions nationwide while a national, blue ribbon commission reviews the administration of capital punishment. When Americans, both death penalty supporters and opponents, take a moment to consider the flaws in our criminal justice system, they can reasonably reach only one conclusion: the system is broken and must be fixed. I encourage my colleagues to join me in calling for a nationwide moratorium.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on a motion to proceed on an appropriations bill.

BLOCKING CONSIDERATION OF BUSINESS

Mr. THOMAS. Mr. President, I would like to visit just a little bit, maybe express some frustration about what we are doing here on the floor and mostly what we are not doing here on the floor. It seems to me, we, of course, are here for a reason and that is to move bills forward. There is not going to be unanimous understanding or agreement on all these bills, but we have a system. We can have a reasonable debate and vote on them. But the idea that each time we bring up some issue that then we are going to bring back again, issues that are clearly raised for political purposes only and hold up the progress of this entire body, hour after hour and day after day, that begins to be a bit trite. It seems to me that is the direction we are taking. Our friends on the other side of the aisle seem to be perfecting this procedure, and we move forward at our own risk, knowing we are going to have a blocking activity going on.

Republicans are trying to move forward with some issues for the American people that are very important: marriage penalty, tax relief, farm assistance, education, critical needs of the men and women in the armed services, and all of the 13 bills we have on appropriations that are before us. What we have had and what we are continuing to have is Senate Democrats trying to tie up the Senate by changing the subject, by attaching irrelevant amendments to every bill that comes to the Senate floor.

It took five votes before Republicans could break the Democrat filibuster and pass the Ed-Flex bill in 1999. It took five votes in order to deal with an issue that said local school boards, local governments could have more flexibility in what they do with Federal money. Is that something to hold up? I don't think so.

When Republicans offered the lockbox legislation in 1999 to protect the Social Security trust fund, Democrats opposed it six times. Senate Democrats even opposed a measure that passed the House last year by a vote of 416–12, when we were talking about taking Social Security money and insulating it from expenditures on non-Social Security matters. Tell me that is a reasonable thing to do.

On April 13, Senate Democrats blocked a marriage penalty relief bill from continuing through the legislative process, a bill that is based largely on fairness. It is based on the notion that a man and woman, each working singly, earning a certain amount of money, when married earn the same amount of money and pay more taxes. This was a way to resolve that. However, Democrats were rejecting a discussion of the marriage penalty tax. In the House, the Democrats joined the Republicans 268–158 to pass relief. President Clinton pledged his support of the marriage tax penalty relief in his State of the Union. But still they block this because they want to bring up some amendments that are irrelevant to this issue, bring them up totally for political purposes. Unfortunately, we find ourselves in a position of being more interested in raising issues than seeking solutions. That is too bad. That is a shame. It is terribly frustrating, frankly.

I just came from a meeting. We could not have a hearing this afternoon because our friends objected to having a hearing. We had people who came all the way from Alaska to testify. So I can tell you we went ahead and had a meeting and listened to what they had to say. I do not think that is the way we intended for this body to function. We disagree? Of course, we disagree. Different views? Of course, we have different views.

On May 4, Rollcall recounted that one of our friends on the other side promised to work with his colleagues on an education bill if we could do it. Unfortunately, he decided to change in the middle of the stream and we did not go forward.

Now we have 13 appropriations bills that must be passed. Really, our destination, our purpose, was to pass those before the August recess so we would have that out of the way and could deal with other things that are important. By the looks of it, we will not be able to move forward in that important area.

It is very difficult. We just spent 2 days working on military construction. I do not think anybody would argue that we need to move forward on the military; we need to strengthen the military; we need to do something about strengthening the opportunity for people to belong to the military and at least not to be on food stamps. We could do that. But, no, we have to get off on something totally irrelevant, an issue—whether it is gun control or whatever—that we have already dealt with. It keeps coming up on every issue.

I do not argue with the difference of view on it, but to use those things to keep us from moving forward and do the things we ought to be doing is disruptive and is not the intended purpose of what we do here.

There are only 65 legislative days remaining for the Senate to finish its

work. Yet we continue to find obstruction; we continue to find delay.

Military construction finally got through. We spent all that time talking about something totally irrelevant to it. We had to get off on the thing. Yesterday we did nothing all afternoon, basically. We finally got it passed. I am pleased with that. I, frankly, voted against it. I voted against it because I did not agree with the process. I do not have any argument with what was in it.

Education had to be pulled, the Elementary and Secondary Education Act, probably the broadest issue with which we will deal. It touches almost everyone. Almost everyone agrees we need to do something with that. Could we finish it? No, we sure couldn't. Sure, there is a little different view. We wanted to let the local people have more flexibility. Our friends over there wanted the rules to come from here. OK, we have a difference. We have a difference in philosophy. I don't argue with that. We have an honest difference. Let's vote. But, no, that is not what happened. What we did was have introduced all kinds of irrelevant, nongermane amendments. I don't know how long we can do that.

The marriage penalty—I have already mentioned it. That is something that certainly ought to be done. As far as I know, it is agreed to by nearly everyone, including the President. It is a fairness issue. We ought to be doing it.

Agriculture, crop insurance, that is one of the things we need to strengthen, since we are moving away from the old farm program. Agriculture is out there; farmers are running some risks and crop insurance is part of it. We were not able to do that. Things that were not pertinent were there.

The juvenile justice bill, we passed juvenile justice. It is still in the committee. We are trying to get some agreement. It is being held up by nongermane kinds of things.

I respect fully the difference of view. I respect fully the differences in philosophy. That is why we are here. That is what elections are about. I understand that. But we simply have to find a way to put aside this business of stalling, just put aside this business of delay, put aside this business of constantly seeking to bring to the floor issues that are totally political and have nothing to do with the topic we are on and talk about them at the time to talk about them. But talk about them once. Don't talk about them every other day. That is what we do. That is wrong. We ought to change it.

We have a chance to take a look at where we are and where we want to go. I have thought more recently, I don't know quite why, about the concept that each of us has goals for ourselves, whether they be personal goals, whether they be professional goals, whether they be spiritual goals, whether they be family goals, and seek to identify those and then decide what our goal is and what we have to do to reach it.

Frankly, I wish it applied a little more to Government. As we enter into these, we ought to not only be looking at the daily issues with which we deal, but we should also be looking at, having set goals and identified where we want to be, whether what we are doing now is contributing to the attainment of those goals.

It is my view we have not done enough of that. If we have a goal of accomplishment in the Senate, a goal of doing the things the people sent us here to do, and then find ourselves caught up in business which does not move toward the attainment of that goal, it is frustrating.

I hope we can move forward. I believe we will. I appreciate the Presiding Officer's efforts. I look forward to next week to accomplish more than we did this week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

PROCEEDING TO DEBATE

Mr. ENZI. Mr. President, I just finished presiding, and the last 15 minutes I presided was a quorum call. It occurred to me there are probably people watching the quorum call who wonder why there was a quorum call. Since I had to listen to some of the previous discussion that I don't think gave a full explanation of why there is a quorum call, or why we are not proceeding on the business of this country, I feel compelled to give a brief explanation.

In the Senate, we have to get permission to proceed to debate a bill. That is where we are right now. We are trying to get permission to proceed to debate an appropriations bill. It is a foreign operations appropriations bill. The Democrats have decided, because of a procedural motion on which they lost yesterday, which will have an effect on the debate of the Senate for years to come perhaps, that we are not going to debate anything for a while.

Let me explain a little more about what that is. What we are having is a filibuster. It is being done rather silently, and sometimes in a whining way. We are having a filibuster over whether we are going to debate any of the appropriations bills. What you heard earlier was them saying that if we can't debate extraneous, nongermane items on any one of the appropriations bills, we are going to see that the business of this country does not go forward. I want to tell you, I think that is wrong and I think the American people need to know about it.

We can do a lot of finger-pointing over why things aren't happening around here, and that isn't going to get anything done except allow the voters in November to make a decision. But the voters need to know what it is that is happening. We are talking about whether a Senator ought to be able to run down here to the floor on any measure that comes up under appropriations—we have 13 appropriations bills to pass, and it usually takes a week to pass each one, and we have about 13 weeks left of the session this year. We are debating now whether or not you can come down here and just stick in any amendment you want, on any issue you want, and call it ''deliberative debate.''

You can't have an appropriations amendment that legislates. Nobody questions that. That has been determined. We have a Senate rule that says you can't legislate on an appropriations bill. But there is a loophole there. It isn't clear whether you can pontificate on an appropriations bill, whether you can't stick in something that is your pet project and talk ad infinitum on it. That is what this is about. That is what the silence is about. That is what the inability to go forward is about. It is about whether we ought to be able to pontificate on anything we want to, whether or not it is relevant to the item that is up.

Why is that important? I guess it is because this Chamber has television in it now and what we say can be carried to people all across this country. It is cheaper than buying a campaign ad. But it doesn't make it right.

You can't legislate on an appropriations bill, so should you be able to do a sense of the Senate? I say you should not be able to. We should be at the business of taking the appropriations bills we have and deciding on each and every issue that is in that appropriations bill to see if it is the right thing to do. If it is some other issue we want to debate, we should not get to do it then. When we finish up the 13 appropriations bills, we can go back to the regular legislation of this body. On those, there is no requirement on what can be added to them. You can debate and put in an amendment whether it has anything to do with the bill or not. My personal opinion is that you should not be able to do that either. We would get more business done. But there isn't a rule that keeps you from doing nongermane amendments on the regular legislative business; it is only on the appropriations.

Why would we do that? Why would there be requirements on what can be debated when we are talking about appropriations? Well, the bill on which

we are trying to get permission to debate right now is one of the smaller ones. A lot of people probably don't think it is very important to this country. In fact, if this bill didn't pass, a lot of people in Wyoming would probably be overjoyed. But it is our business to make sure we deliberate and pass this bill before October 1. What bill is it? The permission that has been requested is to debate the foreign operations appropriations bill.

Earlier, a couple of my colleagues mentioned that if people come to see them in their office and they want to talk about the dairy business, they expect them to be able to come over here to the floor and solve their problem. Well, I want to tell you, that isn't how it happens. You can't talk to somebody in your office, leave your office, come over here, and solve their problem. There are days I wish it were that easy and that fast. But it is designed not to be that easy and that fast. You really have to be able to put it with something that will convince enough Senators it is a good idea that you can do it.

If we happen to be debating a bill that has that dairy problem in it and the funding allocated for it, you can make a difference at that point in time. That is what we are talking about—how to spend the money of this country. As I said, this is a very small bill. This is a $13 billion bill—$13 billion that we are going to spend partly in the United States and partly around the world. It has some interesting provisions in it that are probably worthy of debate—funds for university development assistance programs across the United States. On page 23, they go into a whole bunch of countries that we help. In the report on the bill on page 34, we talk about physician exchanges, so we can have better health around the world. We have vitamins for at-risk women. On page 35, we have violence against women. One of the items that will undoubtedly be debated at some length in this bill is whether there ought to be some bilateral economic assistance to Colombia for narcotics control and law enforcement. But we are not going to get to debate those because perhaps we ought to be able to debate a sense of the Senate on this bill that has nothing to do with it. Patients' Bill of Rights is very important.

I am one of the people on the Senate team negotiating between the Republicans and Democrats in the House and Senate for a Patients' Bill of Rights. We passed that bill. It is an important bill. We are trying to get resolution on that bill.

As a Senator, if we don't have the rule about how peripheral and how nongermane you can get, I could offer an amendment that says I have this sense of the Senate that everyone will agree with me on, and I would like that Patients' Bill of Rights finished by next week. It isn't going to happen because there are too many details that need to be worked out.

I would have had the right day before yesterday to do that. That is what we are talking about. I could have demanded debate time.

It is very difficult to bring debate to a close in this body. As you saw with the gun amendment which was a sense of the Senate, it was a nonbinding sort of thing that said they wanted the juvenile justice bill resolved between the House and the Senate, and they wanted it done by May 24, sometime next week. And it had to be done.

Well, it isn't going to be done. It can't be done. They demanded 12 hours of debate on that issue—12 hours of debate holding up the Senate. That issue is important to a lot of Members. We already debated it and sent it to the conference committee. It is being resolved in the conference committee.

Does it deserve another 12 hours of debate when we are on appropriations? The appropriations bill that we are trying to get done now is on foreign ops. The one we finished when that came up was military construction, building the things that our military needs at home and abroad to do the right job for our national security.

Deliberation is different than publicizing.

These desks down here on the floor were built two per State as the States came into the Nation. They are the same desks that all of the Senators have used through the years. If you have an opportunity to be on the floor, you can take out the bottom drawer of these desks. Senators, as they were leaving this deliberative body, carved their names in that drawer as a tradition. Those are now preserved in Plexiglass. That is taken out, and Members can add their names as they leave.

There is a list in each desk that shows each and every Senator who sat at that desk in the history of the United States. It is fascinating to come down here at night and sit at these desks, look at those lists, and see the names of Senator after Senator whom you have read about in your history book who has been here and debated. You can read about some of the great debates they gave.

For a long time there was not even a sense-of-the-Senate amendment. We didn't have this pontificating, saying I really think we will feel better if we debate and do a sense of the Senate on this nongermane issue. But if you sit here at night and read those names, it is like a walk through history. It is also an opportunity for you to get the feeling that they are still in this Chamber debating whether we are doing the job that we ought to be doing.

In my opinion, the job that we ought to be doing is getting the appropriations bills of this country done as fast as we possibly can, as deliberately as we possibly can, as carefully as we possibly can but getting it done and sticking to the issue of what is in that appropriations bill, or what we think ought to be in that appropriations bill, or what we think ought to be disappearing from that appropriations bill.

Those are the amendments that we ought to be debating, turning in, and turning over. Those are the ones that we ought to be giving grand consideration to in the style that used to in this Chamber—not bringing in peripheral amendments and saying I think I can delay this whole bill so that the President can negotiate it when the new year begins.

It is even possible to delay the whole thing by doing genuine amendments to a genuine bill. It is important for Senators to be able to express themselves on all issues. I daresay if you watch television evenings and weekends you can see Senators debating absolutely every issue. You can't see them making progress on every issue. That is a very prized thing and very difficult to do around here.

I have to tell you that a sense-of-the-Senate amendment doesn't do that. A sense of the Senate delays the actual amendments that change appropriations.

I suspect that if we don't get some agreement to proceed on this bill, we will check and see if there are other appropriations bills they believe are maybe important enough that we ought to be getting on with the business of and debating. We have 13 of them.

I think another one that has now cleared the committee is agriculture. I have to tell you that I think the farmers across this country are going to be pretty livid if this appropriations bill is being held up because somebody has a sense of the Senate where they kind of want to see if all of the Senators kind of feel good about something that doesn't have to do with agriculture. They ought to be livid about it.

I know when I go home, they say: How come you guys put other nonrelated stuff in bills you are talking about? How come some of those get in there? They really want the stuff to be germane to the bill that we are working on and they want it debated. They want it debated in a timely fashion. They think we ought to be getting on with the business.

We can finish appropriations. We can talk about other bills. We talked about a lot of them. They just need to be resolved. But we can talk about those other bills. On the other bills of the Senate, you can still add anything you want, including a sense-of-the-Senate amendment, or including a motion, or legislation that has nothing to do with anything.

The debate should be moving on. The debate should not be held up over

whether we can do feel-good motions on appropriations. The debate should center around whether an appropriations bill is justified or not justified, whether we ought to spend the money or we ought not to spend the money, whether the program is good or whether the program is bad.

That is the appropriations process. We have plenty of it to do as we spend close to $2 trillion in this United States.

For those of you who have family budgets and scrimp and save and worry and force that into your capability to buy things, you can recognize how important it would be for us even on something as small as $13 billion to get started on the debate, to look at the items that are included to decide whether or not they are justified and make a decision and move forward so that we can get to the bigger bills that amount to billions more dollars than this one. This should be a bill that is done in about 1 day. But it isn't going to be 1 day. It isn't even going to be started in 1 day. I suspect we may not be started on it next weekend, unless the American people get upset with the way their Government is being run. I am sure they will express their opinion that we ought to be debating every dollar that is involved, and when the debate on the dollars is over, get to the other business of passing laws in this country.

I thank the President. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

PARLIAMENTARY ELECTIONS IN HAITI

Mr. DEWINE. Mr. President, as we prepare to begin the debate concerning the provisions within the fiscal year 2001 foreign ops appropriations bill, I would like to call my colleagues' attention to an event scheduled to take place this Sunday, May 21, referring to the parliamentary elections of Haiti.

The openness, the fairness, the transparency of these elections that will be held on Sunday are critical to Haiti, and really place the country and its people at a crossroads. These are the elections that have been postponed, postponed, postponed, and postponed. Finally, it appears as if they will actually take place this Sunday.

The world is watching to see how Haiti conducts these elections. The international community and the United States will be judging Haiti based on these elections. I think it is a fair statement to say that future assistance, future aid from the international community, from the private sector, private organizations, as well as governments, as well as the United States, will depend certainly to some extent on how these elections are conducted. Not how they turn out but how they are conducted. The world will be looking on Sunday to see the amount of violence connected with these elections; to see whether or not the elections are fair, transparent, and open; to see what kind of participation takes place among Haitian people.

We have every right to be concerned about these elections. We have a right to be concerned because of the investment the United States has made in Haiti, which I will discuss in a moment. We have a right to be concerned because these elections have been postponed, postponed, and postponed. We have a right to be concerned because we want to see whether or not this fledgling democracy is, in fact, making progress.

So, yes, the world will be watching. We are concerned, quite candidly, about these elections because of the action and because of the inaction of Haiti's political elite, its upper class, what they have not done and what they have done during the past 5 years.

We all had high expectations for Haiti when the United States sent 20,000 U.S. troops to that island in 1995 to restore President Aristide to power. At that time, we understood it would take time for Haiti to become politically stable. We understood it would take time to establish a free and open market system in that country. We understood it would take time to invoke the rule of law and privatization of government-run-and-owned industries. And we understood it would take a while to establish a fair and impartial and functioning judicial system.

Quite tragically, time has passed and very little, if anything, has changed. The phrase ''Haitian Government'' is an oxymoron, given President Preval has been ruling by decree without a democratically elected Parliament since January 1999. Political intimidation is rampant, with violence and killings increasing as the elections approach. Furthermore, the Haitian economy is, at best, stagnant. Haiti remains the poorest nation by far in our entire hemisphere, with a per capita income estimated at $330 per year per person, where 70 percent of the people are either without jobs or certainly underemployed.

When we deal with Haiti, the statistics don't matter. We are not even sure how reliable they are. Anyone who has visited Haiti—and I have had occasion to visit Haiti nine different times in the last 5½ years—sees where that economy is and sees the years of wrenching, unbelievable poverty in Haiti, a country that is just a short trip from Miami.

Absent a stable and democratic government, Haiti has no hope of achieving real and lasting economic nor political nor judicial reforms. That is why Haiti is finding itself stuck in a vicious cycle of despair. It is a cycle in which political stalemate threatens the government and judicial reforms, which, in turn, discourages investment and privatization.

Caught in this cycle, the economy stands to shrink further and further until there is no economic investment to speak of at all. With no viable law enforcement institutions in place, and given the island's weak political and economic situation, drug traffickers operate with impunity.

I have talked about this on this floor on several different occasions in the last few years. I predicted several years ago that we would see the amount of drug transportation in Haiti, the amount of drugs flowing through that country, go up and up and our own Government has estimated today that prediction has, tragically, come true. Our Government estimates Haiti accounts for 14 percent of all cocaine entering the United States today. Haiti is now the major drug transshipment country in the entire Caribbean. We estimate 75 tons of cocaine moved through Haiti in 1999. That represents a 24-percent increase over the previous year.

Quite frankly, Haiti has become a great human tragedy. While the decade of the 1980s witnessed unbelievable changes in Central America, with countries moving from totalitarian regimes to democracies, that was the great success story of the 1980s. Many of us hoped in the 1990s, and into the next century, we would see that same progress made in Haiti. Tragically, that has not taken place. Haiti now stands as a missed opportunity for reform, a missed opportunity for progress, for growth, and for development. The true casualties, the real victims of all the turmoil and instability are the children. They are the victims because the small band of political elite in Haiti has not moved forward and taken seriously the need for reform. They have missed their opportunity.

The economy is worse, human rights are being violated, and there is very little optimism today in Haiti. These dire conditions are every day killing children. Haiti's infant mortality rate is approximately 15 times that of the United States. Because Haiti lacks the means to produce enough food to feed its population, the children who are born suffer from malnutrition, malnourishment. They rely heavily on humanitarian food aid. Additionally, because of the lack of clean water and sanitation, only 39 percent of the population has access to clean water. It is estimated only 26 percent have access to sanitation. Diseases such as measles and tuberculosis are epidemic.

Given this human tragedy, we can't turn our backs on these children as mad as we may get at the political leaders of that country, as frustrated as we may become with the political leaders of that country. Haiti is part of

our hemisphere, and what happens in our hemisphere, what happens in our own backyard, is very much our concern. If we ignore the situation, we risk another massive refugee exodus for our shores, and drug trafficking through Haiti will continue to increase and increase and increase.

We must seek ways to foster democracy building in Haiti and promote free markets in the rule of law. We also must fight drug trafficking through Haiti and expand agricultural assistance through nongovernmental organizations. Let me say there are good nongovernment organizations that are in Haiti working to make a difference in spite of the Haitian Government. I must also say I have personally seen and visited a number of Americans in church groups who are down in Haiti risking their lives, making a difference every day to save the lives of children.

Finally, most important, I believe we must ensure that humanitarian and food assistance continues to reach the Haitian people, especially the children. We cannot just sit back and let the political elite in Haiti starve these orphan children as well as the elderly and the destitute.

Ultimately, though, Haiti will not really progress until its political leaders and the elite of the country take responsibility for the situation and commit to turning things around. The tragedy of the last 5 years is that the elite in Haiti has not made a decision that it is in their interests and in the interests of their country to change things. Until the elite of Haiti decides to make these changes, it is going to be very difficult, no matter what we do, to have any significant progress made in that very poor country.

Haiti can succeed as a democracy if, and only if, the elite has the resolve to hold open elections, create free markets, reduce corruption, improve its judicial system, respect human rights, and learn how to sustain an agricultural system that can feed its people. Nothing the United States does with regard to Haiti can provide long-term permanent solutions unless and until the Haitians take democratic and societal reforms seriously and work in earnest to create a stable political system in a free and democratic market economy. That is why the world is watching to see how these elections are conducted this Sunday.

Let me turn to another portion of the foreign operations appropriations bill. There is language, as I have just talked about, in regard to Haiti in this bill. I wanted to speak about Haiti this evening on the Senate floor because of that language in the bill but also because of the upcoming elections.

There is another provision in the foreign operations appropriations bill we hope we will be taking up shortly. This provision has to do with our neighbor to the south, Colombia.

Let me first commend the chairman and ranking member on the subcommittee, Senator MCCONNELL and Senator LEAHY, and also the chairman and ranking member of the full committee, Senator STEVENS and Senator BYRD, for working with me, for working with Senator COVERDELL, Senator GRASSLEY, Senator GRAHAM of Florida, and so many others on the Colombia/Andean emergency antidrug assistance package which is now part of this bill.

This assistance to Colombia would provide approximately $934 million to support Colombian efforts to eliminate drugs at the source, to improve human rights programs, to improve rule of law programs, and to increase economic development—$934 million is what is contained in this bill. Passage of this assistance package is crucial to helping keep drugs off our streets here at home and to bring stability to our hemisphere.

No one questions there is a real emergency that currently exist in Colombia. Colombia is a democratic success story that is now in crisis. Thanks largely to the growing profits from illicit drug trafficking, Colombia is embroiled in a destabilizing and brutal civil war, a civil war that has gone on for decades with a death toll that continues to rise and that we estimate is at least 35,000 people. We have seen and continue to see the tragedy of Colombia unfold in our newspapers; we see the violence that is occurring there. Members of the army, members of the police are killed on a daily basis at an unbelievably alarming rate.

Just this week we saw a graphic, horrible picture in our newspapers of a bomb necklacing, where one of the terrorist groups, one of the guerrilla groups, placed a bomb around a woman's neck, asked her family for money, locked the bomb so it could not be removed, and told the family the bomb would go off at 3 in the afternoon. The bomb squad came in, the army. For 8 hours they tried to get the bomb off. Tragically, the bomb went off. The bomb killed the woman and killed the young man who was working to try to free her. That is just a graphic example of what is occurring, in one form or the another, in Colombia every single day.

Many of us on the floor were in Congress in the 1980s when we worked so hard to give assistance to the countries in this hemisphere, particularly in Central America, to drive communism out to allow these countries to become democratic. The 1980s are a true success story for this hemisphere. We paid a very heavy price, but I think most of us believe that was a price worth paying. We brought democracy, we brought opportunity to our hemisphere.

Today the drug trade has emerged as the dominant threat to peace and freedom in the Americas. Communism was the threat in the 1980s. Today the drug trade is the threat. It threatens the sovereignty of the Colombian democracy and the continued prosperity and security of our hemisphere.

We have devoted a good portion of this week to discussing the threat that is involved in the whole situation in the Balkans, specifically in regard to Kosovo. I think we should have; it is very important. But I believe what we are seeing right here in our own hemisphere, what is happening in Colombia, is certainly equally important and maybe more important than what is going on in the Balkans.

Tragically, it is America's own drug habit that is fueling this threat in our hemisphere. It is our own drug habit that is causing the instability and violence in Colombia and in the region. Let's just look at what is happening in my own home State of Ohio, in Cincinnati, OH. In 1990, there were 19 heroin-related arrests in Cincinnati—1990, 19 heroin-related arrests. Last year, there were 464 arrests. Law enforcement officers in Cincinnati understand the reason for this surge. Colombia produces low-cost, high-purity heroin, making it more and more the drug of choice. And because of our Government's inadequate emphasis on drug interdiction and eradication efforts, that Colombian heroin is making its way across our borders and in my case, to the State of Ohio.

We may say, sure, Cincinnati is just one urban area, one metropolitan area. But if there is a heroin problem in Cincinnati, you can bet there is a heroin problem in New York City and Chicago and Los Angeles and throughout our country. The fact is that drugs from Colombia are cheap and plentiful in this country, so our children across America are using them. In fact, more children today are using and experimenting with drugs than 10 years ago—many more than did 10 years ago. The facts and statistics are startling. According to the 1999 Monitoring the Future Study, since 1992 overall drug use among tenth graders has increased 55 percent, heroin use among tenth graders has increased 92 percent, and cocaine use among tenth graders has increased 133 percent.

The ability of our law enforcement officers to succeed in keeping drugs off our streets and away from our children is clearly, directly linked to our ability to keep drugs produced in places such as Colombia from ever reaching our shores. To be effective, our drug control strategy needs to be a coordinated effort that directs and balances resources and support among three key areas: Domestic law enforcement, international eradication and interdiction efforts, and demand reduction. This means we must balance the allocation of resources towards efforts to stop those who produce drugs, those who transport illegal drugs into this country, and those who deal drugs on our streets and in our schools.

The sad fact is, the cultivation of coca in Colombia has skyrocketed, doubling from over 126,000 acres in 1995 to 300,000 in 1999. Poppy cultivation has grown to such an extent that it is now the source of the majority of heroin consumed in the United States. Not surprisingly, as drug availability has increased in the United States, drug use among adolescents also has increased.

To make matters worse, these Colombian insurgents see the drug traffic as a financial partner to sustain their illicit cause, only making the FARC and ELN grow stronger. The sale of drugs today not only fuels the drug business, but also the antidemocratic insurgents in Colombia.

Why does Colombia matter? It matters to us, first of all, because of what I just talked about, and that is the drugs Colombia ships into the United States.

Why else does it matter? The drug trade in Colombia is a source of rampant lawlessness and violence in Colombia. It has destabilized that country and stands to threaten the entire Andean region. Fortunately, in the last few years, Congress has had the foresight to recognize the escalating threats, and we have taken the lead to restore our drug-fighting capability beyond our borders off our shores.

Many of my colleagues who have worked so hard on this Colombia assistance package also worked with me just a few short years ago to pass the Western Hemisphere Drug Elimination Act, a $2.7 billion, 3-year authorization initiative aimed at restoring international eradication, interdiction, and crop alternative development funding.

With this law, we already have made an $800 million downpayment. We have appropriated and spent $800 million, $200 million of which represented the first substantial investment in Colombia to counternarcotics activities.

I stress to my colleagues that the emergency assistance package before us is based on a blueprint that Senator COVERDELL and I developed and introduced last October, 3 months before the administration unveiled its proposal.

Like our plan, the emergency assistance package before us this evening goes beyond counternarcotics assistance and crop alternative development programs in Colombia. This plan targets Latin American countries, including Bolivia, Peru, Panama, and Ecuador.

This is a regional approach, and a regional approach is crucial. Peru and Bolivia have made enormous progress to reduce drug cultivation in their countries, and they have done it with our assistance. What has taken place in those two countries has been a success story.

An emphasis only on the Colombian drug problems risks the spillover effect of Colombia's drug trade shifting to other countries in the region. That is why resources are needed and provided in this bill for countries such as Bolivia, Panama, Ecuador, and Peru.

I also note the positive contributions to our antidrug activities made by the chairman and ranking member, Senator BURNS and Senator MURRAY, of the Military Construction Subcommittee. We passed today the military construction bill which includes investments in equipment and support activities as part of our Colombia-Andean region antidrug strategy.

That bill also includes funding for the Coast Guard to provide supplies, reduce the maintenance backlog, and for pay and benefits for Coast Guard personnel.

Funding in that bill also was provided for six C–130J aircraft, which give critical support to our counternarcotics efforts.

That bill also contains funding for forward operating locations which will provide the logistic support needed for our aircraft to conduct detection and monitoring flights over the source countries. The closure of Howard Air Force Base in Panama, as part of the Panama Canal transfer treaty, severely diminished this capability. That is why we need these forward operating locations, and that is why the money provided in this bill is so important.

As I stated a moment ago, a balanced approach is critical to the success of our counterdrug policy. We must continue to invest resources in our law enforcement agencies—Coast Guard, Customs, and the Drug Enforcement Agency. They are our front line of defense against drugs coming into the United States. They also work with law enforcement agencies of other countries to eradicate and interdict drugs. These agencies need additional resources to ensure the increase in illicit drug production in Colombia does not result in a corresponding increase in drugs on the streets and in the schools of our country.

Addressing the crisis in Colombia is timely and necessary. It is in the national security interest of Colombia and the United States to work together and with our other partners in the hemisphere to curb the corroding effects of illicit drug trafficking. The bottom line is that an investment in the Andean region to help stop the drug trade and preserve democracy is a direct investment in the peaceful future of our entire hemisphere. It is in our national interest.

I know there are some of my colleagues on this side of the aisle who have expressed some hesitancy and reluctance about the provision in this bill concerning Colombia. I want to take a moment to direct my comments specifically to them.

The Western Hemisphere Drug Elimination Act that Congress passed several years ago was an attempt to change the direction of our drug policy. What do I mean? I consistently said during this speech and other speeches on the floor that we need a balanced drug policy. We have to have treatment, education, domestic law enforcement, and we have to have international law enforcement and interdiction. We have to do all these things. We have to have a balanced approach.

We found 3 years ago when we looked at what had happened in our antidrug effort over the last decade that beginning with the Clinton administration, that administration began to reduce the percentage of the money we were spending on international drug interdiction.

When George Bush left the White House, we were spending approximately one-third of our total Federal antidrug budget on international drug interdiction, basically on stopping drugs from ever getting inside the United States—spending it either on law enforcement in other countries, on Customs, on DEA, on crop eradication, stopping drugs from ever reaching our shores. That was about one-third of our budget. That is what we were spending when George Bush left the White House.

As of 2 years ago, after 6 years of the Clinton administration, that one-third has been reduced to approximately 8 to 10 percent, a dramatic reduction in the amount of money we were spending on international drug interdiction.

Some of us in this body—Senator COVERDELL, myself, and others—decided we had to change that, so we introduced the Western Hemisphere Drug Elimination Act. A corresponding bill was introduced in the House of Representatives. Then Congressman HASTERT, now Speaker HASTERT, played a major role in working on that bill, as did others.

The bottom line is, we passed the bill, it became law, and we have begun to change that direction. The initiative for that came from this side of the aisle. We saw what the administration was doing. We said the policy has to change; we need to put more money into interdiction, and we need to begin to do that. We did do that.

Fast forward a couple more years as the crisis in Colombia continued to get worse and worse. Again, Senator COVERDELL, Senator GRASSLEY, myself, and others put together a new package. It was a package aimed specifically at dealing with the crisis in Colombia. We introduced that package last October. After we introduced that package, a few months later the administration finally came forward and said: Yes, we have to do something about Colombia. But it was our initiative that started it.

It brings us now to where we are today. The initiative that Senator COVERDELL, Senator GRASSLEY, and others introduced has now been

wrapped into this bill. The good news is that the administration is on board.

The administration also came forward with a proposal to deal with Colombia and has stated their understanding of the severity of this problem. So that is where we are today.

I ask my colleagues to look at the big picture and to think about what is in the best interests of the United States. This package is not put together for Colombia. It is not put together for the Colombians. It is put together for us. It is put together because Colombia is our neighbor, and what happens to our neighbor, in our neighbor's country, affects us.

Why? Trade. Colombia is a major trading partner of the United States. What happens in that country affects our trade. The drugs that come into this country, as I have already demonstrated in this speech, come from Colombia to a great extent. The drugs that are killing our young people come from Colombia.

So we have a very real interest in stabilizing that country, keeping that country democratic, keeping that country a trading partner of the United States, and to help that democratically elected government in Colombia help themselves to beat back the drug dealers, to beat back the guerrillas.

They face a crisis that is different than any crisis that any other country has probably ever faced. Many countries have faced guerrilla movements throughout history. But I do not know any other country that ever faced a guerrilla movement that was fueled with so much money. There is this synergistic relationship now that has been created between the drug dealers and the guerrillas. Each one benefits the other. Each one takes care of the other. The end result is that the guerrillas are emboldened and enriched by the drug dealers' money. So it is a crisis that Colombia faces, but it is a crisis that directly impacts the United States.

I ask my colleagues to remember how we got here, to remember what role this side of the aisle played in trying to deal with the Colombia problem and deal with the problem in Central America, South America, what role we played in trying to increase the money that we are spending and resources we are spending on stopping drugs from coming into this country.

If we recall that history, and recall what the situation is in Colombia today, we will be persuaded that this is the right thing to do and that this provision in this bill that deals with an aid package for the Colombia-Andean region is clearly in the best interests of the United States and is something that we have to do.

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

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

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RECOGNITION OF JUDGE RHESA HAWKINS BARKSDALE'S TEN YEARS OF SERVICE TO THE UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT

Mr. LOTT. Mr. President, I rise today to congratulate my good friend, Rhesa Hawkins Barksdale. Last month marked the tenth anniversary of Judge Barksdale's investiture as a United States Circuit Judge for the Fifth Circuit. On April 1, 1990, Judge Barksdale was sworn into office by Justice Byron White, for whom Judge Barksdale clerked following his graduation from the University of Mississippi School of Law. Throughout the past ten years Judge Barksdale has faithfully fulfilled his sworn duty to enforce the Constitution and laws of the United States. Needless to say, his service to the Fifth Circuit has brought distinction to his family, our State, and the Nation.

I might add that this country is indebted to Judge Barksdale for more than his zealous commitment to justice. His service as a Circuit Judge continues a lifetime of dedication and sacrifice to protect the freedoms and liberties of all Americans, as exemplified by his valiant and decorated service to his country during the Vietnam War. Judge Barksdale served in combat in Vietnam as an officer in the United States Army, and he was awarded a number of medals, including the Silver Star, Purple Heart, Bronze Star for Valor, and Bronze Star for Meritorious Service.

Mr. President, Mississippians and Americans are grateful for Judge Barksdale's public service, and I congratulate and honor him on the tenth anniversary of his service on the bench.

READING THE NAMES OF GUN VICTIMS

Mr. LAUTENBERG. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

These names come from a report prepared by the United States Conference of Mayors. The report includes data from 100 U.S. cities between April 20, 1999 and March 20, 2000. The 100 cities covered range in size from Chicago, Illinois, which has a population of more than 2.7 million to Bedford Heights, Ohio with a population of about 11,800. But the list does not include gun deaths from some major cities like New York and Los Angeles.

The following are the names of some of the people who were killed by gunfire one year ago today—on May 18th, 1999: Gregory Babb, 24, Philadelphia, PA; Clifford Clark, 54, Detroit, MI; James Courtney, 20, Providence, RI; Julius Ford, 32, San Antonio, TX; Derrick Hall, 24, Chicago, IL; Jason Horsley, 25, Denver, CO; Keith Mitchell, 21, Detroit, MI; Laredo Schetop, 48, Dallas, TX; Jamaar Wynn, 15, Nashville, TN.

In the name of those who died, we will continue the fight to pass gun safety measures.

THE MILLION MOM MARCH

Mr. FRIST. Mr. President, on Mother's Day 2000, half a million mothers and others marched on Washington to demonstrate their fury at the number of children killed by gun violence last year. Their goal: to convince Congress to pass even more laws restricting citizen access to handguns. All in all, it was quite a spectacle. But while it reflects the modern American view that every ill can be remedied through the power of law, it seems to me the real—and only—question to be answered is will more laws actually produce the result we all seek?

Before we can answer that question, Mr. President, we must examine this one: is the recent spate of gun violence involving children the result of rising levels of crime and escalating gun ownership, or something else?

Let's look at the facts:

During the 1060s, 1970s, and 1980s, gun violence increased dramatically. During the 1990s, however, the numbers actually began to decline, with school violence of the type exhibited at Columbine falling precipitously to the point where kids today are probably the safest they've been in decades.

In 1996 (the last year for which statistics are available), 1,134 Americans died in accidental shootings—the lowest level ever recorded. Only 42 were under the age of 10. Yet more than 2,400 10-year-olds died that year in motor vehicle accidents, another 800 were drowned, and well over 700 died from fire. As for the danger of guns in homes, only about 30 people each year

are accidently killed by homeowners who believe they are shooting an intruder, as opposed to 330 who are accidentally killed by police.

So why are the numbers declining? While there could be lots of reasons—tougher judges, stiffer penalties, and little mercy for repeat offenders—it's also interesting to note that the decline in murder and violent crime has paralleled an increase in gun ownership.

Mr. President, today about 80 millions Americans, or 40 percent of the population, own almost 250 million firearms, as compared with about 27 percent in 1988. And in states like Texas where citizens are allowed to carry concealed weapons, the number of murders, assaults, and burglaries has dropped dramatically. Significantly, in 15 states with tough gun control measures including the trigger locks and ''safe storage'' laws moms on the Mall were rallying for, there were—accordingly to Mr. LOTT—3,600 more rapes, 22,500 more robberies, and 64,000 more burglaries. Could it be that criminals are smart enough to know where they're likely to encounter resistance and where it's easiest to operate?

Mr. President, there is nothing more tragic than losing a child. And nothing more wonderful than mothers fighting to keep their children safe from harm. But before any war can be won, we must understand the enemy and develop a strategy to defeat him. In the war against gun violence, the enemy is not the weapon, but the criminal who uses it. Making it easier for him to win by restricting those who could thwart his evil act, or deter it in the first place, is not the answer.

Marching on the Mall is stirring spectacle, but ending the tragedy of gun violence requires a much more serious solution.

Mr. President, I thank the Chair and yield the floor.

Mr. DODD. Mr. President, I rise today to bring to the Senate's attention an excellent report on the state of child care in the U.S. military and the implications for improving civilian child care. ''Be All That We Can Be: Lessons from the Military for Improving Our Nation's Child Care System'' documents the Department of Defense's impressive turn-around of its troubled child care system and its emergence as a model of affordable and quality child care for the civilian world. As recently as ten years ago, military child care was in crisis—changing demographics in the military workforce had led to a surge in demand for child care that the Department was unprepared to meet. Child care waiting lists soared and quality plummeted. Prodded by a GAO report, Congressional hearings, and the recognition that child care is a fundamental issue for military readiness, the Department of Defense turned its child care system the gold standard for the Nation.

The experience of the Department of Defense offers important lessons for the civilian world and offers great hope for improving child care across the Nation. Parents should not have to join the service to receive good child care. High quality, affordable care is a basic necessity for all working families. It is my hope that we will take these lessons to heart and commit to ensuring that all children are given opportunities for the right start in life.

I would like to express my gratitude to Nancy Duff Campbell and Judith Appelbaum of the National Women's Law Center for their hard work on producing this valuable report and I would ask that a summary of the important ''lessons learned'' from their report be entered into the RECORD.

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

SIX LESSONS LEARNED

First, those seeking to make improvements in civilian child care should not be daunted by the task: the military has shown by its example that it is possible to take a woefully inadequate child care system and dramatically improve it over a relatively short period of time. If even a tradition-bound institution like the military can turn its child care system around, similar progress should be achievable in other settings.

Second, to achieve progress, it is necessary to acknowledge the seriousness of the child care problem and the consequences of inaction. Policy makers in Congress and the Department of Defense acted to reform military child care after extensive Congressional hearings and GAO reports not only exposed the poor state of military child care, but also documented two results: because the child care system was failing to meet the needs of a changing workforce it was jeopardizing workforce performance (and thus military readiness), and it was affecting the welfare of the children. Similar concerns about the unavailability of high-quality, affordable child care across the U.S. today—its impact on workforce performance, and the effects on the healthy development and learning of children—should prompt action to improve civilian child care.

Third, the quality of child care can be improved by focusing on establishing and enforcing comprehensive standards, assisting providers in becoming accredited, and enhancing provider compensation and training. The military has developed comprehensive standards that providers must meet in order to be certified to operate, and it ensures that these standards are met through a system of unannounced inspections and serious sanctions for failure to comply. It also assists providers in meeting the additional requirements necessary to become accredited by a nationally recognized program. It encourages parental involvement through parent boards, an ''open door'' policy, and an anonymous hotline for reporting problems. And it has increased provider compensation and training, and linked compensation increases to the achievement of training milestones. While some states have taken steps forward in one or more of these areas, on the whole the states have been far less effective in addressing these issues, and could benefit substantially from emulating the military's formula for success.

Fourth, child care affordability should be addressed through a system of subsidies. The military child care system keeps care affordable for parents through the use of a sliding schedule of fees based on parent income, as well as other subsidies. As a result, the average weekly fee paid by military families for center-based care is significantly lower than the average weekly fee paid by civilian families for such care. In the civilian world, a patchwork array of government measures assists some families in meeting their child care expenses, but these policies are inadequate. Policy makers at both the federal and state levels should follow the military's example in making more resources available-as well as using the mechanisms it has used to distribute these resources—to help subsidize care for families who cannot afford to pay the full cost of good child care.

Fifth, the availability of care should be expanded. Although demand still far exceeds supply in the military system, the military has made significant progress in this regard by continually assessing unmet need and taking steps to address it through a comprehensive approach that includes all kinds of care: child care centers, family child care, and before and after-school programs, as well as resource and referral agencies to assist parents in locating care. Some states and localities have taken a variety of steps to expand the supply of child care, but the military's experience demonstrates, among other things, that it is essential to measure unmet demand and then develop a plan for meeting it with specific goals and timetables.

Sixth, improving the quality, affordability, and availability of child care is a costly proposition, and will succeed only if policy makers commit the resources necessary to get the job done. Through increased Congressional appropriations and allocations from within DoD resources, the funds provided for military child care have been climbing dramatically in recent years, making the turnaround in military child care possible. The same commitment of resources on the civilian side is not yet evident. An increased public investment is critical if the same progress is to be achieved in civilian child care. The military's experience shows, in short, that policy makers can be prodded into action by the acknowledgment of a serious child care problem, and that once they make child care a top priority and allocate the resources that are needed to address it, a seriously deficient system can be turned around. Those faced with the challenge of expanding access to affordable, high-quality child care across the United States today—policy makers, child care administrators, advocates, providers, parents, and others—should find encouragement in this conclusion. Inspired by the military's example, and armed with knowledge of the tools it used to achieve its successes, they need only to apply the lessons learned to make child care for all working families, like the child care provided to military families—to echo the Army's familiar jingle—''be all that it can be.''

VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION

Mr. FEINGOLD. Mr. President, I rise today to call for Senate action on reauthorization of the Violence Against Women Act. Earlier this week, the Supreme Court in its decision in United States versus Morrison struck a specific provision from the Violence

Against Women Act of 1994. But that decision leaves intact the bulk of this landmark law. For the past five years, VAWA has funded and promoted significant innovations in federal, state and local programs to assist victims of violence, enhance prosecution of domestic violence and sexual assault crimes, and prevent violence against women and children in their homes and on our streets. This support has enabled shelters, rape crisis centers, health care professionals, schools, police forces and communities across the country to address and prevent violence against women. I commend my distinguished colleague from Delaware, Senator BIDEN, for his authorship of the original Violence Against Women Act and for his commitment to ensuring that this important legislation is re-authorized.

Women across the nation, including in my home state of Wisconsin, have benefitted from this important legislation. Women's lives have been saved. Countless victims of domestic violence or sexual assault are receiving the services they need. Police are participating in training programs to arrest and bring abusers to justice. Both men and women are learning about the problem of domestic violence and sexual assault. In short, women are safer today because of this legislation.

Our nation's progress in preventing violence against women, however, is now in serious jeopardy. Authorization for the Violence Against Women Act ends this year. I understand that Senators BIDEN and HATCH have been working closely to craft a compromise re-authorization bill. I commend both of my colleagues for their commitment to this issue. But with only weeks remaining in this abbreviated session, I urge the Senate leadership to take action on this legislation without further delay.

EXPLANATION OF VOTES

Mr. DODD. Mr. President, yesterday, May 17, 2000, I was necessarily absent during rollcall votes 102, 103, and 104 in order to accompany the President of the United States to the United States Coast Guard Academy in New London, Connecticut, and to meet with several mayors representing cities in southeastern Connecticut. Had I been present, I would have voted as follows: yes on rollcall vote 102; yes on rollcall vote 103; yes on rollcall vote 104.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 17, 2000, the Federal debt stood at $5,671,580,132,464.01 (Five trillion, six hundred seventy-one billion, five hundred eighty million, one hundred thirty-two thousand, four hundred sixty-four dollars and one cent).

One year ago, May 17, 1999, the Federal debt stood at $5,587,730,000,000 (Five trillion, five hundred eighty-seven billion, seven hundred thirty million).

Five years ago, May 17, 1995, the Federal debt stood at $4,884,247,000,000 (Four trillion, eight hundred eighty-four billion, two hundred forty-seven million).

Ten years ago, May 17, 1990, the Federal debt stood at $3,093,688,000,000 (Three trillion, ninety-three billion, six hundred eighty-eight million).

Fifteen years ago, May 17, 1985, the Federal debt stood at $1,751,773,000,000 (One trillion, seven hundred fifty-one billion, seven hundred seventy-three million) which reflects a debt increase of almost $4 trillion—$3,919,807,132,464.01 (Three trillion, nine hundred nineteen billion, eight hundred seven million, one hundred thirty-two thousand, four hundred sixty-four dollars and one cent) during the past 15 years.

ADDITIONAL STATEMENTS

RETIREMENT OF COLONEL WILLIAM ''DAVE'' MILLER

• Mr. ROBB. Mr. President, today I rise to honor Col. William ''Dave'' Miller upon his retirement from the U.S. Army and to thank him for his 27 years of faithful and honorable service to the Army and the Nation.

Serving in positions of increasing responsibility, Colonel Miller has displayed remarkable leadership and superb knowledge throughout his entire career. Colonel Miller's exceptional abilities were notably acknowledged when he was selected as Commander of the Data Systems Unit, White House Communications Agency. As the Commander, he was the driving force behind the development of a host of automation modernization programs, which significantly improved the crisis management decision process of the Nation and placed the Command upon the cutting edge of the information revolution. Colonel Miller routinely interacted with the National Security Council, White House Military Office, and the White House Staff. The consummate professional, he demonstrated the ability to work successfully with each of these offices and build consensus thereby ensuring mission success.

Upon completion of the Program Manager's Course, Colonel Miller served as the Commander of the U.S. Army Research, Development and Acquisition Information Systems Activity, where he directly supported the Assistant Secretary of the Army for Research, Development and Acquisition. Colonel Miller introduced a myriad of initiatives that resulted in dramatic improvements in the daily operation of his organization. Chief among these was his ability to reduce base operations costs by 38 percent which translated into a yearly savings of over three hundred thousand dollars.

Colonel Miller culminated his career as the Commander of the United States Army Information Systems Software Center, a centrally selected Command with over 900 military and civilian personnel supported by over 400 contractors. He managed a budget of over $115 million. Colonel Miller, a recognized leader in the acquisition and automation communities, did an exceptional job of leading his command through a difficult period of downsizing and budget cuts while continuing to improve automation support to the Warfighter.

Colonel Miller is one of the Army's most outstanding automation officers. His selfless dedication, consummate professionalism, and visionary leadership have enabled him to lead his Command to unprecedented heights, eliciting praise from field commanders Army wide. He personifies the very best character attributes of the Officers' Corps. The Army will be greatly diminished the day that he retires.

I am honoring Colonel Miller today as a way of thanking him for his faithful and honorable service to the Army and to the citizens of the United States.•

KIDS DAY AMERICA/ INTERNATIONAL

• Mr. SANTORUM. Mr. President, I rise today to join Stefanou Chiropractic Centers in supporting the sixth annual Kids Day America/International event in Philadelphia on May 20, 2000. Stefanou Chiropractic is the official chiropractic office representing Kids Day America/International at the event, which will benefit the World Children's Wellness Foundation.

Kids Day America/International is a special day set aside to address health, safety and environmental issues. It was founded for the purpose of educating families and communities about important social concerns that affect us as individuals and as a community.

Our children represent the promise of a bright future, and we must uphold our obligation to nurture and protect them, providing them with the opportunity to learn, achieve, grow and succeed in a healthy and safe environment. Kids Day America/International is an opportunity to teach our children positive principles which will benefit them for a lifetime.

I would like to offer my best wishes to Stefanou Chiropractic Centers for a successful and educational event to be enjoyed by all. To honor this event, I put forward the following proclamation:

Whereas, the health and well-being of children is our responsibility; and

Whereas, the safety of our children is a significant concern for parents, community leaders and health care givers; and

Whereas, environmental welfare is of universal concern and deserves the utmost attention; and

Whereas, if started in childhood, proper health, safety and environmental habits can be maintained for a lifetime, producing a valued member of society, and enhancing our community;

Now, therefore, I urge my Senate colleagues to join me in proclaiming the 20th of May, 2000 as ''Kids Day America/International.''●

IN MEMORY OF JO-ANN MOLNAR

● Mr. KERRY. Mr. President, I would like to share just a few words about a good friend we recently lost, someone I have known since I first ran for Lieutenant Governor in Massachusetts in 1982, a good hearted and selfless individual who was always an inspiration, Jo-Ann Molnar. Jo-Ann recently passed away after bravely battling cancer, and I know that I am not alone in saying that as someone whose life was touched by Jo-Ann Molnar's service, activism, and warmth, there is today a deep and profound sense of loss. In Jo-Ann many of us have lost—and today I would like to honor—a committed activist, a person of enormous courage and character and, most simply, a great friend.

I first met Jo-Ann Molnar when I became involved in politics in the 1970s. Jo-Ann approached me at one of our earliest events and offered to help in any way she could. Jo-Ann was one of those individuals who—through her commitment to do what is right, through her belief in politics not as sport but as a fight for principle—could reaffirm precisely why politics matters and why public service is worthwhile.

Jo-Ann and I remained in touch ever since that first involvement, and I looked forward to and always appreciated Jo-Ann's warm cards and greetings. Always a loyal friend, Jo-Ann would share with me her thoughts on issues of importance, keep me abreast of her accomplishments, and offer me words of encouragement as I worked through the challenges of the United States Senate.

It was through her frequent cards and letters—and the occasional happy meeting either in Massachusetts or at political gatherings around the Maryland area—that I learned of the many ways in which Jo-Ann continued to dedicate herself to public service. Her determination to make a difference led her to remarkable achievements. In 1977, Jo-Ann graduated magna cum laude from Fairleigh Dickinson University, with a degree in history and political science. She went on to earn a master's degree in political science from American University. Jo-Ann selflessly offered her leadership to her fellow Democrats, serving admirably as President of the Montgomery County, Maryland Young Democrats, as Vice Chair of the Handicapped Commission in Montgomery County, and on the Board of Directors of the Montgomery County public libraries. In addition to her help with my campaigns, Jo-Ann served as a legislative intern to U.S. Senator Donald Reigle, U.S. Representative Gene Andrew Maguire, and Montgomery County Council member Michael L. Gudis. She also worked as a Congressional Liaison Assistant for the U.S. Department of Health and Human Services. For almost a decade, Jo-Ann served as a legal researcher for the Human Relations Commission. She gave of herself as a Sunday School teacher and a confirmation teacher at the Foundary United Methodist Church in Washington, D.C, as well as an instructor at Colesville United Methodist Church in Silver Spring, Maryland.

Mr. President, Jo-Ann lived a life true to her ideals of service—service to community, service to faith. I would add, though, that none of these achievements would have been possible if Jo-Ann had not worked so hard to overcome cerebral palsy. Jo-Ann refused to be slowed by her disability—and in fact rejected the notion that she should in any way lower her expectations for herself or expect different expectations from those to whom she so selflessly offered her best efforts. Jo-Ann was a fighter, and I continually marveled at her drive to rise above what some would view as limitations.

For that reason, Jo-Ann served as one of the best possible advocates and activists for the Americans with Disabilities Act. Honored as a teenager for her activism on the Education for All Handicapped Children Act, Jo-Ann kept pushing as an adult to break down barriers in our society that she believed kept disabled Americans from maximizing their contributions to their communities and our nation. Jo-Ann was not just an advocate for legislation to protect and empower disabled Americans—she was the living embodiment of those efforts.

Mr. President, it is difficult to accept that we have all lost a friend in Jo-Ann Molnar, but it is particularly difficult, I know, for Jo-Ann's family—her mother, Helen, and her two sisters, Dorothy and Ilona. They are in our thoughts and prayers.

I was comforted, though, to learn that Jo-Ann was able to enjoy life as she had always done, up until her last days. Jo-Ann's mother, Helen, let me know that she had a wonderful Christmas with her family and was able to attend a New Millennium New Year's Eve celebration, complete with the 60's rock music she loved. Just as she did throughout her life, even in her most difficult days, Jo-Ann kept on doing the things that she loved—and she moved forward in so many remarkable efforts driven by a real sense of social conscience.

Mr. President, today I remember Jo-Ann for her service, her friendship, and her kindness. All of us who knew her continue to draw strength from her courage and her faith, and Jo-Ann's life continues to inspire.●

COMMEMORATING SAMUEL JAMES TOBIAS

● Mr. DOMENICI. Mr. President, I rise today to join the community of Ruidoso, New Mexico in mourning the loss of Samuel James Tobias. Sam, a twenty-four-year veteran of the U.S. Forest Service, lost his life this week battling the Scott Able Fire in southern New Mexico when the spotter plane he was in crashed shortly after takeoff. His loss leaves a tremendous void for his wife, Jackie, the Forest Service, and the entire community of Ruidoso.

Sam joined the Forest Service in 1977 and worked in Recreation Management his whole career because of his love for the National Forest and the public. Preserving the land was his passion, and although fire fighting was the most dangerous aspect of his job, it was the part he especially enjoyed. Sam joined many local and regional fire teams and became trained as an Air Attack Coordinator. His skills in coordinating air tankers, helicopters and fire crews became well known and he gained the respect of all throughout the fire fighting community.

Sam was also deeply respected as a person. A big man with a soft voice, he was known as always having a smile on his face. One of his coworkers remembered him as ''the peacemaker with that big smile, always helping and giving good advice.'' Others have talked about the ''twinkle in his eyes'' and his big ''bear hugs.'' His lifelong friend, Dale Mance, recalled how Sam helped him find his way out of the steel mills of Pennsylvania and into a career with the Forest Service. There are so many examples of Sam's goodness; obviously, he had a heart that matched the size of his physical stature.

The many testimonals about Sam that his friends and family have offered carry a common theme: his willingness to help others, his selflessness, his concern for others. Often, such character is uncommon in men. For Sam Tobias it was natural, because he held genuine love for his family, his neighbors, and the land. Mr. President, I share the grief of the community of Ruidoso and my heartfelt condolences go out to the Tobias family.●

TRIBUTE TO ALICE FULLER

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to a remarkable woman, Alice Fuller. At the age of 81, she has two adult daughters, six grandchildren, and nine great grandchildren. She manages a thirteen-acre farm and garden, and still spoils her family with homemade rolls and baked goods at every family dinner. Her stamina and good-nature should be an inspiration to

all Americans. A native of Missouri, she moved with her family to California in 1936, and in 1941, she married and moved to Oregon. Irrespective of her southern and western roots, she is an enthusiastic and loyal fan of the New York Yankees. On Mother's Day, The Register-Guard of Eugene, Oregon included the following story on this, ''One Tough Mom.''

Mr. President, I ask that this statement and the following article be printed in the RECORD.

A FARMER'S INSTINCT

(By Kimber Williams, The Register-Guard)

VENETA.—Seated on a stack of newspapers astride her John Deere tractor, dragging a brush cutter around her 13-acre farm, she looks no bigger than a child.

At 81, Alice Fuller is small—her slim, delicate limbs whittled by the inevitable bending and shrinkage that come with the years.

Steadied by a wooden cane, she stands at 4 feet 6 inches and weighs maybe 91 pounds.

Don't be fooled. She's still got plenty of horsepower.

Fuller has lived alone since her husband's death, tending her beloved garden and fruit trees, hauling in wood to heat her home—she prefers wood heat—cooking and baking her famous from-scratch dinner rolls. As always, keeping her place up.

Hard work is the essential rhythm to her life—as sure and steady as her own heartbeat.

As the daughter of Missouri sharecroppers, Fuller grew up working the land.

Corn and wheat and oats, watermelon and canteloupe. She quit school early to help her brothers, the baby of the family intent on carrying her own weight.

It was a good life, an honest life. But she would never tell you that it's been hard.

Like many children of the Depression—like mothers everywhere—she simply did what had to be done.

As a wife and mother in rural Oregon, Fuller learned to run a chicken ranch—raising up to 75,000 chickens five times a year. She could clean and dress 100 chickens, dissect a chicken and tell you what killed it, then turn around and fry up a batch for dinner.

Once, when Fuller left to visit her own ailing mother, she returned to find that someone had left a chicken house door unlatched.

Cows had wandered in among the 15,000 maturing broilers, sending terrified chickens scrambling. Smothered chickens were stacked in every corner of the chicken house.

Without complaint, she went to work slaughtering and dressing a couple of hundred chickens.

Fuller's Poultry Farm is behind her now, but the will to work remains, a siren song even in her waning years.

Work is the call that propels her out of bed each morning. It gives her purpose and keeps her moving. Call it a farmer's instinct. It is the only life she has known.

She is blessed with both extraordinary drive and internal blinders that allow her to ignore many barriers of age—much to the consternation of her grown daughters, Evelyn McIntyre and Judy Bicknell, who view their tiny, determined mother with love, gratitude and amazement.

If there is a problem, Fuller tackles it. That simple.

''When a water pipe broke earlier this year, Mom went out in the rain, muck and mud, and dug the hole for the plumber to be able to fix the pipe,'' McIntyre recalled. ''She falls often, and in fact, fell into the hole, but climbed back out and went right back to digging.

''I don't think Mom ever, ever thought there was anything she couldn't do.''

At this, Fuller can't keep quiet.

''Well there's one thing that I can't do, much to my daughters' delight,'' she said with a good-natured grumble. ''There are four chain saws out in the shop, and I can't start one of them. It's been so frustrating to me, and I don't think anything could make them happier.''

It might be hard to imagine a 91-pound woman with arms as slight as a 10-year-old's waving around a roaring chain saw. But you don't know Fuller.

There's still a touch of flame in her once-auburn hair, and a bit of fire in her belly.

''Oh, I'm pretty reckless,'' she jokes with a wave of her hand. ''I stalled the John Deere yesterday—tried to put it between two trees. The tractor would make it, but the brush cutter wouldn't. Had to get out the Oliver, the big tractor, to get her out.''

It's like her. Over the years, she has developed a habit of depending on herself.

Once, while climbing a metal ladder to check a feed bin on a rainy day, she discovered a short in the electric auger that moved chicken feed into the bin. Her hand froze to the ladder, fixed with an electrical current. It wouldn't budge.

''Well, the girls had gone to school, my husband had gone to work and there I stood. I could not let loose of this ladder,'' she chuckled. ''It was about 9 in the morning, and I decided I couldn't possibly stand there all day.''

With her left hand, Fuller grabbed the fingers of her right hand, carefully prying each one off the metal.

''They just stayed stiff until they were all off,'' she smiled. ''I was kind of lucky that time.''

Other times, she wasn't so lucky. A cow kick that led to knee surgery. A broken ankle. A torn rib cartilage from a fall off a ladder. The rigors of farm life.

''Once she rode her riding mower under a sign, but was looking behind her and forgot to duck,'' McIntyre recalled. ''She hurt her neck quite a bit, but at the hospital the doctors couldn't read the X-rays of the bones in her neck to tell if anything had been broken because of so many arthritic changes in her bones.

Fuller wasn't one to complain.

''Mom always gave us the feeling that we could and should accomplish the next challenge before us,'' McIntyre added. ''She demanded absolute honesty—always counted her change and checked the clerk's math, but would just as readily return an error in her favor as point out when she was short-changed.

''One tough mom,'' she added. ''She's ours and we love her.''

Ask Fuller where she finds strength, and she shrugs.

She doesn't give advice to others. She knows what she knows. And what she knows is work.

She'll tell you that she's slowed down. ''Not nearly as active as I once was,'' Fuller insisted, a wistful note in her voice. But in the same breath, she talks about the tasks before her.

It's spring out at her place, with calla lilies unfurling and bleeding hearts and sword ferns awakening in the shade of towering fir trees. Tall grass stretches upward beneath gentle spring rain, a yard demanding to be mown.

There is a garden to plant, nearly an acre of raspberry bushes to tend, fruit trees in flower and a grape arbor that promises 40 to 50 quarts of grape juice this summer.

There are jobs to be done. And that's enough.●

TRIBUTE TO MR. JOHN C. GARDNER

● Mr. GRASSLEY. Mr. President, it is my distinct pleasure to pay tribute to John C. Gardner, an exceptionally dedicated public servant. Mr. Gardner is retiring after ten years of service as the President of the Quad City Development Group, a public/private not-for-profit corporation. This organization promotes economic growth in and around the cities of Davenport and Bettendorf, Iowa, and Moline and Rock Island, Illinois. The Development Group markets these communities as locations for companies seeking to expand or relocate. It also works with Quad City communities to improve their climate for job creation.

Under his leadership, the Quad City Development Group has been the driving force behind the retention and addition of more than 14,000 jobs and the investment of over $1 billion in the Quad Cities area. John's leadership style, which was developed and honed in the private sector, was ideal for his position as the President of this vital community and business-based group.

I would like to take a moment to highlight John's career. Immediately before joining the Quad City Development Group, John was the director of economic development for Lee Enterprises, Inc., the owner of the Quad City Times and the Southern Illinoisan newspapers. Before that assignment, John was publisher of the Quad City Times for five years. He learned the newspaper business in a 23-year career as a reporter, editor and eventually publisher of The Southern Illinoisan newspaper in Carbondale, Illinois. He is active in a number of professional and community organizations, and has been involved in various statewide projects in both Iowa and Illinois. He is a member of the Iowa Group for Economic Development and was chairman of the Iowa Future project, a statewide strategic planning effort.

It gives me great pleasure to present the credentials of John C. Gardner to the Senate today. It is clear that the Iowa and Illinois communities he has served so well are losing a great talent. They will miss his leadership, his winning smile, and his personal and professional dedication. I would like to wish both John and his wife, Ann, the best in their retirement and continued success in all their future endeavors.●

CONGRATULATIONS TO MR. THOMAS PILKINGTON

● Mr. ASHCROFT. Mr. President, I rise today to pay tribute to Thomas

Pilkington as he retires from over thirty-six years of service to General Motors.

Tom began his career with General Motors in 1964 as a Suggestion Plan Investigator at the Chevrolet Motor Division Plant in Framingham, Massachusetts. Through hard work and determination, Tom achieved numerous promotions, including Interviewer and later Safety Inspector. In 1970, Tom was appointed Supervisor of Labor Relations at the Chevrolet Assembly Plant at Ypsilanti, Michigan, Supervisor of Salaried Personnel Administration in 1972, and later that year, he became Supervisor of Labor Relations. In 1973, Tom became General Supervisor of Labor Relations followed by General Supervisor of Industrial Relations in 1976. The following year, he was named Administrator of Labor Relations at the GMAD-Central office in Warren, Michigan. Within a month, he became Administrator of Salaried Personnel.

In October of 1977, Tom was named Personnel Director at the GMAD-Tarrytown plant in Tarrytown, New York, until his transfer in 1982 to Wentzville, Missouri, as Personnel Director.

Tom Pilkington's long tenure of service demonstrates his perseverance, hard work and dedication. His outstanding service to General Motors over the years is truly admirable.

I urge the Senate to join me in congratulating Thomas Pilkington and wishing him, his wife, Marilee, and their family the very best as they move on to face new challenges, opportunities, and rewards.●

MESSAGE FROM THE PRESIDENT

A treaty from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

TREATY REFERRED

As in executive session the Presiding Officer laid before the Senate a treaty from the President of the United States which was referred to the Committee on Foreign Relations.

A NOTICE CONTINUING THE NATIONAL EMERGENCY WITH RESPECT TO BURMA THAT WAS DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997—A MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 2000.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 2000.*

A 6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA THAT WAS DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997—A MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 2000.*

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

H.R. 3709. An act to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, 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–9016. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–329, ''Choice in Drug Treatment Act of 2000''; to the Committee on Governmental Affairs.

EC–9017. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–327, ''Alcoholic Beverage Control New Grocery Store Development Temporary Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–9018. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–326, ''Elimination of Unlicensed Group Residential Facilities Temporary Act of 2000''; to the Committee on Governmental Affairs.

EC–9019. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–325, ''Moratorium on Conversion of Existing Public Schools into Charter Schools Temporary Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–9020. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–321, ''Tobacco Settlement Model Act of 2000''; to the Committee on Governmental Affairs.

EC–9021. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–323, ''Closing of Public Alleys in Square 252, S.O. 98–144 Act of 2000''; to the Committee on Governmental Affairs.

EC–9022. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–324, ''Approval of the Extension of the Term of District Cablevision Limited Partnership Franchise Temporary Act of 2000''; to the Committee on Governmental Affairs.

EC–9023. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–322, ''Money Transmitters Act of 2000''; to the Committee on Governmental Affairs.

EC–9024. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–320, ''John Wilson Campaign Fund Transfer Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–9025. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–338, ''Attendance and School Safety Temporary Act of 2000''; to the Committee on Governmental Affairs.

EC–9026. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–339, ''District of Columbia Emancipation Day Temporary Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–9027. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–337, ''Workforce Investment Implementation Act of 2000''; to the Committee on Governmental Affairs.

EC–9028. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–333, ''Long-Term Care Insurance Temporary Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–9029. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–335, ''Electricity Tax Act of 2000''; to the Committee on Governmental Affairs.

EC–9030. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–334,

''Omnibus Police Reform Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–9031. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–336, ''School Governance Companion Amendment Act of 2000''; to the Committee on Governmental Affairs.

EC–9032. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC–9033. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interest on Underpayments and Overpayments of Customs Duties, Taxes, Fees and Interest'' (RIN1515–AB76), received May 15, 2000; to the Committee on the Judiciary.

EC–9034. A communication from the Department of Education, transmitting , pursuant to law, the report of a final rule entitled ''NIDRR–NFP-Rehabilitation Research and Training Centers'' (84.133), received May 16, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–9035. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Prohibition of Nonpelagic Trawl Gear in the Bering Sea and Aleutian Islands Pollock Fishery'' (RIN0648–AL30), received May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9036. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Final Rule-Amends the Regulations Implementing the Transfer Provisions of the License Limitation Program'' (RIN0648–AO01), received May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9037. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2000 Management Measures'' (RIN0648–AN81), received May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9038. A communication from the Food and Nutrition Service, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled ''National School Lunch Program and School Breakfast Program: Additional Menu Planning Approaches'' (RIN0584–AC38), received May, 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9039. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Reorganizations; Nonqualified Preferred Stock'' (RIN1545–AV86) (TD 8882), received May 16, 2000; to the Committee on Finance.

EC–9040. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Announcement 2000–48'' (OGI 108637–00), received May 16, 2000; to the Committee on Finance.

EC–9041. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Changes to Regulation Section 1441 Effective 2001'' (RIN1545–AX53; RIN1545–AV27; RIN1545–AV41), received May 16, 2000; to the Committee on Finance.

EC–9042. A communication from the Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Youngstown-Warren Regional Airport-Air Reserve Station, OH; to the Committee on Armed Services.

EC–9043. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a final rule entitled ''OMB Circular A–73, Audit of Federal Operations and Programs'' (DFARS Case 2000–D007), received May 16, 2000; to the Committee on Armed Services.

EC–9044. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a final rule entitled ''Research, Development, Test, and Evaluation Budget Category Definition'' (DFARS Case 2000–D410), received May 16, 2000; to the Committee on Armed Services.

EC–9045. A communication from the Office for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9046. 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 Japan; to the Committee on Foreign Relations.

EC–9047. 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 the United Kingdom; to the Committee on Foreign Relations.

EC–9048. 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 Israel; to the Committee on Foreign Relations.

EC–9049. 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 Saudi Arabia; to the Committee on Foreign Relations.

EC–9050. 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 Turkey; to the Committee on Foreign Relations.

EC–9051. 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 to Korea; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 2593: An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106-298).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

H.R. 371: A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos.

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 1953: A bill to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 2484: A bill to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S. Res. 296: A resolution designating the first Sunday in June of each calendar year as ''National Child's Day.''

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 484: A bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 1902: A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

James J. Brady, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Berle M. Schiller, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Richard Barclay Surrick, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Petrese B. Tucker, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania retired.

(The above nominations were reported with the recommendation that they be confirmed.)

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 Mrs. FEINSTEIN (for herself, Mr. ABRAHAM, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. DURBIN, and Mr. DEWINE):

S. 2586. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, and Mr. VOINOVICH):

S. 2587. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Finance.

By Mr. BENNETT:

S. 2588. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON (for himself, and Mr. TORRICELLI):

S. 2589. 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 the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VOINOVICH:

S. 2590. A bill to reauthorize and amend the Comprehensive Environment Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. ROCKEFELLER, Mr. ROBB, Mr. L. CHAFEE, Mr. BRYAN, and Mr. KERRY):

S. 2591. A bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. DASCHLE, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 2592. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS:

S. 2593. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. ALLARD:

S. 2594. A bill to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 2595. A bill to amend chapter 7 of title 31, United States Code, to authorize the General Accounting Office to take certain personnel actions, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON:

S. 2596. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. DEWINE, Mr. VOINOVICH, Mrs. MURRAY, Mr. CRAPO, and Mr. CRAIG):

S. 2597. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. MURKOWSKI, Mr. HATCH, Mr. DASCHLE, Mr. ABRAHAM, Mr. SARBANES, Mr. MOYNIHAN, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. KOHL, Mr. LEVIN, Mr. WYDEN, Mr. FEINGOLD, Mr. ROBB, Mr. WELLSTONE, Mr. LIEBERMAN, and Mr. INOUYE):

S. 2598. A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Ms. SNOWE, Mr. CRAIG, Ms. COLLINS, Mr. GORTON, Mr. JEFFORDS, Mr. SCHUMER, Mr. GRAHAM, Mr. LEVIN, Mr. DEWINE, and Mrs. MURRAY):

S. 2599. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for himself, Mr. MOYNIHAN, and Mr. ROCKEFELLER):

S. Res. 308. A resolution congratulating the International House on the occasion of its 75th anniversary; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. ABRAHAM, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. DURBIN, and Mr. DEWINE):

S. 2586. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today I am introducing bipartisan legislation that, if enacted, will enable the Immigration and Naturalization Service (INS) to cut through and eventually eliminate the unacceptably long backlogs in its processing of applications for naturalization, adjustment of status, and other immigration benefits.

I am pleased that Senators ABRAHAM, JEFFORDS, DEWINE, LEAHY, REID, MOYNIHAN, MIKULSKI, GRAHAM, and DURBIN have joined me as original cosponsors of this important bill.

All of us have heard the horror stories of the long delays in processing naturalization and immigration applications. What was once a 6-month process has now become a 3- to 4-year ordeal.

The ''Immigration Services and Infrastructure Improvement Act of 2000,'' which I am introducing today, would provide the Immigration and Naturalization Service with the direction and resources it needs to reduce the current immigration backlogs and hold it accountable to get the job done.

It is unacceptable that millions of people who have followed our nation's laws, made outstanding contributions to our nation, and paid the requisite fees have had to wait months—and in too many cases, years—to obtain the immigration services they need. The enormous delays in processing have had a negative impact on the reunification of spouses and minor children, and on businesses seeking to employ essential workers to help keep them globally competitive.

The fact is, there are many victims of an agency that is in dire need of a change in the way it does business. Today, it has become all too clear that the INS needs to re-engineer its adjudication process, which will require both additional resources and strong congressional direction and oversight.

The ''Immigration Services and Infrastructure Improvement Act'' would enable millions of law-abiding residents, immigrants, and businesses, who have played by the rules and paid fees to the INS, to have their applications processed in a timely manner.

This bill evolved from discussions with immigration advocates, the business community, State and local leaders, and the Administration. Specifically, this legislation would do three things.

First, it would create a separate ''Immigration Services and Infrastructure Improvement Account'' (''Account'') and authorize such sums as may be necessary to fund it.

This account would permit the INS to fund across several fiscal years infrastructure improvements, including additional staff, computer records

management, fingerprinting, and nationwide computer integration. Moreover, it would pay for these infrastructure improvements through direct appropriations rather than through increased application fees.

Second, the ''Immigration Services and Infrastructure Improvement Act of 2000'' would require the INS to put together a plan on how it will eliminate existing backlogs and report on this plan before it could access any of the funds.

In its report, the INS would be required to describe its current processing capabilities and detail its plans to eliminate existing backlogs in immigration benefit applications and petitions.

And third, it would require the Department of Justice to submit an annual, detailed report to Congress, including data on the number of naturalization applications and immigration petitions processed and adjudicated in each of the fiscal years following enactment of the act.

The act would also require the INS to report on the number of cases still pending in the naturalization, immigrant and nonimmigrant visa categories. In some cases this would involve a state-by-state or regional analysis of INS's progress in processing applications in a timely fashion.

In the past 7 years, 6.4 million people applied for U.S. citizenship—more than the previous 37 years combined. Today, INS faces a backlog of 1.3 million naturalization applications. Although the INS has put more resources into processing naturalization applications, this has come at the expense of processing other immigration-related applications, such as those for lawful permanent residence. At the beginning of this year, the INS had a pending caseload of 951,350 adjustment of status applications—an eightfold increase since 1994.

As a result, major cities continue to face tremendous delays in the processing of INS naturalization and immigrant applications. Five cities—Los Angeles, New York, San Francisco, Miami, and Chicago—handle 65 percent of the nation's naturalization workload.

By now, most of us are familiar with the numbers. Indeed, it would be easy for one to look at and decry the statistics reflecting the enormous number of backlogged applications. Instead, I come to floor of the Senate today to talk about the human cost of these backlogs and what I intend to do through legislation to help the INS put itself on its proper course.

As one who represents California, a State that is number one among immigrant-receiving States, I have seen firsthand how families and businesses can be disproportionately affected by the smallest fluctuations in INS resources and services.

One out of every four Californians—about 8.5 million people—is foreign born. The average number of new immigrants to the State is more than 300,000 annually. Population growth of this magnitude is like adding a city the size of Anaheim, California each year.

The constant processing delays at the INS have had a tremendous impact on the ability of immigrants to naturalize, and seek services related to their application for green cards, work authorization, and family reunification.

On almost a daily basis, my office fields calls from people who have been waiting three or four years to naturalize or to adjust their status to that of lawful permanent resident. And this is after having paid a fee of $225 per naturalization application, and $220 for an adjustment of status application—per person. Imagine how much of an investment a family makes in order to play by the rules.

Applicants for these services are never really sure if their application is still in the process or lost, especially when the expected time for a fingerprint or interview notice comes and goes.

I have received numerous letters from constituents that vividly portray the human toil these backlogs have taken.

For example, one person wrote that he and his family have been in the country legally for more than 10 years. They filed their request for permanent residency at the right time. Their file, however, has moved so slowly within the INS that one of their sons is now about to ''age out'' of qualifying for permanent residence because he will turn 21 soon.

Just recently, I received a letter from a young student at Berkeley who filed a citizenship application in October 1996. She is still waiting to receive word from the INS on the correct status of her file.

She was told by the INS in January this year that it had closed her case in June 1999 without her knowledge or ability to address any concerns they might have had with her case. In fact, she was never told there were problems with her case.

Up until January, she had been told by the INS that she would be receiving her interview notice within six weeks. Unfortunately, six weeks became three years. Now, almost four years later, she has come to my office for assistance, wondering what she might have done to create this situation.

The fact is, like millions of others throughout the country, she is a victim of an agency that is in dire need of a change in the way it does business.

Millions of people are being prevented from participating in American civic life because of the inability of INS to process their naturalization applications in a timely fashion (e.g., they cannot vote, run for public office, assume certain government positions). U.S. citizens are unable to be reunited with their spouses and minor children because of the delays in INS processing.

And thousands of American businesses, such as high tech companies like Sun Microsystems and others, have been prevented from getting qualified workers because of the INS's inability to provide access to a critical portion of their workforce. Lengthy delays and inconsistencies in INS processing have taken a toll on company projects, planning and goals.

How does this legislation help Congress hold the INS accountable for the prompt delivery of services? If INS does not met the goals of set out in this legislation, it would have to explain to Congress why the backlogs persist and what the agency is doing to fix them. This legislation would also require the INS to describe the additional mechanisms and resources needed to meet Congress's mandate that backlogs be eliminated and that the processing of applications take place in an acceptable time frame.

While funds devoted to enforcing our immigration laws have rightfully been increased in recent years, until very recently, Congress had not provided increases in funding to the INS specifically to deal with the increased missions that Congress has imposed on it. Nor has Congress provided adequate funding to deal with the increased number of naturalization and other immigration benefits applications that have been submitted in recent years and continue to be submitted.

The business community, immigration community, and the Administration have indicated their support for mechanisms such as those included in my legislation. I wish to thank the following organizations whose valuable input and ideas helped shaped this important legislation:

American Business for Legal Immigration; American Council on International Personnel; American Immigration Lawyers Association; Hebrew Immigration Aid Society; Mexican American Legal Defense and Education Fund; National Association of Latino Elected Officials; National Asian Pacific American Legal Consortium; National Council of La Raza; United Jewish Communities; and United States Catholic Conference.

Mr. President, the ''Immigration Services and Infrastructure Improvement Act of 2000'' would provide direction and accountability on how the INS uses appropriated funds. Passage of this legislation would send a strong congressional directive to the INS that timely and efficient service is not merely goal, but a mandate.

I urge the Senate to act swiftly and pass this urgently needed legislation.

By Mr. NICKLES (for himself and Mr. VOINOVICH):

S. 2587. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Finance.

SIMPLIFICATION OF EXCISE TAX ON HEAVY TRUCK TIRES

• Mr. NICKLES. 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. 2587

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

SECTION 1. SIMPLIFICATION OF EXCISE TAX ON HEAVY TRUCK TIRES.

(a) TAX BASED ON TIRE LOAD CAPACITY NOT WEIGHT.—Subsection (a) of section 4071 of the Internal Revenue Code of 1986 (relating to imposition of tax on tires) is amended to read as follows:

''(a) IMPOSITION AND RATE OF TAX.—There is hereby imposed on tires of the type used on highway vehicles, if wholly or in part made of rubber, sold by the manufacturer, producer, or importer a tax equal to 8 cents for each 10 pounds of the tire load capacity in excess of 3500 pounds.''.

(b) TIRE LOAD CAPACITY.—Subsection (c) of section 4071 of such Code is amended to read as follows:

''(c) TIRE LOAD CAPACITY.—For purposes of this section, tire load capacity is the maximum load rating labeled on the tire pursuant to section 571.109 or 571.119 of title 49, Code of Federal Regulations. In the case of any tire that is marked for both single and dual loads, the higher of the 2 shall be used for purposes of this section.''.

(c) TIRES TO WHICH TAX APPLIES.—Subsection (b) of section 4072 of such Code (defining tires of the type used on highway vehicles) is amended by striking ''tires of the type'' the second place it appears and all that follows and inserting ''tires—

''(1) of the type used on—

''(A) motor vehicles which are highway vehicles, or

''(B) vehicles of the type used in connection with motor vehicles which are highway vehicles, and

''(2) marked for highway use pursuant to section 571.109 or 571.119 of title 49, Code of Federal Regulations.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1 of the first calendar year which begins more than 30 days after the date of the enactment of this Act.•

By Mr. BENNETT:

S. 2588. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services.

UTE-MOAB LAND RESTORATION ACT

• Mr. BENNETT. Mr. President, I take the floor today to introduce the Ute-Moab Land Restoration Act, a proposal that enjoys great support from the State of Utah and many of my constituents. This legislation contains two major components that will enable the restoration of Ute Indian Tribal lands and the remediation of a uranium mill tailings site near Moab, Utah.

The first component is the transfer of the Naval Oil Shale Reserve Numbered 2 (NOSR 2) lands east of the Green River to the Ute Indian Tribe. The lands that contain the NOSR 2 were taken from the Ute tribe in 1916 by the government to provide the Navy with a source of petroleum for oil-burning ships. This transfer will return these traditional homelands to the Ute tribe. Additionally, the return of these lands will spur economic development on the Uintah and Ouray Indian Reservation, home of the Ute Tribe. The increased economic development will include oil and gas production. It should be noted that the Ute Tribe has a history of environmentally responsible petroleum development on one of Utah's largest oil and gas fields. The bill also incorporates a provision whereby a nine percent royalty will be returned to the Secretary of Energy for the purposes of offsetting the cost of removing the Atlas tailings pile as I shall describe in a moment. I expect the tribe will give all future petroleum developments the same amount of care they have demonstrated in the past.

The economy of the Uintah Basin will not be the sole beneficiary of the land transfer. There are numerous conservation provisions incorporated into the transfer. These provisions include the establishment of a quarter mile corridor along 75 miles of the Green River to conserve its scenic qualities and protections for wild horses and threatened and endangered plants life.

The second component will facilitate the removal of the tailings from the Atlas uranium milling site across the Colorado River from Moab, Utah. It should be noted that the determination to locate the Atlas milling facility at MOAB was driven by encouragement from the former Atomic Energy Commission. Further, the Department of Energy (DOE) bears responsibility for approximately 56 percent of the 10.5 million tons of mildly radioactive debris left as a residue from the Cold War and our nation's effort to maintain its nuclear weapons stockpile. These tailings, produced from 156 to 1988, are currently leaching ammonia into the waters of the Colorado River. Additionally, the pile is a significant source of airborne radon. Both of these pollutants need to be addressed.

In January of this year, Secretary of Energy Bill Richardson announced the intention of DOE to move the Atlas tailings pile to a remote location where this waste could be contained in a sealed cell. This proposal follows work done previously by DOE on 22 former uranium mill tailings sites. The legislation I am introducing today amends the Uranium Mill Tailings Radiation Control Act (UMTRCA) by adding the Atlas tailings site as the 23rd site for DOE remediation.

I note that the U.S. Nuclear Regulatory Commission conducted a lengthy five-year environmental impact statement on the Atlas site. Its conclusion held that the site could be remediated in place by dewatering the pile, treating the ground water, and capping the tailings. Indeed, the NRC has appointed a trustee that is moving forward with this remediation process today. However, given the interests of the State of Utah and the people of Grand County, I am introducing this legislation so the tailings can be removed and treated in a more secure manner.

I am concerned that securing the funding for this clean-up may be difficult. Therefore, I have a included a provision which will enable the NRC trustee to continue on-site remediation up to the point that DOE obtains the necessary appropriations to step up and take over the process. I believe this is the responsible approach to ensure that public health and the environment are protected regardless of the outcome of future appropriations.

I look forward to working with my colleagues in moving this legislation forward and restoring these Utah lands.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2588

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 ''Ute-Moab Land Restoration Act''.

SEC. 2. TRANSFER OF OIL SHALE RESERVE.

Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended to read as follows:

''SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED 2.

''(a) DEFINITIONS.—In this section:

''(1) MAP.—The term ''map'' means the map entitled 'Boundary Map, ...', numbered ____ and dated _____, to be kept on file and available for public inspection in the offices of the Department of the Interior.

''(2) MOAB SITE.—The term 'Moab site' means the Moab uranium milling site located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917.

''(3) NOSR–2.—The term 'NOSR–2' means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

''(4) TRIBE.—The term 'Tribe' means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

''(b) CONVEYANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the United States conveys to the Tribe, subject to valid existing rights in effect on the day before the date of enactment of this section, all Federal land within

the exterior boundaries of NOSR–2 in fee simple (including surface and mineral rights).

''(2) RESERVATIONS.—The conveyance under paragraph (1) shall not include the following reservations of the United States:

''(A) A 9 percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals from the conveyed land that are produced, saved, and sold, the payments for which shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted.

''(B) The portion of the bed of Green River contained entirely within NOSR–2, as depicted on the map.

''(C) The land (including surface and mineral rights) to the west of the Green River within NOSR–2, as depicted on the map.

''(D) A ¼ mile scenic easement on the east side of the Green River within NOSR–2.

''(3) CONDITIONS.—

''(A) MANAGEMENT AUTHORITY.—On completion of the conveyance under paragraph (1), the United States relinquishes all management authority over the conveyed land (including tribal activities conducted on the land).

''(B) NO REVERSION.—The land conveyed to the Tribe under this subsection shall not revert to the United States for management in trust status.

''(C) USE OF EASEMENT.—The reservation of the easement under paragraph (2)(D) shall not affect the right of the Tribe to obtain, use, and maintain access to, the Green River through the use of the road within the easement, as depicted on the map.

''(c) WITHDRAWALS.—All withdrawals in effect on NOSR–2 on the date of enactment of this section are revoked.

''(d) ADMINISTRATION OF RESERVED LAND, INTERESTS IN LAND.—

''(1) IN GENERAL.—The Secretary shall administer the land and interests in land reserved from conveyance under subparagraphs (B) and (C) of subsection (b)(2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

''(2) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

''(e) ROYALTY.—

''(1) PAYMENT OF ROYALTY.—

''(A) IN GENERAL.—The royalty interest reserved from conveyance in subsection (b)(2)(A) that is required to be paid by the Tribe shall not include any development, production, marketing, and operating expenses.

''(B) FEDERAL TAX RESPONSIBILITY.—The United States shall bear responsibility for and pay—

''(i) gross production taxes;

''(ii) pipeline taxes; and

''(iii) allocation taxes assessed against the gross production.

''(2) REPORT.—The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

''(3) FINANCIAL AUDIT.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code.

''(B) INCLUSION OF RESULTS.—The results of each audit under this paragraph shall be included in the next annual report submitted after the date of completion of the audit.

''(f) RIVER MANAGEMENT.—

''(1) IN GENERAL.—The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

''(A) maintains the protected status of the land; and

''(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary.

''(2) NO MANAGEMENT RESTRICTIONS.—An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

''(3) REPEAL OR AMENDMENT.—An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of—

''(A) the Tribe; and

''(B) the Secretary.

''(g) PLANT SPECIES.—

''(1) IN GENERAL.—In accordance with a government-to-government agreement between the Tribe and the Secretary, in a manner consistent with levels of legal protection in effect on the date of enactment of this section, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

''(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

''(B) located or found on the NOSR–2 land conveyed to the Tribe.

''(2) TRIBAL JURISDICTION.—The protection described in paragraph (1) shall be performed solely under tribal jurisdiction

''(h) HORSES.—

''(1) IN GENERAL.—The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR–2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of enactment of this section.

''(2) TRIBAL JURISDICTION.—The management, control, and protection of horses described in paragraph (1) shall be performed solely—

''(A) under tribal jurisdiction; and

''(B) in accordance with a government-to-government agreement between the Tribe and the Secretary.

''(i) REMEDIAL ACTION AT MOAB SITE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of Energy shall prepare a plan for the commencement, not later than 1 year after the date of completion of the plan, of remedial action (including groundwater restoration) at the Moab site in accordance with section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)).

''(2) LIMIT ON EXPENDITURES.—The Secretary shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

''(A) amounts specifically appropriated for the remedial action in an Act of appropriation; and

''(B) other amounts made available for the remedial action under this subsection.

''(3) RETENTION OF ROYALTIES.—

''(A) IN GENERAL.—The Secretary of Energy shall retain the amounts received as royalties under subsection (e)(1).

''(B) AVAILABILITY.—Amounts referred to in subparagraph (A) shall be available, without further Act of appropriation, to carry out the remedial action under paragraph (1).

''(C) EXCESS AMOUNTS.—On completion of the remedial action under paragraph (1), all remaining royalty amounts shall be deposited in the General Fund of the Treasury.

''(D) AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

''(ii) CONTINUATION OF NRC TRUSTEE REMEDIATION ACTIVITIES.—After the date of enactment of this section and until such date as funds are made available under clause (i), the Secretary, using funds available to the Secretary that are not otherwise appropriated, shall carry out—

''(I) this subsection; and

''(II) any remediation activity being carried out at the Moab site by the trustee appointed by the Nuclear Regulatory Commission for the Moab site on the date of enactment of this section.

''(4) SALE OF MOAB SITE.—

''(A) IN GENERAL.—If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the miscellaneous receipts account of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site that is attributable to the completion of the remedial action, as determined in accordance with subparagraph (B).

''(B) DETERMINATION OF ENHANCED VALUE.—The enhanced value of the Moab site referred to in subparagraph (A) shall be equal to the difference between—

''(i) the fair market value of the Moab site on the date of enactment of this section, based on information available on that date; and

''(ii) the fair market value of the Moab site, as appraised on completion of the remedial action.''.

SEC. 3. URANIUM MILL TAILINGS.

Section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)) is amended by inserting after paragraph (3) the following:

''(4) DESIGNATION AS PROCESSING SITE.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this paragraph as the 'Moab Site') located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917, is designated as a processing site.

''(B) APPLICABILITY.—This title applies to the Moab Site in the same manner and to the same extent as to other processing sites designated under this subsection, except that—

''(i) sections 103, 107(a), 112(a), and 115(a) of this title shall not apply;

''(ii) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of enactment of this paragraph; and

''(iii) the Secretary, subject to the availability of appropriations and without regard to section 104(b), shall conduct remediation at the Moab site in a safe and environmentally sound manner, including—

''(I) groundwater restoration; and

''(II) the removal, to at a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab Site and the floodplain of the Colorado River.''.

SEC. 4. CONFORMING AMENDMENT.

Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note) is amended by inserting after subsection (e) the following:

''(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.''.●

By Mr. VOINOVICH:

S. 2590. A bill to reauthoize and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environmental and Public Works.

BROWNFIELDS REVITALIZATION ACT OF 2000

● Mr. VOINOVICH. Mr. President, I rise today to introduce legislation that will provide incentives to clean up abandoned industrial sites—or brownfields—across the country and put them back into productive use and preserve our greenspaces.

It is time to create more certainty in the brownfields cleanup process. Parties that clean up non-Superfund sites under state cleanup laws need certainty about the rules that apply to them, particularly that their actions terminate the risk of future liability under the federal Superfund program.

The bill that I introduce today, the Brownfield Revitalization Act of 2000, creates that certainty by allowing states to release parties that have cleaned up sites under state laws and programs from federal liability. This bill has strong bipartisan support from our nation's Governors who have written to me expressing their support for this legislation.

I strongly believe that there should be no requirement that the U.S. Environmental Protection Agency (EPA) pre-approve state laws and programs. State brownfields programs address sites that are not on the National Priorities List (NPL) and where the federal government has played little or no role.

States are leading the way in cleaning up sites more efficiently and cost-effectively. According to state solid waste management officials, states average more than 1,400 cleanups per year. And they are addressing approximately 4,700 sites at any given time.

This is helping to recycle our urban wastelands, prevent urban sprawl and preserve our farmland and greenspaces. These programs are cleaning up eyesores in our inner cities, making them more desirable places to live. Because they are putting abandoned sites back into productive use, they are the key to providing economic rebirth to our urban areas, and good-paying jobs to local residents. This bill makes sense for our environment and it makes sense for our economy.

The bill I am introducing today is similar to the brownfields provisions in S. 1090, the Superfund Program Completion Act of 1999, by Senator BOB SMITH and the late-Senator John Chafee. The purpose of my bill is to build upon the success of state programs by providing even more incentives to clean up brownfield sites in order to provide better protection for the health and safety of our citizens and the environment. What we don't need are delays caused by the U.S. EPA's second-guessing of state decisions.

A good example of second-guessing occurred in my own state of Ohio. One company, TRW completed a cleanup at its site in Minerva under Ohio's enforcement program in 1986. Despite these cleanup efforts, the U.S. EPA placed the site on the NPL in 1989. However, after listing the site, the U.S. EPA took no aggressive steps for additional cleanup. The site has been untouched for years. In fact, it is now likely that the site will be delisted.

To enhance and encourage further cleanup efforts, Ohio has implemented a private sector-based program to clean up brownfields sites. When I was Governor, Ohio EPA, Republicans and Democrats in the Ohio Legislature and I worked hard to implement a program that we believe works for Ohio. Our program is already successful in improving Ohio's environment and economy.

In almost 20 years under the federal Superfund program, the U.S. EPA has only cleaned up 18 sites in Ohio. In contrast, 103 sites have been cleaned up under Ohio's voluntary cleanup program in 5 years. And many more cleanups are underway.

States clearly have been the innovators in developing voluntary cleanup programs, and Ohio's program has been very successful in getting cleanups done more quickly and cost effectively. For example, the first cleanup conducted under our program—the Kessler Products facility, near Canton—was estimated to cost $2 million and take 3 to 5 years to complete if it had been cleaned under Superfund. However, under Ohio's voluntary program, the cost was $600,000 and took 6 months to complete. These cleanups are good for the environment and good for the economy.

Mr. President, Ohio and other states have very successful programs that clean up sites more efficiently and cost effectively. This bill would help build on their success by providing assurances to parties that when they clean up a site correctly, they will not be held liable under Superfund down the road. The bill precludes the federal government from taking action at a site where cleanup is being conducted under a state program except under certain circumstances, such as when a state requests federal action, when the U.S. EPA determines that a state is unwilling or unable to take appropriate action, or when contamination has migrated across state lines. The bill does not take away the U.S. EPA's authority to conduct emergency removals or their authority to conduct tests at a site to determine if a site should be listed on the NPL.

This legislation also ensures that Federal facilities are subject to the same environmental cleanup requirements as private sites. In 1992, Congress enacted the Federal Facilities Compliance Act (FFCA), which holds Federal facilities accountable to meet State and Federal environmental laws regulating hazardous waste. However, subsequent Federal court decisions have undermined the intent of FFCA and similar language in other statutes. We should be reminded that contamination problems at Federal facilities are largely the result of years of self-regulation by Federal agencies. It is essential that States have the authority to oversee cleanup and enforce their own laws and standards. My bill merely ensures that Federal agencies are held accountable to the same state and federal regulations that govern private entities.

This bill is just plain commonsense. It provides more protection for the environment by providing incentives to clean up hazardous waste sites. It helps preserve our greenspaces. And it helps our economy by putting abandoned sites back into productive use, providing jobs and better places to live in our urban areas.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 2590

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 ''Brownfields Revitalization Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION

Sec. 101. Brownfields.

TITLE II—STATE RESPONSE PROGRAMS

Sec. 201. State response programs.
Sec. 202. State cost share.

TITLE III—PROPERTY CONSIDERATIONS

Sec. 301. Contiguous properties.
Sec. 302. Prospective purchasers and windfall liens.
Sec. 303. Safe harbor innocent landholders.

TITLE IV—FEDERAL ENTITIES AND FACILITIES

Sec. 401. Applicability of law; immunity.

TITLE I—BROWNFIELDS REVITALIZATION

SEC. 101. BROWNFIELDS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 127. BROWNFIELDS.

''(a) DEFINITIONS.—In this section:

''(1) BROWNFIELD FACILITY.—

''(A) IN GENERAL.—The term 'brownfield facility' means real property, the expansion or redevelopment of which is complicated by the presence or potential presence of a hazardous substance.

''(B) EXCLUSIONS.—The term 'brownfield facility' does not include—

''(i) any portion of real property that, as of the date of submission of an application for assistance under this section, is the subject of an ongoing removal under this title;

''(ii) any portion of real property that has been listed on the National Priorities List or is proposed for listing as of the date of the submission of an application for assistance under this section;

''(iii) any portion of real property with respect to which cleanup work is proceeding in substantial compliance with the requirements of an administrative order on consent, or judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

''(iv) a land disposal unit with respect to which—

''(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

''(II) closure requirements have been specified in a closure plan or permit; or

''(v) a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

''(C) FACILITIES OTHER THAN BROWNFIELD FACILITIES.—That a facility may not be a brownfield facility within the meaning of subparagraph (A) has no effect on the eligibility of the facility for assistance under any provision of Federal law other than this section.

''(2) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means—

''(i) a general purpose unit of local government;

''(ii) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

''(iii) a government entity created by a State legislature;

''(iv) a regional council or group of general purpose units of local government;

''(v) a redevelopment agency that is chartered or otherwise sanctioned by a State;

''(vi) a State; and

''(vii) an Indian Tribe.

''(B) EXCLUSION.—The term 'eligible entity' does not include any entity that is not in substantial compliance with the requirements of an administrative order on consent, judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.) with respect to any portion of real property that is the subject of the administrative order on consent, judicial consent decree, or permit.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants for the site characterization and assessment of brownfield facilities.

''(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT AND RESPONSE ACTIONS.—

''(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make grants to the eligible entity to be used for the site characterization and assessment of 1 or more brownfield facilities.

''(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A)—

''(i) shall be performed in accordance with section 101(35)(B); and

''(ii) may include a process to identify or inventory potential brownfield facilities.

''(c) BROWNFIELD REMEDIATION GRANT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Secretary, the Administrator shall establish a program to provide grants to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

''(2) ASSISTANCE FOR RESPONSE ACTIONS.—On approval of an application made by an eligible entity, the Administrator, in consultation with the Secretary, may make grants to the eligible entity to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

''(d) GENERAL PROVISIONS.—

''(1) MAXIMUM GRANT AMOUNT.—

''(A) IN GENERAL.—The total of all grants under subsections (b) and (c) shall not exceed, with respect to any individual brownfield facility covered by the grants, $350,000.

''(B) WAIVER.—The Administrator may waive the $350,000 limitation under subparagraph (A) based on the anticipated level of contamination, size, or status of ownership of the facility.

''(2) PROHIBITION.—

''(A) IN GENERAL.—No part of a grant under this section may be used for payment of penalties, fines, or administrative costs.

''(B) EXCLUSIONS.—For the purposes of subparagraph (A), the term 'administrative cost' does not include the cost of—

''(i) investigation and identification of the extent of contamination;

''(ii) design and performance of a response action; or

''(iii) monitoring of natural resources.

''(3) AUDITS.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants under this section as the Inspector General considers necessary to carry out the objectives of this section. Audits shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

''(4) LEVERAGING.—An eligible entity that receives a grant under this section may use the funds for part of a project at a brownfield facility for which funding is received from other sources, but the grant shall be used only for the purposes described in subsection (b) or (c).

''(5) AGREEMENTS.—Each grant made under this section shall be subject to an agreement that—

''(A) requires the eligible entity to comply with all applicable State laws (including regulations);

''(B) requires that the eligible entity shall use the grant exclusively for purposes specified in subsection (b) or (c);

''(C) in the case of an application by an eligible entity under subsection (c), requires payment by the eligible entity of a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent of the costs of the response action for which the grant is made, is from non-Federal sources of funding.

''(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

''(e) GRANT APPLICATIONS.—

''(1) SUBMISSION.—

''(A) IN GENERAL.—Any eligible entity may submit an application to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, for a grant under this section for 1 or more brownfield facilities.

''(B) COORDINATION.—In developing application requirements, the Administrator shall coordinate with the Secretary and other Federal agencies and departments, such that eligible entities under this section are made aware of other available Federal resources.

''(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in obtaining grants under this section.

''(2) APPROVAL.—The Administrator, in consultation with the Secretary, shall make an annual evaluation of each application received during the prior fiscal year and make grants under this section to eligible entities that submit applications during the prior year and that the Administrator, in consultation with the Secretary, determines have the highest rankings under the ranking criteria established under paragraph (3).

''(3) RANKING CRITERIA.—The Administrator, in consultation with the Secretary, shall establish a system for ranking grant applications that includes the following criteria:

''(A) The extent to which a grant will stimulate the availability of other funds for environmental remediation and subsequent redevelopment of the area in which the brownfield facilities are located.

''(B) The potential of the development plan for the area in which the brownfield facilities are located to stimulate economic development of the area on completion of the cleanup, such as the following:

''(i) The relative increase in the estimated fair market value of the area as a result of any necessary response action.

''(ii) The demonstration by applicants of the intent and ability to create new or expand existing business, employment, recreation, or conservation opportunities on completion of any necessary response action.

''(iii) If commercial redevelopment is planned, the estimated additional full-time employment opportunities and tax revenues

expected to be generated by economic redevelopment in the area in which a brownfield facility is located.

''(iv) The estimated extent to which a grant would facilitate the identification of or facilitate a reduction of health and environmental risks.

''(v) The financial involvement of the State and local government in any response action planned for a brownfield facility and the extent to which the response action and the proposed redevelopment is consistent with any applicable State or local community economic development plan.

''(vi) The extent to which the site characterization and assessment or response action and subsequent development of a brownfield facility involves the active participation and support of the local community.

''(vii) The extent to which the applicant coordinated with the State agency.

''(viii) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

''(C) The extent to which a grant will enable the creation of or addition to parks, greenways, or other recreational property.

''(D) The extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield facility is located because of the small population or low income of the community.''.

TITLE II—STATE RESPONSE PROGRAMS

SEC. 201. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

''(39) BONA FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person that acquires ownership of a facility after the date of enactment of this paragraph, or a tenant of such a person, that establishes each of the following by a preponderance of the evidence:

''(A) DISPOSAL PRIOR TO ACQUISITION.—All deposition of hazardous substances at the facility occurred before the person acquired the facility.

''(B) INQUIRIES.—

''(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility and the facility's real property in accordance with generally accepted good commercial and customary standards and practices.

''(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in paragraph (35)(B)(ii) or those issued or adopted by the Administrator under that paragraph shall be considered to satisfy the requirements of this subparagraph.

''(iii) RESIDENTIAL USE.—In the case of property for residential or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

''(C) NOTICES.—The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

''(D) CARE.—The person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person has not failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

''(F) NO AFFILIATION.—The person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.

''(40) FACILITY SUBJECT TO STATE CLEANUP.—The term 'facility subject to State cleanup' means a facility other than a facility—

''(A) that is listed on the National Priorities List;

''(B) that is proposed for listing on the National Priorities List, based on a determination by the Administrator published in the Federal Register that the facility qualifies for listing under section 105; or

''(C) for which an administrative order on consent or judicial consent decree requiring response action has been entered into by the United States with respect to the facility under—

''(i) this Act;

''(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

''(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(iv) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

''(v) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

''(41) QUALIFYING STATE RESPONSE PROGRAM.—The term 'qualifying State response program' means a State program that includes the elements described in section 128(b).''.

(b) QUALIFYING STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(a)) is amended by adding at the end the following:

''SEC. 128. QUALIFYING STATE RESPONSE PROGRAMS.

''(a) ASSISTANCE TO STATES.—The Administrator shall provide grants to States to establish and expand qualifying State response programs that include the elements listed in subsection (b).

''(b) ELEMENTS.—The elements of a qualifying State response program are the following:

''(1) Oversight and enforcement authorities or other mechanisms that are adequate to ensure that—

''(A) response actions will protect human health and the environment and be conducted in accordance with applicable Federal and State law; and

''(B) in the case of a voluntary response action, if the person conducting the voluntary response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the response activities will be completed as necessary to protect human health and the environment.

''(2) Adequate opportunities for public participation, including prior notice and opportunity for comment in appropriate circumstances, in selecting response actions.

''(3) Mechanisms for approval of a response action plan, or a requirement for certification or similar documentation from the State to the person conducting a response action indicating that the response is complete.

''(c) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO A STATE PLAN.—

''(1) ENFORCEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a release or threatened release of a hazardous substance at a facility subject to State cleanup, neither the President nor any other person, except the State, may use any authority under this Act to take an administrative or enforcement action against any person regarding any matter that is within the scope of a response action—

''(i) that is being conducted or has been completed under State law; or

''(ii) at a site, the cleanup of which shall be subject to State oversight.

''(B) EXCEPTIONS.—The President may bring an enforcement action under this Act with respect to a facility described in subparagraph (A) if—

''(i) the enforcement action is authorized under section 104;

''(ii) the State requests that the President provide assistance in the performance of a response action and that the enforcement bar in subparagraph (A) be lifted;

''(iii) at a facility at which response activities are ongoing the Administrator—

''(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

''(II) the Administrator determines that the release or threat of release constitutes a public health or environmental emergency under section 104(a)(4);

''(iv) the Administrator determines that contamination has migrated across a State line, resulting in the need for further response action to protect human health or the environment; or

''(v) in the case of a facility at which all response actions have been completed, the Administrator—

''(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

''(II) makes a written determination that the facility presents a substantial risk that requires further remediation to protect human health or the environment, as evidenced by—

''(aa) newly discovered information regarding contamination at the facility;

''(bb) the discovery that fraud was committed in demonstrating attainment of standards at the facility;

''(cc) the failure of the remedy to prepare a site for the intended use of the site;

''(dd) a structural failure of the remedy; or

''(ee) a change in land use giving rise to a clear threat of exposure to which a State is unwilling to respond.

''(C) EPA NOTIFICATION.—

''(i) IN GENERAL.—In the case of a facility at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to undertake an administrative or enforcement action, the Administrator, prior to taking the administrative or enforcement action, shall notify the State of the action the Administrator intends to take and wait a for a period of 30 days for an acknowledgment from the State under clause (ii).

''(ii) STATE RESPONSE.—Not later than 30 days after receiving a notice from the Administrator under clause (i), the State shall notify the Administrator if the facility contains a site, the cleanup of which—

''(I) is being conducted or has been completed under State law; or

''(II) shall be subject to State oversight.

''(iii) PUBLIC HEALTH OR ENVIRONMENTAL EMERGENCY.—If the Administrator finds that a release or threatened release constitutes a public health or environmental emergency under section 104(a)(4), the Administrator may take appropriate action immediately after giving notification under clause (i) without waiting for State acknowledgment.

''(2) COST OR DAMAGE RECOVERY ACTIONS.—Paragraph (1) shall not apply to an action brought by a State, Indian Tribe, or general purpose unit of local government for the recovery of costs or damages under this Act.

''(3) SAVINGS PROVISION.—

''(A) EXISTING AGREEMENTS.—A memorandum of agreement, memorandum of understanding, or similar agreement between the President and a State or Indian tribe defining Federal and State or tribal response action responsibilities that was in effect as of the date of enactment of this section with respect to a facility to which paragraph (1)(C) does not apply shall remain effective until the agreement expires in accordance with the terms of the agreement.

''(B) NEW AGREEMENTS.—Nothing in this subsection precludes the President from entering into an agreement with a State or Indian tribe regarding responsibility at a facility to which paragraph (1)(C) does not apply.''.

SEC. 202. STATE COST SHARE.

Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(1) by striking ''(c)(1) Unless'' and inserting the following:

''(c) MISCELLANEOUS LIMITATIONS AND REQUIREMENTS.—

''(1) CONTINUANCE OF OBLIGATIONS FROM FUND.—Unless'';

(2) in paragraph (1), by striking ''taken obligations'' and inserting ''taken, obligations'';

(3) by striking ''(2) The President'' and inserting the following:

''(2) CONSULTATION.—The President''; and

(4) by striking paragraph (3) and inserting the following:

''(3) STATE COST SHARE.—

''(A) IN GENERAL.—The Administrator shall not provide any funding for remedial action under this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the Administrator that provides assurances that the State will pay, in cash or through in-kind contributions, 10 percent of—

''(i) the remedial action costs; and

''(ii) operation and maintenance costs.

''(B) ACTIVITIES WITH RESPECT TO WHICH STATE COST SHARE IS REQUIRED.—No State cost share shall be required except for remedial actions under this section.

''(C) INDIAN TRIBES.—The requirements of this paragraph shall not apply in the case of remedial action to be taken on land or water—

''(i) held by an Indian Tribe;

''(ii) held by the United States in trust for an Indian Tribe;

''(iii) held by a member of an Indian Tribe (if the land or water is subject to a trust restriction on alienation); or

''(iv) within the borders of an Indian reservation.

TITLE III—PROPERTY CONSIDERATIONS

SEC. 301. CONTIGUOUS PROPERTIES.

(a) IN GENERAL.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

''(o) CONTIGUOUS PROPERTIES.—

''(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

''(A) IN GENERAL.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to real property on which there has been a release or threatened release of a hazardous substance and that is or may be contaminated by the release shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

''(i) the person did not cause, contribute, or consent to the release or threatened release;

''(ii) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility; and

''(iii) the person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(B) GROUND WATER.—With respect to hazardous substances in ground water beneath a person's property solely as a result of subsurface migration in an aquifer from a source or sources outside the property, appropriate care shall not require the person to conduct ground water investigations or to install ground water remediation systems.

''(2) COOPERATION, ASSISTANCE, AND ACCESS.—A party described in paragraph (1) may be considered an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) if the party has failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

''(3) ASSURANCES.—The Administrator may—

''(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

''(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).''.

(b) NATIONAL PRIORITIES LIST.—

(1) IN GENERAL.—Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended—

(A) in subsection (a)(8)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon at the end; and

(ii) by adding at the end the following:

''(C) provision that in listing a facility on the National Priorities List, the Administrator shall not—

''(i) list the facility unless the Administrator first obtains concurrence for the listing from the Governor of the State in which the facility is located; and

''(ii) include in a listing any parcel of real property at which no release has actually occurred, but to which a released hazardous substance, pollutant, or contaminant has migrated in ground water that has moved through subsurface strata from another parcel of real estate at which the release actually occurred, unless—

''(I) the ground water is in use as a public drinking water supply or was in such use at the time of the release; and

''(II) the owner or operator of the facility is liable, or is affiliated with any other person that is liable, for any response costs at the facility, through any direct or indirect familial relationship, or any contractual, corporate, or financial relationship other than that created by the instruments by which title to the facility is conveyed or financed.''; and

(B) by adding at the end the following:

''(h) LISTING OF PARTICULAR PARCELS.—

''(1) DEFINITION.—In subsection (a)(8)(C) and paragraph (2) of this subsection, the term 'parcel of real property' means a parcel, lot, or tract of land that has a separate legal description from that of any other parcel, lot, or tract of land the legal description and ownership of which has been recorded in accordance with the law of the State in which it is located.

''(2) STATUTORY CONSTRUCTION.—Nothing in subsection (a)(8)(C) limits the Administrator's authority under section 104 to obtain access to and undertake response actions at any parcel of real property to which a released hazardous substance, pollutant, or contaminant has migrated in the ground water.''.

(2) REVISION OF NATIONAL PRIORITIES LIST.—Not later than 180 days after the date of enactment of this Act, the President shall revise the National Priorities List to conform with the amendments made by paragraph (1).

(c) CONFORMING AMENDMENT.—Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by striking ''of this section'' and inserting ''and the exemptions and limitations stated in this section''.

SEC. 302. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 301(a)) is amended by adding at the end the following:

''(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

''(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

''(2) LIEN.—If there are unrecovered response costs at a facility for which an owner of the facility is not liable by reason of subsection (n)(1) and each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may obtain from appropriate responsible party a lien on any other property or other assurances of payment satisfactory to the Administrator, for such unrecovered costs.

''(3) CONDITIONS.—The conditions referred to in paragraph (1) are the following:

''(A) RESPONSE ACTION.—A response action for which there are unrecovered costs is carried out at the facility.

''(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed 180 days before the response action was initiated.

''(C) SALE.—A sale or other disposition of all or a portion of the facility has occurred.

''(4) AMOUNT.—A lien under paragraph (2)—

''(A) shall not exceed the increase in fair market value of the property attributable to

the response action at the time of a subsequent sale or other disposition of the property;

''(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

''(C) shall be subject to the requirements of subsection (l)(3); and

''(D) shall continue until the earlier of satisfaction of the lien or recovery of all response costs incurred at the facility.''.

SEC. 303. SAFE HARBOR INNOCENT LANDHOLDERS.

(a) AMENDMENT.—Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the matter that precedes clause (i), by striking ''deeds or'' and inserting ''deeds, easements, leases, or''; and

(B) in the matter that follows clause (iii)—

(i) by striking ''he'' and inserting ''the defendant''; and

(ii) by striking the period at the end and inserting '', has provided full cooperation, assistance, and facility access to the persons that are responsible for response actions at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility, and has taken no action that impeded the effectiveness or integrity of any institutional control employed under section 121 at the facility.''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) REASON TO KNOW.—

''(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must show that—

''(I) at or prior to the date on which the defendant acquired the facility, the defendant undertook all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

''(II) the defendant exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(ii) STANDARDS AND PRACTICES.—The Administrator shall by regulation establish as standards and practices for the purpose of clause (i)—

''(I) the American Society for Testing and Materials (ASTM) Standard E1527–94, entitled 'Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process'; or

''(II) alternative standards and practices under clause (iii).

''(iii) ALTERNATIVE STANDARDS AND PRACTICES.—

''(I) IN GENERAL.—The Administrator may by regulation issue alternative standards and practices or designate standards developed by other organizations than the American Society for Testing and Materials after conducting a study of commercial and industrial practices concerning the transfer of real property in the United States.

''(II) CONSIDERATIONS.—In issuing or designating alternative standards and practices under subclause (I), the Administrator shall consider including each of the following:

''(aa) The results of an inquiry by an environmental professional.

''(bb) Interviews with past and present owners, operators, and occupants of the facility and the facility's real property for the purpose of gathering information regarding the potential for contamination at the facility and the facility's real property.

''(cc) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records to determine previous uses and occupancies of the real property since the property was first developed.

''(dd) Searches for recorded environmental cleanup liens, filed under Federal, State, or local law, against the facility or the facility's real property.

''(ee) Reviews of Federal, State, and local government records (such as waste disposal records), underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility or the facility's real property.

''(ff) Visual inspections of the facility and facility's real property and of adjoining properties.

''(gg) Specialized knowledge or experience on the part of the defendant.

''(hh) The relationship of the purchase price to the value of the property if the property was uncontaminated.

''(ii) Commonly known or reasonably ascertainable information about the property.

''(jj) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate investigation.

''(iv) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.''.

(b) STANDARDS AND PRACTICES.—

(1) ESTABLISHMENT BY REGULATION.—The Administrator of the Environmental Protection Agency shall issue the regulation required by section 101(35)(B)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)) not later than 1 year after the date of enactment of this Act.

(2) INTERIM STANDARDS AND PRACTICES.—Until the Administrator issues the regulation described in paragraph (1), in making a determination under section 101(35)(B)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)), there shall be taken into account—

(A) any specialized knowledge or experience on the part of the defendant;

(B) the relationship of the purchase price to the value of the property if the property was uncontaminated;

(C) commonly known or reasonably ascertainable information about the property;

(D) the degree of obviousness of the presence or likely presence of contamination at the property; and

(E) the ability to detect the contamination by appropriate investigation.

TITLE IV—FEDERAL ENTITIES AND FACILITIES

SEC. 401. APPLICABILITY OF LAW; IMMUNITY.

Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 120. FEDERAL ENTITIES AND FACILITIES.'';

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) DEFINITION OF SERVICE CHARGES.—In this paragraph, the term 'service charge' includes—

''(i) a fee or charge assessed in connection with—

''(I) the processing or issuance of a permit, renewal of a permit, or amendment of a permit;

''(II) review of a plan, study, or other document; or

''(III) inspection or monitoring of a facility; and

''(ii) any other charge that is assessed in connection with a State, interstate, or local response program.

''(B) APPLICATION OF FEDERAL, STATE, INTERSTATE, AND LOCAL LAW.—

''(i) IN GENERAL.—Each department, agency, and instrumentality of the executive, legislative, or judicial branch of the United States shall be subject to and shall comply with this Act and all other Federal, State, interstate, and local substantive and procedural requirements and other provisions of law relating to a response action or restoration action or the management of a hazardous waste, pollutant, or contaminant in the same manner, and to the same extent, as any nongovernmental entity is subject to those provisions of law.

''(ii) PROVISIONS INCLUDED.—The provisions of law referred to in clause (i) include—

''(I) a permit requirement;

''(II) a reporting requirement;

''(III) a provision authorizing injunctive relief (including such sanctions as a court may impose to enforce injunctive relief);

''(IV) sections 106 and 107 and similar provisions of Federal, State, or local law relating to enforcement and liability for cleanup, reimbursement of response costs, contribution, and payment of damages;

''(V) a requirement to pay reasonable service charges; and

''(VI) all administrative orders and all civil and administrative penalties and fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for an isolated, intermittent, or continuing violation.

''(C) WAIVER OF IMMUNITY.—

''(i) IN GENERAL.—The United States waives any immunity applicable to the United States with respect to any provision of law described in subparagraph (B).

''(ii) LIMITATION.—The waiver of sovereign immunity under clause (i) does not apply to the extent that a State law would apply any standard or requirement to the Federal department, agency, or instrumentality in a manner that is more stringent than the manner in which the standard or requirement would apply to any other person.

''(D) CIVIL AND CRIMINAL LIABILITY.—

''(i) INJUNCTIVE RELIEF.—Neither the United States nor any agent, employee, or officer of the United States shall be immune or exempt from any process or sanction of any Federal or State court with respect to the enforcement of injunctive relief referred to in subparagraph (B)(ii)(III).

''(ii) NO PERSONAL LIABILITY FOR CIVIL PENALTY.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal or State law relating to a response action or to management of a hazardous substance, pollutant, or contaminant with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

''(iii) CRIMINAL LIABILITY.—An agent, employee, or officer of the United States shall

be subject to any criminal sanction (including a fine or imprisonment) under any Federal or State law relating to a response action or to management of a hazardous substance, pollutant, or contaminant, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the United States shall be subject to any such sanction.

''(E) ENFORCEMENT.—

''(i) ABATEMENT ACTIONS.—The Administrator may issue an order under section 106 to any department, agency, or instrumentality of the executive, legislative, or judicial branch of the United States. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against any other person.

''(ii) CONSULTATION.—No administrative order issued to a department, agency, or instrumentality of the United States shall become final until the department, agency, or instrumentality has had the opportunity to confer with the Administrator.

''(iii) USE OF PENALTIES AND FINES.—Unless a State law in effect on the date of enactment of this clause requires the funds to be used in a different manner, all funds collected by a State from the Federal Government as penalties or fines imposed for violation of a provision of law referred to in subparagraph (B) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.

''(F) CONTRIBUTION.—A department, agency, or instrumentality of the United States shall have the right to contribution under section 113 if the department, agency, or instrumentality resolves its liability under this Act.'';

(B) in the second sentence of paragraph (3), by inserting ''(other than the indemnification requirements of section 119)'' after ''responsibility''; and

(C) by striking paragraph (4); and

(2) in subsection (e), by adding at the end the following:

''(7) STATE REQUIREMENTS.—Notwithstanding any other provision of this Act, an interagency agreement under this section shall not impair or diminish the authority of a State, political subdivision of a State, or any other person or the jurisdiction of any court to enforce compliance with requirements of State or Federal law, unless those requirements have been specifically addressed in the agreement or waived without objection after notice to the State before or on the date on which the response action is selected.''.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 16, 2000.

Hon. GEORGE V. VOINOVICH,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the National Governors' Association (NGA), we are pleased with the introduction of the Brownfields Revitalization Act of 2000. NGA has reviewed the bill and believe that it addresses key issues raised by the nation's Governors to facilitate the speedy cleanup of brownfields sites and make some important corrections to the Superfund statute. We hope that all Senators will work with you to ensure passage of legislation that the President can sign this year.

We would like to briefly comment on four provisions in the bill. We applaud the inclusion of a provision dealing with certainty at state brownfields sites. The bill's finality provision would improve the effectiveness and pace of hazardous waste cleanups by allowing state voluntary cleanup programs to provide assurance to landowners who wish to develop their property without fear of being engulfed in the federal liability scheme. There is no question that voluntary cleanup programs and brownfields redevelopment are currently hindered by the pervasive fear of federal liability under the Superfund law. Your bill addresses this problem by precluding enforcement by the federal government at sites where cleanup has occurred or is being conducted under a state program. In instances when a state is unwilling or unable to take appropriate action, or if contamination has migrated across state lines, your bill contains reasonable exceptions to this preclusion of enforcement.

In addition, the Governors greatly appreciate the inclusion of a provision requiring gubernatorial concurrence before a site is listed on the National Priorities List. Such a requirement will help avoid duplication of effort when a state can take the lead in restoring a site to productive use. As you know, states are currently overseeing most cleanups; listing a site on the NPL when a state is prepared to apply its own authority is not only wasteful of federal resources, it is often counterproductive, resulting in increased delays and greater costs.

We also support the provision in the bill that clarifies that the state cost-share at Superfund sites is limited to ten percent for both remedial activities and operations and maintenance (O & M). This provision has been interpreted to require states to be responsible for 100 percent of the O & M expenses at a site. Your provision will correct this inequitable situation, and at the same time, help ensure that there is no financial bias toward remedies that involve more intensive O & M than necessary.

The funding provisions in the bill that provide grants to states and local governments for both response actions as well as site assessments are very positive steps in assuring that financial assistance is available so that sites can actually move toward final cleanups.

Lastly, we applaud you for adding a provision that makes all federal facilities subject to CERCLA and state hazardous waste laws to the same extent as other nongovernmental entities. There is no legitimate rationale for exempting the federal government from the same environmental protection laws that apply to businesses, individuals and state and local government.

We look forward to continuing our strong working relationship with you on these issues. The nation's Governors believe that brownfields revitalization and some reasonable Superfund ''fixes'' can be accomplished if done in a bipartisan manner and we believe that your bill will go a long way toward accomplishing that goal. We will work with you to ensure that this bill has bipartisan support as it begins to move. If we can be of any assistance, please contact us directly or have your staff contact Diane S. Shea at 202/624–5389.

Sincerely,

Governor KENNY C. GUINN,
Chair,
Committee on Natural Resources.

Gov. THOMAS J. VILSACK,
Vice Chair,
Committee on Natural Resources.●

By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. ROCKEFELLER, Mr. ROBB, Mr. L. CHAFEE, Mr. BRYAN, and Mr. KERRY):

S. 2591. A bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes; to the Committee on Finance.

ALTERNATIVE FUELS TAX INCENTIVES ACT

● Mr. JEFFORDS. Mr. President, today, Senator HATCH and I, together with Senators ROCKEFELLER, CHAFEE, BRYAN, and KERRY are introducing a bill which we believe will serve two important national interests: air quality and energy security. We call it the ''Alternative Fuels Tax Incentives Act,'' and it consists of a series of temporary tax provisions to encourage purchases of cars and trucks operating on alternative fuels, and to promote the retail sale of these fuels.

The sharp gasoline price spikes earlier this year were a reminder of what can happen when the United States is not in control of the source of the energy it consumes. Some of us remember the long lines in the mid-1970s, when the Middle East pipeline was shut down, when service stations rationed the amount of gas you could buy, and when fistfights broke out over gasoline purchases. Science is now taking us to a point where we can develop other sources of energy and free ourselves from this over-reliance on foreign oil.

Imports of foreign oil now exceed 50 percent of our oil consumption. Most of the oil that we use—more than two-thirds—is used for transportation. But there's some good news: cars and trucks that operate with alternative fuels are rapidly becoming a fact of life. Each of the major automobile manufacturers offers alternative fuel vehicles, but low production volume and high initial costs have impeded their widespread use and adoption. Consumers and businesses are receptive to alternative fuel vehicles and electric vehicles, but are often reluctant to pay the additional costs manufacturers charge for them.

This bill's tax incentives will make those vehicles more cost competitive. With their environmentally-friendly fuels, these vehicles will mean significant benefits to the air we breathe. The levels of pollutants emitted by these alternative fuels vehicles are a tiny fraction of those released from a conventional gasoline or diesel engine. Some of these cars don't even have tail-pipes. To assure that owners of alternative fuel vehicles can find fuels for their cars, the bill also provides for two incentives to encourage the retail sales of alternative fuels: a tax credit for retailers for each gasoline gallon-equivalent of alternative fuel sold, and a provision allowing retailers to immediately expense up to $100,000 of the costs of alternative fuel refueling infrastructure.

Passing this bill would mean cleaner air, energy independence, and more

jobs in a developing sector of the auto industry. We have the technology and the resources to accomplish these goals. And we have manufacturers ready to deliver. It shouldn't take another oil crisis for us to get moving on this.●

Mr. HATCH. Mr. President, I rise today with my friend and colleague, Senator JEFFORDS, to introduce the Alternative Fuels Tax Incentives Act. I am pleased that we are being joined by Senators ROCKEFELLER, ROBB, CHAFEE, and BRYAN as original cosponsors.

This bill is an outgrowth of S. 1003, the Alternative Fuels Promotion Act of 1999, which was sponsored by many of the same sponsors of this year's bill. And, like S. 1003, the bill we are introducing today is designed to achieve two vital goals—reduce our dependency on foreign oil and reduce air pollution from motor vehicles.

While the goals of both of these bills are the same, Mr. President, the Alternative Fuels Incentive Act takes a similar, but more comprehensive approach to achieving them.

There is a little dispute that our growing dependency on imported oil is dangerous, not only to our continued economic growth, but also to our national security. We are witnessing again this year just how volatile the price of gasoline and other motor fuels are and how decisions made by oil producers far from our shores affect the everyday lives of all Americans. As we increase our dependence of energy from others nations, we are literally placing our future in the hands of foreign entities. Yet, we are stymied at every turn in trying to significantly increase the discovery and development of new domestic sources of oil.

At the same time, we continue to face serious air quality challenges from our almost exclusive use of conventional fuels for motor vehicles. Just in my home state of Utah, transportation vehicles account for 87 percent of carbon monoxide emissions, 52 percent of nitrogen oxide emissions, 34 percent of hydrocarbon emissions, and 22 percent of coarse particulate matter in the air. All of these emissions can be harmful to individuals suffering from chronic respiratory illnesses, heart disease, asthma, and other ailments.

More than just harming our health, however, these emissions detract from the natural beauty of our country. Furthermore, as the United States grows in population and dependency on automobile transportation, these problems will only become worse unless something is done to turn the tide.

Fortunately, Mr. President, answers to both problems exist. Vehicle technology using domestically plentiful and clean-burning alternative fuels have advanced to the point that, if widely adapted by Americans, we could reverse the course on both foreign dependence and clean air. The challenge is in getting over the hurdle of initial acceptance of the new technologies by the American public.

In essence, there are currently three market barriers to this initial acceptance of alternative fuels vehicles by Americans—the incremental cost of the vehicles over conventionally-fueled vehicles, the cost of the fuel, and the lack of convenient fueling stations. Providing incentives—not mandates—to overcome all three of these barriers is what this bill is all about.

Mr. President, the bill addresses the first barrier—the extra cost of the alternative fuels vehicles—by providing a tax credit for a portion of the difference in cost. This is key component of the bill that was lacking in S. 1003. By bringing the cost of these vehicles within the range where savings on the cost of the alternative fuel will make owning these vehicles economically viable over the life of the vehicle, public acceptance of the technology should rapidly increase. Once this occurs, production economies of scale will bring the price of the vehicles down further.

The bill addresses the second and third market barriers, that of fuel cost and availability, by providing tax credits for the alternative fuels and tax benefits for suppliers who decide to sell it to the public. This is important because the ready availability of the fuel in all geographic locations where the public needs to go or to send goods is key to their acceptance of alternative fuels vehicles. These tax benefits, when combined with the market effect caused by the demand for more fueling stations created by the purchase of more vehicles, will help ensure that such stations will appear where people need them.

Mr. President, the incentive approach taken by this bill is meant to provide a temporary bridge over these barriers. If this approach works, the tax incentives will not be needed in the long run. This is why we have placed a seven-year sunset on these provisions. At the end of this period, Congress should take a close look at how well these incentives worked and how the market has developed.

There is little doubt that sooner or later this Nation will have to turn to alternative fuels to help solve the two problems I mentioned earlier. I believe it should be sooner and the move should be incentive-based and market-driven. The bill we are introducing today can create the momentum to get us to a cleaner and more secure America much sooner. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Mr. President, today I gladly lend my support to the Alternative Fuels Tax Incentives Act being introduced by Senator JEFFORDS, along with Senators HATCH, ROBB, KERRY, BRYAN, and CHAFEE. I join with my colleagues because of my long-standing dedication to increasing the use of alternative fuels for transportation, and my understanding that to do so we must stimulate interest in the still fledgling alternative fuel vehicle industry. The success of this industry, and the acceptance of these vehicles in the market place, is critical to lowering our dependence on imported oil, improving the quality of the air we breathe, and reducing the greenhouse gases our nation emits.

Let me take a few moments to relate some of the reasons why it is so important that we reduce our consumption of petroleum and use alternative sources of energy. The first and most tangible reason is the need to reduce our nation's dependence on foreign oil. Currently, we import more than half of the oil consumed in this nation. That translates to $180,000 per minute that is being spent to purchase foreign oil. That's bad for our balance of trade, but more important, none of us want to continue to have our energy costs fluctuate and spike at the whim of OPEC or any other foreign organization. The recent price increase shows just how important this is, and how vulnerable we are.

A second reason is that it is critical that we reduce the transportation sector's negative impact on air quality. While the automobile industry has made great strides in reducing the emissions of cars and trucks, the improvement has been largely offset by the dramatically increasing number of miles these vehicles are driven each year, and by our increasing desire for larger, more powerful vehicles. In 1980, light trucks, a category that includes minivans and SUVs, accounted for only 19.9 percent of the U.S. automobile market. Traditionally, these vehicles have been exempted from corporate average fuel economy (CAFE) standards. In the past couple of years, some in Congress have been successful in blocking any adjustment to CAFE standards, including the inclusion of SUVs and minivans. Now the reason for including them is even more obvious. By 1998, these larger vehicles accounted for 47.5 percent of the automobile market, with SUVs alone accounting for 18.1 percent. Clearly, doing something to cut air pollution and to reduce greenhouse gas emissions will require an enormous change in our transportation sector.

Because I believe it is the right thing to do for the people of West Virginia, and for the nation as a whole, I have been a long-time supporter of research into, incentives for, and commercial implementation of alternative fuel technologies. During my first term in the United States Senate, I introduced the Alternative Motor Vehicle Act of 1988. That legislation has been credited with a dramatic increase in the production of alternatively fueled vehicles, notably the so-called flexibly-fueled vehicles, which run on either alternative

fuels or gasoline. In fact, 500,000 of the 17 million cars sold in the United States in 1999 were flexible-fuel vehicles. In 1992, when Congress passed the Energy Policy Act (EPAct), I authored and supported a number of provisions in that law to promote the use of alternatively-fueled and electric vehicles through tax credits for vehicle purchase and installation of supporting infrastructure.

Finally, just over a year ago, along with my colleagues Senators HATCH, CRAPO, and BRYAN, I introduced the Alternative Fuels Promotion Act, S. 1003. Both the Alternative Fuels Tax Incentives Act introduced today, and the Alternative Fuels Promotion Act introduced last year, would provide the alternative fuel vehicle industry some of the help it needs to begin to get a sustainable foothold in the market place. While these bills differ in the size and type of tax incentives, I strongly believe that both bills are appropriate steps toward a cleaner environment and a more energy independent nation.

As I have stated on the Floor of the Senate before, the options for bringing about change in the transportation sector are somewhat limited. Congress could impose new taxes, mandates, or regulations. However, these approaches are sometimes unpopular with both the American people and our colleagues in Congress. I believe the best way to bring about the change we need is to provide incentives for manufacturers to develop and sell clean technology and for consumers to buy and use this technology. I believe that the Alternative Fuels Tax Incentives Act being introduced today offers manufacturers and consumers these necessary incentives.

Our domestic automobile manufacturers have developed a number of clean-running and efficient vehicles. These vehicles are virtually indistinguishable from their gasoline-powered counterparts in terms of performance, safety, and comfort. However, there are still two major barriers to widespread acceptance. The first is cost. Though manufacturers have made great strides in reducing the cost of these vehicles, most, including those powered by natural gas, propane, methanol, and electricity, are still significantly more expensive than their gasoline-powered counterparts.

A second critical roadblock impeding acceptance of alternatively fueled vehicles is the lack of an adequate refueling infrastructure. I received a call a few months ago from a woman who had just purchased a compressed natural gas-powered car made by a domestic manufacturer. Her entire car pool loved the car, especially the absence of any ''exhaust smell'' when you stood behind the car. She was calling to find out if we could help her locate more places to fuel it. She lives in Boston, and knew of only three fueling stations within a reasonable driving area. If this is the case in a major metropolitan area—which has a significant number of compressed natural gas-powered fleets in operation—it is clear that we have a long way to go. The Alternative Fuels Promotion Act offers strong incentives aimed at minimizing these roadblocks.

We know that when national policy supports the creative energies and potential of the private sector, progress is made at a faster rate. The private sector is leading the way in developing alternative fuel vehicle technology. We need to provide consumers with a strong financial incentive to use this technology. Certainly, our continued dependence on foreign oil and the contribution of conventionally-powered vehicles to air pollution—including greenhouse gases—compels us to try. I encourage my colleagues to take a hard look at our environment and our national energy security, and to pass the Alternative Fuels Tax Incentives Act during this Congress.

I ask unanimous consent that this statement be inserted in the RECORD immediately after Senator JEFFORDS' statement introducing the Alternative Fuels Tax Incentives Act.

Mr. ROBB. Mr. President, I am pleased to be an original co-sponsor of the Alternative Fuels Tax Incentive Act. This legislation will help accomplish two things. First, it will promote the production and use of cars that use clean fuels, and will consequently improve air quality. Secondly, the tax credit will improve our energy independence. I honestly believe that one of the best things we can do for this country is to find a way to fuel transportation that is cleaner, and more reliable. Our automobile emissions get cleaner every year. But there are more of us on the road every year, and we drive more miles every year. So we have to keep increasing our efforts in the direction of more efficient vehicles and cleaner fuels.

Earlier this year, we experienced a sharp spike in fuel prices, courtesy of OPEC. It wasn't the first time and it won't be the last. It is imperative for our country to keep moving in the direction of energy independence, and I am convinced that it can be done without sacrificing convenience, mobility, or the environment. But we need to find a substitute for gasoline, and we need to combine the most efficient technologies in a way that provides convenient transportation.

New automotive technologies are being developed by automobile companies, in concert with some of our fine engineering schools. All these technologies show promise, but after the pilot stage and before achieving mass appeal, there is a critical phase at which we can help a new idea grow, or we can ignore it and perhaps let it fail. This tax credit is a tool that can be used to bridge the gap between an experimental vehicle and a commercially available vehicle. It encompasses the kind of creative thinking that we need to employ if we are going to reach a new standard of efficiency in automotive technology.

I look forward to a full discussion of the benefits of this bill, and hope my colleagues will join me in supporting this bill, and move for quick passage.

By Mr. SARBANES (for himself, Mr. DASCHLE, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 2592. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FIRST ACCOUNTS ACT OF 2000

• Mr. SARBANES. Mr. President, I rise today to address a very serious problem facing our nation: millions of low- and moderate-income Americans lack adequate access to basic financial services. I am pleased to introduce the First Accounts Act of 2000 (''FAA''). This bill, which has been proposed by the Administration, establishes a pilot program within the Department of the Treasury designed to promote access to financial services for the millions of low- and moderate income persons currently facing barriers to affordable and convenient banking services. Joining as original co-sponsors in the introduction of this legislation are the Senate Democratic leader, Senator DASCHLE, and my fellow Democratic members of the Banking Committee—Senators DODD, KERRY, BRYAN, JOHNSON, REED, SCHUMER, EDWARDS, and BAYH.

Access to basic banking services is essential for Americans seeking to participate fully in our increasingly complex financial and economic system. Unfortunately, recent studies show that millions of families lack access to affordable banking accounts and safe and secure ATMs, and do not have adequate knowledge of beneficial financial services and products. The lack of information and access to such financial services limits economic opportunities for low- and moderate-income persons, steers them toward high cost services offered by fringe operators in the financial services industry, reduces their ability to manage their finances and plan for the future, and may even place these individuals at a risk to their personal safety. Under the bill, the Treasury Department is authorized to partner with financial institutions, community organizations, and financial services electronic networks to improve access to mainstream financial services in four ways: affordable banking accounts, safe and secure ATMs, extensive financial literacy, and research and development efforts.

AFFORDABLE BANKING ACCOUNTS

First, the bill would promote access to financial services by helping write-down the cost to depository institutions of establishing low-cost accounts for low- and moderate-income consumers. According to the Federal Reserve, approximately 8.4 million low- and moderate-income families did not have a bank account in 1998. This represents 22% of such households. The high cost of banking services—particularly high minimum opening balances and monthly fee—remains a major obstacle to many families establishing a relationship with a federally-insured depository institution. According to the Federal Reserve Board, the average minimum opening balance requirement was $115 in 1997. Moreover, a 1999 U.S. Public Interest Research Group study revealed that consumers who could not meet account minimum balances at banks paid an average of $217 annually.

Althoguh seven states currently require banks to offer some form of low-cost banking accounts, there is a growing recognition that banks would voluntarily expand access to affordable accounts with appropriate encouragement. For instance, Treasury currently provides incentives under the Electronic Funds Transfer (''EFT'') program to banks that provide low-cost accounts for recipients of government checks. More than 538 federally-insured institutions signed up to offer the low-cost account during the first nine months of the EFT program.

I am pleased to have worked closely with Treasury in developing the EFT program to extend its benefits to the ''unbanked'' who receive government checks. This legislation would build on that experience to extend the benefits of direct deposit accounts to those who receive private sector checks.

The lack of access to basic banking services creates numerous difficulties for the ''unbanked.'' First, it increases the cost of financial transactions for law- and moderate-income persons. These individuals pay high service fees to check cashing outlets and other nonbanks when cashing checks and purchasing money orders. A 1998 study by the Organization for a New Equality showed that over a lifetime, a low-income family could pay over $15,000 in fees for cashing checks and paying bills outside the financial services mainstream.

Moreover, the lack of a banking account often makes it difficult for low- and moderate-income individuals to establish traditional credit and limits their ability to access other financial products. First-time homeowner programs, rental property managers, utility companies, and credit card companies are increasingly requiring applicants to have bank accounts. In the absence of a relationship with banks, low- and moderate-income individuals often end up as customers of fringe bankers who charge them exorbitant fees to access credit.

SAFE AND SECURE ATMS

Second, Treasury would provide assistance to banks and financial services automated networks that expand the availability of ATMs in safe, secure, and convenient locations in low-income neighborhoods. The availability of convenient and safe ATMs and point-of-sale terminals is taken for granted by most Americans. However, a substantial number of Americans live in communities where there are either no ATMs or the ATMs are located in unsafe and insecure environments. A recent Treasury analysis of census tracts in Los Angeles and New York showed that there were nearly twice as many ATMs in middle-income census tracts than there were in low-income areas. The absence of safe and secure ATMs in many neighborhoods places residents in situations that risk their personal safety. Every day many low- and moderate-income Americans decide between the risk of carrying large sums of money on their persons and going to an ATM at night. The FAA would increase the number of safe and secure access points into the financial mainstream by working with financial institutions and financial services networks to install ATMs in secure locations such as U.S. post offices. A pilot program between Treasury and a major financial institution has already placed ATMs in post offices in underserved communities in Baltimore and Tallahassee, and there are plans to expand the program to post offices across the country.

FINANCIAL LITERACY

Third, FAA would support financial education for low- and moderate-income Americans. Proponents of affordable banking services and products have come to recognize that the creation and design of these services only represents an initial step to improving access for this segment of the population. States such as New York have discovered that despite the existence of affordable banking accounts targeted towards underserved communities, many people do not take advantage of such services because they either do not know that such services are available or do not believe that they would benefit. This lack of information remains one of the greatest obstacles to bringing ''unbanked'' Americans into the economic mainstream. Through partnerships with community organizations and a public awareness campaign, Treasury will educate low- and moderate-income Americans about the availability of affordable financial services and the usefulness of having a bank account, managing household finances and building assets.

RESEARCH AND DEVELOPMENT

Finally, the FAA authorizes the Treasury to conduct research and development in order to expand access to financial services for low- and moderate-income communities.

The Administration has strongly supported expanding access to financial services for all Americans. The FAA would build upon and expand current initiatives by the Administration. The Administration's FY 2001 budget seeks an appropriation of $30 million in fiscal year 2001 for this program.

The First Accounts Act will help millions of low- and moderate-income Americans who lack access to affordable and convenient financial services to become part of the economic mainstream. This will be to their benefit, the benefit of the financial institutions with which they do business, and the benefit of our society as a whole. This modest legislation can make an enormous contribution to giving all Americans the opportunity to participate fully in our current economic prosperity. I urge its support by all of my colleagues.●

By Mr. GORTON (for himself, Mr. DEWINE, Mr. VOINOVICH, Mrs. MURRAY, Mr. CRAPO, and Mr. CRAIG):

S. 2597. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Armed Services.

LEGISLATION ASSURING CLEANUP OF DEFENSE SITES

● Mr. GORTON. Mr. President, in 1989, the Department of Energy signed an historic agreement with the State of Washington and the Environmental Protection Agency, committing to clean up the Hanford Nuclear Reservation in the South-Central part of the State of Washington. This pact, known as ''The Tri-Party Agreement'' has, for the most part, worked well to assure that the federal government keeps its commitment to the citizens of the state of Washington to keep the by-products of nuclear materials production from harming the people who live and work in that area.

Last year, responding to different pressures, Congress created the National Nuclear Security Administration (NNSA). Some officials, including my own state Attorney General, are concerned that the creation of the NNSA may create some uncertainty as to the Department of Energy's continued legal obligation to clean up the site. The NNSA was never intended to disrupt the enforceability of legal agreements that assure sites such as Hanford are to be cleaned up under specific timelines.

The purpose of this legislation is to clarify that environmental, safety and health provisions continue to apply to

the functions of the recently created NNSA to the same extent as they applied to those functions before transfer to the NNSA.

While the legislative history of the legislation creating the National Nuclear Security Administration demonstrated clear Congressional intent that the NNSA remain subject to state, federal and local environment, safety and health requirements, some have raised concern that the legislation could be construed as narrowing the existing waivers of federal sovereign immunity with respect to these requirements.

The Department of Energy hosts some of the most challenging environmental contamination sites in the country. Although the Hanford site is perhaps the biggest challenge, there are sites in several other states as well.

It is critical to the preservation of the environment and the protection of human health that states maintain their existing authority to enforce environmental, safety, and health requirements with respect to Department of Energy facilities under the NNSA's control.

A wide range of support exists for this legislation clarifying that the earlier legislation creating the NNSA was not intended to impair state regulatory authority over facilities under the NNSA's jurisdiction. Organizations supporting this legislation include the National Governors Association, the National Conference of State Legislatures, and the National Association of Attorneys General.

Just as this bill will clarify that the NNSA does not impair state regulatory authority over facilities under the NNSA's jurisdiction, the bill is carefully worded so as not to expand the states' authority in this regard. This bill simply reaffirms the ability of states to use the enforcement measures that are contained in cleanup agreements made with the federal government, such as the Tri-Party Agreement.●

By Mr. BINGAMAN (for himself, Mr. MURKOWSKI, Mr. HATCH, Mr. DASCHLE, Mr. ABRAHAM, Mr. SARBANES, Mr. MOYNIHAN, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. KOHL, Mr. LEVIN, Mr. WYDEN, Mr. FEINGOLD, Mr. ROBB, Mr. WELLSTONE, Mr. LIEBERMAN, and Mr. INOUYE):

S. 2598. A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM REAUTHORIZATION

● Mr. BINGAMAN. Mr. President, today I am introducing legislation which reauthorizes appropriations for the United States Holocaust Memorial Museum. In addition to extending the authorization for the museum and the United States Holocaust Memorial Council, the bill makes several clarifying and conforming changes to the 1980 enabling legislation to incorporate the recommendations of a recently completed review of the museum and the council by the National Academy of Public Administration.

As described in the museum's mission statement, the United States Holocaust Memorial Museum is America's national institution for the documentation, study, and interpretation of Holocaust history, and serves as this country's memorial to the millions of people murdered during the Holocaust. The Museum's primary mission is to advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

Since the museum was opened to the public in 1993, it has been one of the most heavily visited sites in our nation's capital, with more than 2 million visitors last year. Previous bills authorizing appropriations for the museum have enjoyed broad bipartisan support, and I am pleased that this bill is no exception, with over 17 original cosponsors on both sides of the aisle.

Mr. President, identical legislation has already been introduced in the other body. Given the broad support for the museum and the memorial council, it is my hope that the Senate will approve this legislation expeditiously. 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. 2598

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

SECTION 1. AMENDMENT.

Chapter 23 of title 36, United States Code, is amended to read as follows:

''CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL MUSEUM

''Sec. 2301. Establishment of the United States Holocaust Memorial Museum; functions.
''Sec. 2302. Functions of the Council; membership.
''Sec. 2303. Compensation; travel expenses; full-time officers or employees of United States or Members of Congress.
''Sec. 2304. Administrative provisions.
''Sec. 2305. Staff.
''Sec. 2306. Memorial museum.
''Sec. 2307. Gifts, bequests, and devises of property; tax treatment.
''Sec. 2308. Annual report.
''Sec. 2309. Audit of financial transactions.
''Sec. 2310. Authorization of appropriations.

''SEC. 2301. ESTABLISHMENT OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM; FUNCTIONS.

''The United States Holocaust Memorial Museum (hereinafter in this chapter referred to as the 'Museum') is an independent establishment of the United States Government. The Museum shall—

''(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the Holocaust, and encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

''(2) operate and maintain a permanent living memorial museum to the victims of the Holocaust, in cooperation with the Secretary of the Interior and other Federal agencies as provided in section 2306 of this title; and

''(3) carry out the recommendations of the President's Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this chapter.

''SEC. 2302. FUNCTIONS OF THE COUNCIL; MEMBERSHIP.

''(a) IN GENERAL.—The United States Holocaust Memorial Council (hereinafter in this chapter referred to as the 'Council') shall be the board of trustees of the Museum and shall have overall governance responsibility for the Museum, including policy guidance and strategic direction, general oversight of Museum operations, and fiduciary responsibility. The Council shall establish an Executive Committee which shall exercise ongoing governance responsibility when the Council is not in session.

''(b) COMPOSITION OF COUNCIL; APPOINTMENT; VACANCIES.—The Council shall consist of 65 voting members appointed (except as otherwise provided in this section) by the President and the following ex officio nonvoting members:

''(1) 1 appointed by the Secretary of the Interior.

''(2) 1 appointed by the Secretary of State.

''(3) 1 appointed by the Secretary of Education. Of the 65 voting members, 5 shall be appointed by the Speaker of the United States House of Representatives from among Members of the United States House of Representatives and 5 shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among Members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

''(c) TERM OF OFFICE.—

''(1) Except as otherwise provided in this subsection, Council members shall serve for 5-year terms.

''(2) The terms of the 5 Members of the United States House of Representatives and the 5 Members of the United States Senate appointed during any term of Congress shall expire at the end of such term of Congress.

''(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.

''(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM OF OFFICE.—The Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the

members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of 5 years.

''(e) REAPPOINTMENT.—Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be appointed to those offices.

''(f) BYLAWS.—The Council shall adopt bylaws to carry out its functions under this chapter. The Chairperson may waive a bylaw when the Chairperson decides that waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice of the waiver to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagree in writing before the end of the 30-day period.

''(g) QUORUM.—One-third of the members of the Council shall constitute a quorum, and any vacancy in the Council shall not affect its powers to function.

''(h) ASSOCIATED COMMITTEES.—Subject to appointment by the Chairperson, an individual who is not a member of the Council may be designated as a member of a committee associated with the Council. Such an individual shall serve without cost to the Federal Government.

''SEC. 2303. COMPENSATION; TRAVEL EXPENSES; FULL-TIME OFFICERS OR EMPLOYEES OF UNITED STATES OR MEMBERS OF CONGRESS.

''(a) IN GENERAL.—Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under suction 5703 of title 5.

''(b) EXCEPTION.—Members of the Council who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Council.

''SEC. 2304. ADMINISTRATIVE PROVISIONS.

''(a) EXPERTS AND CONSULTANTS.—The Museum may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates not to exceed the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5.

''(b) AUTHORITY TO CONTRACT.—The Museum may, in accordance with applicable law, enter into contracts and other arrangements with public agencies and with private organizations and persons and may make such payments as may be necessary to carry out its functions under this chapter.

''(c) ASSISTANCE FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary of the Smithsonian Institution, the Library of Congress, and the heads of all executive branch departments, agencies, and establishments of the United States may assist the Museum in the performance of its functions under this chapter.

''(d) ADMINISTRATIVE SERVICES AND SUPPORT.—The Secretary of the Interior may provide administrative services and support to the Museum on a reimbursable basis.

''SEC. 2305. STAFF.

''(a) ESTABLISHMENT OF THE MUSEUM DIRECTOR AS CHIEF EXECUTIVE OFFICER.—There shall be a director of the Museum (hereinafter in this chapter referred to as the 'Director') who shall serve as chief executive officer of the Museum and exercise day-to-day authority for the Museum. The Director shall be appointed by the Chairperson of the Council, subject to confirmation of the Council. The Director may be paid with nonappropriated funds, and, if paid with appropriated funds shall be paid the rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5. The Director shall report to the Council and its Executive Committee through the Chairperson. The Director shall serve at the pleasure of the Council.

''(b) APPOINTMENT OF EMPLOYEES.—The Director shall have authority to—

''(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and general schedule pay rates;

''(2) appoint and fix the compensation (at a rate not to exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5) of us to 3 employees not-withstanding any other provision of law; and

''(3) implement the decisions and strategic plan for the Museum, as approved by the Council, and perform such other functions as may be assigned from time to time by the Council, the Executive Committee of the Council, or the Chairperson of the Council, consistent with this legislation.

''SEC. 2306. MEMORIAL MUSEUM.

''(a) ARCHITECTURAL DESIGN APPROVAL.—The architectural design for the memorial museum shall be subject to the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission.

''(b) INSURANCE.—The Museum shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Museum deems necessary.

''SEC. 2307. GIFTS, BEQUESTS, AND DEVISES OF PROPERTY: TAX TREATMENT.

''The Museum may solicit, and the Museum may accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, and all revenues received or generated by the Museum to aid or facilitate the operation and maintenance of the memorial museum. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. Funds donated to and accepted by the Museum pursuant to this section or otherwise received or generated by the Museum are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

''SEC. 2308. ANNUAL REPORT.

''The Director shall transmit to Congress an annual report on the Director's stewardship of the authority to operate and maintain the memorial museum. Such report shall include the following:

''(1) An accounting of all financial transactions involving donated funds.

''(2) A description of the extent to which the objectives of this chapter are being met.

''(3) An examination of future major endeavors, initiatives, programs, or activities that the Museum proposes to undertake to better fulfill the objectives of this chapter.

''(4) An examination of the Federal role in the funding of the Museum and its activities, and any changes that may be warranted.

''SEC. 2309. AUDIT OF FINANCIAL TRANSACTIONS.

''Financial transactions of the Museum, including those involving donated funds, shall be audited by the Comptroller General as requested by Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Museum, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

''SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.

''To carry out the purposes of this chapter, there are authorized to be appropriated such sums as may be necessary. Notwithstanding any other provision of law, none of the funds authorized to carry out this chapter may be made available for construction. Authority to enter into contracts and to make payments under this chapter, using funds authorized to be appropriated under this chapter, shall be effective only to the extent, and in such amounts, as provided in advance in appropriations Acts.''.●

● Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill with my good friend, Senator BINGAMAN that will reauthorize the United States Holocaust Memorial Museum.

The United States Holocaust Memorial Museum is America's national institution for the documentation, study, and interpretation of the history of the Holocaust and serves as this country's memorial to the millions of people murdered during the Holocaust.

The Museum's primary mission is to advance and disseminate knowledge about the unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

The work of the Museum is not limited to the building which overlooks the tidal basin here in Washington, D.C. I and my constituents in Alaska have benefitted from the work of the Museum. Through a system of very well designed traveling exhibits the Museum has been able to bring the story of the Holocaust, and its related history to millions of Americans nationwide. I know my constituents in Anchorage and Fairbanks will never forget their opportunity to view the traveling programs.

The legislation makes some changes in the management authorities for the Museum and streamlines the procedures to appoint the Museum's Director. The legislation also provides the United States Holocaust Memorial Museum with the same permanent authorization as we have previously provided for the Smithsonian Institution.

Mr. President, I urge my colleagues to support this bipartisan legislation.●

By Mr. ABRAHAM (for himself, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Ms. SNOWE, Mr. CRAIG, Ms. COLLINS, Mr. GORTON, Mr. JEFFORDS, Mr. SCHUMER, Mr. GRAHAM, Mr. LEVIN, Mr. DEWINE, and Mrs. MURRAY):

S. 2599. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. ABRAHAM. Mr. President, I rise today to introduce the Immigration and Naturalization Service Data Management Improvement Act of 2000. This bill is designed to save jobs in Michigan and other states and prevent potentially enormous, hours-long traffic delays on the U.S.-Canadian border. That is achieved by amending Section 110 of the 1996 immigration law.

Mr. President, Section 110 of the 1996 Immigration Act mandated that an automated system be established to record the entry and exit of all aliens as a means to provide more information on individuals who ''over stay'' their visas. In the opinion of many it became clear that this well-intentioned measured, if implemented, could have an unforeseen impact. Today, when INS or Customs officials inspect people at land borders, they examine papers as necessary and make quick determinations, using their discretion on when to solicit more information. According to Dan Stamper, President of the Detroit International Bridge Company, if every single passenger of every single vehicle were required to provide detailed information in a form that could be entered into a computer—even assuming an incredibly quick 30 seconds per individual—the traffic delays could exceed 20 hours in numerous jurisdictions at the Northern border. This would obviously create significant economic and even environmental harm. Moreover, it would divert scarce law enforcement resources away from more effective measures.

Out of concern for its harmful impact on Michigan and law enforcement, I passed legislation in 1998 to delay implementation of Section 110 from its original start date of Sept. 30, 1998, until March 30, 2001. But it remained clear that a delay could not sufficiently satisfy concerns that the INS might develop a system that would prove harmful to the people of Michigan and other states.

Mr. President, FRED UPTON showed great leadership in the House on this issue and served his constituents extraordinarily well in helping to forge this compromise. LAMAR SMITH deserves great credit for working closely with us and his other House colleagues in making an agreement that meets the economic and security interests of all sides on this issue.

This is a great victory for the people of Michigan. This agreement strikes the right balance in enhancing our security and immigration enforcement needs while ensuring that we preserve the jobs and the other economic benefits Michigan receives from our close relationship with Canada.

This bill, the product of the agreement with the House, replaces the current requirement that by March 30, 2001, a record of arrival and departure be collected for every alien at all ports of entry with a more achievable requirement that the Immigration and Naturalization Service develop an ''integrated entry and exit data system'' that focuses on data INS already regularly collects at ports of entry.

The goal of Section 110 has been to track individuals who overstay their allowable stay in the United States. That goal is redirected into a more achievable direction. INS will be directed to put in electronic and retrievable form the information already collected at ports of entry and pursue other measures steps to improve enforcement of U.S. immigration laws. In addition, a task force chaired by the Attorney General that will include representatives of other government agencies and the private sector is established to examine the need for and costs of any additional measures, including additional security measures, at our borders. The bill also calls for increased international cooperation in securing the land borders.

In essence, the agreement substitutes this approach in place of a mandate that a system be developed that would have required that all foreign travelers or U.S. permanent residents be individually recorded into a system at ports of entry and exit, thereby likely bringing traffic to a halt on the northern border for miles, trapping U.S. travelers in the process and costing potentially tens of thousands of jobs in manufacturing, tourism and other industries. The agreement also maintains the status quo in preventing new documentary requirements on Canadian travelers.

Mr. President, the bottom line is that we will have a system that enhances law enforcement capabilities and will not impose new or onerous requirements on travelers that would damage Americans or the American economy.

I would like to thank the cosponsors of this legislation who have been so important in achieving success in this long three-year effort: Senators LEAHY, GRAMS, KENNEDY, SNOWE, COLLINS, CRAIG, GORTON, JEFFORDS, SCHUMER, GRAHAM, LEVIN, DEWINE, and MURRAY.

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

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

S. 2599

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 ''Immigration and Naturalization Service Data Management Improvement Act of 2000''.

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.

(a) IN GENERAL.—Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

''SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.

''(a) REQUIREMENT.—The Attorney General shall implement an integrated entry and exit data system.

''(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—For purposes of this section, the term 'integrated entry and exit data system' means an electronic system that—

''(1) provides access to, and integrates, alien arrival and departure data that are—

''(A) authorized or required to be created or collected under law;

''(B) in an electronic format; and

''(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

''(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from, the United States;

''(3) matches an alien's available arrival data with the alien's available departure data;

''(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary's obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

''(5) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required under subsection (e).

''(c) CONSTRUCTION.—

''(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

''(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

''(B) requirements that are inconsistent with the North American Free Trade Agreement.

''(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney General or the Secretary of State under any other provision of law.

''(d) DEADLINES.—

''(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2003, the Attorney General shall implement the integrated entry and

exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

''(2) HIGH-TRAFFIC LAND BORDER PORTS OF ENTRY.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

''(3) REMAINING DATA.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

''(e) REPORTS.—

''(1) IN GENERAL.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

''(2) INFORMATION.—Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

''(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

''(B) The number of departing aliens whose departure data was successfully matched to the alien's arrival data, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

''(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

''(D) The number of lawfully admitted nonimmigrants identified as having remained in the United States beyond the period authorized by the Attorney General, with an accounting by the alien's country of nationality.

''(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—

''(1) IN GENERAL.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

''(2) OTHER LAW ENFORCEMENT OFFICIALS.—The Attorney General, in the discretion of the Attorney General, may permit other Federal, State, and local law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

''(g) USE OF TASK FORCE RECOMMENDATIONS.—The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2008.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by amending the item relating to section 110 to read as follows:

''Sec. 110. Integrated entry and exit data system.''.

SEC. 3. TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) CHAIRPERSON; APPOINTMENT OF MEMBERS.—The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2). The Attorney General shall be the chairperson and shall appoint the other members.

(2) APPOINTMENT REQUIREMENTS.—In appointing the other members of the Task Force, the Attorney General shall include—

(A) representatives of Federal, State, and local agencies with an interest in the duties of the Task Force, including representatives of agencies with an interest in—

(i) immigration and naturalization;

(ii) travel and tourism;

(iii) transportation;

(iv) trade;

(v) law enforcement;

(vi) national security; or

(vii) the environment; and

(B) private sector representatives of affected industries and groups.

(3) TERMS.—Each member shall be appointed for the life of the Task Force. Any vacancy shall be filled by the Attorney General.

(4) COMPENSATION.—

(A) IN GENERAL.—Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Task Force.

(c) DUTIES.—The Task Force shall evaluate the following:

(1) How the Attorney General can efficiently and effectively carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act.

(2) How the United States can improve the flow of traffic at airports, seaports, and land border ports of entry through—

(A) enhancing systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act, by better use of technology, resources, and personnel;

(B) increasing cooperation between the public and private sectors;

(C) increasing cooperation among Federal agencies and among Federal and State agencies; and

(D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations.

(d) STAFF AND SUPPORT SERVICES.—

(1) IN GENERAL.—The Attorney General may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Task Force to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Task Force.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Attorney General may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Attorney General may procure temporary and intermittent services for the Task Force under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Attorney General, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section.

(e) HEARINGS AND SESSIONS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

(f) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Attorney General, the head of that department or agency shall furnish that information to the Task Force.

(g) REPORTS.—

(1) DEADLINE.—Not later than December 31, 2002, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(h) LEGISLATIVE RECOMMENDATIONS.—

(1) IN GENERAL.—The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate—

(A) to implement the recommendations of the Task Force; and

(B) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

(i) TERMINATION.—The Task Force shall terminate on a date designated by the Attorney General as the date on which the work of the Task Force has been completed.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

Mr. LEAHY. Mr. President, I am pleased to cosponsor this bill, which will help protect both America's economy and our relationship with Canada. In particular, citizens of states all across our Northern Border should breathe a sigh of relief that we appear to be close to finding a legislative solution to a potentially serious problem brewing along our border with Canada.

This bill will replace section 110 of the Illegal Immigration Reform and Responsibility Act (IIRIRA). Section 110 would mandate that the Immigration and Naturalization Service (INS) establish an automated system to record the entry and exit of all aliens in order to track their movements within the United States and to determine those who ''overstay'' their visas. the system has not yet been implemented.

By requiring an automated system for monitoring the entry and exit of ''all aliens,'' this provision requires that INS and Customs agents stop each vehicle or individual entering or exiting the United States at all ports of entry. Canadians, U.S. permanent residents and many others who are not currently required to show documentation of their status would likely either have to carry some form of identification or fill out paperwork at the points of entry.

This sort of tracking system would be costly to implement along the Northern Border, especially since there is no current system or infrastructure to track the departure of citizens and others leaving the United States.

Section 110 would also lead to excessive and costly traffic delays for those living and working near the border. These delays would surely have a negative impact on the $2.4 billion in goods and services shipped annually from Vermont to Canada and would likely reduce the $120 million per year which Canadians spend in Vermont.

The Immigration and Naturalization Service Data Management Improvement Act will replace the existing Section 110 with a new provision that requires the Attorney General to implement an ''integrated entry and exit data system.'' This system would simply integrate the arrival and departure data which already is authorized or required to be collected under current law, and which is in electronic format within databases held by the Justice and State Departments. The INS would not be required to take new steps to collect information from those entering and leaving the country, meaning that Canadians will have the same ability to enter the United States as they do today.

This bill will ensure that tourists and trade continue to freely cross the border, without additional documentation requirements. This bill will also guarantee that more than $1 billion daily cross-border trade is not hindered in any way. Just as importantly, Vermonters and others who cross our nation's land borders on a daily basis to work or visit with family or friends should be able to continue to do so without additional border delays.

This is an issue that I have worked on ever since section 110 was originally adopted in 1996. In 1997, along with Senator ABRAHAM and others, I introduced the ''Border Improvement and Immigration Act of 1997.'' Among other things, that legislation would have (1) specifically exempted Canadians from any new documentation or paperwork requirements when crossing the border into the United States; (2) required the Attorney General to discuss the development of ''reciprocal agreements'' with the Secretary of State and the governments of contiguous countries to collect the data on visa overstayers; and (3) required the Attorney General to increase the number of INS inspectors by 300 per year and the number of Customs inspectors by 150 per year for the next three years, with at least half of those inspectors being assigned to the Northern Border.

I also worked with Senator ABRAHAM, Senator KENNEDY, and other Senators to obtain postponements in the implementation date for the automated system mandated by section 110. We were successful in those attempts, delaying implementation until March 30, 2001. But delays are by nature only a temporary solution; in the legislation we introduce today, I believe we have found a permanent solution that allows us to keep track of the flow of foreign nationals entering and leaving the United States without crippling commerce or our important relationship with Canada. That is why I am proud to support this legislation, and why I urge prompt action.

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 890

At the request of Mr. WELLSTONE, the names of the Senator from California (Mrs. BOXER) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1459

At the request of Mr. MACK, the name of the Senator from Massachusetts

(Mr. KERRY) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1594

At the request of Mr. BOND, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) 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. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2045

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

S. 2060

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2123

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2123, supra.

S. 2297

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2407

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 2407, a bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2486

At the request of Mr. WARNER, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2486, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. BAYH), the Senator from Maine (Ms. COLLINS), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors 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.

S.J. RES. 44

At the request of Mr. HATCH, his name 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.

SENATE RESOLUTION 308—CONGRATULATING THE INTERNATIONAL HOUSE ON THE OCCASION OF ITS 75TH ANNIVERSARY

Mr. GORTON (for himself, Mr. MOYNIHAN, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 308

Whereas International House at 500 Riverside Drive, New York City, was founded in 1924 as a residence and program center for graduate students and trainees from all nations;

Whereas International House was created to allow diverse peoples from around the world the opportunity to live together in a shared cultural and intellectual environment, and enable its residents and members to understand and better appreciate people of divergent backgrounds; and

Whereas in the last 75 years International House has grown from this fundamental concept to become an internationally recognized institution, serving as a vital resource for the global academic, business, professional, and artistic communities: Now, therefore, be it

Resolved, That the Senate commends International House for its distinguished service to the people of the United States and all citizens of the world in the promotion of global understanding and world peace and extends congratulations to International House on the occasion of its 75th anniversary.

AMENDMENTS SUBMITTED

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

DOMENICI AMENDMENT NO. 3156

Mr. BURNS (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) 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:

On page 44 line 6, strike ''$136,000,000'' and replace with ''$221,000,000''; and on page 44

line 12, strike ''$136,000,000'' and replace with ''$221,000,000''.

GREGG AMENDMENT NO. 3157

Mr. BURNS (for Mr. GREGG) proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to allow for the entry into, or withdrawal from warehouse for consumption in the United States of diamonds if the country of origin in which such diamonds were mined (as evidenced by a legible certificate of origin) is the Republic of Sierra Leone, the Republic of Liberia, the Republic of Cote d'Ivoire, the Democratic Republic of the Congo, or the Republic of Angola.

STEVENS (AND OTHERS) AMENDMENT NO. 3158

Mr. BURNS (for Mr. STEVENS (for himself, Mr. COVERDELL, and Mr. DEWINE)) proposed an amendment to the bill, S. 2521, supra; as follows:

On page 26, at line 15, strike, ''$74,859,000'', and insert in lieu thereof, ''$542,859,000'';

On page 27, at line 7 and 8, strike '': *Provided*'', and insert in lieu thereof ''; Acquisition of six C–130J long-range maritime patrol aircraft authorized under section 812(G) of the Western Hemisphere Drug Elimination Act that are capable of meeting defense-related and other elements of the Coast Guard's multi-mission requirements, $468,000,000: *Provided*, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project; *Provided further*''.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 3159

Mr. BURNS (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill, S. 2521, supra; as follows:

On page 35, between lines 17 and 18, insert the following:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test, and Evaluation, Army'', $5,700,000 for continued test activities under the Tactical High Energy Laser (THEL) program of the Army: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MCCONNELL (AND OTHERS) AMENDMENT NO. 3160

Mr. BURNS (for Mr. MCCONNELL (for himself, Mr. STEVENS, and Mr. WARNER)) proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of enactment of this section and before December 31, 2000.

JEFFORDS AMENDMENT NO. 3161

Mr. BURNS (for Mr. JEFFORDS) proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. ELECTRONIC AND INFORMATION TECHNOLOGY.

Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking ''Effective'' and all that follows through ''1998,'' and inserting ''Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2),''; and

(2) in subparagraph (B), by striking ''2 years'' and all that follows and inserting ''6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).''.

DASCHLE AMENDMENT NO. 3162

Mrs. MURRAY (for Mr. DASCHLE) proposed an amendment to the bill S. 2521, supra; as follows:

At the appropriate place, insert the following:

SEC. . FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.

Section 136(a)(3) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–596), is amended by adding at the end the following:

''(C) DETERMINATION OF ECONOMIC JUSTIFICATION.—

''(i) IN GENERAL.—A determination of economic justification under subparagraph (A) shall be based on an assumption that the Federal Government is liable for ground water damage to land or property described in paragraph (1).

''(ii) EFFECT OF CLAUSE.—Clause (i) does not impose on the Federal Government any liability in addition to any liability that the Federal Government may have under law in effect on October 20, 1998.''.

STEVENS (AND INOUYE) AMENDMENT NO. 3163

Mr. BURNS (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill, S. 2521, supra; as follows:

AMENDMENT NO. 3163

At the appropriate place in the bill, insert:

''SEC. . Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262) is amended—

''And other SOFA claims'' to be inserted following '' '. . . the funds made available for payments to persons, communities, or other entities in Italy for reimbursement property damages . . .' ''

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

BAUCUS (AND OTHERS) AMENDMENT NO. 3164

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. ROBERTS, and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

On page 140, between lines 19 and 20, insert the following:

SEC. ___. USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.

Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

FREEDOM TO E-FILE ACT

FITZGERALD AMENDMENT NO. 3165

Mr. BROWNBACK (for Mr. FITZGERALD) proposed an amendment to the bill (S. 777) requiring the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom to E-File Act''.

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with subsection (c), the Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this Act as the ''Department'') specified in subsection (b).

(b) APPLICABILITY.—The agencies referred to in subsection (a) are the following:

(1) The Farm Service Agency.

(2) The Natural Resources Conservation Service.

(3) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall—

(1) provide a method by which agricultural producers may—

(A) download from the Internet the forms of the agencies specified in subsection (b); and

(B) submit completed forms via electronic facsimile, mail, or similar means;

(2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b)—

(A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(d) PROGRESS REPORTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

SEC. 3. ACCESSING INFORMATION AND FILING OVER THE INTERNET.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, in accordance with subsection (b), the Secretary shall expand implementation of the Internet-based system established under section 2 by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 2(b).

(b) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer, all forms required by agencies of the Department specified in section 2(b);

(2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 2(b) and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

SEC. 4. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) RESERVATION OF FUNDS.—From funds made available for agencies of the Department specified in section 2(b) for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

(1) For fiscal year 2001, $3,000,000.

(2) For each subsequent fiscal year, $2,000,000.

(b) TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) USE OF FUNDS.—

(1) ESTABLISHMENT.—Funds reserved under subsection (a) shall be used to establish the Internet-based system required under section 2 and to expand the system as required by section 3.

(2) MAINTENANCE.—Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

SEC. 5. FEDERAL CROP INSURANCE CORPORATION AND RISK MANAGEMENT AGENCY.

(a) IN GENERAL.—Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this Act, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) ADMINISTRATION.—The plan shall—

(1) conform to sections 2(c) and 3(b); and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) IMPLEMENTATION.—Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a).

SEC. 6. CONFIDENTIALITY.

In carrying out this Act, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

NOTICE OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 24, 2000, at 9:30 a.m. to conduct a hearing on S. 611, the Indian Federal Recognition Administrative Procedures Act of 1999. The hearing will be held in room 485, Russell Senate Building.

Note: This hearing was originally scheduled for 9:30 a.m., May 17.

Those wishing additional information may contact committee staff at 202/224–2251.

THE CONFIRMATION OF JUDGES

Mr. LEAHY. Mr. President, I know the distinguished leader has been working on trying to find a way to confirm some more judges. I hope we do.

I remind the Senate, and the American public, that there is a mistaken belief that in a Presidential election year we stop confirming judges. That is not so.

As one who has been here for 25 years, I note that there is an informal procedure called the Thurmond rule, named after our beloved President pro tempore, the Senator from South Carolina, STROM THURMOND. This rule basically says that as we get close to the Presidential election time—July, August, and into the fall—we slow down and nearly stop the confirmation of judges to lifetime appointments to see how the Presidential election comes out, because the next President will be able to nominate judges.

But having said that, I point out what happened in the last year of President Bush's term. Democrats controlled the Senate, and we confirmed 66 judges—66 judges nominated by President Bush—more than have been confirmed in any year of President Clinton's term in which there has been a Republican majority, even when he was not facing reelection. In 1996 they confirmed only 17 judges all year.

With a Democratic Senate in the last year of President Reagan's term, we did not have this kind of a slowdown and stoppage. Democrats confirmed more than 40 judges.

I hope we will look, first and foremost, not at some kind of partisan game but at what is best for the judiciary.

We are seen throughout the world as having the most independent federal judiciary anywhere. Look at what happens in other parts of the world where the President or Prime Minister or leader of a country can tell the judiciary exactly what to do, and they do it. Look at what happened in Peru. President Fujimori got the Supreme Court to allow him to run unconstitutionally for a third term.

Look at a number of other countries around the world where dictators, and those who seize power, get the courts to bend to their will. That is not done here in the United States. Our Federal judiciary truly is independent. We should protect their independence by not making judges a partisan pawn in a political program. We should make sure they remain independent.

Democrats have given an enormous amount of flexibility to Republican Presidents. I hope—it may be a vain hope—that a Democratic President would get at least a goodly percentage of that same kind of flexibility from a Republican-controlled Senate. If we were to confirm all 16 of the judges on the Senate Executive Calendar today, we still would only have confirmed 23 judges so far this year. That is about half the total from 1988 and only one-third of the 66 judges confirmed in 1992.

We will not accomplish anything tonight on this. But I urge—as I did last night when I was speaking to the Capitol Historical Society, speaking of the history of the Judiciary Committee, when I praised a number of Republican chairmen of that committee, from the past and present, and Democratic chairmen—and if I might, just for a moment, reflect on my 25 years here—we should lower our decibel level, especially in this area. I urge that the distinguished Republican leader and the distinguished Democratic leader, both of whom are dear friends of mine—and I have enjoyed the friendship and serving with them—might try once again. And the distinguished chairman of the committee, the senior Senator from Utah, Mr. HATCH, and I will do that, too, because whatever momentary political advantage either party might have, it does not begin to equate with our responsibility to the independence of the finest judiciary in the world. We should make that try.

It will not happen tonight, but over the weekend maybe calmer heads will prevail. I see my good friend from Kansas on the floor. He and I have joined on legislation. We are certainly not seen as political and philosophical allies, but we have reached across the aisle on significant legislation; one of the most significant is the collegiate gambling legislation. The distinguished Presiding Officer, the Senator from Alabama, and I have also joined together and voted together oftentimes in the Judiciary Committee. We know that, eventually, if something is going to work it has to have the support of Democrats and Republicans. I mention this because I hope that maybe the temperatures will lower. Let us realize that we have more things to unite us than to divide us and we can work together. I thank my two colleagues for their forbearance and letting me take these few minutes.

I yield the floor.

Mr. BROWNBACK. Mr. President, I thank the Senator from Vermont for his thoughtful comments on the need to work together, which I think is critically important. As I understood it, the distinguished Democratic leader and the majority leader were getting pretty close to getting something done and then it fell apart at the end. So I am hopeful that maybe come tomorrow, or the first of next week, those can move forward. I agree that we ought to work together in a calmness for the betterment of the country. I think we can get that done. This has been a tough week, and I have enjoyed working with my colleague.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–24

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on May 18, 2000, by the President, that being the Extradition Treaty with South Africa, Treaty Document No. 106–24. I further ask that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of South Africa, signed at Washington on September 16, 1999.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

The Treaty is one of a series of modern extradition treaties being negotiated by the United States to counter criminal activities more effectively. Upon entry into force, the Treaty will replace the outdated Treaty Relating to the Reciprocal Extradition of Criminals signed at Washington, December 18, 1947, and in force between the two countries since April 30, 1951. Together with the Treaty Between the Government of the United States of America and the Government of the Republic of South Africa on Mutual Legal Assistance in Criminal Matters, also signed September 16, 1999, this Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the two countries. It will thereby make a significant contribution to international law enforcement efforts against serious offenses, including terrorism, organized crime, and drug-trafficking offenses.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 2000.*

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following Department of Defense nominations reported by the Armed Services Committee: Nos. 474 and 475.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements related to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF DEFENSE

Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army.

Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

HMONG VETERANS' NATURALIZATION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 562, H.R. 371.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 371) to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 371

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 ''Hmong Veterans' Naturalization Act of 2000''.

SEC. 2. EXEMPTION FROM ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)) shall not apply to the naturalization of any person—

(1) who—

(A) was admitted into the United States as a refugee from Laos pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) served with a special guerrilla unit, or irregular forces, operating from a base in Laos in support of the United States military at any time during the period beginning February 28, 1961, and ending September 18, 1978; or

(2) who—

(A) satisfies the requirement of paragraph (1)(A); and

(B) was the spouse of a person described in paragraph (1) on the day on which such described person applied for admission into the United States as a refugee.

SEC. 3. SPECIAL CONSIDERATION CONCERNING CIVICS REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The Attorney General shall provide for special consideration, as determined by the Attorney General, concerning the requirement of paragraph (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(2)) with respect to the naturalization of any person described in paragraph (1) or (2) of section 2 of this Act.

SEC. 4. DOCUMENTATION OF QUALIFYING SERVICE.

A person seeking an exemption under section 2 or special consideration under section 3 shall submit to the Attorney General documentation of their, or their spouse's, service with a special guerrilla unit, or irregular forces, described in section 2(1)(B), in the form of—

(1) original documents;

(2) an affidavit of the serving person's superior officer;

(3) two affidavits from other individuals who also were serving with such a special guerrilla unit, or irregular forces, and who personally knew of the person's service; or

(4) other appropriate proof.

SEC. 5. DETERMINATION OF ELIGIBILITY FOR EXEMPTION AND SPECIAL CONSIDERATION.

In determining a person's eligibility for an exemption under section 2 or special consideration under section 3, the Attorney General—

(1) shall review the refugee processing documentation for the person, or, in an appropriate case, for the person and the person's spouse, to verify that the requirements of section 2 relating to refugee applications and admissions have been satisfied;

(2) shall consider the documentation submitted by the person under section 4;

[(3) shall request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B) and shall take into account that opinion; and

[(4) may consider any certification prepared by the organization known as ''Lao Veterans of America, Inc.'', or any similar organization maintaining records with respect to Hmong veterans or their families.]

(3) may request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B); and

(4) may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families.

The Secretary of Defense shall provide any opinion requested under paragraph (3) to the extent practicable, and the Attorney General shall take into account any opinion that the Secretary of Defense is able to provide.

SEC. 6. DEADLINE FOR APPLICATION AND PAYMENT OF FEES.

This Act shall apply to a person only if the person's application for naturalization is filed, as provided in section 334 of the Immigration and Nationality Act (8 U.S.C. 1445), with appropriate fees not later than 18 months after the date of the enactment of this Act.

SEC. 7. LIMITATION ON NUMBER OF BENEFICIARIES.

Notwithstanding any other provision of this Act, the total number of aliens who may be granted an exemption under section 2 or special consideration under section 3, or both, may not exceed 45,000.

Mr. HATCH. Mr. President, I thank my distinguished colleague from Wisconsin, Senator FEINGOLD, as well as my distinguished colleagues Senators WELLSTONE, GRAMS, KOHL and GRASSLEY, for their leadership and effort on behalf of the Hmong veterans and in support of this legislation. Also, I would like to make special mention of Senator KOHL's critical role in bringing all parties together and in negotiating this compromise. Senator KOHL's role truly was pivotal.

With respect to Senator GRAMS, I would like to point out my appreciation for all that he has done to assist the Hmong veterans and their families in Minnesota.

I also appreciate very much the efforts of the Lao Veterans of America with their national recognition ceremonies for the Hmong and Lao veterans of the U.S. Secret Army and the monument that they dedicated at Arlington National Cemetery.

Mr. President, it is important to state that a negative inference should not be drawn from the fact that in moving this legislation through the Senate today, the Senate has amended the bill to eliminate specific mention of any one organization. In fact, the distinguished organization mentioned in the original House legislation was cited because of its role in developing, organizing and keeping records regarding the service of Hmong and Lao veterans who served with U.S. military and covert forces in Laos during the Vietnam War. It, along with other such organizations, may be helpful in providing input for the naturalization of the Hmong veterans and their families.

Mr. FEINGOLD. Mr. President, I thank the distinguished chairman of the Judiciary Committee, Senator HATCH, for his assistance in getting this legislation to the floor. I concur with Senator HATCH that a negative inference should not be drawn from the fact that the bill was amended to remove reference to a specific organization. Given that there is reason to believe that the federal government has little, if any, remaining records of which Lao and Hmong participated in the U.S. Secret Army, I think it is entirely reasonable for the Attorney General to consider documentation provided by the Lao Veterans of America or other Lao or Hmong veterans' organizations. In fact, I understand that the Lao Veterans of America was named in the House legislation because it has maintained extensive records of the Hmong and Lao veterans of the U.S. Secret Army.

Mr. WELLSTONE. Mr. President, I thank Chairman HATCH, Senator FEINGOLD and Senator KOHL for their work in passing the Hmong Veterans Naturalization Act through the Judiciary Committee today. I am proud to be its sponsor in the Senate. In particular, I would like to commend Rep. Bruce Vento for his efforts on this legislation and his extraordinary courage and selfless devotion to the important cause of the Hmong veterans.

I would like to affirm my colleagues' remarks and thank the Lao Veterans of America, the nation's largest Hmong veterans organization, for its leadership in helping to bring long-overdue national recognition to the Hmong and Lao veterans of the U.S. Secret Army, as well as pushing for the passage of this legislation in the House and Senate. Lao Veterans of America is the nation's first non-profit veterans organization representing Hmong and Lao veterans of the U.S. Secret Army. These veterans and their families served with U.S. military and clandestine forces in Laos during the Vietnam War. Starting in 1990, the group established and began maintaining the nation's largest repository of records relating to the Hmong and Lao veterans who served with U.S. clandestine and military forces.

Mr. President, the Lao Veterans of America's second largest chapter is headquartered in Minnesota. I have heard from hundreds of Hmong Americans in support of this bill over the years. I want to thank them, as well as all the Hmong people from Minnesota and around the country who made the passage of this bill possible.

Mr. KOHL. Mr. President, I would also like to add my comments. Thank you Chairman HATCH for your kind words and all your help and the help of your staff in moving this important legislation forward. Thank you as well to my fellow Senator from Wisconsin and Senators WELLSTONE and GRAMS from Minnesota. I am pleased that we were able to work together to reach a compromise and help give the Hmong veterans and their families the chance to become citizens. The Hmong community, particularly the Lao Veterans of America, have worked tirelessly to bring us to this point. As my colleagues have mentioned, no negative inference should be drawn from the compromise language. Last week, I was proud to participate in the Lao Veterans of America National Recognition Ceremonies with so many Hmong veterans from Wisconsin. With this bill, we are attempting to repay them for their tremendous sacrifices and courage. I hope that we can achieve the final steps and send this bill to the President's desk for signature as soon as possible.

Mr. LEAHY. I rise today in support of the Hmong Veterans' Naturalization Act of 2000, which has passed the House and deserves our support as well. The beneficiaries of this bill are guerrilla

soldiers—and their spouses and widows—who were our allies in Laos during the Vietnam War. Many of these soldiers came to the United States with their families after the war and have contributed to the American economy through their labor and by paying taxes. Now many of them seek to become citizens of this country, but find it difficult to meet the prerequisites for naturalization due to the unique characteristics of their native culture.

Until quite recently, the Hmong people had no written language. This lack of experience with written language has made it more difficult for Hmong people who have moved to the United States to learn English, which in turn makes it more difficult for them to obtain citizenship. This bill would waive the English language requirement and provide special consideration for the civics requirement for Hmong veterans and their spouses and widows. It is a small concession to make in return for the great sacrifices that these men made in fighting for the American cause in Southeast Asia.

I would like to commend Senators WELLSTONE and FEINGOLD for the efforts they have made to draw attention to this issue and this bill, and to thank Representative VENTO whose persistence has made this bill possible. I would also note that this is a bipartisan bill that Senators HAGEL and MCCAIN have cosponsored. My only disappointment is that the majority made it impossible to report this bill from the Judiciary Committee last week, when we were joined at the hearing by many of the brave soldiers whom this bill would benefit. Instead of working out its concerns with the bill's sponsors in advance, the majority insisted upon an 11th-hour amendment, an amendment that—in violation of normal practice—was not distributed to members of this Committee. This conduct came only a week after the majority objected to an attempt to pass the House bill on the floor—an attempt that was cleared by every Senator on my side of the aisle.

But it is better to pass this bill after a delay than not at all. I am grateful for the opportunity to have helped bring this bill to the floor today, and I look forward to the day when these brave veterans become American citizens. It is a privilege that they have more than earned.

Mr. WELLSTONE. Mr. President, I will take a moment to thank my colleagues for passing S. 890, the Hmong Veterans Naturalization Act. Frankly, this bill is long overdue.

As the Senator from Minnesota, I am proud to represent the largest Hmong population in America. There are nearly 70,000 Hmong people living in the twin cities. My experience as a Senator has become so much greater as a result of coming to know the nobel history and rich culture of the Hmong people in Minnesota. I am in awe of their sacrifice for the American people.

Hmong soldiers died at ten times the rate of American soldiers in the Vietnam War. As many as 20,000 Hmong fell on the mountains in Laos. Hmong soldiers were paid $3 a month and often lived off of rice alone. Where American pilots were sent home after a year or after their one hundredth mission, Hmong soldiers never stopped fighting. ''Fly till you die'' was what the Hmong soldiers said. And, as adults died, children as young as twelve were called up to take their place. In exchange for their service, the Hmong were given a promise of protection by the United States Government.

Yet the promise made on the battlefield was abandoned. When the United States military fled South East Asia, the Hmong Geurillas were left to fight alone. A trail of 100,000 refugees were left to fend for themselves. Many were slaughtered as they waited for evacuation planes that never came.

Because America's war effort in Laos was covert, perhaps the largest covert action in our history, the sacrifices and service of the Hmong and Lao veterans is still largely untold. As a result, many of these brave people are still suffering from poverty, discrimination, and persecution.

The legislation we passed today is a tribute to this sacrifice. It is a small but meaningful step in honoring and fulfilling our promise to the Hmong people. This legislation will simply waive the literacy requirement to all Hmong Veterans and their spouses to become citizens of the United States—a nation for which so many of them spilled their blood and a nation that has long ignored their unique struggle.

The need for this legislation is acute because the Hmong had no written language until recently, and because so many Hmong children were fighting for America when they should have been in school.

I want to thank my colleagues for their support. In particular, I also want to take a moment to thank and honor Congressman BRUCE VENTO. He, more than anyone in the Congress, has dedicated himself to ensure that Hmong and Lao veterans receive the honor and respect that has been so long deserved and too long delayed. I also want to thank Chairman HATCH, for guiding this bill through the Judiciary Committee and Senator RUSS FEINGOLD who, with Senator HERB KOHL, has worked so hard to see that this bill is passed. Mostly, I thank the Hmong people. You gave us your lives and your families. You are American heroes.

Mr. FEINGOLD. Mr. President, I am very pleased that the Senate today will pass H.R. 371, the Hmong Veterans' Naturalization Act. I was proud to join my colleague from Minnesota, Senator WELLSTONE, as an original co-sponsor of S. 890, which was companion legislation to H.R. 371. I commend Senator WELLSTONE for his leadership on this issue and for his persistence in pressing for the Judiciary Committee and the full Senate to consider the bill.

By passing this legislation today, the Senate recognizes the contribution of Hmong and Lao immigrants who risked their lives to support U.S. interests in Southeast Asia. The Senate not only recognizes the valor of Hmong and Lao veterans, but also helps them achieve their goal of citizenship.

Mr. President, Wisconsin is home to the third largest Hmong community in the United States. We are proud of the Hmong veterans and their families who sacrificed so much for U.S. national security during the Vietnam War and have done so much to enrich Wisconsin and the United States. I have had the opportunity to meet many Lao and Hmong veterans and their families as I travel throughout Wisconsin. I am struck by the profound importance they place on becoming citizens of the United States. The most important thing to many of these individuals is to become legal citizens of the country they risked their lives to help and that they now call home. This bill is the least we can do to help repay the huge debt we owe these brave individuals

This legislation is truly long overdue. The Hmong and Lao veterans of the U.S. Secret Army should not have had to suffer for so long in obscurity after the end of the Vietnam War. It should not have taken so long for the United States to finally dedicate a monument in Arlington National Cemetery to the Hmong and Lao veterans of the U.S. Secret Army, when it did so in May 1997.

Mr. President, the monument at Arlington National Cemetery to the Hmong veterans contains important language for us to remember as we pass this legislation today in the Senate. The monument in Arlington Cemetery, dedicated by many of the Hmong veterans and their families from Wisconsin and across the United States, reads as follows:

DEDICATED TO THE U.S. SECRET ARMY IN LAOS 1961–1973

In memory of the Hmong and Lao combat veterans and their American Advisors who served freedom's cause in Southeast Asia. Their patriotic valor and loyalty in the defense of liberty and democracy will never be forgotten ''You will never be forgotten. (in Laotian and Hmong)—Lao Veterans of America, May 15, 1997.''

Mr. President, I am particularly proud of the Lao Veterans of America chapters throughout the state of Wisconsin—in Milwaukee, Green Bay, Madison, Wausau, Stevens Point, Sheboygan, Oshkosh, Eau Claire and elsewhere. They played a positive role in helping to establish this monument as well as pressing the Congress to enact this legislation. They have also worked with the national headquarters of the

Lao Veterans of America and its chapters across the United States to reconstruct many of the records of the veterans, which were destroyed in Laos at the end of the Vietnam War.

More than a thousand Hmong veterans from Wisconsin were in Washington, D.C. last week to commemorate the 25th anniversary of the end of the Vietnam War in Laos and the passage of this legislation in the House of Representatives. Over four thousand Hmong veterans marched down Pennsylvania Avenue and attended ceremonies at the Vietnam War Memorial, the U.S. Capitol and Arlington National Cemetery.

Mr. President, during the course of our consideration of this bill in Committee, an objection was raised to a provision of the bill that specifically mentions the Lao Veterans of America as an organization whose certification of the eligibility of an individual veteran as eligible for the benefits of this bill could be considered by the Attorney General. Given that there is reason to believe that the federal government has few remaining records of which Lao and Hmong participated in the U.S. Secret Army, I think it is entirely reasonable for the Attorney General to consider documentation provided by the Lao Veterans of America or other Lao or Hmong veterans' organizations. In fact, I understand that the Lao Veterans of America was named in the House legislation because it has maintained extensive records of the Hmong and Lao veterans of the U.S. Secret Army. Frankly, I do not understand why this provision became such a sticking point, but in order to move this bill along and get it to the President's desk as quickly as possible, I agreed to a modification of this provision.

I am pleased that we reached agreement that this provision should not be removed in its entirety. And I emphasize, and I know that the Chairman of the Judiciary Committee agrees, that a negative inference should not be drawn from the fact that the name of this specific organization, the Lao Veterans of America, was removed from the bill. Even though its name was removed from the bill, the Lao Veterans of America can still provide documentation to the Attorney General, and the Attorney General may consider it.

Mr. President, I again want to thank Senator WELLSTONE, Senator KOHL, and Senator HATCH for their work to facilitate passage of this important legislation that will help Hmong veterans finally attain their well-deserved goal of U.S. citizenship.

Thank you, Mr. President. I yield the floor.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

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

The bill (H.R. 371), as amended, was read the third time and passed.

Mr. LEAHY. Mr. President, if the Senator will yield a moment, I thank the Senator from Kansas and others for passing this bill. I know this has been a major cause of our retiring colleague from the other body, BRUCE VENTO. We had this before the Judiciary Committee this morning. I thank Senator HATCH and the others who helped make it possible to bring it out. It rights a grievous wrong, and it is a good piece of legislation.

Mr. BROWNBACK. I thank my colleague for mentioning that. It is important that we are getting this bill passed. It is right to bring attention to this matter. These are people who have done great things for us and for our country. It should be taken care of. I am glad it cleared through committee so well.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Democratic Leader, pursuant to Public Law 105–389, announces the appointment of Sylvia Stewart of Mississippi to serve as a member of the First Flight Centennial Federal Advisory Board, vice Wilkinson Wright of Ohio.

INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 526, S. 1509.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1509) to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets)

S. 1509

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 ''Indian Employment, Training and Related Services Demonstration Act Amendments of 1999''.

SEC. 2. FINDINGS, PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization;

(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior;

(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this Act are to demonstrate how Indian tribal governments can integrate the employment, training and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

SEC. 3. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

''(1) FEDERAL AGENCY.—The term 'federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code.''.

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking ''job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training'' and inserting the following: ''assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities''.

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking ''Federal department'' and inserting ''Federal agency'';

(2) by striking ''Federal departmental'' and inserting ''Federal agency'';

(3) by striking ''department'' each place it appears and inserting ''agency''; and

(4) in the third sentence, by inserting ''statutory requirement,'', after ''to waive any''.

(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following; '', including any request for a waiver that is made as part of the plan submitted by the tribal government'';

(2) in the second sentence, by inserting before the period at the end the following: '', including reconsidering the disapproval of any waiver requested by the Indian tribe''.

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The plan submitted''; and

(2) by adding at the end the following:

''(b) JOB CREATION OPPORTUNITIES.—

''(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

''(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

''(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

''(B) 10 percent.

''(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.''.

[SEC. 4. ALASKA REGIONAL CONSORTIA.

[The Indian Employment, Training, and Related Services Demonstration Act of 1992 is amended by adding at the end the following:

["SEC. 19. ALASKA REGIONAL CONSORTIA.

[''(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary shall permit a regional consortium of Alaska Native villages or regional or village corporations (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to carry out a project under a plan that meets the requirements of this Act through a resolution adopted by the governing body of that consortium or corporation.

[''(b) WITHDRAWAL.—Nothing in subsection (a) is intended to prohibit an Alaska Native village from withdrawing from participation in any portion of a program conducted pursuant to this Act.''.]

SEC. [5.] *4.* REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.

Not later than one year after the date of enactment of this Act, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this Act shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this Act, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

SEC. [6.] *5.* EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 1509), as amended, was passed.

AMERICAN INDIAN TRIBAL COLLEGES AND UNIVERSITIES IMPROVEMENT ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3629 just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3629) to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action.

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

The bill (H.R. 3629) was read the third time and passed.

DAY OF HONOR 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S.J. Res. 44, and the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 44) 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.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Senator HATCH be added as a cosponsor.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 44) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 44

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy;

Whereas the United States called upon all its citizens, including the most oppressed of its citizens, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism;

Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans;

Whereas because of invidious discrimination, many of the courageous military activities of these minorities were not reported and honored fully and appropriately until decades after the Allied victory in World War II;

Whereas the motto of the United States, ''E Pluribus Unum'' (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and

Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 25, 2000, and throughout the year 2000: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian, Pacific Islanders, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II;

(2) especially honors those minority veterans who gave their lives in service to the United States during that war;

(3) supports the goals and ideas of the ''Day of Honor 2000'' in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(4) authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor these

minority veterans with appropriate programs and activities.

FREEDOM TO E-FILE ACT

Mr. BROWNBACK. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 777) to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 777) entitled ''An Act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom to E-File Act''.

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

(a) ESTABLISHMENT OF INTERNET-BASED SYSTEM.—The Secretary of Agriculture shall establish an electronic filing and retrieval system that uses the telecommunications medium known as the Internet to enable farmers and other persons—

(1) to file electronically all paperwork required by the agencies of the Department of Agriculture specified in subsection (b); and

(2) to have access electronically to information, readily available to the public in published form, regarding farm programs, quarterly trade, economic, and production reports, price and supply information, and other similar information related to production agriculture.

(b) COVERED AGENCIES.—Subsection (a) shall apply to the following agencies of the Department of Agriculture:

(1) The Farm Service Agency.

(2) The Risk Management Agency.

(3) The Natural Resources Conservation Service.

(4) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(c) TIME-TABLE FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall—

(1) to the maximum extent practicable, complete the establishment of the electronic filing and retrieval system required by subsection (a) to the extent necessary to permit the electronic information access required by paragraph (2) of such subsection;

(2) initiate implementation of the electronic filing required by paragraph (1) of such subsection by allowing farmers and other persons to download forms from the Internet and submit completed forms via facsimile, mail, or related means; and

(3) modify forms used by the agencies specified in subsection (b) into a more user-friendly format, with self-help guidance materials.

(d) INTEROPERABILITY.—In carrying out this section, the Secretary shall ensure that the agencies specified in subsection (b)—

(1) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(2) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(e) COMPLETION OF IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete the establishment of the electronic filing and retrieval system required by subsection (a) to permit the electronic filing required by paragraph (1) of such subsection.

(f) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the progress made toward establishing the electronic filing and retrieval system required by subsection (a).

SEC. 3. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) RESERVATION OF FUNDS.—From funds made available for each agency of the Department of Agriculture specified in section 2(b) for information technology or information resource management, the Secretary of Agriculture shall reserve an amount equal to not more than the following:

(1) For fiscal year 2001, $3,000,000.

(2) For each subsequent fiscal year, $2,000,000.

(b) TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) USE OF FUNDS.—Funds reserved under subsection (a) shall be used to establish the electronic filing and retrieval system required by section 2(a). Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, and such funds shall remain available until expended.

SEC. 4. CONFIDENTIALITY.

In carrying out this Act, the Secretary of Agriculture—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

Amend the title so as to read ''An Act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.''.

Mr. BROWNBACK. Mr. President, I move that the Senate concur in the House amendment to the text with a further amendment which is at the desk.

AMENDMENT NO. 3165

(Purpose: To provide a substitute amendment)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. FITZGERALD, proposes an amendment numbered 3165.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom to E-File Act''.

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with subsection (c), the Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this Act as the ''Department'') specified in subsection (b).

(b) APPLICABILITY.—The agencies referred to in subsection (a) are the following:

(1) The Farm Service Agency.

(2) The Natural Resources Conservation Service.

(3) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall—

(1) provide a method by which agricultural producers may—

(A) download from the Internet the forms of the agencies specified in subsection (b); and

(B) submit completed forms via electronic facsimile, mail, or similar means;

(2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b)—

(A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(d) PROGRESS REPORTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

SEC. 3. ACCESSING INFORMATION AND FILING OVER THE INTERNET.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, in accordance with subsection (b), the Secretary shall expand implementation of the Internet-based system established under section 2 by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 2(b).

(b) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer,

all forms required by agencies of the Department specified in section 2(b);

(2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 2(b) and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

SEC. 4. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) RESERVATION OF FUNDS.—From funds made available for agencies of the Department specified in section 2(b) for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

(1) For fiscal year 2001, $3,000,000.

(2) For each subsequent fiscal year, $2,000,000.

(b) TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) USE OF FUNDS.—

(1) ESTABLISHMENT.—Funds reserved under subsection (a) shall be used to establish the Internet-based system required under section 2 and to expand the system as required by section 3.

(2) MAINTENANCE.—Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

SEC. 5. FEDERAL CROP INSURANCE CORPORATION AND RISK MANAGEMENT AGENCY.

(a) IN GENERAL.—Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this Act, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) ADMINISTRATION.—The plan shall—

(1) conform to sections 2(c) and 3(b); and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) IMPLEMENTATION.—Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a).

SEC. 6. CONFIDENTIALITY.

In carrying out this Act, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the title.

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

ORDERS FOR MONDAY, MAY 22, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Monday, May 22. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 11 a.m. until noon; Senator THOMAS, or his designee, from noon to 1 p.m.

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

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, the Senate will be in a period of morning business on Monday. It is anticipated that the Senate will proceed to executive session to begin debate on three judicial nominees. If those judges are debated, any votes ordered on Monday will be scheduled to occur on Tuesday, May 23, at 9:30 a.m. Therefore, all Senators should be prepared to vote early on Tuesday. Also on Tuesday, it is hoped that the Senate can begin consideration of the Agriculture appropriations bill. A vote on final passage of this important appropriations bill is expected prior to the Memorial Day recess.

ADJOURNMENT UNTIL 11 A.M. MONDAY, MAY 22, 2000

Mr. BROWNBACK. 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 8:11 p.m., adjourned until Monday, May 22, 2000, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 18, 2000:

DEPARTMENT OF DEFENSE

GREGORY ROBERT DAHLBERG, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY.

BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, May 18, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BURR of North Carolina).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 18, 2000.

I hereby appoint the Honorable RICHARD BURR of North Carolina to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Heavenly Father, in this our new day, reinforce the lines of our minds and set our hopes completely on the power that comes only from You and Your revelation.

Like obedient children, do not allow us to act in compliance that comes from former ignorance. Rather, redirect our minds and hearts to You and the architects of this Nation, for You have called us to serve Your people.

As our calling comes from One who loves us and is holy, so let us become holy in every aspect of our conduct. For it is written, ''Be holy because I am holy.''

You speak and we respond to You who lives now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CROWLEY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. It is the Chair's intention to take up to 10 one-minute speeches on each side.

THE U.S. IS NOT THE WORLD'S POLICEMAN

(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, I was pleased to learn earlier this week that the United Nations diplomats for the first time in 30 years, three decades, will finally reconsider the allocation of peacekeeping costs.

Mr. Speaker, it is about time. Currently 30 countries pay 98 percent of the U.N.'s peacekeeping budget, while 158 countries pay only 2 percent, regardless of their economic performance. In addition, it is the United States' share of nearly one-third of that cost of the United Nations peacekeeping overall budget that bothers most of us.

Since 1973, when payment proportions were established, the economies of many of the member nations have improved tremendously. Now these nations can afford to pay their fair share, but unfortunately they just do not want to.

Mr. Speaker, it is about time that the member nations pay their fair share of U.N. peacekeeping costs. The United States cannot afford nor should it be called upon to be the world's policeman and its banker.

I yield back once and for all the unfair U.N. peacekeeping payment system that has punished the U.S. and our taxpayers for too long.

CONDEMNING TREATMENT OF 13 IRANIAN JEWS

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

Mr. CROWLEY. Mr. Speaker, I rise today to condemn the actions of the Iranian government for their treatment of the 13 Iranian Jews they now hold. Numerous Members of this body and the international community have come forward to express their outrage at this travesty of justice, and I join them in their anger.

Mr. Speaker, these 13 Jews have been wrongly imprisoned. Some have even been forced to confess to imagined crimes.

When President Katami was elected in Iran, it was on a platform of moderation and reform supported by all the Iranian people. In response to his election, the United States made good will overtures toward Iran, including the lifting of sanctions on the import of Iranian foodstuffs like pistachios and carpets, as well as the easing of travel restrictions.

Yet, despite the rejection of hard-liners in the last election, the leaders in Iran are still on the wrong track. At a time when the United States has sought to improve relations with the Iranian people, the government of Iran must reciprocate and respect fundamental human rights and act as a responsible member of the world community. When travesties such as this trial continue, it should concern us about our policy towards Iran. The Iranian government must put an end to this travesty, free the 13 and leave them and their families to live in peace.

I urge my colleagues to speak out on this issue and cosponsor H. Con. Res. 307, expressing the sense of Congress regarding the ongoing prosecution and persecution of 13 members of the Iranian Jewish community.

IN SUPPORT OF PNTR WITH CHINA

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

Mr. TERRY. Mr. Speaker, there is no doubt in my mind that a negative vote on permanent normal trade relations will hinder the further democratization and human rights in China. We have a moral imperative to make China's trade permanent with us. If we truly care about improving human rights, the U.S. cannot seal off one-fourth of the world's population. To do so would ignore the ills we seek to remedy.

PNTR will not only benefit commerce between our two countries. It will also allow for cultural and religious exchanges. Ignoring China will not bring freedom for religious expression. It will not end China's cruel policy of limiting family size. It will not stop their horrific policy of forced abortions. Ignoring China will not bring about democracy. Isolating China will only separate our two countries even further and close off avenues necessary to improve human rights or establish religious freedom.

VOTE AGAINST ANTIMISSILE SYSTEM WILL SAVE TAXPAYERS BILLIONS

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

Mr. KUCINICH. Mr. Speaker, today's edition of the New York Times on page A–21 has an article which I think would be very interesting to the Members of this House. The headline is ''Antimissile Systems Flaw Was Covered Up, Critic Says.''

Now, this House is due to vote on a defense authorization bill today, $2.2 billion of which will go for an antimissile defense system. This report in the New York Times claims that the Pentagon and its contractors have tried to hide failures that have shown up in the testing of this system where the system cannot distinguish between decoys and the real thing.

Now, this New York Times article points out there are allegations of fraud, there are allegations of a company faking antimissile tests and evaluations of computer programs, and that there is an elaborate hoax involved here.

Save the taxpayers $2.2 billion. Recommit this legislation. Do not vote for a hoax. Do not vote for fraud.

SSI FRAUGHT WITH WASTE, FRAUD AND ABUSE

(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, in the 1970s, the Federal Government created the SSI program to assist the elderly, the blind and the disabled. Since the 1970s, the program has become fraught with waste, fraud and abuse. Prisoners, illegal aliens and drug addicts all drain resources from this program. Saddest of all, parents are getting their children to lie in order to bilk SSI benefits from the government.

For example, two parents in Michigan had their children lie to doctors about their medical condition so they could receive $42,639 in SSI benefits per year. Meanwhile, they locked their children in the basement of their home, physically abused them and forced them to steal for them.

The Federal Government should not be subsidizing child abusers, especially with taxpayer moneys reserved for the elderly and the disabled. As we decide spending levels in our budget, let us also focus on eliminating waste, fraud and abuse from the Federal Government.

AMERICAN BORDERS WIDE OPEN

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

Mr. TRAFICANT. Mr. Speaker, there is no war on drugs or terrorism in America. There is a war on kids. There are more prisons, more police, more Federal agents, more drugs than ever. It is unbelievable.

The reason is very simple. Our borders are wide open. Wide open, ladies and gentlemen. Heroin and cocaine coming in by the ton, and a nuclear warhead can literally be smuggled across the border.

Beam me up. A nation that does not secure their borders is a nation without security. Today we can pass the Traficant amendment that does not mandate but allows the use of troops on the border.

I yield back Osama bin Laden someday perhaps at our border, and that is no joke.

INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, we can no longer sit back and watch as American children are being kept apart from their parents. As a father and a grandfather, I cannot imagine the pain these parents and families go through on a daily basis. Today I will tell the story of Montasir Imran Khan, who was abducted to Saudi Arabia by his father Imran Mohammed Khan.

Montasir was born in 1992, and when he was 5 years old he was taken by his father. His mother has had no contact with him and is not sure of his exact whereabouts. Montasir was issued a U.S. passport and it was used for travel on August 23, 1997. He and his father were confirmed on a flight from Seattle to London, and it is believed they traveled from there to Saudi Arabia. The father has a temporary residence there and had threatened to take Montasir to that country.

Unfortunately, international child abduction can happen to anyone's child, and this is the biggest reason why we all need to work together rather than bury our heads in the sand and ignore this issue.

Keeping children safe has become my mission while serving in the House of Representatives. Mr. Speaker, I challenge every one of my colleagues to join me and help bring our children home.

PRESCRIPTION DRUG COVERAGE FOR SENIORS

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

Mr. BARTLETT of Maryland. Mr. Speaker, America is the most prosperous Nation on Earth and yet some seniors are forced to choose between putting food on the table and the prescription drugs they need to lead healthy and productive lives. That is just not right.

Republicans are working to make sure that is a choice seniors no longer have to make. While I share the goal of President Clinton and Democrats in Congress, their proposal may endanger existing drug coverage that some seniors already have.

□ 1015

It could give the Federal government too heavy a hand in controlling drug benefits and deny seniors the right to select the coverage that best fits their needs.

Republicans have a voluntary plan to make prescription drug coverage affordable and available to American seniors. Republicans are working to protect seniors from runaway drug costs so that their retirement remains secure and they have greater peace of mind. That is a brighter future for every American.

IRAN MUST END ABUSES OF HUMAN, CIVIL AND RELIGIOUS RIGHTS

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

Mr. MENENDEZ. Mr. Speaker, I rise today on behalf of the 13 innocent individuals who were arbitrarily arrested by the Iranian regime over one year ago solely because of their religious beliefs. The 13 are Jewish. In Iran that means you can be arrested and detained without formal charges, denied bail and presumed guilty of spying, despite the absence of evidence or motive.

As some Members of Congress seek to engage the Iranian regime to permit business arrangements, I urge all of us to consider the fate of these 13 people. We need to send a message to the mullahs in Tehran that only when Iran honors the will of the majority of its people, stops building weapons of mass destruction and ends abuses of human civil and religious rights, will the United States again consider engaging Iran as a legitimate member of the diplomatic community and the global economy.

PROVIDING AFFORDABLE PRESCRIPTION DRUG COVERAGE FOR ALL AMERICANS

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

Mr. BALLENGER. Mr. Speaker, Republicans believe that no Medicare beneficiary should have to choose between putting food on the table or purchasing the prescription drugs they need to live. Yet that is just what the poorest of American seniors are forced to do.

According to a 1996 study, there are 9.6 million Medicare recipients who do not have prescription drug coverage. Many of these individuals have incomes below $15,000 a year. They are

struggling on fixed incomes and cannot afford pharmacy bills that can run several hundred dollars a month.

Republicans and Democrats need to set aside partisan politics and do the moral thing. We must work together to help the millions of Medicare recipients who cannot pay for their medication. By providing affordable prescription drug coverage for everyone, we want to make sure that no senior citizen or disabled American falls through the cracks.

ODE TO EARL

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

Mr. PRICE of North Carolina. Mr. Speaker, I was proud to note yesterday the quick thinking and bold action of our colleague, the gentleman from North Dakota (Mr. EARL POMEROY) when a threatening situation arose in the Committee on Agriculture, so I would like to this morning dedicate this Ode to EARL.

With a fellow named Earl in the room
You had better not act like a loon
Break bottles and cry
I'd much rather die
Burly Earl, he'll subdue you real soon.

In the hearing he caused quite a scene
This lunatic, he vented his spleen
Threatened cabinet and staff
Earl had him down like a calf
So the committee could then reconvene.

So if agriculture's your place
And danger you ever should face
Just throw caution to the wind
Burly Earl we will send
Let Pomeroy return you to grace.

PROTESTING WRONGFUL IMPRISONMENT OF 13 JEWS BY IRAN

(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, I rise to add my voice to the many in protest of the wrongful imprisonment of the 13 Jews by the government of Iran on bogus charges of spying for the United States and Israel. The world community has unilaterally condemned this action by Iran, and our government and that of Israel have denied that these men were spies. Not only are the charges at best ludicrous, but should the 12 men and one teenager be found guilty, they will be executed.

Only yesterday, 8 of the 10 accused appeared before an Iranian judge and were coerced into a ''confession.'' They have been denied their own legal representation. However, the only crime that these brave souls are guilty of is their faith in the face of a regime that allows no practice of religion that runs counter to their's. These men of faith have held true to their religious beliefs in the face of threats against them by the Iranian government.

Mr. Speaker, I urge the government of Iran to release them, and further, I urge our government to apply serious pressure on this repressive government and to work with the Iranian opposition to help bring about real reform and democracy in Iran.

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, someone at the Department of Education has a lot of explaining to do. A contract employee, who was hired by the department to take care of its telephone and computer needs, recently admitted to carrying out a criminal plot that cost the government more than $1 million.

The contractor illegally steered more than $300,000 worth of equipment to an Education Department employee who was overseeing his work. The supervisor got a 61-inch television, cordless telephones, compact disk players, walkie-talkies, desktop and laptop computers, printers, digital cameras, computer scanners and Palm Pilots.

In addition to diverting the merchandise, the contractor routinely performed errands for the employee, such as picking up her granddaughter from school, all on government time. In exchange for his work, the contractor and his coworker walked off with more than $600,000 in bogus overtime pay.

Good grief. Who is minding the store? The Department of Education gets my ''Porker of the Week'' Award.

MAKING SURE SENIORS GET AFFORDABLE PRESCRIPTION DRUG COVERAGE

(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, prescription drug coverage is an important issue for American seniors, and Republicans have a plan for those that need coverage to keep it and those who need it to get it.

This is in stark contrast to the President's plan. Democrats and the President willingly admit their plan will drive employers out of the market. To stop this, the Democrats bribe employers to keep the coverage they already offer. This just does not make sense. Rather than pay employers to do something they are already doing, I suggest we set the funds aside to actually get drug coverage to America's seniors. The Republican plan accomplishes that task.

Medicare beneficiaries deserve choices, not a one-size-fits-all program that wastes money. This Congress must take its responsibility seriously and make sure that seniors can get affordable prescription drugs when they need them. Now is the time.

CONGRATULATING SHERIFF CANTRELL OF SPALDING COUNTY, GEORGIA

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

Mr. COLLINS. Mr. Speaker, if you look in the gallery, you will see a number of students from Spalding County, Georgia. They are part of the Junior Deputy Program, which has brought students to Washington since the 1960s. Leading this delegation is Richard Cantrell, Sheriff of Spalding County.

Sheriff Cantrell has not only worked hard to uphold the law in Spalding County, he has also worked to make the county a better place to live by working with the Boy Scouts, the Girl Scouts, Junior Deputy Program, and assisting handicapped youth through the American business club.

Sheriff Cantrell's father was confined to a wheelchair because of wounds suffered in World War II. Nonetheless, his father played an active role in his son's life. Sheriff Cantrell calls him ''the most significant person in his life.''

Mr. Speaker, it is people like Sheriff Cantrell and his father who are true role models for our youth.

Sheriff Cantrell is retiring at the end of this year after 30 years in law enforcement. The people of Spaulding County will miss the services of Richard Cantrell as Sheriff, but I am sure he will continue aiding those who need help and serving as a leader for our young people.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore (Mr. COLLINS). Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4205.

□ 1024

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 further 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, with Mr. BURR of North Carolina (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, May 7, 2000, amendments

en bloc printed in House Report 106–621 offered by the gentleman from South Carolina (Mr. SPENCE) had been disposed of.

It is now in order to consider Amendment No. 10 printed in House Report 106–621.

AMENDMENT NO. 10 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SANFORD:

At the end of title III (page 82, after line 14), insert the following new section:

SEC. ___. REPEAL OF AUTHORITY FOR LESS-THAN-FAIR-MARKET-VALUE TRANSFERS OF PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) PROVISIONS REPEALED.—Sections 381 and 2576a of title 10, United States Code, are repealed.

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381.

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576a.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, I have an amendment that I think is in the best interests of the United States military, and I say that for many different reasons. But one of the reasons I would say that is that when the American taxpayer buys this helicopter, not this helicopter, but the model that it represents, this is a UH–68 Blackhawk Helicopter, is it runs somewhere between $8- and $10 million a copy. That is when they buy them.

Now, at the end of the cycle, when the Army is through using them, rather than selling the wheels or selling the motor or selling the frame or selling the whole thing, it is given away. It is given away to other pieces of the Federal Government, it is given away to State or local governments. I think that in this era, which has been talked about through the course of this debate, of scarce military dollars, the military needs every dollar they can have. Rather than continuing to give these dollars away, why does the military not keep it?

The origins ever the program behind giving this helicopter and other things away made a lot of sense 50 years ago, because in the wake of World War II we had all kinds of things out there. So the idea was let us give some of this stuff away.

What is interesting is by the Department of Defense's own estimates, roughly, approximately, $350 million a year gets given away through this program. Now, that is, if you assume that this helicopter is worth $1. If it is, in fact, worth $10, we are talking about $3.5 billion a year that is given away out of the back door of DOD to other agencies, State, local or Federal.

Now, to give you an idea of scale, the Law Enforcement Support Program takes 5,000 orders a day. It gives away, as I said, that amount of money. Over the last two years, they have given away, given away, 253 aircraft, including 6 and 7 passenger airplanes, Blackhawks, Hueys, MD–500s and Bell Jet Rangers. They have given away 7,800 M–16s, they have given away 181 grenade launchers, they have given away 1,161 pair of night vision goggles. That is a lot of things, and that is just part of the list.

To give you another idea of scale, the State and Local Law Enforcement Equipment Procurement Program sells at reduced prices a number of things within the DOD inventory. I went down their Web page. If you look on the Web page, you will find things like wristwatches, stopwatches, compasses, lubricating oil, commercial automobile oil, camping and hiking equipment.

The point of all that is to say this is not used stuff. It is not used, like the helicopter. It is brand new stuff that is still sitting in its case. It has market value. It could be sold at an open auction, and those dollars could be used by DOD for procurement and they could be used for training.

So I offer this amendment because it stops money from being siphoned off from defense. It, secondly, helps to create a clear budget. If we are to make good decisions in government, they rest on reality. Budgets have to show reality. Unfortunately, current budgets do not. What they do is they overstate the cost of defense, and they understate the cost of other Federal agencies, and understate the cost of state and local government.

The third reason I offer this amendment is because it is in the best interest of the taxpayer. That is why it is supported by the National Taxpayers Union, that is why it is supported by Citizens Against Government Waste. They do so because if something is given to you, you oftentimes treat it very differently than if you have to pay dearly for it.

To give you an idea of the kind of excesses that occur in this program, for instance, 60 Minutes did a special about 2 years ago about a small rural county in central Florida that, through this program, among other things, had been given 23 helicopters, an armored personnel carrier, and two C–12 airplanes. As it turned out, that county was using it as a revenue source.

□ 1030

They would keep the stuff for a couple of years and then they would sell it on the open market, making hundreds of thousands of dollars for that county.

If it is not used that way, frankly, it is used strangely. I went to a county in South Carolina where the chief of police was taking helicopter lessons in a helicopter that would run $1,500 an hour. It did not cost the county that much because they had been given the helicopter, but it did cost the taxpayer that much.

Another reason I offer this is if it is not used that way, the equipment sits idly by. I flew into a small county airport in South Carolina surrounded with a number of large Air Force and Navy airplanes, and I said to my brother, what is the trouble with these airplanes?

They were given to the county through this Federal program and, as he explained it, the county accepted it not because they had any use for it, the equipment had been sitting there for years, but because they could not afford not to take it since it was given away.

I think this amendment makes common sense. I would urge its adoption. It is about priorities.

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

Mr. BATEMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The gentleman from Virginia (Mr. BATEMAN) is recognized for 5 minutes.

Mr. BATEMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I appreciate the fact that any program that any agency of government runs may have some abuses in it, and certainly the Committee on Armed Services would like to know where there are abuses and to be able to correct them.

Basically what this amendment does is to repeal two sections of the code which have proven extremely useful to law enforcement throughout America. One section of the code that would be eliminated is a provision which allows local law enforcement agencies to buy equipment from the catalog list that is available to the Department of Defense and buy it at the prices that the Federal Government or the Department of Defense, through their purchasing power, can obtain at lower prices.

I, frankly, see no reason why we should deprive law enforcement agencies of the opportunity to acquire equipment that they need to fight crime at the lowest price and to have the Federal Government being involved in cooperating and making that possible.

The second aspect of the amendment would repeal a provision of the law that says that the Department of Defense can give to local law enforcement agencies surplus equipment that is no longer needed by the Department of Defense.

This has been a source for a great deal of equipment moving to law enforcement agencies, has been very helpful to them, and this provision has the strong support of law enforcement agencies and associations throughout the country, and certainly the amendment has the resounding opposition of those agencies.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Virginia (Mr. BATEMAN) for yielding 2 minutes to me.

Mr. Chairman, I am very strongly committed to the proposition that we need to rebuild our defenses, that they have been built down way too far, and I am sympathetic to the concerns about saving money and doing that that the gentleman who offered this amendment proposes.

I also chair the Subcommittee on Crime in the House and I know that the programs he is trying to strike here are vital to the efforts of local law enforcement to be able to fight the drug war, to be able to do what they have to do in antiterrorism. I have been personally out in the field in numerous jurisdictions looking at things where the surplus properties were properties purchased because of the buying program that allows the volume to be purchased the gentleman from Virginia (Mr. BATEMAN) talked about that are in full use.

Principally, they are helicopters that they are acquiring in the excess surplus program so they can fly around and deal with the issue of locating marijuana growing areas or finding the bad guys or whatever.

The oil that the gentleman referred to is used to be able to have the oil for the airplanes for the most part. Maybe occasionally it is oil for their vehicles that they would not otherwise be able to do.

Sadly but truthfully, local law enforcement does not have the kind of resources allocated to it from the counties and the local government or the States that are required to be able to have this larger item, the helicopters in particular, and if they had to go out and buy that from scratch there simply would not be the kind of protection to the citizenry we need in law enforcement in the local communities. There would not be the helicopters flying around at night that many people see helping to deter crime and locating these narcotraffickers and others that are out there.

So I have to reluctantly, severely, oppose this amendment. Counties like Hernando and Lake in Florida, in particular, I think have recently acquired such products as this. Bulletproof vests, helmets, computers, other critically items when they are in surplus, should go to the local law enforcement community first.

I think they should go the right way at a lower cost or at no cost in certain cases, such as the helicopters, where they are in excess and we need them for the protection of our folks.

So I strongly oppose the amendment, and I urge my colleagues to vote no on it.

Mr. BATEMAN. Mr. Chairman, I yield the remaining minute of the time to the gentleman from Mississippi (Mr. TAYLOR).

The CHAIRMAN pro tempore. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 1½ minutes.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman from Virginia (Mr. BATEMAN) for yielding me this time.

Mr. Chairman, I take this opportunity to say that the National Sheriffs Association, the International Association of Chiefs of Police, the Airborne Law Enforcement Association all oppose the Sanford amendment, but I would also remind him that Charleston County is the beneficiary of this. They have received a helicopter, as has Greenville County, South Carolina; as has Lexington County, South Carolina; as has Saluda County; as has the South Carolina Law Enforcement Divisions.

Actually, this is a very good program. The taxpayers paid for these things. It makes sense that our underfunded cities and counties should be able to use them before some foreign country gets them. That is why we changed the law about 8 years ago to give the American taxpayer preference for these things. We should leave the law as it is.

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would not dispute any of the things about this program of having great value to local law enforcement. The simple question I would ask is one of priorities.

It is one that I am trying to teach my young boys, and that is right now given what we have talked about in this debate, which is the scarcity of dollars in the Department of Defense, we simply have to set priorities. We cannot do both, and that is why I think these dollars ought to be retained within DOD.

Mr. TAYLOR of Mississippi. Mr. Chairman, reclaiming my time, we are talking about surplus equipment. The military has made the decision to surplus these things. I am not telling them to surplus it. Once they make that decision, the question is then should the American taxpayers get the benefit through their counties, through their cities, or should someone else?

The gentleman would deprive them of those benefits. I think that is a bad idea.

Mr. GOSS. Mr. Chairman, my concern with this amendment is quite simple: while well intentioned, I think it undermines our efforts in the war on drugs. This amendment would end the ability of State law enforcement agencies to purchase equipment needed specifically for the war on drugs and the fight against terrorism. While the phrase "war on drugs" tends to bring to mind images of jungles in Latin America, the reality is that it is fought everyday on our streets, in our schoolyards and playgrounds. Vivid proof of this came a few years ago in my southwest Florida district—the regional office of the Drug Enforcement Agency was blown up by individuals involved in drug trafficking. Allowing the Defense Department to sell appropriate surplus equipment to law enforcement agencies ensures they have the tools they need to counter this very real threat. I encourage my colleagues to reject the Sanford amendment.

Mr. KUCINICH. Mr. Chairman, I rise today in strong opposition to the Sanford Amendment to H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. This amendment proposes to eliminate an important element of a federal cooperative purchasing program which allows state and local police departments to purchase supplies and services at superdiscounted federal prices.

In 1997, I worked with police departments in my own congressional district to promote participation in cooperative purchasing. Twelve of my district's sixteen police chiefs attended a workshop that I sponsored on the cooperative purchasing process. I sponsored this workshop because I view cooperative purchasing as an invaluable resource for police departments seeking to maximize their operations budgets. The ability to purchase supplies and services at superdiscounted federal prices makes for better equipped and more efficient police forces.

The elimination of cooperative purchasing would clearly be contrary to the interests of the tax payers not just in my own district, but across the country. Created in 1994, as a provision in the Federal Acquisition Streamlining Act (FASA), cooperative purchasing takes advantage of the federal government's purchasing power. As a large consumer of all kinds of goods and services, the federal government's procurement agency—the General Services Administration (GSA)—negotiates superdiscounted prices with the suppliers of these goods and services. Cooperative purchasing simply allows state and local police departments to purchase surplus items directly from the federal government at these superdiscounted prices. The result is millions and millions of dollars in savings for our nation's taxpayers. To eliminate cooperative purchasing would be to eliminate these savings.

Cooperative purchasing has allowed state and local police departments around the nation to make meaningful cuts in their supply budgets. Some police departments have been able to cut their supply costs by 10 percent. Should we vote to eliminate cooperative purchasing, the American tax payer will be forced to pay a premium in order to properly equip the men and women who keep our nation's neighborhoods safe. The elimination of cooperative purchasing powers would represent yet another instance of special interests being promoted over the public interest.

I urge my fellow Members of Congress to vote against the Sanford Amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

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

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

Mr. SPENCE. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Oklahoma (Mr. LARGENT) for a colloquy.

Mr. LARGENT. Mr. Chairman, I had an amendment at the desk regarding section 2813 that I was going to offer, but after working with the Committee on Armed Services I have decided not to offer it.

My concern with section 2813 was the possibility that it could alter current law with respect to the military's ability to control utilities distribution facilities located on military bases.

The committee-adopted bill appeared to eliminate the Department of Defense's discretion to award privatization contracts based on competitive merit and instead shift the discretion to the State regulatory bodies.

I feared that the State regulatory authorities would have the opportunity to veto the Department of Defense's procurement decisions and direct DOD to award contracts to local incumbent utilities instead, thus opening the door for an unprecedented relinquishment of Federal contracting authority.

I also had concerns that this language might overly restrict the list of eligible bidders. The purpose of my amendment was to ensure that the Federal Government receives the maximum number of bids for those privatized facilities with a corresponding maximum amount of revenue to the Federal Government.

Mr. Chairman, I had an amendment at the desk that I was going to offer, but after working with the Committee on Armed Services I decided not to offer it.

I would like to enter into a colloquy, if I might, about section 2813, with the gentleman from Colorado (Mr. HEFLEY).

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

Mr. SPENCE. I yield to the gentleman from Colorado for a colloquy with the gentleman from Oklahoma (Mr. LARGENT).

Mr. HEFLEY. Mr. Chairman, I would be happy to enter into a colloquy with the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. I thank my friend, the gentleman from Colorado (Mr. HEFLEY).

The gentleman from Colorado has been very gracious in agreeing to work with the interested Members, including members of the Committee on Commerce, on this provision as the bill proceeds through the legislative process. I am concerned that this provision, which allows for the privatization of utility systems on military bases as it is currently drafted, is overly broad in requiring compliance not only with State laws but also with State rulings and policies.

It is unclear to me how someone would comply with a State policy, and there is the strong possibility that some State agencies could use that language to develop policies that are not consistent with State law. I hope we can work together to fix this problem.

Mr. HEFLEY. I would say to the gentleman from Oklahoma (Mr. LARGENT), I have committed to work with him to make sure that the language is not overly broad. We do not intend for it to be overly broad. We do not intend for it to create inconsistencies with State law and regulation. I am happy to work with the gentleman on that.

Mr. LARGENT. I also am concerned that the provision only mentions State law and does not mention Federal law, and I hope that the provision can be modified to make it clear that purchasers of these systems have to comply with relevant Federal law, such as the Federal Power Act, as well as State law.

Mr. HEFLEY. I agree, and I would not want that unintended consequence either.

Mr. LARGENT. Finally, as the gentleman knows, we are very close to passing a bill to increase competition in the electric utility industry. I and several members of the Committee on Commerce are concerned that this language would have the unintended consequence of increasing the monopoly power of incumbent utilities in these areas. I hope the gentleman will work with concerned Members to make sure that these provisions are not used in a manner contrary to what we are trying to do with electricity restructuring legislation.

Mr. HEFLEY. I will work with the gentleman and other interested Members to make sure that we do not inadvertently put in place policies that may be contrary to what might be accomplished with the comprehensive electrical utility restructuring legislation.

I want to reiterate to the gentleman from Oklahoma (Mr. LARGENT) that it is the intent of the provision to level the playing field in the acquisition and maintenance of military utility infrastructure.

Section 2813 would require DOD's privatization initiative in this area to be conducted consistent with the Competition in Contracting Act. Moreover, we would require any awardee to conform to State regulations solely for the terms of that specific contract so that the same standards apply to infrastructure on both sides of the fence and that all parties to the competition for the contract are judged by the same standards.

I agree that competition will get the best result for DOD and for the taxpayer.

Mr. LARGENT. I appreciate the gentleman's willingness to work with me on this issue, and I thank my friend, the gentleman from Colorado (Mr. HEFLEY).

Mr. RODRIGUEZ. Mr. Chairman, I oppose the intent of the Largent amendment.

The existing utility privatization statute is unclear and needs the clarification we added in Committee with bi-partisan support.

The Committee language ensures fair competition and helps guarantee the reliability of energy distribution to our military bases.

The amendment would create unregulated monopolies with unprecedented bargaining power that could hold bases and taxpayers hostage in contract renegotiations.

Default, abandonment or early termination by the unregulated entities could imperil reliability and impose huge costs on our bases.

The amendment would upset the process of utility deregulation; no state has deregulated distribution services.

As approved in Committee, unregulated utilities could still compete. They would simply be expected to comply with the same health, safety, reliability, and system standards which apply to every other energy distribution system in that state.

I urge my colleagues to reject this amendment and maintain the carefully drafted language approved by the Armed Services Committee.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 2 by the gentleman from Massachusetts (Mr. FRANK); amendment No. 3 by the gentleman from California (Mr. DREIER); amendment No. 4 by the gentleman from Minnesota (Mr. LUTHER); amendment No. 20 by the gentleman from Ohio (Mr. TRAFICANT); amendment No. 13 by the gentleman from Florida (Mr. STEARNS); and amendment No. 10 by the gentleman from South Carolina (Mr. SANFORD).

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. FRANK OF MASSACHUSETTS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

At the end of subtitle A of title X (page 302, after line 11), insert the following new section:

SEC. 1006. ONE PERCENT REDUCTION IN FUNDING.

The total amount obligated from amounts appropriated pursuant to authorizations of appropriations in this Act may not exceed the amount equal to the sum of such authorizations reduced by one percent. In carrying out reductions required by the preceding sentence, no reduction may be made from amounts appropriated for operation and maintenance or from amounts appropriated for military personnel.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 331, not voting 15, as follows:

[Roll No. 194]

AYES—88

Baldwin
Barrett (WI)
Becerra
Berman
Blumenauer
Bonior
Brown (OH)
Capuano
Clay
Conyers
Coyne
Crowley
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Duncan
Ehlers
Engel
Eshoo
Filner
Frank (MA)
Ganske
Gephardt
Green (TX)
Gutierrez
Hinchey
Hoekstra
Holt
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lee
Lewis (GA)
Lofgren
Lowey
Luther
McDermott
McGovern
McKinney
Meehan
Millender-McDonald
Miller, George
Minge
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Petri
Ramstad
Rangel
Rivers
Roybal-Allard
Royce
Rush
Sanchez
Sanders
Sanford
Schakowsky
Sensenbrenner
Shays
Smith (MI)
Stark
Tierney
Towns
Udall (CO)
Upton
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wu

NOES—331

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
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
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
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
Traficant
Turner
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—15

Barton
Campbell
Fattah
Fossella
Hoyer
Kaptur
Leach
Markey
Meek (FL)
Mollohan
Salmon
Slaughter
Stupak
Udall (NM)
Young (AK)

□ 1105

Mrs. CUBIN, and Messrs. BEREUTER, GORDON, DAVIS of Virginia and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''aye'' to ''no.''

Messrs. SHAYS, PAYNE, ENGEL, CONYERS and OBERSTAR changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 194 I was unable to vote. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Pursuant to House Resolution 503, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. DREIER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. DREIER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DREIER:

At the end of title XII (page 338, after line 13), add the following:

SEC. 1205. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note)is amended—

(1) in the second sentence of subsection (d), by striking ''180'' and inserting ''60''; and

(2) by adding at the end the following:

''(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 8, not voting 11, as follows:

[Roll No. 195]

AYES—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia

Barr
Barrett (NE)
Barrett (WI)
Bartlett
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
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
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)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hulshof
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
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
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
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
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
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vento
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 (FL)

NOES—8

Ganske
Green (WI)
Hayworth
Hostettler
Hunter
Payne
Rothman
Taylor (MS)

NOT VOTING—11

Barton
Campbell
Hoyer
Kaptur
Leach
Meek (FL)
Mollohan
Salmon
Stupak
Udall (NM)
Young (AK)

□ 1113

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 195, I was unable to vote. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HOYER. Mr. Chairman, earlier today I attended a ceremony in Annapolis, Maryland, at which Governor Parris Glendening signed into law a bill creating the "Judith P. Hoyer Early Child Care and Education Enhancement Program." Because of my attendance at that ceremony, I was unable to vote on two amendments to H.R. 4205, the Defense authorization bill for fiscal year 2001. Had I had been present, I would have voted "no" on the amendment numbered 2 offered by the gentleman from Massachusetts (Mr. FRANK) (Roll No. 194). I would have voted "aye" on the amendment numbered 3 offered by the gentleman from California (Mr. DREIER) (Roll No. 195).

AMENDMENT NO. 4 OFFERED BY MR. LUTHER

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The unfinished business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from Minnesota (Mr. LUTHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LUTHER:

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUTHER OF MINNESOTA

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

SEC. __. DISCONTINUATION OF PRODUCTION OF TRIDENT II (D–5) MISSILES

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 2001 may not be obligated or expended to commence production of additional Trident II (D–5) missiles.

(b) AUTHORIZED SCOPE OF TRIDENT II (D–5) PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D–5) missile program only for the completion of production of those Trident II (D–5) missiles which were commenced with funds appropriated for a fiscal year 2002.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by $472,900,000.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 9, as follows:

[Roll No. 196]

AYES—112

Allen
Baird
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blumenauer
Bonior
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Conyers
Cummings
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Duncan
Ehlers
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gephardt
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hinchey
Hoekstra
Holt
Hooley
Jackson (IL)
Jones (OH)
Kind (WI)
Klink
Kucinich
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Morella
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Owens
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Rohrabacher
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Stabenow
Stark
Strickland
Thompson (CA)
Tierney
Towns
Udall (CO)
Upton
Velázquez
Vento
Watt (NC)
Waxman
Weiner
Woolsey
Wu

NOES—313

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berkley
Berry
Biggert

Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Pease
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—9

Barton
Campbell
Hutchinson
Leach
Salmon
Stupak
Udall (NM)
Waters
Young (AK)

□ 1123

Mr. EVANS and Mr. BERMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 196 I was unable to vote. Had I been present, I would have voted "no."

AMENDMENT NO. 20 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on Amendment No. 20 offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 324, after line 11), insert the following new section:

SEC. ——. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

''(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

''(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

''(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

''(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS ON USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

''(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

''(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.''.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 183, not voting 8, as follows:

[Roll No. 197]

AYES—243

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cramer
Crane
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey

Doyle
Duncan
Dunn
Emerson
Engel
English
Etheridge
Everett
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehner
Bonilla
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cox
Coyne
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Edwards
Ehlers
Ehrlich
Eshoo
Evans
Ewing
Farr
Fattah
Filner
Frank (MA)
Frost
Ganske
Gejdenson
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hayes
Hayworth
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kleczka
Kolbe
Lampson
Lantos
Larson
Lee
Lewis (GA)
Linder
Lofgren
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (MI)
Snyder
Spratt
Stark
Stenholm
Stump
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Vitter
Waters
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Barton
Buyer
Campbell
Doolittle
Leach
Salmon
Stupak
Udall (NM)

□ 1132

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 197 I was unable to vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 13 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. STEARNS:

At the end of title VII (page 247, after line 9), insert the following new section:

SEC. 7_. STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

[Roll No. 198]

AYES—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
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
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
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)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
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
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
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)

Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
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
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
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
Vento
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)

NOT VOTING—8

Campbell
Delahunt
Leach
Pickett
Salmon
Slaughter
Stupak
Udall (NM)

□ 1140

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. SANFORD

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 368, not voting 10, as follows:

[Roll No. 199]

AYES—56

Archer
Armey
Barrett (WI)
Cannon
Capuano
Chabot
Chenoweth-Hage
Coburn
Conyers
Cox
Crane
DeLay
DeMint
Ehlers
Foley
Ganske
Goodlatte
Greenwood
Hoekstra
Horn
Hostettler
Hunter
Johnson, Sam
Kasich
Kind (WI)
Kingston
Linder
McGovern
Miller (FL)
Minge
Northup
Obey
Packard
Paul
Ramstad
Rogan
Rohrabacher
Royce
Ryan (WI)
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherman
Smith (MI)
Stark
Stearns
Sununu
Tancredo
Tiahrt
Toomey
Upton
Vento
Vitter
Wu

NOES—368

Abercrombie
Ackerman
Aderholt
Allen
Andrews
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
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
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
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Campbell
Delahunt
Leach
Maloney (NY)
Metcalf
Peterson (MN)
Salmon
Stupak
Udall (NM)
Weller

□ 1149

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). All amendments made in order under House Resolution 503 have been disposed of.

Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. BURR of North Carolina, Chairman pro tempore 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. 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, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 504 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 504

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 further 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.

SEC. 2. (a) No further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(b) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(c) All points of order against amendments printed in the report of the Committee on Rules are waived.

SEC. 3. 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.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

Mr. Speaker, yesterday the Committee on Rules met and granted a rule to provide for further consideration of H.R. 4205, the fiscal year 2001 Department of Defense Authorization Act. The rule provides that no further amendment to the committee amendment in the nature of a substitute be in order, except those printed in the Committee on Rules report accompanying the resolution and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

The rule provides that, except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read and shall not be subject to a demand for division of the question in the House or Committee of the Whole.

The rule provides that each amendment printed in the report shall be debatable for the time specified and equally divided and controlled by the proponent and opponent, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of debate on any pending amendment.

The rule waives all points of order against the amendments printed in the report.

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

The rule allows the chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

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

Mr. Speaker, this is rule number 2 for H.R. 4205. Yesterday and this morning, under rule number 1, we debated 35 amendments to the bill. Today we will consider another seven. In the end, out of 102 amendments submitted to the Committee on Rules, the House will consider 42.

Today's rule provides for a full and fair debate on several controversial issues. I will vote against many of these amendments, but it is important that the House is able to work its will on issues such as abortion on military bases, the School of the Americas, and health care for our military retirees.

Mr. Speaker, H.R. 4205 is a good bill, it is a bipartisan bill. At long last, we are taking care of our men and women in uniform, we are getting them off of food stamps and out of substandard housing, and we are giving them tools to win on the battlefield, and I believe this is the right thing for America.

I urge my colleagues to support this rule and to support the underlying bill. Now, more than ever, we must provide for our national security.

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

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

Mr. Speaker, I rise in reluctant opposition to this rule. The authorization for the programs and activities of the Department of Defense is one of the most important legislative proposals we will have under consideration during the course of this year.

This legislation dictates the policies we as a Congress want to set for the defense of our great Nation and authorizes $309 billion to carry them out. A bill of this scope and magnitude deserves to be fully debated so that all points of view can be expressed and heard. Yet, Mr. Speaker, the Republican majority in the House has denied the Members of this body just that opportunity. A total of 102 amendments were submitted to the Committee on Rules, yet, with this rule now under consideration, less than one-half of that number will be heard.

□ 1200

In addition, one of the most important policy issues relating to medical care for military retirees has not been fully addressed and a new amendment on the issue, an amendment that was not even filed with the committee, as was required of every other amendment, has been made in order in this rule.

Mr. Speaker, shortchanging our military retirees to achieve short-term political gain is nothing more than a

cheap trick. The committee went part of the way to solving this issue by making in order the Taylor amendment, but it did not make in order the more comprehensive Shows amendment.

Mr. Speaker, the gentleman from Mississippi (Mr. SHOWS) has, since he came to Congress, been working diligently to fashion legislation that will provide meaningful healthcare for our military retirees. He has introduced legislation that would fulfill a promise that has been made to every member of the armed services: Stay in 20 years and they will receive healthcare for the rest of their life.

Mr. Speaker, 298 Members of this body have cosponsored the gentleman's bill. Yet the Committee on Rules on a straight party line vote last night denied the gentleman from Mississippi (Mr. SHOWS) the opportunity to offer his amendment.

Fortunately, the Committee on Rules has allowed the gentleman from Mississippi (Mr. TAYLOR) to offer his amendment, which expands and makes permanent the TRICARE senior prime program, or Medicare subvention. The Taylor amendment would make permanent a program which allows Medicare eligible retirees to use military hospitals for their Medicare care and would extend the program nationwide.

The Taylor amendment is a very good amendment and should be adopted by the House. The Taylor amendment has been endorsed by a number of organizations, including the Military Coalition, the National Military and Veterans Alliance, the Retired Officers Association and the Retired Enlisted Association.

Yet the Republican majority has made in order a substitute to the Taylor amendment, a substitute that can be described as nothing more than a poison pill. The Republican majority has deliberately set out to deny the House the right to fulfill a promise made long ago to those men and women who served faithfully and honorably for 20 years or more in our Nation's armed services.

Mr. Speaker, it is a sad day when the Republican leadership in this House will not allow its Members to do the right thing. It is a sad day when the Republican leadership denies the House the right to vote on a proposal, which has overwhelming support of Members of both parties, for purely politically partisan reason. It is a sad day when the Republican leadership knows its own position is so politically indefensible that it will not even allow an up or down vote on a valuable and worthy proposal like the Taylor amendment.

Mr. Speaker, this rule is deficient also because it has failed to make in order an amendment by the gentlewoman from New York (Mrs. MCCARTHY). The McCarthy amendment strikes a provision in the bill which allows the Department of Defense to do business with firearms manufacturers and vendors who have not been party to a code of conduct agreement.

This is an amendment that is worthy of consideration in the House and it should be made a part of this rule.

Mr. Speaker, it is my intention to oppose ordering the previous question on this resolution. The fact that the Shows amendment has not been made in order in the rule and the fact that the rule makes in order a poison pill substitute to the Taylor amendment, the fact that a number of other worthy amendments, such as the McCarthy amendment, were not even given the time of day by the Republican majority, are reasons enough to oppose the previous question and the rule.

Mr. Speaker, the Republican majority is shortchanging this bill by limiting debate on issues it addresses. The authorization for the Department of Defense is the single largest authorization we will consider this year. Yet the majority has seen fit to address less than half of the amendments offered to be considered by this House.

Mr. Speaker, Members should reject this rule and allow the House to debate fully the many important policy issues that the Republican leadership will not allow us to consider.

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

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

Mr. Speaker, I rise in strong support of the rule and wish to take this time to engage the gentleman from Pennsylvania (Mr. WELDON) in a colloquy.

I would say to the gentleman from Pennsylvania (Mr. WELDON), the Navy theater-wide missile defense program is an important component of our Nation's defense against the threat of ballistic missiles targeted against the United States and against our Armed Forces and allies overseas.

Last year the Congress provided an additional $50 million for a continuation of Navy's competitive development of the advanced radars for theater missile defense, as well as providing funds for the development of the multiyear, multifunction radar and volume search radar for fleet air defense and surveillance.

The committee's report on the fiscal year 2001 national defense authorization notes that the Navy is considering an X-band radar high power discriminator and modifications to the current SPY–1 radar to meet ballistic missile defense radar needs for Navy theater-wide and recommends an additional $10 million for development of an alternative advanced radar technology for the 2010 time frame.

The report also expresses the committee's concern that the Navy theater-wide defense deployment schedule is inadequate to meet the expected threats and is inadequately funded.

In addition, the Senate Committee on Armed Services report on the fiscal year 2001 defense authorization does not add funds for additional radar development and if adopted by the Senate in its present form will establish an issue that will need to be resolved in this year's House-Senate conference on the Fiscal Year 2001 National Defense Authorization Act.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Pennsylvania, the chairman of the Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman is correct. The House committee's report states that major ballistic missile defense programs such as Navy theater-wide are not adequately funded throughout the future years' defense program to achieve timely operational capability.

The committee places a high priority on the ballistic missile defense program and urges the Department of Defense to commit the funds necessary to achieving timely deployment of systems that will defeat current and future ballistic missile defense threats.

The committee also notes that the interim report on the surface Navy radar road map study recently submitted to the Congress states that a series of time-phased radar development decisions must be made to support varying surface ship acquisitions, including requirements for SPY–1 radar upgrades for the near-term Navy theater-wide Block I and investment in technologies for mid- and long-term needs for Navy theater-wide Block II.

The committee report states that a clearly defined and funded radar road map is necessary to ensure the necessary upgrade to Legacy radar systems and the development of new radar systems and also states that the expectation of the Navy's approved radar program will be incorporated in the fiscal year 2002 budget requirement.

Having said that, I will be happy to work with the gentleman during the defense authorization conference to ensure development of advanced technologies and specifically fight for $15 million in additional funding for Navy theater-wide missile defense programs.

Mr. SAXTON. I thank the gentleman and look forward to working with him to provide the ballistic missile defense required to protect our armed services and our Nation.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST)

for yielding me this time, and I thank him so much and appreciate him taking up for my bill.

Mr. Speaker, I rise today to express my strong opposition to this rule and, frankly, my concern about our military retirees. Today, millions of Americans are prisoners of war, POWs right here in America. These POWs are our American military retirees and their families, and they are being held prisoners by politics.

I have offered an amendment to the defense bill that is identical to the Shows-Norwood Keep Our Promise to America's Military Retirees bill, H.R. 3573, which has 298 cosponsors in this House; 298 Members of the United States Congress have cosponsored this bill because thousands upon thousands of military retirees have mobilized in an effort in saying their healthcare is inadequate, saying they served their country faithfully; they earned their healthcare that was promised them; and saying H.R. 3573 is the answer.

Now legislative rules and decisions are failing our military retirees. It harms our military and continues to break the promise of earned healthcare for those who have committed their lives to the defense of this country.

It can be called whatever it will, bipartisanship, nonpartisanship, but I call it America doing the right thing.

Our military retirees stood for democracy during World War II. My father was one of them. Korea, Vietnam, Desert Storm and Bosnia. Now they suffer under poor healthcare and today they are prisoners of war being held hostage by the political games.

These men and women deserve not political games but, rather, nonpartisan courage.

The large number of cosponsors are a reflection of the tremendous grassroots support for Keep Our Promise Act.

Mr. Speaker, military retirees do not need more test programs or commissions to tell them what they already know. The military healthcare system does not work. We do not need to establish a road map, Mr. Speaker, because military retirees have been down that road for years. Thousands of military retirees and veterans die every month while Congress spins its wheels agonizing over the problem. Extending test programs and establishing yet another commission for 4 years will not get healthcare to retirees who need it.

Mr. Speaker, I know many of my colleagues have suffered what we call sticker shock over the projected cost of my bill, but we have bent over backwards to make Keep Our Promise Act cost effective by adding language that cuts the projected cost by more than half. So surely the cost of the bill cannot be the problem.

Mr. Speaker, some of my colleagues believe we just do not have the funds to pay for the Promise bill, but just last week our own CBO office identified a $40 billion super surplus, money under the mattress. So it cannot be the funding issue that troubles the committee.

Oppose the rule. Let us be honest with the American people. Let us do the honorable thing for our military heroes. Our military retirees deserve nothing less. Our military retirees should never be prisoners of war due to political games in their own country.

Oppose this rule. Any of my colleagues who are one of the 298 cosponsors of H.R. 3573, a vote for the rule would not make sense, and I will include in the RECORD, following my remarks, a list of the cosponsors of H.R. 3573.

Mr. Speaker, let us move forward and vote on the Keep Our Promise Act.

H.R. 3573 COSPONSORS

AUTHOR

Shows, Ronnie—D–MS

296 COSPONSORS THRU 5–16–00

Norwood, Charlie—R–GA, coauth
Aderholt, Robert B.—R–AL
Allen, Thomas H.—D–ME
Andrews, Robert E.—D–NJ
Baca, Joe—D–CA
Bachus, Spencer—R–AL
Baird, Brian—D–WA
Baldacci, John Elias—D–ME
Baldwin, Tammy—D–WI
Barcia, James A.—D–MI
Barr, Bob—R–GA
Bass, Charles F.—R–NH
Becerra, Xavier—D–CA
Berkley, Shelley—D–NV
Berman, Howard L.—D–CA
Berry, Marion—D–AR
Biggert, Judy—R–IL
Bilbray, Brian, P.—R–CA
Bilirakis, Michael—R–FL
Bishop, Sanford D., Jr.—D–GA
Blagojevich, Rod R.—D–IL
Blunt, Roy—R–MO
Boehlert, Sherwood L.—R–NY
Bonilla, Henry—R–TX
Bonior, David E.—D–MI
Bono, Mary—R–CA
Boucher, Rick—D–VA
Brady, Robert A.—D–PA
Brown, Corrine—D–FL
Brown, Sherrod—D–OH
Bryant, Ed—R–TN
Burr, Richard—R–NC
Burton, Dan—R–IN
Callahan, Sonny—R–AL
Calvert, Ken—R–CA
Camp, Dave—R–MI
Canady, Charles T.—R–FL
Cannon, Chris—R–UT
Capps, Lois—D–CA
Capuano, Michael E.—D–MA
Carson, Julia—D–IN
Chambliss, Saxby—R–GA
Chenoweth-Hage, Helen—R–ID
Christensen, Donna M.C.—D–VI
Clayton, Eva M.—D–NC
Clement, Bob—D–TN
Clyburn, James E—D–SC
Coburn, Tom A.—R–OK
Collins, Mac—R–GA
Condit, Gary A.—D–CA
Conyers, John, Jr.—D–MI
Cook, Merrill—R–UT
Cooksey, John—R–LA
Costello, Jerry F.—D–IL
Coyne, William J.—D–PA
Cramer, Robert (Bud), Jr.—D–AL
Cummings, Elijah E.—D–MD
Cunningham, Randy Duke—R–CA
Danner, Pat—D–MO
Davis, Danny K.—D–IL
Davis, Thomas M.—R–VA
Deal, Nathan—R–GA
DeFazio, Peter A.—D–OR
DeGette, Diana—D–CO
Delahunt, William D.—D–MA
DeLauro, Rosa L.—D–CT
Deutsch, Peter—D–FL
Diaz-Balart, Lincoln—R–FL
Dickey, Jay—R–AR
Dicks, Norman D.—D–WA
Dingell, John D.—D–MI
Dixon, Julian C.—D–CA
Doolittle, John T.—R–CA
Doyle, Michael F.—D–PA
Duncan, John J., Jr.—R–TN
Dunn, Jennifer—R–WA
Edwards, Chet—D–TX
Ehrlich, Robert L., Jr.—R–MD
Emerson, Jo Ann—R–MO
Engel, Eliot L.—R–NY
English, Phil—R–PA
Eshoo, Anna G.—D–CA
Etheridge, Bob—D–NC
Evans, Lane—D–IL
Everett, Terry—R–AL
Faleomavaega, Eni F.H.—D–AS
Farr, Sam—D–CA
Fattah, Chaka—D–PA
Filner, Bob—D–CA
Fletcher, Ernie—R–KY
Foley, Mark—R–FL
Forbes, Michael P.—D–NY
Ford, Harold E., Jr.—D–TN
Fowler, Tillie K.—R–FL
Frank, Barney—D–MA
Franks, Bob—R–NJ
Frost, Martin—D–TX
Gallegly, Elton—R–CA
Gejdenson, Sam—D–CT
Gephardt, Richard A.—D–MO
Gibbons, Jim—R–NV
Gilchrest, Wayne T.—R–MD
Gillmor, Paul E.—R–OH
Gilman, Benjamin A.—R–NY
Gonzalez, Charles A.—D–TX
Goode, Virgil H., Jr.—I–VA
Goodling, William F.—R–PA
Gordon, Bart—D–TN
Graham, Lindsey O.—R–SC
Granger, Kay—R–TX
Green, Gene—D–TX
Green, Mark—R–WI
Greenwood, James C.—R–PA
Gutierrez, Luis V.—D–IL
Hall, Tony P.—D–OH
Hall, Ralph M.—D–TX
Hansen, James V.—R–UT
Hastings, Alcee L.—D–FL
Hastings, Doc—R–WA
Hayes, Robin—R–NC
Hayworth, J.D.—R–AZ
Herger, Wally—R–CA
Hill, Rick—R–MT
Hilleary, Van—R–TN
Hilliard, Earl F.—D–AL
Hinchey, Maurice D.—D–NY
Hinojosa, Ruben—D–TX
Hoeffel, Joseph M.—D–PA
Holden, Tim—D.–PA
Holt, Rush D.—D–NJ
Hooley, Darlene—D–OR
Horn, Stephen—R–CA
Hoyer, Steny H.—D–MD
Hunter, Duncan—R–CA
Hutchinson, Asa—R–AR
Hyde, Henry J.—R–IL
Inslee, Jay—D–WA
Isakson, Johnny—R–GA
Istook, Ernest J., Jr.—R–OK
Jackson, Jesse L., Jr.—D–IL
Jackson-Lee, Sheila—D–TX

Jefferson, William J.—D–LA
Jenkins, William L.—R–TN
John, Christopher—D–LA
Johnson, Eddie Bernice—D–TX
Johnson, Sam—R–TX
Jones, Stephanie Tubbs—D–OH
Jones, Walter B.—R–NC
Kanjorski, Paul E.—D–PA
Kaptur, Marcy—D–OH
Kelly, Sue—R–NY
Kennedy, Patrick J.—D–RI
Kildee, Dale E.—D–MI
Kilpatrick, Carolyn C.—D–MI
Kind, Ron—D–WI
Kingston, Jack—R–GA
Klink, Ron—D–PA
Kucinich, Dennis J.—D–OH
Kuykendall, Steven T.—R–CA
LaFalce, John J.—D–NY
LaHood, Ray—R–IL
Lampson, Nick—D–TX
Lantos, Tom—D–CA
LaTourette, Steven C.—R–OH
Lee, Barbara—D–CA
Lewis, John—D–GA
Lewis, Ron—R–KY
Linder, John—R–GA
Lipinski, William O.—D–IL
LoBiondo, Frank A.—R–NJ
Lofgren, Zoe—D–CA
Lucas, Frank D.—R–OK
Lucas, Ken—D–KY
Maloney, Carolyn B.—D–NY
Manzullo, Donald A.—R–IL
Martinez, Matthew G.—D–CA
Mascara, Frank—D–PA
Matsui, Robert T.—D–CA
McCarthy, Carolyn—D–NY
McCollum, Bill—R–FL
McDermott, Jim—D–WA
McGovern, James P.—D–MA
McHugh, John M.—R–NY
McIntosh, David M.—R–IN
McIntyre, Mike—D–NC
McKeon, Howard ''Buck''—R–CA
McKinney, Cynthia A.—D–GA
McNulty, Michael R.—D–NY
Meehan, Martin T.—D–MA
Meek, Carrie P.—D–FL
Meeks, Gregory W.—D–NY
Metcalf, Jack—R–WA
Mica, John L.—R–FL
Millender-McDonald, J.—D–CA
Miller, George—D–CA
Moakley, John Joseph—D–MA
Mollohan, Alan B.—D–WV
Moran, James P.—D–VA
Moran, Jerry—R–KS
Morella, Constance A.—R–MD
Murtha, John P.—D–PA
Napolitano, Grace F.—D–CA
Neal, Richard E.—D–MA
Nethercutt, George R., Jr.—R–WA
Ney, Robert W.—R–OH
Norton, Eleanor Holmes—D–DC
Oberstar, James L.—D–MN
Olver, John W.—D–MA
Ortiz, Solomon P.—D–TX
Owens, Major R.—D–NY
Oxley, Michael G.—R–OH
Pallone, Frank, Jr.—D–NJ
Pascrell, Bill, Jr.—D–NJ
Pastor, Ed—D–AZ
Paul, Ron—R–TX
Payne, Donald M.—D–NJ
Pelosi, Nancy—D–CA
Peterson, Collin C.—D–MN
Peterson, John E.—R–PA
Phelps, David D.—D–IL
Pickering, Charles ''Chip''—R–MS
Pombo, Richard W.—R–CA
Pomeroy, Earl—D–ND
Price, David E.—D–NC
Quinn, Jack—R–NY
Radanovich, George—R–CA
Rahall, Nick, J. II—D–WV
Riley, Bob—R–AL
Rivers, Lynn N.—D–MI
Rodriguez, Ciro D.—D–TX
Rogan, James E.—R–CA
Rohrabacher, Dana—R–CA
Romero-Barcelo, Carlos—D–PR
Rothman, Steven R.—D–NJ
Roukema, Marge—R–NJ
Roybal-Allard, Lucille—D–CA
Rush, Bobby L.—D–IL
Ryan, Paul—R–WI
Sanchez, Loretta—D–CA
Sanders, Bernard—I–VT
Sandlin, Max—D–TX
Saxton, Jim—R–NJ
Scarborough, Joe—R–FL
Schaffer, Bob—R–CO
Schakowsky, Janice D.—D–IL
Scott, Robert C.—D–VA
Sessions, Pete—R–TX
Shaw, E. Clay, Jr.—R–FL
Sherwood, Don—R–PA
Slaughter, Louise M.—D–NY
Smith, Adam—D–WA
Smith, Christopher H.—R–NJ
Smith, Lamar S.—R–TX
Souder, Mark E.—R–IN
Spence, Floyd—R–SC
Stabenow, Debbie—D–MI
Stearns, Cliff—R–FL
Strickland, Ted—D–OH
Stupak, Bart—D–MI
Sununu, John E.—R–NH
Sweeney, John E.—R–NY
Talent, James M.—R–MO
Tanner, John S.—D–TN
Taylor, Charles H.—R–NC
Taylor, Gene—D–MS
Terry, Lee—R–NE
Thompson, Bennie G.—D–MS
Thompson, Mike—D–CA
Thune, John R.—R–SD
Thurman, Karen L.—D–FL
Tierney, John F.—D–MA
Toomey, Patrick J.—R–PA
Towns, Edolphus—D–NY
Traficant, James A., Jr.—D–OH
Udall, Mark—D–CO
Udall, Tom—D–NM
Upton, Fred—R–MI
Vitter, David—R–LA
Walden, Greg—R–OR
Walsh, James T.—R–NY
Wamp, Zach—T–TN
Watkins, Wes—R–OK
Watt, Melvin L.—D–NC
Watts, J. C., Jr.—R–OK
Weiner, Anthony D.—D–NY
Weldon, Dave—R–FL
Wexler, Robert—D–FL
Weygand, Robert A.—D–RI
Whitfield, Ed—R–KY
Wicker, Roger F.—R–MS
Wilson, Heather—R–NM
Wise, Robert E., Jr.—D–WV
Wolf, Frank R.—R–VA
Woolsey, Lynn C.—D–CA
Wu, David—D–OR
Wynn, Albert Russell—D–MD
Young, Don—R–AK

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

Mr. Speaker, what I would like to do is politely respond to the gentleman from Mississippi (Mr. SHOWS) and agree with him that we must provide adequate healthcare for our Nation's retirees. However, the Committee on Rules with this rule has worked to ensure that our Nation adequately takes care of and lives up to its promises to the service men and women.

We have allowed the House to consider amendments that would both expand the current Medicare pilot program and to create a permanent program, and those votes will be allowed today.

This is about the rule, the rule to make sure that we have dealt fairly with everyone to allow this debate, and that is what this is for and that is why I am proud of what we are doing.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I rise in strong support of this rule. It is well crafted and well focused and will bring about much important debate on our national security.

Mr. Speaker, when we talk about our national defense, we must all remember that our national security is multifaceted. It is not solely built and maintained by our military soldiers, sailors, airmen and Marines. We must also recognize those citizen veterans of the Cold War who served our country by building and testing the American strategic arsenal of democracy.

Although we cannot give these individuals a Purple Heart for their injuries, I, along with some of my colleagues, have been diligently working on a comprehensive compensation program for these injured workers.

During our committee markup of this bill, I offered just such an amendment to establish such a comprehensive worker's compensation program but, unfortunately, the complex committee jurisdictional programs forced its withdrawal. I did, however, get commitments of support from the chairman of the full committee and the Subcommittee on Military Procurement for introduction of such a piece of legislation.

In light of this support I, along with my colleagues, the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from Tennessee (Mr. WAMP) and the gentleman from Colorado (Mr. UDALL) have offered our bipartisan sense of Congress amendment, and I want to thank the Republican leadership and my friend, the gentleman from Texas (Mr. SESSIONS), as well as the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, for this rule, which makes this amendment in order and allows for that much-needed debate on the issue.

Mr. Speaker, contrary to the arguments of those who simply want to jump on the bandwagon and then immediately demand to steer, this sense of Congress amendment will provide the necessary momentum to get this vital compensation program actually enacted into law.

□ 1215

Again, I support this rule, and I urge all Members to support the rule and

our amendment, which issues a clarion call for swift action on a comprehensive Department of Energy injured worker compensation program.

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

Mr. SPRATT. Mr. Speaker, I would like to engage the distinguished gentleman from South Carolina (Mr. SPENCE), the chairman of the committee, in a colloquy.

Mr. Speaker, I thank the chairman for his leadership in bringing this legislation to the House floor once again, H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. It is a good bill, and all the better because of the title it bears. I supported it in the committee, and I am proud to support it here on the floor.

I would like to take just a moment and ask the chairman about a provision in the bill on which we have collaborated in the past and which the gentleman helped reauthorize this year. That is Section 807 in title VIII of the bill.

It is my understanding that this section simply removes the sunset date of October 1, 2000, for existing statutory rules that apply to the procurement of ball and roller bearings.

Mr. Speaker, I ask the gentleman, do the changes made to existing U.S. law by H.R. 4205 mean that the limits on procurement of non-U.S. bearings will continue to have the effect of law?

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

Mr. SPRATT. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I would tell the gentleman, yes, that is correct. H.R. 4205 simply removes the sunset date for the rules on the procurement of non-U.S. ball and roller bearings. Bearings remain among the items specified in title X, section 2534, as being subject to the requirements of that section.

Mr. SPRATT. I thank the gentleman for that clarification.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to this rule. This rule is unfair because it prohibits floor debate on my amendment that would strike Section 810 of the defense authorization bill. This section singles out firearms and ammunition manufacturers, but it may extend to other contractors.

It says that the Department of Defense cannot give procurement preferences to companies that enter into the agreements with the Federal government. Currently, one firearms manufacturer has entered into an agreement with the Department of Housing and Urban Development that establishes a code of conduct.

This is precedent-setting language that would prevent the armed services from getting the best equipment.

This language says to Smith & Wesson and other contractors that if you have an agreement that seeks to accomplish one goal, then that limits you from doing business with the Department of Defense.

If Smith and Wesson and the armed services lose, then who wins? The NRA, according to today's Wall Street Journal. Mr. Speaker, I include for the RECORD this article from the Wall Street Journal.

The article referred to is as follows:

[From the Wall Street Journal, May 18, 2000]

GOP FIGHTS FAVORS FOR SMITH & WESSON

(By Jim VandeHei and Paul M. Barrett)

WASHINGTON—House Republicans, as part of an effort to undermine President Clinton's weapons pact with Smith & Wesson Corp., are trying to prevent the government from favoring the company with new gun contracts.

Rep. John Hostettler, a pro-gun conservative from Indiana, inserted language into the Defense Department authorization bill forbidding the administration from requiring the department to buy Smith & Wesson guns.

With the blessing of GOP leaders, Mr. Hostettler and his pro-gun allies now want to stamp similar restrictions on three more federal agencies: the Departments of Treasury, Justice and Housing and Urban Development.

They are also working to suspend funding for a federal commission Mr. Clinton created to implement his landmark agreement with the gun maker.

''We don't want agencies playing politics more than they already are,'' says Oklahoma Rep. J.C. Watts, the fourth-ranking GOP leader. ''This should be a fair and open competition.''

''This is the gun lobby flexing its muscle on Capitol Hill,'' says Dennis Henigan, the top lawyer with Handgun Control Inc., a Washington advocacy group.

Smith & Wesson, a unit of Britain's Tomkins PLC, has agreed to go far beyond existing law in requiring new restrictions on how retailers sell its guns and to develop a high-tech ''smart'' weapon that can only be fired by its owner, among other steps. In return, the Clinton administration and some states and municipalities have agreed to drop Smith & Wesson from threatened or pending lawsuits.

The Clinton administration is also trying to organize a drive by government at all levels to give Smith & Wesson favorable treatment when deciding which company will supply handguns to police and other agencies.

While Mr. Clinton hopes this carrot will entice other gun manufacturers to impose new safety measures voluntarily, at the federal level, it isn't clear whether existing contracting rules would allow the administration to force agencies to favor Smith & Wesson.

The Federal Government spends millions of dollars a year on new handguns—a tiny fraction of the federal budget, but a significant amount to gun manufacturers, which are all relatively small companies. The vast bulk of handgun purchasing is done by local police departments across the country.

The concessions by Smith & Wesson provoked an outcry from the National Rifle Association and gun retailers, some of whom vowed to quit selling the company's products. Republican leaders believe the deal will ''unravel'' if the Federal Government is prevented from favoring Smith & Wesson with contracts, according to a top GOP aide.

A Smith & Wesson official says the Republican campaign will do nothing to discourage the company from moving ahead with the pact. Talk of preferential treatment is ''mostly rhetoric,'' company spokesman Ken Jorgensen says. ''It is not something we asked for, it is nothing we anticipated, and it has not happened.''

But two gun lobbyists said the Republicans' campaign will dissuade other gun manufacturers from joining Mr. Clinton's program. ''This eliminates the incentive,'' says a program lobbyist close to several manufacturers.

Mr. Hostettler persuaded two-thirds of Armed Services Committee lawmakers to vote for his amendment, which doesn't mention Smith & Wesson by name but clearly targets the company. Gun Owners of America, an aggressive branch of the pro-gun movement, urged its members to lobby lawmakers to apply the restriction to other departments. ''It's abhorrent that our tax dollars are being used to push Clinton's antigun agenda,'' says John Velleco, the group's spokesman.

Rep. Carolyn McCarthy, an antigun Democrat from New York whose husband was killed by gunfire, is leading a counter-attack against attempts to gut the pact. ''I think they are trying to destroy Smith & Wesson for coming out with a good code of conduct,'' she says.

A greater potential threat to the gun industry than the attempt to manipulate government gun-buying practices are lawsuits filed against the industry by 30 cities and counties around the country.

In the latest development in the litigation, a Michigan state-court judge allowed parts of lawsuits filed against the industry by Detroit and Wayne County, MI, to proceed toward trial.

Wayne County Circuit Court Judge Jeanne Stempien said in a ruling Tuesday that the municipalities could move forward with the allegation that ''willful blindness'' by handgun manufacturers, wholesalers and retailers contributes to the diversion of guns to criminals, creating a ''public nuisance.'' The judge threw out the municipalities' claim that industry actions constitute ''negligence.''

Mr. Speaker, the article states that the gun lobby sponsored the language my amendment would strike and additional legislation efforts are likely by the NRA that will cripple Smith & Wesson.

This language sets a bad precedent. What if a company has an agreement to hire more veterans? What if a company has an agreement to use more subcontractors? Congress should not micromanage how procurement is conducted. The result would be substandard products for our men and women who have to defend our Nation.

I strongly support the agreement that Smith & Wesson has reached with HUD. The code of conduct will reduce gun violence in our communities. It contains many provisions that are under review by the House and Senate: child safety locks, background checks

on all sales, safe storage for guns, establishing a DNA ballistic network that aids the ATF in solving crimes.

I urge my colleagues to oppose this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Speaker, I rise in opposition to this rule because it prevents consideration of an amendment which I offered that would bring fundamental fairness to the way we convey property from closed military facilities.

Last year's defense authorization bill included language to forgive debts and allow communities to reclaim property from installations closed under the Base Realignment and Closure Act.

The amendment which I offered that was not included in the rule would have extended this same opportunity to communities with military facilities outside the BRAC process.

Mr. Speaker, this Congress has already decided that communities with BRAC facilities should receive property at no cost so they can more easily transform closed bases into engines of economic growth. Yet, many other communities in the same exact situation are still expected to bear the burden of paying for transferred property merely because their facilities happen to be closed outside the BRAC process. This is not right.

It is equally not right that while this bill and several amendments already adopted allow for no-cost conveyances of several facilities across the country, this House is denied the ability to consider an amendment that would simply treat all closed facilities the same.

I have a special interest in this issue because a community in my district is working hard to transform the Indiana Army Ammunition Plant into a center for economic development. A no-cost conveyance of this property would make their job much easier. But I want all communities to be able to benefit from the fair deal we already have given BRAC communities. That is why I regret that this rule does not make my amendment in order.

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

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

I urge my colleagues to oppose this rule and stand up for the men and women who dedicated their lives to this great country, and as a result are now suffering debilitating diseases.

Earlier this week, I appeared before the Committee on Rules to speak in favor of justice and fair play for former Department of Energy workers who have suffered serious diseases due to radiation, beryllium, silica, and other toxic chemical exposure related to their jobs.

From 1951 to 1992, the Federal government tested nuclear weapons above and below ground in southern Nevada at the Nevada test site, among other sites around the country.

Growing up in southern Nevada, I was friends with many of the children of Nevada test site workers and knew these people well. These former workers are now suffering debilitating diseases, and many have died as a result of their service to their country.

These workers were never made aware of the potential danger exposure to radiation, beryllium, silica, and other toxic chemicals might pose to their health, but we now know the hazards that were faced and we now have the responsibility to do the right thing.

The Federal government is already spending millions of dollars of taxpayers' money reimbursing contractors for the legal expenses contractors incur fighting claims from radiation victims. The Federal government is also already compensating atomic veterans and down winders.

I know that there is a sense of Congress that is going to be introduced, and I support it, because that is the right thing to do. But I am also well aware of the fact that that is too little and it will not be getting the job done for these people who are looking to the Federal government to get compensation for their illnesses.

It is the right thing to do, it is the appropriate thing to do. I want to state my strong opposition to the rule and my strong support for compensating former site workers who suffered work-related illnesses or lost wages due to radiation exposure and other toxic exposure.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding time to me. I would like to compliment the Committee on Rules for a very inclusive rule.

What I would like to do at this moment is I would like to read into the RECORD the letters of support we have from many different organizations and associations representing millions of Americans, not only veterans but Americans who support the bill:

The Veterans of Foreign Wars of the United States; the Association of the United States Army; the National Military Family Association; American Shipbuilding Association; the Enlisted Association of the National Guard of the United States; the Navy League of the United States; the National Association of Uniformed Services; the Fleet Reserve Association; the Retired Enlisted Association; Noncommissioned Officers Association; Commissioned Officers Association of U.S. Public Health Service; the Armed Forces Marketing Council; National Guard Association of the United States; the National Military and Veterans Alliance, which include the following organizations: The Air Force Sergeants Association; the American Military Retirees Association; the American Military Society; the American Retirees Association; Class Act Group; Catholic War Veterans; Korean Veterans Association; the Legion of Valor Association; the Military Order of the World Wars; the Naval Enlisted Reserve Association; the Society of Medical Consultants; the TREA Senior Citizens League; Tragedy Assistance Program for Survivors; the Vietnam Veterans of America; Women in Search of Equity, were also supported by the military coalition, which includes the following organizations:

The Air Force Association, the Army Aviation Association of America; the Association of Military Surgeons of the United States; the CWO & WO Associations of the U.S. Coast Guard; the Gold Star Wives of America, Incorporated; Jewish War Veterans of the United States; the Marine Corps League; Marine Corps Reserve Officers Association; the Military Order of the Purple Heart; the National Order of Battlefield Commissions; the Naval Reserve Association; the Society of Medical Consultants in the Armed Forces; the Military Chaplains Associations of the United States Army; the United Armed Forces Association; the United States Coast Guard Chief Petty Officers Association; the United States Army Warrant Officers Association; and the Veterans Widows International Network, Incorporated; to also end with the United States Chamber of Commerce.

Mr. Speaker, this list is very extensive. It represents millions of Americans that support the base bill that came out of the Committee on Armed Services, the Floyd Spence bill. They are all lined up also in honor of the gentleman from South Carolina (Mr. SPENCE) for his years of service, for his principles, for his commitment to national security.

When we hear some perhaps bickering about what was not included, what was included, let us pause for a moment and all Members recognize that this base bill is supported by many different organizations and associations.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in support of the rule.

For those who followed it yesterday, I was very concerned that an amendment that would have fulfilled the promise of lifetime health care for our Nation's military retirees was not included in the rule yesterday. It is today.

We will have an opportunity to vote on this amendment, which would make Medicare subvention the law of the land permanently. This amendment

has been endorsed by the military coalition, the 24 organizations that the gentleman from Indiana (Mr. BUYER) just made reference to, the National Military Veterans Alliance, the Retired Officers Association, and the Retired Enlisted Association.

I am very pleased that the Committee on Rules has seen to it that Members will have an opportunity to vote for it. I would also ask my fellow colleagues to support it without being amended.

I think it is important that we fulfill the promise that was made. Retirees, quite frankly, have been getting jacked around for a long time. They do not need any more demonstrations, more promises, they do not need any more half-hearted efforts. They need the promise that was made to them on the day that they enlisted to be fulfilled. The promise was free lifetime health care for them and their spouse at a military facility for the rest of their lives. That is what we are trying to do.

I am going to vote in support of this rule so this amendment can be voted on. I am going to ask all of my colleagues to vote for it. I would remind my colleagues that this amendment has five Republican cosponsors, five Democratic cosponsors, and I sure as heck would like to see every Member of this body vote for it.

□ 1230

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

Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for his support of this rule. The rule is fair. The rule allows debate. The gentleman from Mississippi (Mr. TAYLOR) came before the Committee on Rules and asked that we consider what he was doing, and he today is supporting us.

Mr. Speaker, we also have people who not only represent veterans across this country, as many of us do, but we also have those who are veterans who serve in Congress. I serve next to the gentleman from Texas (Mr. SAM JOHNSON), from the Third Congressional District, a man who served as a prisoner of war for 7 years in North Vietnam.

I am pleased also to have a young man who serves with us, a colleague who has been instrumental with the gentleman from South Carolina (Chairman SPENCE), in making sure that the veterans of this country and active duty men and women are not only protected but receive the very best of assurances that we will never put our Armed Forces in harm's way without the best ability that they have, and I am speaking about the gentleman from Indiana (Mr. BUYER). The gentleman served as a captain in the United States Army, in the Gulf War and now serves as a lieutenant colonel in the Reserves.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me the time, and I also want to thank my colleague, the gentleman from Mississippi (Mr. TAYLOR).

As most of the body knows and understands, the gentleman from Mississippi (Mr. TAYLOR) and I serve as cochair of the Guard and Reserve Caucus. And we do many things on behalf of the Congress, on behalf of many, many Members as we move that process through the subcommittees of procurement and the full committee, and on as we move into conference.

The gentleman from Mississippi (Mr. TAYLOR) and I stand side by side in many of the different fights and battles that we do with regard to national security. This may be one of those moments where we can agree to disagree.

Let us do a little review of history, as America paid great tribute in recognition to the World War II veteran and to the Korean War veteran and we turned to them, and Congress created the GI bill. And we also in 1956 created the space availability care for medical treatment; but in the 1960s, when Congress created Medicare, it was the Congress at that time that took the military retiree and triggered them into the general population. That is what happened in this body. Now, I do not want to get into the politics of this thing, but that was a Democrat controlled Congress triggered the military retiree to be treated the same.

Now, many did not recognize or feel that. Why? Because many of the military retirees, they lived next to military medical treatment facilities. Then as we go through the BRAC process, many of them find out and discovered then for the first time that, oh, my gosh, the military can actually close that military hospital and I have to drive so far for my health care. I thought that I was promised health care for life.

Then the Congress responds by creating many different types of pilot programs, whether it is Medicare subvention or FEHBP or a BRAC pharmacy program. We have such a hodgepodge military health care system right now. Why? Because really we as a body are trying to struggle with how do we get our arms around this military health care system and deliver care to the military retiree without saying to the military retiree, you have to live next to a medical treatment facility.

Mr. Speaker, with regard to Mr. TAYLOR's amendment seeking to make Medicare subvention permanent, the gentleman is basically saying to the military retiree if you want that care, you better live next to a medical treatment facility, because if you do not live next to one, it is not going to apply to you.

Now, what concerns me is that the medical subvention is a pilot. See, we create these pilot programs so we can then analyze the data so we can make competent judgments. Often, we create these pilot programs and we do not have the patience to analyze the data and quickly we move into the permanency of these programs.

This is a moment when I analyze this one, I said, enough of all the rhetoric; any Member can come to the floor and make a great speech about throwing their arm around the veteran. It is 101 when it comes to political speeches, but let us stop the rhetoric.

We take the pilot programs that are out there in this base bill and we extend the demos, that was negotiated through the Committee on Commerce and the Committee on Ways and Means. The administration supports the base tax of this bill to extend the demos. We extend them and they end December 31 of 2003.

Now, what happens? Why do you end them? You end them because we are going to analyze them. We do several things. We create this independent advisory council nominated by the Secretary of Defense to analyze this complex health care system and to give recommendations to the Congress in July of 2002. You then have the input from Congress. You have the independent advisory council. You have OMB as a player. You have DOD as a player, and you have the United States Senate.

I believe as we work in the fall of 2002, after having properly analyzed all of these pilot programs, that we can actually then deliver and the next administration will know that since we created this road map of methodology to properly analyze what will be the best health delivery system for the military retiree, the next administration knows the bill is coming in the 2004 cycle. So the bill is crafted in the fall of 2002 on what is the best method; it is introduced before the Committee on Armed Services in April of 2003 in the 2004 cycle; and in October 1 of 2004, it happens. It happens.

It is not just that it happens, it happens in a manner that is based on a methodology for the most competent decision.

Medicare subvention; what we have learned as a pilot program is it is running $100 million a year in arrears to DOD, and it was meant to be a cost-neutral program. So if it is running $100 million in arrears to DOD at 6 sites, if we expand it to over 60 sites and make it permanent, we are taking a crippled program that has not been fixed and putting it on the road to financial disaster, and that is what the letter that we received from the Air Force, Michael Ryan, the General, the Chief of Staff of the United States Air Force, he said "I urge that we heed the lessons already learned from Medicare subvention demonstration projects. The current TRICARE senior prime

program, though popular with retirees, is not fiscally sustainable over the long term.''

Mr. Speaker, what I ask of Members is that in this base tax, we have the methodology for us to analyze the data to make the competent decisions, and we deliver.

In good faith, negotiating with the gentleman from Mississippi (Mr. TAYLOR) yesterday, we agreed to offer a substitute to his amendment that would expand to all major medical centers as we then begin to work to help and urge the renegotiation of the rate between HCFA and the Department of Defense as we also work on the utilization issue. That is what the substitute is that I bring to the Members to vote on this afternoon. It is extremely important.

The question is, do we want to continue a pilot program, work to make it better so we can get a good test or do we just say, oh, the heck with it. Let us just make it permanent. The money does not matter. I do not believe that is our responsibility as Members of Congress.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, I am deeply disappointed that the amendment offered by my good friend, the gentlewoman from New York (Mrs. MCCARTHY), was not made in order by the rule. The amendment would have stripped section 810 from this bill, an egregious provision barring the Department of Defense from giving preference in procurement to companies that enter into agreements with the Federal Government. It is clear that this language is an attack on Smith and Wesson, which recently signed a code of conduct with the Department of Housing and Urban Development.

The Department of Defense, responsible for our Nation's security, should be free to purchase the best quality, most cost effective and safest products available today. It is preposterous to penalize a manufacturer solely because it has pledged to produce safe, quality merchandise and to go to great lengths to cooperate with Federal, state and local law enforcement. We should encourage such courageous initiatives, not punish them.

Codes of conduct by firearms manufacturers will make our communities and streets safer. They will protect our children from accidental shootings, and they will strengthen law enforcement's efforts to enforce our Nation's firearms laws by ensuring that background checks are performed and improving ballistic technology.

The American people support efforts to make firearms safer and to keep them out of the hands of children and criminals. Congress should have had the chance to demonstrate its support for these goals by considering the McCarthy amendment.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with great concern about the omissions that are found in this rule, in particular, the lack of allowing the amendment of the gentlewoman from New York (Mrs. MCCARTHY) to make fair the process of procurement in the Federal Government.

We rarely do this in other instances. Why would we try to penalize a good neighbor and a good corporate citizen like Smith and Wesson, which has committed itself to safer guns to protect the lives of our children? I do not know.

I am saddened by the fact that that has occurred, and I would hope that my colleagues would see the wisdom in allowing us to debate such issues. I am gratified, however, with the Sanchez-Morella amendment, which restores equal access to equal services of overseas military hospitals to servicemen and women and their dependents.

I rise today to salute the gentleman from Mississippi (Mr. TAYLOR) for his persistence and for where we are in being allowed to debate a vital issue, and I ask my colleagues to support the Taylor amendment, which provides lifetime health care for military retirees. I want to put a face on military retirees. They are the everyman. They are in rural America. They are in urban America. They are the bus drivers, many of them, they are the day workers and laborers across the Nation. They are the teachers, yes, the doctors and lawyers, but they are the everyday American. I have many of them in my constituency.

It bothers me when I begin to hear the balancing or the nonbalancing of the numbers. We know that this program, if put in place, will merely cost us an additional $20 million. Yes, we have arrears of $100 million, but might I say to the American people, there is a distinction between arrears and debt. Arrears is we have not been paying, and we have a problem with HCFA. We have a problem with HCFA, my small health care businesses, who tell me every single day, I am being closed down. I cannot care for the elderly because HCFA is not paying.

The real issue is not debt to Medicare, it is the question that HCFA is not paying its bills. I want my military retirees, those who were in Korea, those who were in Vietnam, those who were in the Persian Gulf, those who were in Kosovo, I want them to have the dignity and the respect of being called their title and the kind of treatment they get at military hospitals on base if they so desire.

I am going to roll up my sleeves, and I do not know about the rest of my colleagues. I encourage them to rise to their feet, and support the Taylor amendment, because those people are our neighbors, and they have been committed to, they have been told that this would be a lifetime provision and benefit. And I do not know why we would deny it. I think it is important to not misuse the figures and the dollars, and I am gratified that we have been able to have this opportunity.

Mr. Speaker, I certainly would not take that away from the Committee on Rules, and I do thank them. I hope that as we debate this issue, that as we move toward honoring our men and women who gave the ultimate sacrifice this Memorial Day that we will say to the living veterans, we thank you, we thank you, we thank you, because the ability to debate on the floor of the House, the freedom of all of us in the United States of America, is because our men and women have been willing to put themselves on the line for freedom.

I am going to put myself on the line to vote for the Taylor amendment to ensure that they have the dignity of full-time military health benefits throughout their entire lifetime. I would ask my colleagues to do so.

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

Mr. Speaker, let us be clear as to what is at issue for our military retirees. We have a very good approach by the gentleman from Mississippi (Mr. TAYLOR). The gentleman from Indiana (Mr. BUYER) is saying do not rush into anything, do not vote for the Taylor amendment in its original form. Our military retirees have been waiting patiently for quite a while for resolution of this issue.

What the Taylor amendment, of course, does is apply to those military retirees who have already reached the age of 65 and permits them to be treated at military hospitals and to have those hospitals reimbursed by Medicare.

□ 1245

What the Shows amendment does is to not only address those military retirees that are already 65, but the large number of military retirees who have not yet reached the age of 65. And it would permit those retirees, those men and women who have served at least 20 years for their country, to participate in the Federal Employees Health Benefits Program, the exact same program that we as Members of Congress and our staffs participate in, and every other Federal civilian employee participates in.

The Shows amendment is a comprehensive approach. It is the amendment that has a very large number of supporters in this House and it is an

amendment that we are not being permitted to vote on today. That is regrettable. That is a comprehensive approach which would address the concerns of military retirees once and for all. We are not going to have that opportunity today under the rule as crafted.

The Taylor amendment does provide some relief because it does provide an opportunity for those retirees who have already reached the age of 65 to be treated at military hospitals and have that treatment reimbursed by Medicare. The rule that we have before us today is an improvement over the rule yesterday, but it does not go as far as some people would like, which is to see the House have the opportunity to voice its views on the question of military retirees.

Now, Mr. Speaker, I urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order an additional 37 amendments, including the Shows amendment, which provides additional health care benefits for veterans.

The McCarthy amendment, which removes provisions in the bill that punish gun manufacturers for abiding by voluntary gun safety agreements, and the Allen amendment, that deals with retiring or dismantling excess strategic nuclear delivery systems.

If the previous question is defeated, Members will have the opportunity to vote up or down on all of those proposals.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question and extraneous materials into the CONGRESSIONAL RECORD immediately prior to the vote.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I ask my colleagues to vote ''no'' on the previous question so we can debate all of these issues, and I yield back the balance of my time.

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

What we are talking about today is the rule, Mr. Speaker, the rule for the fiscal year 2001 Department of Defense authorization bill. It is a bill that has been not only worked on very diligently by the brightest and best Members of Congress that we have, led by our chairman, the gentleman from South Carolina (Mr. SPENCE), but also by a great number of other people who have spoken today; not only the gentleman from Indiana (Mr. BUYER) but also the gentleman from Nevada (Mr. GIBBONS), who are both veterans of high stature.

Mr. Speaker, today's rule allows for a full and fair consideration of all the controversial defense authorization issues. We are getting our military families off food stamps and we are going to provide a 3.7 percent pay increase. We are helping them by creating an Armed Services Thrift Savings Plan. We are doing those things that will improve military housing. We are doing things, I believe, that rearm our military to make sure that the young men and young women who represent America have not only the best fighting equipment, but also the circumstances and the will of a grateful Nation.

Mr. FROST. Mr. Speaker, I submit for the RECORD the materials I referred to earlier.

PREVIOUS QUESTION FOR H. RES. 504, H.R. 4205, NATIONAL DEFENSE AUTHORIZATION ACT

At the end of the resolution add the following new section:

''SEC. 6. Notwithstanding any other provision of the resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 7 of this resolution. Each amendment may be offered only by the proponent specified in section 7 or a designee, shall be considered as read, and shall be debatable for 30 minutes, equally divided between the proponent and an opponent.

SEC. 7. The amendments described in section 6 are as follows:

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. SHOWS OF MISSISSIPPI

Strike section 723 (page 229, line 1, and all that follows through page 230, line 19).

At the end of title VII (page 247, after line 9), insert the following new subtitle:

Subtitle E—Additional Provisions Regarding Department of Defense Beneficiaries

SEC. 741. SHORT TITLE.

This subtitle may be cited as the ''Keep Our Promise to America's Military Retirees Act''.

SEC. 742. FINDINGS.

Congress finds the following:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to ''space available'' health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of ''space available'' services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

SEC. 743. COVERAGE OF MILITARY RETIREES UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905, by adding at the end the following new subsection:

''(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual.''; and

(2) in section 8906(b)—

(A) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2) through (5)''; and

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

''(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.''.

(b) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(1) Section 1108 of title 10, United States Code, is amended to read as follows:

''§ 1108. Health care coverage through Federal Employees Health Benefits program

''(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

''(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

''(A) a member or former member of the uniformed services described in section 1074(b) of this title;

''(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

''(C) an individual who is—

''(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

''(ii) a member of family as defined in section 8901(5) of title 5; or

''(D) an individual who is—

''(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

''(ii) a member of family as defined in section 8901(5) of title 5.

''(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

''(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

''(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

''(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

''(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

''(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

''(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.

''(f) LIMITATION ON NUMBER OF ENROLLEES.—The number of eligible individuals enrolled in the Federal Employees Health Benefit plan under this section and pursuant to section 8905(h) of title 5 shall not exceed 300,000. In implementing this subsection, priority shall be given to medicare eligible covered beneficiaries entitled to retired or retainer pay.''.

(2) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

''1108. Health care coverage through Federal Employees Health Benefits program.''.

(3) The amendments made by this subsection shall take effect on January 1, 2001.

SEC. 744. EXTENSION OF COVERAGE OF CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES.

Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking ''Except as provided in subsection (d), the'', and inserting ''The'';

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

SEC. 745. RESERVE FUND.

The allocation of new budget authority and outlays to the Committees on Armed Services of the House of Representatives and the Senate shall be increased by $4,000,000,000 for fiscal years 2001 through 2005 for the purpose of carrying out the provisions in this Act if such increase will not cause an on-budget deficit for such fiscal years.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MRS. MCCARTHY OF NEW YORK

Strike section 810 (page 262, lines 1 through 16).

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. ALLEN OF MAINE, MR. MCGOVERN OF MASSACHUSETTS AND MR. GEJDENSON OF CONNECTICUT

At the end of title X (page 324, after line 11), insert the following new section:

SEC. 1038. REVISION TO LIMITATION RESPECTING STRATEGIC SYSTEMS IN ORDER TO COMPLY WITH START II TREATY.

(a) LIMITATION.—Subsection (a)(2) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended —

(1) in the matter preceding subparagraph (A), by striking ''in paragraph (1)(B) shall be modified in accordance with paragraph (3)'' and inserting ''in paragraph (1) shall cease to apply'';

(2) in subparagraph (C), by striking ''ratify the START II treaty'' and inserting ''continue reductions in its own strategic nuclear arsenal''; and

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

''(E) That reductions in the strategic nuclear delivery systems of the United States are to be carried out in a verifiable, symmetrical, and reciprocal manner with Russia to ensure that the level of strategic nuclear delivery systems deployed by the United States does not fall below the level of strategic nuclear delivery systems deployed by the Russia.''.

(b) WAIVER AUTHORITY.—Subsection (b) of such section is amended by striking ''the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be,'' and inserting ''the limitations in effect under subsection (a)''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. BERKLEY OF NEVADA

At the end of title XXXI (page ____, after line ____), insert the following new section:

SEC. ___. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—The Energy Policy Act of 1992 is amended by adding after title XXX the following new title:

''TITLE XXXI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

''Subtitle A—General Definitions and Administrative Office

''SEC. 3101. DEFINITIONS.

''For the purpose of this title—

''(1) the term 'Department of Energy' includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering District;

''(2) the term 'Department of Energy facility' means any building, structure, or premises, including the grounds upon which they are or were located, in which operations are or were conducted by, or on behalf of, the Department of Energy and with regard to which the Department of Energy has or had a proprietary interest or has or had entered into a contract with an entity to provide management and operating, management and integration, or environmental remediation;

''(3) the term 'Director' means the Director of the Occupational Illness Compensation Office appointed under section 3102;

''(4) the term 'Fund' means the Energy Employees Occupational Illness Compensation Fund established under section 3156;

''(5) the term 'Office' means the Occupational Illness Compensation Office established under section 3102; and

''(6) the term 'radiation' means ionizing radiation in the form of alpha or beta particles or gamma rays.

''SEC. 3102. OCCUPATIONAL ILLNESS COMPENSATION OFFICE.

''(a) OFFICE.—There is created within the Department of Energy the Occupational Illness Compensation Office.

''(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary of Energy and who shall be compensated at the rate provided for in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(c) DUTIES OF THE DIRECTOR.—The Director shall administer this title and carry out the duties assigned to the Director.

''(d) CONSULTATION WITH THE SURGEON GENERAL.—The Director may consult the Surgeon General, and the Surgeon General may consult with the Director, concerning administration of this title.

''(e) REPORTS.—(1) Beginning one year after the date of enactment of this title, and each year thereafter, the Director shall prepare a concise report concerning the status of the operation of the programs under this title and shall, through the Secretary of Energy, submit the report to Congress and publish it in the Federal Register. This report shall include information such as the number of claims filed under each subtitle, the action taken regarding these claims, the total and average value of the benefits furnished to claimants, administrative expenses of the Office, and amounts available in the Fund. The information shall be compiled in a statistical format in a manner so that personal information on individuals is not revealed.

''(2) Four years after the date of enactment of this title, the Director shall prepare a report on the administration of this title and the effectiveness of the program in meeting the compensation needs of Department of Energy workers with regard to occupational illnesses.

''Subtitle B—Beryllium, Silicosis, and Radiation

''SEC. 3111. DEFINITIONS.

''For purposes of this subtitle—

''(1) the term 'atomic weapons employee' means an individual employed by an atomic

weapons employer during a time when the employer was processing or producing for the use of the United States material that emitted radiation and was used in the production of an atomic weapon, as that term is defined in section 11(d) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d));

''(2) the term 'atomic weapons employer' means an entity that—

''(A) processed or produced for the use of the United States material that emitted radiation and was used in the production of an atomic weapon, as that term is defined in section 11(d) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d)); and

''(B) is designated as an atomic weapons employer for the purpose of this subtitle in regulations issued by the Director;

''(3) the term 'beryllium illness' means any of the following conditions:

''(A) Beryllium Sensitivity, established by an abnormal beryllium lymphocyte proliferation test performed on either blood or lung lavage cells;

''(B) Chronic Beryllium Disease, established by—

''(i) beryllium sensitivity, as defined in subparagraph (A); and

''(ii) lung pathology consistent with Chronic Beryllium Disease, such as—

''(I) a lung biopsy showing granulomas or a lymphocytic process consistent with Chronic Beryllium Disease;

''(II) a computerized axial tomography scan showing changes consistent with Chronic Beryllium Disease; or

''(III) pulmonary function or exercise testing showing pulmonary deficits consistent with Chronic Beryllium Disease; or

''(C) any injury or illness sustained as a consequence of a beryllium illness as defined in subparagraph (A) or (B) of this paragraph;

''(4) the term 'beryllium vendor' means:

''(A) Atomics International;

''(B) Brush Wellman, Inc.;

''(C) General Atomics;

''(D) General Electric Company;

''(E) NGK Metals Corporation and its predecessors: Kawecki-Berylco, Cabot Corporation, BerylCo, and Beryllium Corporation of America;

''(F) Nuclear Materials and Equipment Corporation;

''(G) StarMet Corporation, and its predecessor, Nuclear Metals, Inc.;

''(H) Wyman Gordan, Inc.; or

''(I) any other vendor, processor, or producer of beryllium or related products designated as a beryllium vendor for the purposes of this subtitle in regulations issued by the Director under section 3112(d);

''(5) the term 'beryllium vendor employee' means an individual employed by a beryllium vendor or a contractor or a subcontractor of a beryllium vendor when the vendor, contractor, or subcontractor was engaged in activities related to beryllium that was produced or processed for sale to, or use by, the Department of Energy;

''(6) the term 'Department of Energy contractor employee' means an individual who is or was employed at a Department of Energy facility by—

''(A) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; or

''(B) a subcontractor that provided services, including construction, at the facility;

''(7) the term 'Federal employee' means an individual defined as an employee in section 8101(1) of title 5, United States Code, who may have been exposed to beryllium or silica at a Department of Energy facility or at a facility owned, operated, or occupied by a beryllium vendor;

''(8) the term 'monthly pay' means the monthly pay at the time of injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if the recurrence begins more than six months after the employee resumes regular full-time employment, whichever is greater, except when otherwise determined under section 8113 of title 5, United States Code;

''(9) the term 'silicosis' means an illness that is established by—

''(A) a chest radiograph or other imaging technique consistent with silicosis under criteria set forth in Surveillance Case Definition for Silicosis published by the National Institute for Occupational Safety and Health; and

''(B) pathologic findings characteristic of silicosis under criteria set forth in Surveillance Case Definition for Silicosis published by the National Institute for Occupational Safety and Health; and

''(10) the term 'time of injury', when used in sections of title 5, United States Code, referenced in this subtitle, means the last date on which—

''(A) a Department of Energy contractor employee, a Federal employee, or a beryllium vendor employee was exposed to beryllium or silica in the performance of duty as specified in section 3112, if the claim or award is made under section 3112; or

''(B) a Department of Energy contractor employee or an atomic weapons employee was exposed to radiation as determined by rules issued under section 3113, if the claim or award is made under section 3113.

''SEC. 3112. ELIGIBILITY OF WORKERS EXPOSED TO BERYLLIUM AND SILICA.

''(a) IN GENERAL.—

''(1) To be eligible under this section for benefits under section 3114—

''(A) a Federal employee, Department of Energy contractor employee, or beryllium vendor employee must have—

''(i) suffered disability or death from a beryllium illness; and

''(ii) been exposed to beryllium in the performance of duty; or

''(B) a Federal employee or Department of Energy contractor employee must have—

''(i) suffered disability or death from silicosis; and

''(ii) been exposed to silica in the performance of duty.

''(2) Notwithstanding paragraph (1)—

''(A) a Federal employee, Department of Energy contractor employee, or beryllium vendor employee is eligible for medical benefits under section 3114(a)(3) if the employee has suffered from a beryllium illness and has been exposed to beryllium in the performance of duty; and

''(B) a Federal employee or Department of Energy contractor employee is eligible for medical benefits under section 3114(a)(3) if the employee has suffered from silicosis and has been exposed to silica in the performance of duty,

but was not disabled or did not die because of the beryllium illness or silicosis.

''(b) FEDERAL AND CONTRACTOR EMPLOYEE.—

''(1) In the absence of substantial evidence to the contrary, a Federal employee or Department of Energy contractor employee shall be considered to have been exposed to beryllium in the performance of duty if—

''(A) the employee was employed at a Department of Energy facility or present at a Department of Energy facility because of the employee's employment when beryllium dust particles or vapor may have been present at that facility; or

''(B) the employee was present at a facility owned by a beryllium vendor because of the employee's employment when dust particles or vapor of beryllium produced or processed for sale to, or use by, the Department of Energy may have been present at the facility.

''(2) In the absence of substantial evidence to the contrary, a Federal employee or Department of Energy contractor employee shall be considered to have been exposed to silica in the performance of duty if the employee was employed at a Department of Energy facility or present at a Department of Energy facility because of the employee's employment in an area where airborne silica dust was present.

''(c) BERYLLIUM VENDOR EMPLOYEE.—In absence of substantial evidence to the contrary, a beryllium vendor employee shall be considered to have been exposed to beryllium in the performance of duty if the employee was employed by a beryllium vendor, or a contractor or subcontractor of a beryllium vendor, and was present at that employer's site because of the employment when silica or beryllium dust particles or vapor of beryllium produced or processed for sale to, or use by, the Department of Energy may have been present at the site.

''(d) ADDITIONAL VENDORS.—The Director may designate, in regulations, an additional vendor, processor, or producer of beryllium or related products as a beryllium vendor for the purposes of this subtitle upon the Director's finding that the entity engaged in activities related to beryllium that was produced or processed for sale to, or use by, the Department of Energy in a manner similar to the entities listed in section 3111(4).

''(e) ADDITIONAL ILLNESS CRITERIA.—The Director may specify, in regulations, additional criteria by which a claimant may establish the existence of a beryllium illness, as defined in section 3111(3)(A) or (B), or silicosis, as defined in section 3111(9).

''SEC. 3113. ELIGIBILITY OF WORKERS EXPOSED TO RADIATION.

''(a) IN GENERAL.—

''(1) To be eligible under this section for benefits under section 3114, a Department of Energy contractor employee or atomic weapons employee must—

''(A) have suffered disability or death from cancer;

''(B) have contracted cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor employee or at an atomic weapons employer facility for an atomic weapons employee; and

''(C) fall within guidelines that—

''(i) are established by the Director by rule for determining whether the cancer the employee contracted was at least as likely as not related to employment at the facility;

''(ii) are based on the employee's exposure to radiation at the facility;

''(iii) incorporate the methods established under subsection (b)(1)(A); and

''(iv) take into consideration the type of cancer; past health-related activities, such as smoking; information on the risk of developing a radiation-related cancer from workplace exposure; and other relevant factors.

''(2) Notwithstanding paragraph (1), a Department of Energy contractor employee or atomic weapons employee is eligible for medical benefits under section 3114(a)(3) if the employee meets the requirements of paragraph (1)(B) and (C), but was not disabled or did not die because of the cancer.

''(b) RADIATION DOSE.—

''(1) The Director shall—

''(A) establish, by rule, methods for arriving at reasonable estimates of the radiation doses Department of Energy contractor employees received at a Department of Energy facility and an atomic weapons employee received at a facility operated by an atomic weapons employer if the employee were not monitored for exposure to radiation at the facility or were monitored inadequately, or if the employees exposure records are missing or incomplete; and

''(B) provide to an employee who meets the requirements of subsection (a)(1)(B) an estimate of the radiation dose the employee received based on dosimetry reading, a method established under subparagraph (A), or a combination of both.

''(2) The Director shall establish an independent review process to review the methods established under subsection (b)(1)(A) and the application of those methods and to verify a reasonable sample of individual dose reconstructions provided under subsection (b)(1)(B).

''(c) RESOLUTION OF REASONABLE DOUBT.—In determining whether an employee meets the requirements of this section, the Director shall resolve any reasonable doubt in favor of the employee.

''(d) NAVAL NUCLEAR PROPULSION PROGRAM.—A Department of Energy contractor employee or atomic weapons employee who is or was employed at a facility or in an activity covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program, is not eligible under this section for benefits under section 3114.

''SEC. 3114. COMPENSATION FOR DISABILITY OR DEATH, MEDICAL SERVICES, AND VOCATIONAL REHABILITATION.

''(a) IN GENERAL.—

''(1) Except as otherwise provided in this subtitle and subject to the availability of amounts in the Fund, unless the disability or death was caused by one of the circumstances set forth in subsection (a)(1)–(2) of section 8102 of title 5, United States Code, the Director shall, for an employee the Director determines meets the requirements of section 3112(a)(1) or 3113(a)(1)—

''(A) pay the compensation specified in sections 8105–8110, 8111(a), 8112–13, 8115, 8117, 8133–8135, and 8146a(a)–(b) of title 5, United States Code;

''(B) furnish the medical services and other benefits specified in section 8103(a) of title 5, United States Code; and

''(C) reimburse medical expenses incurred by an employee or employee's survivor before the Director's determination is made and that have not been or will not be reimbursed by any source.

''(2) The Director may direct a permanently disabled employee whose disability is compensable under this section to undergo vocational rehabilitation as a condition for receiving benefits under paragraph (1) and shall provide for furnishing vocational rehabilitation services pursuant to sections 8104 and 8111(b) of title 5, United States Code.

''(3) Except as otherwise provided in this subtitle and subject to the availability of amounts in the Fund, the Director shall, for an employee the Director determines meets the requirements of section 3112(a)(2) or 3113(a)(2)—

''(A) furnish the medical services and other benefits specified in section 8103(a) of title 5, United States Code; and

''(B) reimburse medical expenses incurred by an employee or employee's survivor before the Director's determination is made and that have not been or will not be reimbursed by any source.

''(4) An employee or the employee's survivor shall not receive compensation under paragraph (1)(A) for more than one disability.

''(b) FUND.—All compensation provided and services paid for under this section shall be paid from the Fund and shall be limited to amounts available in the Fund.

''(c) COMPUTATION OF PAY.—Computation of pay under this subtitle shall be determined in accordance with section 8114 of title 5, United States Code.

''SEC. 3115. LUMP SUM COMPENSATION.

''(a) BERYLLIUM.—A Federal employee, Department of Energy contractor employee, or beryllium vendor employee may elect to receive compensation in the amount of $100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

''(1) was exposed to beryllium in the performance of duty, as set forth in section 3112;

''(2) was diagnosed before the date of enactment of this subtitle as having—

''(A) Chronic Beryllium Disease as defined in section 3111(1)(B), or

''(B) a beryllium-related pulmonary condition that does not meet the criteria necessary to establish the existence of a beryllium illness under section 3111(1) but that was determined, either contemporaneously or later, to be consistent with Chronic Beryllium Disease as defined in section 3111(1)(B); and

''(3) demonstrates the existence of a beryllium illness or beryllium-related pulmonary condition and its diagnosis by medical documentation created during the employee's lifetime or at the time of death or autopsy.

''(b) SILICOSIS.—A Federal employee or Department of Energy contractor employee may elect to receive compensation in the amount of $100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

''(1) was exposed to silica in the performance of duty, as set forth in section 3112,

''(2) was diagnosed before the date of enactment of this subtitle as having silicosis; and

''(3) demonstrates the existence of silicosis and its diagnosis by medical documentation created during the employee's lifetime or at the time of death or autopsy.

''(c) RADIATION.—A Department of Energy contractor employee or atomic weapon employee may elect to receive compensation in the amount of $100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

''(1) developed a cancer before the date of enactment of this subtitle;

''(2) contracted cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor employee or at an atomic weapons employer facility for an atomic weapons employee; and

''(3) falls within guidelines the Director established under section 3113(a)(1)(C).

''(d) DEATH BEFORE ELECTION.—If an employee who would be eligible to make an election provided by this section dies before the date of enactment of this subtitle, or before making the election, whether or not the death is the result of a beryllium-related condition, silicosis, or a cancer, the employee's survivor may make the election and receive the compensation under this section. The right to make an election and receive compensation under this section shall be afforded to survivors in the order of precedence set forth in section 8109 of title 5, United States Code.

''(e) TIME LIMIT.—The election under this section shall be made within 60 days after the date the Director informs the employee or the employee's survivor of a determination on awarding benefits made by the Director under section 3114. The election when made by an employee or survivor is irrevocable and binding on the employee and all survivors.

''(f) CONDITION AND ILLNESS.—A determination that an employee, or a survivor on behalf of an employee, has established a beryllium-related pulmonary condition under subsection (a)(2)(B) does not constitute a determination that the existence of a beryllium illness has been established.

''(g) COST OF LIVING ADJUSTMENT.—The compensation payable under this section is not subject to the cost-of-living adjustment set forth in section 8146a (a) of title 5, United States Code.

''SEC. 3116. ADJUDICATION.

''Except to the extent specified otherwise in this subtitle, the Director shall determine and adjudicate issues under this subtitle in accordance with sections 8123–8127 and 8129 of title 5, United States Code.

''Subtitle C—Gaseous Diffusion Employees Exposure Compensation

''SEC. 3121. DEFINITIONS.

''For purposes of this subtitle—

''(1) the term 'gaseous diffusion employee' means an individual who is or was employed at the Paducah, Kentucky; Portsmouth, Ohio; or Oak Ridge, Tennessee; gaseous diffusion plant by—

''(A) the Department of Energy; or

''(B) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the plant; and

''(2) the term 'specified disease' means—

''(A) leukemia (other than chronic lymphocytic leukemia);

''(B) multiple myeloma;

''(C) lymphomas (other than Hodgkin's disease);

''(D) primary liver cancer; and

''(E) cancer of the—

''(i) thyroid;

''(ii) male or female breast;

''(iii) pharynx;

''(iv) esophagus;

''(v) stomach;

''(vi) small intestine;

''(vii) pancreas;

''(viii) bile ducts;

''(ix) gall bladder;

''(x) salivary gland;

''(xi) urinary tract;

''(xii) lung, provided not a heavy smoker;

''(xiii) bone; and

''(xii) bronchiolo-alveolae.

''SEC. 3122. ELIGIBLE EMPLOYEES.

''(a) IN GENERAL.—A gaseous diffusion employee who—

''(1) was employed at a gaseous diffusion plant for at least one year during the period beginning on January 1, 1953, and ending on February 1, 1992;

''(2) during that period—

''(A) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of the employee's body to radiation; or

''(B) worked in a job that had exposures comparable to a job that was monitored through the use of dosimetry badges; and

''(3) contracted a specified disease after employment under conditions specified in subparagraphs (1) and (2),

shall receive $100,000, if a claim for payment is filed with the Director by or on behalf of the gaseous diffusion employee and the Director determines, in accordance with section 3123, that the claim meets the requirements of this subtitle.

''(b) PAYMENT LIMITATIONS.—

''(1) Payments under this section shall be limited to amounts available in the Fund.

''(2) An employee or the employee's survivor shall not receive more than one payment under this subtitle.

''SEC. 3123. DETERMINATION AND PAYMENT OF CLAIMS.

''(a) DETERMINATION.—The Director shall establish, under regulations the Director issues, procedures for filing a claim and for determining whether a claim filed under this subtitle meets the requirements of this subtitle.

''(b) PAYMENT.—

''(1) The Director shall pay, from the Fund and limited to amounts available in the Fund, claims filed under this subtitle that the Director determines meet the requirements of this subtitle.

''(2)(A) In the case of a gaseous diffusion employee who is deceased at the time of payment under this section, a payment shall be made only as follows—

''(i) if the gaseous diffusion employee is survived by a spouse who is living at the time of payment, the payment shall be made to the surviving spouse;

''(ii) if there is no spouse living at the time of payment, the payment shall be made in equal shares to all children of the gaseous diffusion employee who are living at the time of payment; or

''(iii) if there are no spouse or children living at the time of payment, the payment shall be made in equal shares to the parents of the gaseous diffusion employee who are living at the time of payment.

''(B) If a gaseous diffusion employee eligible for payment under this subtitle dies before filing a claim under this subtitle, a survivor of that employee who may receive payment under subparagraph (A) may file a claim for payment under this subtitle.

''(C) For purposes of this section—

''(i) the spouse of a gaseous diffusion employee is a wife or husband of that employee who was married to that employee for at least one year immediately before the death of the employee;

''(ii) a child includes stepchildren, adopted children, and posthumous children; and

''(iii) a parent includes step-parents and parents by adoption.

"Subtitle D—Energy Workers Exposed to Other Hazardous Materials

''SEC. 3131. WORKERS EXPOSED TO OTHER HAZARDOUS MATERIALS.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'Department of Energy contractor employee' means an individual who is or was employed at a Department of Energy facility by an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; and

''(2) the term 'panel' means a physicians panel established under subsection (d).

''(b) DIRECTOR REVIEW.—The Director shall—

''(1) establish procedures under which an individual may submit an application for review and assistance under this section, and

''(2) review an application submitted under this section and determine whether the applicant submitted reasonable evidence that—

''(A) the application was filed by or on behalf of a Department of Energy contractor employee or employee's estate; and

''(B) the illness or death of the Department of Energy contractor employee may have been related to employment at a Department of Energy facility.

''(c) DIRECTOR DETERMINATION.—If the Director determines that the applicant submitted reasonable evidence under subsection (b)(2), the Director shall submit the application to a physicians panel established under subsection (d). The Director shall assist the employee in obtaining additional evidence within the control of the Department of Energy and relevant to the panel's deliberations.

''(d) PANEL.—

''(1) The Director shall inform the Secretary of Health and Human Services of the number of physicians panels the Director has determined to be appropriate to administer this section, the number of physicians needed for each panel, and the area of jurisdiction of each panel. The Director may determine to have only one panel.

''(2) The Secretary of Health and Human Services shall compile a list of physicians with experience and competency in diagnosing occupational illnesses for each panel and provide the list to the Director. The Director shall appoint panel members from the list under section 3109 of title 5, United States Code. Each member of a panel shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of a panel.

''(3) A panel shall review an application submitted to it by the Director and determine, under guidelines established by the Director, by rule, whether—

''(A) the illness or death that is the subject of the application arose out of and in the course of employment by the Department of Energy and exposure to a hazardous material at a Department of Energy facility; and

''(B) the Department of Energy contractor employee who is the subject of the application would be ineligible to receive benefits under section 3114, 3115, 3123, or 3132.

''(4) At the request of a panel, the Director and a contractor who employed a Department of Energy contractor employee shall provide additional information relevant to the panel's deliberations. A panel may consult specialists in relevant fields as it determines necessary.

''(5) Once a panel has made a determination under paragraph (3), it shall report to the Director its determination and the basis for the determination.

''(e) ASSISTANCE.

''(1) The Director shall review a panel's determination made under subsection (d), information the panel considered in reaching its determination, any relevant new information not reasonably available at the time of the panel's deliberations, and the basis for the panel's determination. The Director shall accept the panel's determination in the absence of compelling evidence to the contrary.

''(2) If the panel has made a positive determination under subsection (d) and the Director accepts the determination, or the panel has made a negative determination under subsection (d) and the Director finds compelling evidence to the contrary, the Director shall—

''(A) assist the applicant to file a claim under the appropriate State workers compensation system based on the health condition that was the subject of the determination;

''(B) recommend to the Secretary of Energy that the Department of Energy not contest a claim filed under a State workers compensation system based on the health condition that was the subject of the determination and not contest an award made under a State workers compensation system regarding that claim; and

''(C) recommend to the Secretary of Energy that the Secretary direct, as permitted by law, the contractor who employed the Department of Energy contractor employee who is the subject of the claim not to contest the claim or an award regarding the claim.

''(f) INFORMATION.—At the request of the Director, a contractor who employed a Department of Energy contractor employee shall make available to the Director or the employee, information relevant to deliberations under this section.

''SEC. 3132. PANEL-EXAMINED OAK RIDGE WORKERS.

''(a) PHYSICIANS PANEL REPORT.—A panel of physicians who specialize in diseases and health conditions related to occupational exposure to radiation, hazardous materials, or both selected by the contractor that managed the Department of Energy's East Tennessee Technology Park (referred to in this section as the 'facility') shall prepare a report concerning medical examinations of not more than 55 current and former employees of the facility. This panel is separate and apart from a panel appointed by the Director under section 3131(d). The report shall address whether each of these employees may have sustained any illness or other adverse health condition as a result of their employment at the facility.

''(b) DIRECTOR FINDING.—The contractor shall provide the report of the panel completed under subsection (a) to the Director. The Director shall make a finding as to whether an employee covered by the report sustained an illness or other adverse health condition as a result of exposure to radiation, hazardous materials, or both as part of employment at the facility.

''(c) AWARD.—If the Director makes a positive finding under subsection (b) regarding an employee, the Director shall make an award to the employee of $100,000 from the Fund, limited to amounts available in the Fund. An employee shall not receive more than one award under this subtitle.

"Subtitle E—General Provisions

''SEC. 3141. DUAL BENEFITS.

''(a) BENEFITS UNDER MORE THAN ONE SECTION.—

''(1) An individual may not receive benefits, because of the same illness or death or because of more than one illness or death, under more than one of the following sections: 3114, 3115, 3123, or 3132. An individual who is eligible to receive benefits under more than one of those sections because shall elect one section under which to receive benefits.

''(2) A widow or widower who is eligible for benefits under this title derived from more than one husband or wife shall elect one benefit to receive.

''(b) BENEFITS UNDER THIS TITLE AND OTHER FEDERAL ILLNESS OR DEATH BENEFITS.—

''(1) An individual who is eligible to receive benefits under this title because of an illness or death of a Federal employee and who also is entitled to receive from the United States under a statute other than this title payments or benefits for that same illness or

death, including payments and other benefits under another Federal workers compensation system but not including proceeds of an insurance policy, shall elect which benefits to receive.

''(2) An individual who has been awarded benefits under this title, and who also has received benefits from another Federal workers compensation system because of the same illness or death, shall receive compensation under this title reduced by the amount of any workers compensation benefits that the individual has received under the Federal workers compensation system as a result of the illness or death, after deducting—

''(A) payments received under the Federal workers compensation system for medical expenses that are not reimbursed under section 3114; and

''(B) the reasonable costs, as determined by the Director, of obtaining benefits under the Federal workers compensation system.

''(c) BENEFITS UNDER THIS TITLE AND STATE WORKERS COMPENSATION BENEFITS.—

''(1) An individual who is eligible to receive benefits under this title because of an illness or death and who also is entitled to receive benefits because of the same illness or death from a State workers compensation system shall elect which benefits to receive, unless:

''(A) at the time of injury, workers compensation coverage for the employee was secured by a policy or contract of insurance; and

''(B) the Director waives, because of the substantial financial benefit to the United States, the requirement to make such an election.

''(2) Except as specified in paragraph (3), an individual who has been awarded benefits under this title and who also has received benefits from a State workers compensation system because of the same illness or death, shall receive compensation under this title reduced by the amount of any workers compensation benefits that the individual has received under the State workers compensation system as a result of the illness or death, after deducting—

''(A) payments received under the State workers compensation system for medical expenses that are not reimbursed under section 3114; and

''(B) the reasonable costs, as determined by the Director, of obtaining benefits under the State workers compensation system.

''(3) An individual described in paragraph (2) who also has received, under paragraph (1)(B), a waiver of the requirement to elect between benefits under this title and benefits under a State workers compensation system, shall receive compensation under this title reduced by eighty percent of the net amount of any workers compensation benefits that the individual has received under a State workers compensation system because of the same illness, after deducting—

''(A) payments received under the State workers compensation system for medical expenses that are not reimbursed under section 3114; and

''(B) the reasonable costs, as determined by the Director, of obtaining benefits under the State workers compensation system.

''(d) OTHER STATUTES.—An individual may not receive compensation under this title for a radiation-related cancer and also receive compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) or under the Radiation-Exposed Veterans Compensation Act (38 U.S.C. 1112(c)).

''(e) SUBTITLE B BENEFITS AND RETIREMENT BENEFITS.—

''(1) If an employee or employee's survivor who is awarded payments for lost wages under section 3114 receives a retirement payment from any source, the Director shall adjust, if necessary, the amount of the lost wages paid under section 3114 so that the combination of lost wages under section 3114 and retirement benefits from any source to be paid in a year does not exceed the employee's last annual salary.

''(2) An employee or employee's survivor shall inform the Director at the time of filing an application for benefits under subtitle B if the employee or employee's survivor is receiving retirement payments. An employee or employee's survivor who is not receiving retirement benefits when filing an application for benefits under subtitle B and who is awarded benefits for lost wages under subtitle B shall inform the Director of receipt of retirement payments no later than 30 days before receiving the first retirement payment.

''(f) ELECTION.—

''(1) If an individual is required to make an election under this section, the individual shall make the election within a reasonable time, as determined by the Director.

''(2) An election when made by an individual is irrevocable and binding on the employee and all survivors.

"SEC. 3142. EXCLUSIVE REMEDY UNDER SUBTITLE B AGAINST THE UNITED STATES, CONTRACTORS, AND SUBCONTRACTORS.

''(a) IN GENERAL.—The liability of the United States or an instrumentality of the United States under subtitle B with respect to a cancer, silicosis, beryllium illness, beryllium-related pulmonary condition, or death of an employee is exclusive and instead of all other liability—

''(1) of—

''(A) the United States;

''(B) any instrumentality of the United States;

''(C) a contractor that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation of a Department of Energy facility;

''(D) a subcontractor that provided services, including construction, at a Department of Energy facility; and

''(E) an employee, agent, or assign of an entity specified in subparagraphs (A)–(D),

''(2) to—

''(A) the employee;

''(B) the employee's legal representative, spouse, dependents, survivors, and next of kin; and

''(C) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death, otherwise entitled to recover damages from the United States, the instrumentality, the contractor, the subcontractor, or the employee, agent, or assign of one of them,

because of that cancer, silicosis, beryllium illness, beryllium-related pulmonary condition, or death in any proceeding or action, including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

''(b) FINAL JUDGMENT.—This section applies to all cases in which a final judgment that is not subject to any further judicial review has not been entered on or before the date of enactment of this subtitle.

''(c) WORKERS COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers compensation statute, subject to section 3141.

"SEC. 3143. ELECTION OF REMEDY.

''(a) BERYLLIUM VENDORS AND ATOMIC WEAPONS EMPLOYERS.—

''(1) If an individual elects to accept compensation under subtitle B with respect to a cancer, beryllium illness, beryllium-related pulmonary condition, or death of an employee, that acceptance of payment shall be in full settlement of all claims—

''(A) against—

''(i) a beryllium vendor or a contractor or a subcontractor of a beryllium vendor;

''(ii) an atomic weapons employer; and

''(iii) an employee, agent, or assign of a beryllium vendor, of a contractor or a subcontractor of a beryllium vendor, or of an atomic weapons employer,

''(B) by—

''(i) that individual;

''(ii) that individual's legal representative, spouse, dependents, survivors, and next of kin; and

''(iii) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death, otherwise entitled to recover damages from the beryllium vendor, the contractor or the subcontractor of the beryllium vendor, the atomic weapons employer, or the employee, agent, or assign of the beryllium vendor, of the contractor or the subcontractor of the beryllium vendor, or of the atomic weapons employer,

that arise out of that cancer, beryllium illness, beryllium-related pulmonary condition, or death in any proceeding or action, including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

''(2) For purposes of this subsection, atomic weapons employer has the meaning given that term in section 3111(2) and beryllium vendor has the meaning given that term in section 3111(4).

''(b) PAYMENT UNDER SUBTITLE C AND SECTION 3132 OF SUBTITLE D.—If an individual elects to accept payment under subtitle C or section 3132 of subtitle D, that acceptance of payment shall be in full settlement of all claims—

''(1) against—

''(A) the United States;

''(B) any instrumentality of the United States;

''(C) a contractor that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation of a Department of Energy facility;

''(D) a subcontractor that provided services, including construction, at a Department of Energy facility; and

''(E) an employee, agent, or assign of an entity or individual specified in clauses (A)-(D),

''(2) by—

''(A) that individual;

''(B) that individual's legal representative, spouse, dependents, survivors, and next of kin; and

''(C) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death for which the payment was made, otherwise entitled to recover damages from an entity or individual specified in subparagraph (1),

that arise out of that illness or death for which the payment was made, in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

''(c) WORKERS COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers compensation statute, subject to section 3141.

''(d) FINAL JUDGMENT.—This section applies to all cases in which a final judgment that is not subject to any further judicial review has not been entered on or before the date of enactment of this title.

''SEC. 3144. SUBROGATION OF THE UNITED STATES.

''(a) IN GENERAL.—If an illness, disability, or death for which compensation under this title is payable is caused under circumstances creating a legal liability in a person other than the United States to pay damages, sections 8131 and 8132 of title 5, United States Code, apply, except to the extent specified in this title.

''(b) FUND.—For purposes of this section, references in section 8131 and 8132 of title 5, United States Code, to the Employees Compensation Fund mean the Energy Employees Occupational Illness Compensation Fund.

''(c) APPEARANCE OF EMPLOYEE.—For the purposes of this subtitle, the part of section 8131 of title 5, United States Code, that provides that an employee required to appear as a party or witness in the prosecution of an action described in that section is in an active duty status while so engaged applies only to a Federal employee.

''SEC. 3145. TIME LIMITATION ON FILING A CLAIM.

''(a) IN GENERAL.—A claim under this title must be filed within the later of seven years after the effective date of this title; or—

''(1) for claims under section 3112, seven years after the date the claimant first becomes aware of—

''(A) a diagnosis of a beryllium illness or a beryllium-related pulmonary condition; and

''(B) the causal connection of the claimant's illness or condition to exposure to beryllium in the performance of duty; and

''(2) for claims under other provisions of this title, seven years after the date the claimant first becomes aware of—

''(A) a diagnosis of the illness that is the subject of the claim; and

''(B) the causal connection of the claimant's illness to exposure at a Department of Energy facility or at an atomic weapons employer facility.

''(b) NEW PERIOD.—A new limitations period commences with each later diagnosis of an illness or condition mentioned in subsection (a) different from that previously diagnosed.

''(c) DEATH CLAIM.—If a claim filed for disability under this title meets the requirements of this section, the claim meets the requirements of this section regarding death benefits under this title.

''SEC. 3146. ASSIGNMENT OF CLAIM.

''An assignment of a claim for compensation under this title is void. Compensation and claims for compensation under this title are exempt from claims of creditors.

''SEC. 3147. REVIEW OF AWARD.

''The action of the Director or of the Panel under section 3148 in allowing or denying a payment under this title is not subject to judicial review by mandamus or otherwise.

''SEC. 3148. OCCUPATIONAL ILLNESS COMPENSATION APPEALS PANEL.

''(a) Regulations issued by the Director under this title shall provide for an Occupational Illness Compensation Appeals Panel of three individuals with authority to hear and, subject to applicable law and the regulations of the Director, make final decisions on appeals taken from determinations and awards with respect to claims of employees. Under an agreement between the Director and another Federal agency, a panel appointed by the other Federal agency may provide these appellate decision-making services.

''(b) An individual may appeal to the panel a negative determination of the Director made under section 3114, 3115, 3123, 3131, or 3132.

''SEC. 3149. RECONSIDERATION.

''(a) NEW GUIDELINES.—An employee or employee's survivor may obtain reconsideration of a decision denying coverage under this title if the Director issues new criteria for a beryllium illness or silicosis under section 3112(e), new guidelines for radiation-related cancer under section 3113(a)(1)(C), or new guidelines for other occupational illnesses under section 3131(d)(3). In order to obtain reconsideration, an employee or employee's survivor must submit evidence that is directly relevant to the change in the new criteria or guidelines.

''(b) NEW EVIDENCE.—An employee or employee's survivor may obtain reconsideration of a decision denying an application for benefits or assistance under this title if the employee or employee's survivor has additional medical or other information relevant to the claim that was not reasonably available at the time of the decision and that likely would lead to the reversal of the decision.

''(c) ACTION ON RECONSIDERATION.—The Director, in accordance with the facts found on reconsideration, may—

''(1) end, decrease, or increase the compensation previously awarded; or

''(2) award compensation or assistance previously refused or discontinued.

''SEC. 3150. ATTORNEY FEES.

''Notwithstanding any contract, the representative of an employee or employee's survivor may not receive, for services rendered in connection with the claim of the employee or employee's survivor under this title, more than 10 per centum of a payment made under this title on the claim. A representative who violates this section shall be fined not more than $5,000.

''SEC. 3151. CERTAIN CLAIMS OR PAYMENTS NOT AFFECTED BY AWARDS OF DAMAGES OR FILING A CLAIM.

''A payment made under this title shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on the individual receiving the payment, on the basis of this receipt, to repay any insurance carrier for insurance payments. A payment under this title does not affect a claim against an insurance carrier with respect to insurance. Filing a claim for benefits under this title shall not be considered grounds for termination of insurance payments.

''SEC. 3152. TREATMENT OF PAYMENTS UNDER OTHER LAWS.

''An amount paid to an individual under this title—

''(1) shall not be subject to Federal income tax under the internal revenue laws of the United States;

''(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code or the amount of those benefits; and

''(3) shall not be subject to offset under section 3701 et seq. of title 31, United States Code.

''SEC. 3153. FORFEITURE OF BENEFITS BY CONVICTED FELONS.

''(a) FORFEIT COMPENSATION.—An individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under this title or under any other Federal or State workers compensation law, shall forfeit (as of the date of the conviction) any compensation under this title that individual would otherwise be awarded for any illness for which the time of injury was on or before the date of the conviction. This forfeiture shall be in addition to any action the Director takes under sections 8106 or 8129 of title 5, United States Code.

''(b) DEPENDENTS.—

''(1) Notwithstanding any other law, except as provided under paragraph (2), compensation under this title shall not be paid or provided to an individual while the individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to conviction of a felony. After this period of incarceration ends, the individual shall not receive compensation forfeited during the period of incarceration.

''(2) If an individual has one or more dependents as defined under section 8110(a) of title 5, United States Code, the Director may, during the period of incarceration, pay to these dependents a percentage of the compensation under section 3114 that would have been payable to the individual computed according to the percentages set forth in section 8133(a)(1) through (5) of title 5, United States Code.

''(c) INFORMATION.—Notwithstanding section 552a of title 5, United States Code, or any other Federal or State law, an agency of the United States, a State, or a political subdivision of a State shall make available to the Director, upon written request from the Director and if the Director requires the information to carry out this section, the names and Social Security account numbers of individuals confined, for conviction of a felony, in a jail, prison, or other penal institution or correctional facility under the jurisdiction of that agency.

''SEC. 3154. CIVIL SERVICE RETENTION RIGHTS.

''If a Federal employee found to be disabled under subtitle B resumes employment with the Federal Government, the employee shall be entitled to the rights set forth in section 8151 of title 5, United States Code.

''SEC. 3155. CONSTRUCTION.

''(a) AUTHORITY OF THE DIRECTOR UNDER OTHER LAWS.—For purposes of this title, the Director has the same authority or obligation, if any, under a law referenced in this title as the Secretary of Labor has under that law.

''(b) REGULATIONS.—After the Director issues regulations to implement this title, a regulation under a law referenced in this title applies to the Office and the Director as it applies to the Department of Labor and the Secretary of Labor, unless in the implementing regulations the Director modifies or disavows that regulation for the purposes of this title.

''SEC. 3156. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND.

''(a) FUND.—To carry out this title, there is hereby created in the Treasury of the United States the Energy Employees Occupational Illness Compensation Fund, which shall consist of—

''(1) sums that are appropriated for it;

''(2) amounts that are transferred to it from other Department of Energy accounts pursuant to section 3157(a); and

''(3) amounts that would otherwise accrue to it under this title.

''(b) USE OF FUND.—Amounts in the Fund may be used for the payment of compensation under this title and other benefits and

expenses authorized by this title and for payment of all expenses incurred in administering this title. These funds may be appropriated to remain available until expended.

''(c) COST DETERMINATIONS.—

''(1) Within 45 days of the end of every quarter of every fiscal year, the Director shall determine the total costs of compensation, benefits, administrative expenses, and other payments made from the Fund during the quarter just ended; the end-of-quarter balance in the Fund; and the amount anticipated to be needed during the immediately succeeding two quarters for the payment of compensation, benefits, and administrative expenses under this title.

''(2) Each cost determination made in the last quarter of the fiscal year under paragraph (1) shall show, in addition, the total costs of compensation, benefits, administrative expenses, and other payments from the Fund during the preceding twelve-month expense period and an estimate of the expenditures from the Fund for the payment of compensation, benefits, administrative expenses, and other payments for each of the immediately succeeding two fiscal years.

''SEC. 3157. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION.—There is hereby authorized to be appropriated to the Department of Energy for deposit into the Fund such sums as are necessary to carry out the purposes of this title. In addition, the Secretary of Energy may, to the extent provided in advance in appropriations Acts, transfer amounts to the Fund from other Department of Energy appropriations accounts, to be merged with amounts in the Fund and available for the same purposes.

''(b) LIMITS ON COMPENSATION.—In any fiscal year, the Director shall limit the amount of the compensation under this title, benefits payments, and payment of administrative expenses to an amount not in excess of the sum of the appropriations to the Fund and amounts made available by transfer to the Fund.

''(c) TIME FOR REGULATIONS.—The Director shall promulgate regulations to implement subsection (b) within 180 days of the date of the enactment of this title.

''SEC. 3158. EFFECTIVE DATE.

''This title is effective upon enactment, and applies to all claims, civil actions, and proceedings pending on, or filed on or after, the date of the enactment of this title.''.

(b) WHISTLEBLOWERS.—Section 211(a)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(1)) is amended—

(1) in subparagraph (E), by striking ''or;'' and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) after subparagraph (F), by inserting the following new subparagraph:

''(G) filed an application for benefits or assistance under title XXXI of the Energy Policy Act of 1992.''.

(c) FALSE STATEMENT OR FRAUD.—(1) Section 1920 of title 18, United States Code, is amended by inserting after ''title 5'' the following: ''or title XXXI of the Energy Policy Act of 1992''.

(2) The heading of such section is amended to read as follows:

''§ 1920. False statement or fraud to obtain Federal employee's or Energy employee's compensation''.

(3) The item relating to such section in the table of sections at the beginning of chapter 93 of such title is amended to read as follows:

''1920. False statement or fraud to obtain Federal employee's or Energy employee's compensation.''.

(d) RECEIVING COMPENSATION AFTER MARRIAGE.—(1) Section 1921 of title 18, United States Code, is amended by inserting after ''title 5'' the following: ''or title XXXI of the Energy Policy Act of 1992''.

(2) The heading of such section is amended to read as follows:

''§ 1921. Receiving Federal employees' or Energy employees' compensation after marriage''.

(3) The item relating to such section in the table of sections at the beginning of chapter 93 of such title is amended to read as follows:

''1921. Receiving Federal employees' or Energy employees' compensation after marriage.''.

(e) TABLE OF CONTENTS.—The Table of Contents in section 1(b) of the Energy Policy Act of 1992 is amended by inserting after the items related to title XXX the following new items:

''TITLE XXXI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

''Subtitle A—General Definitions and Administrative Office

''Sec. 3101. Definitions.
''Sec. 3102. Occupational Illness Compensation Office.

''Subtitle B—Beryllium, Silicosis, and Radiation

''Sec. 3111. Definitions.
''Sec. 3112. Eligibility of workers exposed to beryllium or silica.
''Sec. 3113. Eligibility of workers exposed to radiation.
''Sec. 3114. Compensation for disability or death, medical services, and vocational rehabilitation.
''Sec. 3115. Lump sum compensation.
''Sec. 3116. Adjudication.

''Subtitle C—Gaseous Diffusion Employees Exposure Compensation

''Sec. 3121. Definitions.
''Sec. 3122. Eligible employees.
''Sec. 3123. Determination and payment of claims.

''Subtitle D—Energy Workers Exposed to Other Hazardous Materials

''Sec. 3131. Workers exposed to other hazardous materials.
''Sec. 3132. Panel-examined Oak Ridge workers.

''Subtitle E—General Provisions

''Sec. 3141. Dual benefits.
''Sec. 3142. Exclusive remedy under subtitle B against the United States, contractors, and subcontractors.
''Sec. 3143. Election of remedy.
''Sec. 3144. Subrogation of the United States.
''Sec. 3145. Time limitation on filing a claim.
''Sec. 3146. Assignment of claim.
''Sec. 3147. Review of award.
''Sec. 3148. Occupational Illness Compensation Appeals Panel.
''Sec. 3149. Reconsideration.
''Sec. 3150. Attorney fees.
''Sec. 3151. Certain claims not affected by awards of damages or filing a claim.
''Sec. 3152. Treatment of payments under other laws.
''Sec. 3153. Forfeiture of benefits by convicted felons.
''Sec. 3154. Civil Service retention rights.
''Sec. 3155. Construction.
''Sec. 3156. Occupational Illness Compensation Fund.
''Sec. 3157. Authorization of appropriations.
''Sec. 3158. Effective date.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. HILL OF INDIANA

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.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. HOEFFEL OF PENNSYLVANIA

At the end of title II (page ____, after line ____), insert the following new section:

SEC. ____. DARPA STUDY AND REPORT ON FEASIBILITY OF ADAPTING DEFENSE TECHNOLOGIES TO IMPROVE THE MOBILITY AND QUALITY OF LIFE OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) STUDY REQUIRED.—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, shall conduct a study on the feasibility of adapting defense technologies to improve the mobility and quality of life of elderly individuals and individuals of all ages with disabilities. In carrying out the study, the Secretary, acting through the Director, shall draw upon and build upon the existing knowledge base, including public and private reports and expertise.

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary, acting through the Director, shall submit to the congressional committees specified in subsection (d) a report containing the results of the study.

(c) CONTENTS OF REPORT.—The report submitted under subsection (b) shall—

(1) identify each defense technology that could, with appropriate adaptations, be transferred to the private sector and incorporated into commercially available products for use by the individuals referred to in subsection (a) to improve their quality of life; and

(2) include, for each technology identified under paragraph (1)—

(A) a description of the capabilities of the technology to improve the quality of life of such individuals;

(B) an estimate of the costs of the adaptation, transfer, and incorporation referred to in paragraph (1);

(C) information identifying the Federal officer responsible for responding to inquiries about any such adaptation, transfer, and incorporation; and

(D) an assessment of the various alternatives available to provide for such adaptation, transfer, and incorporation, including alternatives such as cooperative research and development agreements, aid to startup companies, and Small Business Innovation Research programs.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (b) are—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Science of the House of Representatives.

(e) DEFENSE TECHNOLOGY DEFINED.—For purposes of this section, the term ''defense technology'' means a technology the research and development of which is funded by the Department of Defense and carried out, in whole or in part, by—

(1) the Department of Defense;

(2) any other Federal department or agency; or

(3) a laboratory (as that term is defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. RODRIGUEZ OF TEXAS

At the end of subtitle E of title III (page 66, after line 23), insert the following new section:

SEC. 343. ASSISTANCE FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) GRANTS AUTHORIZED.—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

''§ 2199. Quality of life education facilities grants

''(a) REPAIR AND RENOVATION ASSISTANCE.—(1) The Secretary of Defense may make a grant to an eligible local educational agency to assist the agency to repair and renovate—

''(A) an impacted school facility that is used by significant numbers of military dependent students; or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

''(2) Authorized repair and renovation projects may include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

''(3) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $5,000,000 during any period of two fiscal years.

''(b) MAINTENANCE ASSISTANCE.—(1) The Secretary of Defense may make a grant to an eligible local educational agency whose boundaries are the same as a military installation to assist the agency to maintain an impacted school facility, including the grounds of such a facility.

''(2) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $250,000 during any fiscal year.

''(c) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

''(A) one or more federally impacted school facilities and satisfies at least one of the additional eligibility requirements specified in paragraph (2); or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

''(2) The additional eligibility requirements referred to in paragraph (1) are the following:

''(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(C) The State education system and the local educational agency are one and the same.

''(d) NOTIFICATION OF ELIGIBILITY.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for a grant under subsection (a), subsection (b), or both subsections.

''(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a grant under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

''(f) GRANT CONSIDERATIONS.—In determining which eligible local educational agencies will receive a grant under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

''(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

''(2) There is a increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

''(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

''(4) The repair or renovation of facilities is needed to address any of the following conditions:

''(A) The condition of the facility poses a threat to the safety and well-being of students.

''(B) The requirements of the Americans with Disabilities Act.

''(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

''(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

''(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

''(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

''(7) The age of facility to be repaired or renovated.

''(g) DEFINITIONS.—In this section:

''(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

''(2) IMPACTED SCHOOL FACILITY.—The term 'impacted school facility' means a facility of a local educational agency—

''(A) that is used to provide elementary or secondary education at or near a military installation; and

''(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

''(3) MILITARY DEPENDENT STUDENTS.—The term 'military dependent students' means students who are dependents of members of the armed forces or Department of Defense civilian employees.

''(4) MILITARY INSTALLATION.—The term 'military installation' has the meaning given that term in section 2687(e) of this title.

''(h) FUNDING SOURCE.—Grants under this section shall be made using funds made available to carry out this section.''.

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 2199 and inserting the following new items:

''2199. Quality of life education facilities grants.

''2199a. Definitions.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

''111. Support of Education ..... 2191''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. GONZALEZ OF TEXAS

At the end of subtitle E of title III (page 66, after line 23), insert the following new section:

SEC. 343. LOAN GUARANTEE PROGRAM FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) LOAN GUARANTEE PROGRAM.—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

''§ 2199. Quality of life education facilities loan guarantees

''(a) MAINTENANCE, REPAIR AND RENOVATION.—(1) The Secretary of Defense may carry out a loan guarantee program to assist an eligible local educational agency to maintain, repair, and renovate—

''(A) an impacted school facility that is used by significant numbers of military dependent students; or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

''(2) Authorized purposes for which loans guaranteed under the program may be used include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

''(b) LOAN GUARANTEES.—Under the loan guarantee program, the Secretary may guarantee the repayment of any loan made to an eligible local educational agency to fund, in whole or in part, activities described in subsection (a).

''(2) Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(3) The total loan amount guaranteed under subsection (a) for an eligible local educational agency may not exceed $5,000,000 during any period of two fiscal years.

''(c) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

''(A) one or more federally impacted school facilities and satisfies at least one of the additional eligibility requirements specified in paragraph (2); or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

''(2) The additional eligibility requirements referred to in paragraph (1) are the following:

''(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(C) The State education system and the local educational agency are one and the same.

''(d) NOTIFICATION OF ELIGIBILITY.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for loan guarantees under subsection (a).

''(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a loan guarantee under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

''(f) CONSIDERATIONS.—In determining which eligible local educational agencies will receive a loan guarantee under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

''(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

''(2) There is a increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

''(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

''(4) The repair or renovation of facilities is needed to address any of the following conditions:

''(A) The condition of the facility poses a threat to the safety and well-being of students.

''(B) The requirements of the Americans with Disabilities Act.

''(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

''(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

''(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

''(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

''(7) The age of facility to be repaired or renovated.

''(g) DEFINITIONS.—In this section:

''(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

''(2) IMPACTED SCHOOL FACILITY.—The term 'impacted school facility' means a facility of a local educational agency—

''(A) that is used to provide elementary or secondary education at or near a military installation; and

''(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

''(3) MILITARY DEPENDENT STUDENTS.—The term 'military dependent students' means students who are dependents of members of the armed forces or Department of Defense civilian employees.

''(4) MILITARY INSTALLATION.—The term 'military installation' has the meaning given that term in section 2687(e) of this title.''.

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 2199 and inserting the following new items:

''2199. Quality of life education facilities loan guarantees.

''2199a. Definitions.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

''111. Support of Education ..... 2191''.

(c) REPORT REQUIRED.—The Secretary of Defense and the Secretary of Education shall jointly submit to Congress a report evaluating the need for a loan guarantee program of the type established by section 2199 of title 10, United States Code, as added by subsection (a), for all federally impacted school districts.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. BERMAN OF CALIFORNIA

At the end of title XII (page ____, after line ____), insert the following new section:

SEC. 1205. SUPPORT FOR PROGRAMS TO PROMOTE INFORMAL REGION-WIDE DIALOGUES ON ARMS CONTROL AND REGIONAL SECURITY ISSUES FOR ARAB, ISRAELI, AND UNITED STATES OFFICIALS AND EXPERTS.

(a) SUPPORT FOR REGIONAL DIALOGUES.—The amount provided in section 301(5) for Defense-wide activities is hereby increased by $1,000,000, to be available, through the Office of the Assistant Secretary of Defense for International Security Affairs, only to support current and established programs, conducted since 1993, to promote informal region-wide dialogues on arms control and regional security issues for Arab, Israeli, and United States officials and experts.

(b) OFFSET.—The amount provided in section 301(19) for Overseas Humanitarian, Disaster, and Civic Aid programs is hereby reduced by $1,000,000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. ANDREWS OF NEW JERSEY OR MR. WELDON OF PENNSYLVANIA

At the end of division A (page ____, after line ____), insert the following new title:

TITLE XVI—PROVISIONS RELATING TO CYBERTERRORISM PREVENTION

SEC. 1601. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting ''or trap and trace device'' after ''pen register'';

(2) by inserting '', routing, addressing,'' after ''dialing''; and

(3) by striking ''call processing'' and inserting ''the processing and transmitting of wire and electronic communications''.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Subsection (a) of section 3123 of that title is amended to read as follows:

''(a) IN GENERAL.—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required to effectuate the order.

''(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.''.

(2) CONTENTS OF ORDER.—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting ''or other facility'' after ''telephone line''; and

(ii) by inserting before the semicolon at the end ''or applied''; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) a description of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and''.

(3) NONDISCLOSURE REQUIREMENTS.—Subsection (d)(2) of that section is amended—

(A) by inserting ''or other facility'' after ''the line''; and

(B) by striking ''or who has been ordered by the court'' and inserting ''or applied or who is obligated by the order''.

(c) EMERGENCY INSTALLATION.—Section 3125(a)(1) of that title is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(3) by inserting after subparagraph (B) the following new subparagraphs:

''(C) immediate threat to the national security interests of the United States;

''(D) immediate threat to public health or safety; or

''(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title,''.

(d) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or''.

(2) PEN REGISTER.—Paragraph (3) of that section is amended—

(A) by striking ''electronic or other impulses'' and all that follows through ''is attached'' and inserting ''dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted''; and

(B) by inserting ''or process'' after ''device'' each place it appears.

(3) TRAP AND TRACE DEVICE.—Paragraph (4) of that section is amended—

(A) by inserting ''or process'' after ''a device''; and

(B) by striking ''of an instrument'' and all that follows through the end and inserting ''or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;''.

SEC. 1602. MODIFICATION OF PROVISIONS RELATING TO FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

(a) PENALTIES.—Subsection (c) of section 1030 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting ''except as provided in subparagraphs (B) and (C),'' before ''a fine'';

(ii) by striking ''(a)(5)(C),'' and inserting ''(a)(5),''; and

(iii) by striking ''and'' at the end;

(B) in subparagraph (B)—

(i) by inserting ''or an attempt to commit an offense punishable under this subparagraph,'' after ''subsection (a)(2),'' in the matter preceding clause (i); and

(ii) by adding ''and'' at the end; and

(C) by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A) or (a)(5)(B), or an attempt to commit an offense punishable under this subparagraph, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(i) loss to one or more persons during any one-year period (including loss resulting from a related course of conduct affecting one or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of one or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety; or

''(v) damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security; and'';

(2) by redesignating subparagraph (B) of paragraph (3) as paragraph (4);

(3) in paragraph (3)—

(A) by striking ''(A)'' at the beginning; and

(B) by striking '', (a)(5)(A), (a)(5)(B),''; and

(4) in paragraph (4), as designated by paragraph (2) of this subsection, by striking ''(a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C),'' and inserting ''(a)(2), (a)(3), (a)(4), (a)(6),''.

(b) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (2)(B), by inserting '', including a computer located outside the United States'' before the semicolon;

(2) in paragraph (7), by striking ''and'' at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

''(8) the term 'damage' means any impairment to the integrity, availability, or confidentiality of data, a program, a system, or information;'';

(4) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following new paragraphs:

''(10) the term 'conviction' shall include an adjudication of juvenile delinquency for a violation of this section; and

''(11) the term 'loss' means any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost or cost incurred because of interruption of service.''.

(c) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of that section is amended in the second sentence by striking ''involving damage'' and all that follows through the period and inserting ''of subsection (a)(5) shall be limited to loss unless such action includes one of the elements set forth in clauses (ii) through (v) of subsection (c)(2)(C).''.

(d) CRIMINAL FORFEITURE.—That section is further amended by adding at the end the following new subsection:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, may order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) the interest of such person in any property, whether real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, whether real or personal, constituting or derived from any proceeds that such person obtained, whether directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding relating thereto, shall be governed by the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsection (d) of that section.''.

(e) CIVIL FORFEITURE.—That section, as amended by subsection (d) of this section, is further amended by adding at the end the following new subsection:

''(j)(1) The following shall be subject to forfeiture to the United States, and no property right shall exist in them:

''(A) Any property, whether real or personal, that is used or intended to be used to commit or to facilitate the commission of any violation of this section.

''(B) Any property, whether real or personal, that constitutes or is derived from proceeds traceable to any violation of this section.

''(2) The provisions of chapter 46 of this title relating to civil forfeiture shall apply to any seizure or civil forfeiture under this subsection.''.

SEC. 1603. JUVENILE DELINQUENCY.

Clause (3) of the first paragraph of section 5032 of title 18, United States Code, is amended—

(1) by striking ''or'' before ''section 1002(a)'';

(2) by striking ''or'' before ''section 924(b)''; and

(3) by inserting after ''or (h) of this title,'' the following: ''or section 1030(a)(1), (a)(2)(B), or (a)(3) of this title, or is a felony violation of section 1030(a)(5) of this title where such violation of such section 1030(a)(5) is punishable under clauses (ii) through (v) of section 1030(c)(2)(C) of this title,''.

SEC. 1604. AMENDMENT TO SENTENCING GUIDELINES.

Section 805(c) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 28 U.S.C. 994 note) is amended by striking ''paragraph (4) or (5)'' and inserting ''paragraph (4) or a felony violation of paragraph (5)(A)''.

AMENDMENT TO H.R. 4205, AS REPORTED.

OFFERED BY MR. BACA OF CALIFORNIA

At the end of title X (page ____, after line ____), insert the following new section:

SEC. 1038. GOLD CONTENT FOR MEDAL OF HONOR.

(a) REQUIREMENT FOR GOLD CONTENT.—Sections 3741, 6241, and 8741 of title 10, United States Code, and section 491 of title 14, United States Code, are each amended by inserting ''the metal content of which is 90 percent gold and 10 percent alloy and'' after ''appropriate design,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any award of the Medal of Honor after the date of the enactment of this Act.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. FRANK OF MASSACHUSETTS

At the end of title XII (page ____, after line ____), insert the following new section:

SEC. 1205. SENSE OF CONGRESS CONCERNING BURDEN SHARING BY EUROPEAN ALLIES OF THE UNITED STATES.

It is the sense of Congress that—

(1) the United States continues to carry a disproportionate share of military responsibilities in Europe and worldwide;

(2) Congress welcomes the initiative of the European allies of the United States to create an integrated military force that would be capable of responding to threats within Europe in cases in which the North Atlantic Treaty Organization as such is not engaged; and

(3) whenever there is a military operation in Europe involving those allies and the United States, those allies should have primary responsibility for providing the ground forces for the operation.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. ABERCROMBIE OF HAWAII

At the end of title X (page 324, after line 11), insert the following new section:

SEC. 1038. UNUSED PORTION OF LOW-INCOME HOUSING CREDIT FINANCED WITH TAX EXEMPT BONDS USED FOR CONSTRUCTION OF MILITARY HOUSING.

(a) IN GENERAL.—Section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY HOUSING BUILDING.—For purposes of this section—

''(1) IN GENERAL.—A qualified military housing building shall be treated as a new qualified low-income housing building.

''(2) APPLICABLE PERCENTAGE AND QUALIFIED BASIS.—The applicable percentage for the qualified military housing building shall be determined under subsection (b)(2) in a manner to yield the credit amount described in subsection (b)(2)(B)(ii). The qualified basis of such building shall be the basis determined under subsection (d)(1).

''(3) QUALIFIED MILITARY HOUSING BUILDING.—The term 'qualified military housing building' means military family housing or military unaccompanied housing located in the United States which is constructed and used exclusively as military housing (within the meaning of chapter 169 of title 10, United States Code) at all times during the compliance period.

''(4) MILITARY FAMILY HOUSING AND MILITARY UNACCOMPANIED HOUSING.—The terms 'military family housing' and 'military unaccompanied housing' have the same meanings as when used in subchapter IV of chapter 169 of title 10, United States Code.''.

(b) USE OF TAX EXEMPT BONDS FOR MILITARY HOUSING PROJECTS.—

(1) IN GENERAL.—Subsection (d) of section 142 of such Code (relating to exempt facility bonds) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) SPECIAL RULE FOR QUALIFIED MILITARY HOUSING PROJECTS.—For purposes of paragraph (1)—

''(A) IN GENERAL.—A qualified military housing project shall be treated as a qualified residential rental project.

''(B) QUALIFIED MILITARY HOUSING PROJECT DEFINED.—The term 'qualified military housing project' means a project for military family housing or military unaccompanied housing located in the United States which is constructed and used exclusively as military housing (within the meaning of chapter 169 of title 10, United States Code) at all times during the qualified project period.''.

(2) PRIORITY AMONG RESIDENTIAL RENTAL HOUSING PROJECTS.—Section 146 of such Code (relating to the volume cap) is amended by adding at the end the following new subsection:

''(n) PRIORITY AMONG RESIDENTIAL RENTAL HOUSING PROJECTS.—An issuer shall not allocate an amount for a qualified military housing project (within the meaning of section 142(d)(7)) for a year unless the issuer certifies that such amount is not needed for residential rental projects that are not qualified military housing projects for that year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service and bonds issued after December 31, 1999.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. BLAGOJEVICH OF ILLINOIS

Strike title XV and insert the following:

SEC. 1501. CONVEYANCE OF FEDERAL LAND IN AND AROUND VIEQUES ISLAND, PUERTO RICO, TO THE COMMONWEALTH OF PUERTO RICO.

Section 8 of the Puerto Rican Federal Relations Act (48 U.S.C. 749) is amended by adding at the end the following: ''In addition, 60 days after the Governor submits to the President, the Senate, and the House of Representatives a plan for the use for public purposes of all Federal property that is on or within one mile surrounding Vieques Island and not transferred to the control of the Government of Puerto Rico before the date of the enactment of this sentence, all such property shall be conveyed to the Government of Puerto Rico to be maintained and administered in accordance with such plan without consideration. For the purposes of such plan, public purpose shall include public benefit uses applicable to Guam under the Guam Excess Lands Act (Public Law 103–339; 108 Stat. 3116). Any Federal agency using or exercising control over any lands or facilities so conveyed shall be responsible for the removal and cleanup of any toxic or hazard material related to such lands or facilities.''.

SEC. 1502. ECONOMIC ASSISTANCE FOR RESIDENTS OF VIEQUES ISLAND.

(a) ASSISTANCE AUTHORIZED.—Of the amounts appropriated pursuant to the 2000 Emergency Supplemental Appropriations Act referred to in section 1003, $40,000,000 shall be available to the Secretary of Defense to provide assistance to the residents of Vieques Island, Puerto Rico, in such manner and for such purposes as the Secretary considers appropriate.

(b) TRANSFER AUTHORITY.—The Secretary of Defense may expend amounts available under subsection (a) directly or by appropriate transfer for the provision of assistance to the residents of Vieques Island. The transfer authority provided under this subsection is in addition to any other transfer authority available to the Department of Defense.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. CONDIT OF CALIFORNIA

At the end of title V (page ____, after line ____), insert the following new section:

SEC. ____. ENTITLEMENT OF MILITARY RETIREES TO BENEFITS PROMISED UPON ACCESSION.

(a) IN GENERAL.—Chapter 34 of title 10, United States Code, is amended by inserting after section 1031 the following new section:

''§ 1031a. Entitlement to retirement benefits: persons first becoming members of the armed forces on or after date of enactment of section

''(a) EXPLANATION OF RETIREMENT BENEFITS.—In the case of any person who first becomes a member of the armed forces on or after the date of the enactment of this section, the Secretary concerned shall ensure that the person, upon first becoming a member of the armed forces, is provided a written statement describing the benefits that, under then-current laws and regulations, will be provided to that person if that person is subsequently retired from the armed forces. Such statement shall be in clear and concise language and shall explain any limitation or qualification on the receipt of those benefits (such as, in the case of medical and dental care, the availability of staff

and facilities). However, any such limitation or qualification may not include a statement of reservation of the right to change any such benefit (either by law or regulation).

''(b) ENTITLEMENT TO RETIREMENT BENEFITS.—Any person who receives a statement of retirement benefits under subsection (a) and who subsequently retires from the armed forces shall be entitled, upon that retirement, to the benefits as described in that statement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1031 the following new item:

''1031a. Entitlement to retirement benefits: persons first becoming members of the armed forces on or after date of enactment of section.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. COX OF CALIFORNIA OR MR. DICKS OF WASHINGTON

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. END-USE VERIFICATION FOR USE BY CERTAIN COUNTRIES OF HIGH-PERFORMANCE COMPUTERS.

(a) REVISED HPC VERIFICATION SYSTEM.—The President shall seek to enter into an agreement with each country described in subsection (c) to revise the existing verification system with that country with respect to end-use verification for high-performance computers exported or to be exported to that country so as to provide for an open and transparent system providing for effective end-use verification for such computers and, at a minimum, providing for on-site inspection of the end-use and end-user of such computers, without notice, by United States nationals designated by the United States Government. The President shall transmit a copy of the agreement to Congress.

(b) CONSEQUENCE OF FAILURE TO ESTABLISH REVISED VERIFICATION SYSTEM.—If a revised verification system described in subsection (a) is not agreed to by a country described in subsection (c) by September 1, 2001, then until such a system is agreed to by that country—

(1) each license for the export of a high-performance computer to that country shall include a requirement for on-site inspection of the end-use and the end-user, without notice, by United States nationals designated by the United States Government and, in the absence of this requirement, the license shall be denied; or

(2) the President may certify to the congressional committees designated in section 1215 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) that other appropriate measures, similar to and of equal or greater effectiveness as the system described in subsection (a), have been taken to establish an open and transparent system for effective end-use verification for high-performance computers exported to that country, or to protect the national security in the absence of such a system.

(c) COUNTRIES DESCRIBED.—A country referred to in subsections (a) and (b) is a country—

(1) to which exports of high-performance computers are subject to section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note); and

(2) that has denied more than 50 percent of the requests for post-shipment verifications under section 1213 of that Act.

(d) DEFINITION.—As used in this section, the term ''high-performance computer'' means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(e) ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended in the second sentence by inserting before the period the following: '', with reference both to the utility of computers of particular performance levels for nuclear weapons, other weapons of mass destruction, and other military applications, and to the commercial availability of computers and components from sources outside the jurisdiction of the United States''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

At the end of title XII (page ____, after line ____), insert the following new section:

SEC. 1205. PERSIAN GULF SECURITY COST FAIRNESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the several key oil-producing countries that relied on the United States for their military protection in 1990 and 1991, including during the Persian Gulf conflict, and continue to depend on the United States for their security and stability, should share in the responsibility for that stability and security commensurate with their national capabilities; and

(2) the countries of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates) have the economic capability to contribute more toward their own security and stability and therefore these countries should contribute commensurate with that capability.

(b) EFFORTS TO INCREASE BURDENSHARING BY COUNTRIES IN THE PERSIAN GULF REGION BENEFITTING FROM UNITED STATES MILITARY PRESENCE.—The President shall seek to have each country in the Persian Gulf region to which the United States extends military protection (either through security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any country in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States for stationing United States military personnel in that country, with the goal of achieving by September 30, 2003, 75 percent of such costs. An increase in financial contributions by any country under this paragraph may include the elimination of taxes, fees, or other charges levied on the United States military personnel, equipment, or facilities stationed in that country.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 2001.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 2001.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to military activities in the Persian Gulf region.

(c) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (b) with respect to any country, or in response to a failure by any country to undertake one or more of such actions, the President may take any of the following measures to the extent otherwise authorized by law:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent or part-time duty in the Persian Gulf region.

(2) Impose on those countries fees or other charges similar to those that such countries impose on United States forces stationed in such countries.

(3) Suspend, modify, or terminate any bilateral security agreement the United States has with that country, consistent with the terms of such agreement.

(4) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that country.

(5) Take any other action the President determines to be appropriate as authorized by law.

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 2001, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other countries to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in section subsection (c), to achieve the actions described in subsection (b);

(3) the difference between the amount allocated by other countries for each of the actions described in subsection (b) during the period beginning on October 1, 2000, and ending on September 30, 2001, and during the period beginning on October 1, 2001, and ending on September 30, 2002; and

(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) REVIEW AND REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—

(1) REVIEW.—In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The requirements that are to be found in agreements between the United States and the allies of the United States in the Persian Gulf region.

(B) The national security interests that support permanent stationing of elements of the Armed Forces outside the United States.

(C) The stationing costs associated with forward deployment of elements of the Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States in the Persian Gulf region make to common defense efforts (to

promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States in the Persian Gulf region make to meeting the stationing costs associated with the forward deployment of elements of the Armed Forces.

(H) The annual expenditures of the United States and its allies in the Persian Gulf region on national defense, and the relative percentages of each country's gross domestic product constituted by those expenditures.

(2) REPORT.—The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 2001, in classified and unclassified form.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

At the end of subtitle D of title I (page ____, after line ____), insert the following new section:

SEC. 132. REDUCTION IN FUNDS FOR F–22 PROGRAM.

The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $1,038,050,000, to be derived from the F–22 aircraft program, of which—

(1) $840,000,000 shall be derived from amounts for low-rate initial production; and

(2) $198,050,000 shall be derived from amounts for advance procurement.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 470, beginning at line 12, strike section 3402 and insert the following:

SEC. . ESTABLISHMENT OF NATIONAL DEFENSE RESERVE FLEET VESSEL SCRAPPING PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a National Defense Reserve Fleet vessel scrapping and processing pilot program in the United States during fiscal years 2001 through 2003. The scope of the program shall be that which the Secretary determines is sufficient to—

(1) gather data on the cost of scrapping and scrap processing, in the United States, of National Defense Reserve Fleet vessels; and

(2) demonstrate cost effective technologies and techniques to scrap and process such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary, subject to the availability of appropriations—

(A) shall award a contract under subsection (a) for scrapping service to any person that the Secretary determines will provide the best value to the United States Government, taking into account any factors that the Secretary considers appropriate; and

(B) may award, as appropriate, a contract to manage the monitoring, inspection, and reporting process of any scrapping facility that will perform a contract under subparagraph (A).

(2) In making a best value determination under paragraph (1)(A), the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) In selecting any contractor under this subsection, the Secretary shall give significant consideration to the technical and management qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State, and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(4) The Secretary shall ensure regional diversity in awarding contracts under this section.

(c) CONTRACT TERMS AND CONDITIONS.—Each contract awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor;

(2) a performance incentive for a successful record of environmental and worker protection in performance of the contract;

(3) Government rights for access to facilities, inspection of work, and monitoring of facilities by Government personnel or an authorized representatives to determine compliance with this Act and the laws of the United States; and

(4) any other terms that the Secretary considers appropriate.

(d) REPORTS.—(1) Not later than June 30, 2001, the Secretary of Transportation shall submit an interim report on the pilot program to the Committee on Armed Services of the House of Representatives and of the Senate. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2004, the Secretary shall submit a final report on the pilot program to the committees specified in paragraph (1). The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's recommended strategy to carry out future ship scrapping activities, including funding and personnel requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $40,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 471, after line 17, insert the following:

(d) REQUIREMENTS APPLICABLE TO FOREIGN SCRAPPING.—Section 6 of such Act (16 U.S.C. 5405) is amended by adding at the end the following:

''(e) APPLICATION TO FOREIGN SCRAPPING OF LAWS RELATING TO ENVIRONMENTAL PROTECTION, LABOR, AND SAFETY.—The Secretary of Transportation may scrap a vessel in a foreign country under subsection (c) only if—

''(1) such Secretary removes all transformers and large and low voltage capacitors that contain dielectric fluids with PCBs in any concentrations and all hydraulic and heat transfer fluids containing PCBs;

''(2) such Secretary removes all solid items containing PCBs, to the extent that the solid items are readily removable and their removal does not jeopardize the structural integrity of the ship or the ability of the vessel to be operated in a seaworthy manner for delivery to the location where it will be scraped;

''(3) such Secretary or the purchaser of the vessel notifies the Administrator of the Environmental Protection Agency at least 45 days before the vessel is exported for scrapping, stating—

''(A) the name and contact information for the person arranging for the export of the vessel;

''(B) the country to which the vessel is being exported;

''(C) the name and contact information of the person conducting any PCB removal activities;

''(D) the vessel name and official number; and

''(E) the estimated date of export;

''(4) such Secretary certifies that the place in which the vessel is scraped has adequate measures to ensure that the environment is not degraded and the health and livelihood of nearby communities are not put at risk;

''(5) such Secretary certifies that shipbreaking workers are given adequate workplace protections and the conditions of work minimize the risk of occupational injury and disease to the workers; and

''(6) such Secretary certifies that shipbreaking workers' living facilities are hygenic and not contaminated by the shipbreaking activities; and

''(7) such Secretary certifies that removal and disposal of all hazardous materials from the vessel in the foreign country are done in a safe and environmentally sound manner.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 470, beginning at line 12, strike section 3402 and insert the following (and redesignate accordingly):

SEC. . ESTABLISHMENT OF NATIONAL DEFENSE RESERVE FLEET VESSEL SCRAPPING PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a National Defense Reserve Fleet vessel scrapping and processing pilot program in the United States during fiscal years 2001 through 2003. The scope of the program shall be that which the Secretary determines is sufficient to—

(1) gather data on the cost of scrapping and scrap processing, in the United States, of National Defense Reserve Fleet vessels; and

(2) demonstrate cost effective technologies and techniques to scrap and process such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary, subject to the availability of appropriations—

(A) shall award a contract under subsection (a) for scrapping service to any person that the Secretary determines will provide the best value to the United States Government, taking into account any factors that the Secretary considers appropriate; and

(B) may award, as appropriate, a contract to manage the monitoring, inspection, and reporting process of any scrapping facility that will perform a contract under subparagraph (A).

(2) In making a best value determination under paragraph (1)(A), the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) In selecting any contractor under this subsection, the Secretary shall give significant consideration to the technical and management qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State,

and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(4) The Secretary shall ensure regional diversity in awarding contracts under this section.

(c) CONTRACT TERMS AND CONDITIONS.—Each contract awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor;

(2) a performance incentive for a successful record of environmental and worker protection in performance of the contract;

(3) Government rights for access to facilities, inspection of work, and monitoring of facilities by Government personnel or an authorized representatives to determine compliance with this Act and the laws of the United States; and

(4) any other terms that the Secretary considers appropriate.

(d) REPORTS.—(1) Not later than June 30, 2001, the Secretary of Transportation shall submit an interim report on the pilot program to the Committee on Armed Services of the House of Representatives and of the Senate. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2004, the Secretary shall submit a final report on the pilot program to the committees specified in paragraph (1). The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's recommended strategy to carry out future ship scrapping activities, including funding and personnel requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $40,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section.

SEC. . REPEAL OF NATIONAL DEFENSE RESERVE FLEET SCRAPPING RETURN REQUIREMENT.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) in subparagraph (A) by adding ''and'' after the semicolon;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 471, after line 17, insert the following:

(d) REQUIREMENTS APPLICABLE TO FOREIGN SCRAPPING.—Section 6 of such Act (16 U.S.C. 5405) is amended by adding at the end the following:

''(e) APPLICATION TO FOREIGN SCRAPPING OF LAWS RELATING TO ENVIRONMENTAL PROTECTION, LABOR, AND SAFETY.—The Secretary of Transportation may not scrap a vessel outside of the United States under subsection (c) except in compliance with all Federal laws relating to environmental protection, labor, and safety that would apply to scrapping of the vessel inside the United States.''.

AMENDMENT TO H.R. 4205, 1AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 470, beginning at line 12, strike section 3402.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. DEGETTE OF COLORADO

At the end of title II (page ____, after line ____), insert the following new section:

SEC. ____. AMOUNTS FOR ENVIRONMENTAL TECHNOLOGY.

Of amounts made available pursuant to an authorization of appropriations in section 201, amounts shall be available for environmental technology projects as follows:

(1) Of the amount for the Army pursuant to section 201(1), not less than $25,000,000 and not more than $94,000,000.

(2) Of the amount for the Navy pursuant to section 201(2), not less than $86,000,000 and not more than $105,800,000.

(3) Of the amount for the Air Force pursuant to section 201(3), not less than $6,000,000 and not more than $8,200,000.

(4) Of the amount for Defense-wide activities pursuant to section 201(4), not less than $77,000,000 and not more than $80,400,000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. KUCINICH OF OHIO

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. REPORT ON USE OF CLUSTER MUNITIONS DURING KOSOVO CONFLICT.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the use by the United States Armed Forces of cluster munitions during the Kosovo conflict beginning on March 26, 1999.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An inventory of all kinds of cluster munitions that were used and expended throughout the Kosovo conflict.

(2) Specific criteria for targets selected.

(3) A time line of the use of those munitions.

(4) An assessment of the effectiveness of different types of targets.

(5) Any reported incidents of cluster munitions malfunctions.

(6) A list of incidents reported involving unexploded munitions.

(7) An estimate of the number of civilians maimed or killed by such munitions.

(8) Specific deficiencies in cluster munitions.

(9) Specific advantages of cluster munitions.

(10) An estimate of the effectiveness of different munitions.

(11) The dud rate for each munition used, shown both for the usage of that munition in Kosovo and for the general usage of that munition.

(12) A comparison of the use of cluster munitions by the United States with the use of such munitions by forces of the United Kingdom.

(13) A cost-benefit analysis of reducing the dud rate of cluster munitions.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''cluster munition'' means an air-launched submunition dispensing system.

(2) The term ''dud rate'' means the rate of failure.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY REPRESENTATIVE ZOE LOFGREN

At the end of title X (page 324, after line 11), insert the following new section:

SEC. 1038. SATELLITE CONTROLS UNDER THE UNITED STATES MUNITIONS LIST.

Section 1513(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 22 U.S.C. 2778 note) is amended—

(1) by inserting ''(1)'' before ''Notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a satellite or related item if the Secretary of Commerce determines that—

''(A) the satellite or related item is intended for basic or applied research in science and engineering; and

''(B) the resulting information is ordinarily published and shared broadly within the scientific community.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. MARKEY OF MASSACHUSETTS

At the end of section 232 (page 40, after line 2), insert the following new subsection:

(d) STRATEGIC STABILITY WITH TRADING PARTNERS.—It is the policy of the United States that a national missile defense system should not be deployed against ballistic missiles from any nation that is a member of the World Trade Organization or that has permanent normal trade relations with the United States.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. PETERSON OF MINNESOTA

At the end of title V (page ____, after line ____), insert the following new section:

SEC. 557. SEPARATION AND RETIREMENT OF NATIONAL GUARD MILITARY TECHNICIANS ON SAME BASIS ON RESERVE TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10219. National Guard technicians: conditions for retention; mandatory retirement under civil service laws

''(a) SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) An individual employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a military technician (dual status) who after the date of the enactment of this section loses dual status is subject to paragraph (2) or (3), as the case may be.

''(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity, the technician shall be separated not later than 30 days after the date on which dual status is lost.

''(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity, the technician shall be offered the opportunity to—

''(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

''(ii) apply for a civil service position that is not a technician position.

''(B) If such a technician continues employment with the Department of the Army or the Department of the Air Force as a non-dual status technician, the technician—

''(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this section, to apply for any voluntary personnel action; and

''(ii) shall be separated or retired—

''(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity; and

''(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.

''(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

''(A) being separated from the Selected Reserve; or

''(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

''(b) NON-DUAL STATUS TECHNICIANS.—(1) An individual who on the date of the enactment of this section is employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician and who on that date is eligible for an unreduced annuity shall be separated not later than six months after the date of the enactment of this section.

''(2)(A) An individual who on the date of the enactment of this section is employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician and who on that date is not eligible for an unreduced annuity shall be offered the opportunity to—

''(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

''(ii) apply for a civil service position that is not a technician position.

''(B) If such a technician continues employment with the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician, the technician—

''(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this section, to apply for any voluntary personnel action; and

''(ii) shall be separated or retired—

''(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity; and

''(II) in the case of a technician first hired as a technician after February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than one year after the date on which dual status is lost.

''(3) An individual employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, within six months of the date of the enactment of this section is not appointed to such a position, shall for reduction-in-force purposes be in a separate competitive category from employees who are military technicians (dual status).

''(c) UNREDUCED ANNUITY DEFINED.—For purposes of this section, a technician shall be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

''(d) VOLUNTARY PERSONNEL ACTION DEFINED.—In this section, the term 'voluntary personnel action', with respect to a non-dual status technician, means any of the following:

''(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

''(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''10219. National Guard technicians: conditions for retention; mandatory retirement under civil service laws.''.

(3) During the six-month period beginning on the date of the enactment of this Act, the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10219 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting ''six months'' for ''30 days''.

(b) EARLY RETIREMENT.—Section 8414(c)(1) of title 5, United States Code, is amended by striking ''reserve'' after ''as a military''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

At the end of subtitle C of title II (page 42, after line 19), insert the following new section:

SEC. 236. DIPLOMATIC INITIATIVE WITH NORTH KOREA FOR NEGOTIATION OF END TO ITS BALLISTIC MISSILE PROGRAM.

Of the amount available for the Ballistic Missile Defense Organization pursuant to the authorization of appropriations in section 201(4), not less than $1,000,000 shall be available for the development of a diplomatic initiative with North Korea for negotiation of end to its ballistic missile program.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

At the end of title III (page 82, after line 14), insert the following new section:

SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR COMBATTING AIDS IN AFRICA AND AROUND THE WORLD.

(a) AIDS PROGRAM.—The Secretary of Defense shall carry out a program to support activities to combat the acquired immune deficiency syndrome (AIDS) in Africa and around the world. Such support may include the purchase of medicines, provision of transportation, furnishing personnel to dispense medications, and assistance in the development of public health infrastructure.

(b) FUNDS.—The amount provided in section 301(19) for Overseas Humanitarian, Disaster, and Civic Aid programs is hereby increased by $283,000,000.

(c) OFFSET.—The amount provided in section 201(4), and the amount provided in section 231, are each reduced by $283,000,000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

At the end of section 231 (page 39, after line 10), insert the following new sentence: ''The amount provided in section 201(4), and the amount provided in the preceding sentence, are each reduced by $283,000,000.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. SKELTON OF MISSOURI

At the end of title XII (page 338, after line 13), add the following:

SEC. 1205. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking ''180'' and inserting ''45''; and

(2) by adding at the end the following:

''(g) CALCULATION OF 45-DAY PERIOD.—The 45-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. STARK OF CALIFORNIA

At the end of title X (page 324, after line 11), insert the following new section:

SEC. 10___. CODIFICATION AND EXTENSION OF LIMITATIONS ON DEPARTMENT OF DEFENSE PARTICIPATION IN AND SUPPORT FOR OVERSEAS AIR SHOWS AND TRADE EXHIBITIONS.

(a) CODIFICATION AND STRENGTHENING OF LIMITATIONS.—(1) Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2555. Overseas airshows and trade exhibitions: participation prohibited; limitations on support for contractors

''(a) PROHIBITION ON MILITARY PARTICIPATION.—The Secretary of Defense and the Secretary of a military department may not—

''(1) authorize the participation by the armed forces in an airshow or trade exhibition held outside the United States (other than the support authorized in subsection (b)); or

''(2) use the training or readiness requirements of the armed forces in order to provide support indirectly for any such airshow or trade exhibition.

''(b) LIMITATION ON SUPPORT FOR CONTRACTOR PARTICIPATION.—The Secretary of Defense, and the Secretaries of the military departments with respect to their respective departments, may, upon the request of a business firm or industrial association, provide support to that firm or association at an airshow or trade exhibition to be held outside the United States in the form of the display or demonstration of military equipment if the firm or association agrees to reimburse the United States for all incremental costs of the Department of Defense for that support.

''(c) INCREMENTAL COSTS.—Incremental costs for purposes of subsection (b) are the following:

''(1) All incremental costs of military personnel accompanying the equipment or assisting the firm or association in the display or demonstration of the equipment, including costs of food, lodging, and local transportation.

''(2) All incremental transportation costs incurred in moving the equipment from its normally assigned location to the airshow or trade exhibition and return.

''(3) Any other miscellaneous incremental cost (such as insurance costs or ramp fees) not covered by paragraph (1) or (2) that is incurred by the United States but would not

have been incurred had the Department of Defense not provided support to the firm or industrial association under subsection (b).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2555. Overseas airshows and trade exhibitions: participation prohibited; limitations on support for contractors.''.

(b) REPEAL OF EXISTING LIMITATIONS.—Section 1082 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 113 note) is repealed.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MRS. TAUSCHER OF CALIFORNIA

At the end of title XII (page ____, after line ____), insert the following new section:

SEC. ____. ADJUSTMENT OF CONGRESSIONAL REVIEW PERIOD FOR CHANGE IN COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS SUBJECT TO EXPORT CONTROLS.

(a) REDUCTION IN CONGRESSIONAL REVIEW PERIOD.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended in the second sentence by striking ''180'' and inserting ''30''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after January 1, 2000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. VITTER OF LOUISIANA, MR. TAUZIN OF LOUISIANA, OR MR. JEFFERSON OF LOUISIANA

At the end of title II (page ____, after line ____), insert the following new section:

SEC. ____. NAVY SINGLE INTEGRATED HUMAN RESOURCE STRATEGY.

Notwithstanding any other provision of this Act, of the funds provided for Research, Development, Test, and Evaluation, Navy, $10,792,000 shall be made available for the Navy Single Integrated Human Resource Strategy, business process re-engineering of Navy and Navy Reserve legacy systems and software and technology interoperability and reliability. These funds shall be made available by a reduction of $10,792,000 in Program Element 0604231N, Tactical Command System, Research, Development, Test, and Evaluation, Navy.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DICKS OF WASHINGTON

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

SEC. ____. WAIVER AUTHORITY FOR DISCONTINUATION OF PRODUCTION OF D–5 MISSILE.

(a) WAIVER AUTHORITY FOR D–5 PROGRAM TERMINATION.—The Secretary of Defense may waive the provisions of this Act specified in subsection (b) upon submitting to the congressional defense committees a certification in writing that such a waiver is in the national security interests of the United States.

(b) PROVISIONS SUBJECT TO WAIVER.—Subsection (a) applies to provisions of this Act providing the following:

(1) That funds appropriated for the Department of Defense for fiscal years after fiscal year 2001 may not be obligated or expended to commence production of additional Trident II (D–5) missiles.

(2) That amounts appropriated for the Department of Defense may be expended for the Trident II (D–5) missile program only for the completion of production of those Trident II (D–5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 2002.

(c) FUNDING.—The amount provided in section 102 for weapons procurement for the Navy is hereby increased by $472,900,000, to be available for procurement of Trident II (D–5) missile only upon submission of a certification under subsection (a).

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

The SPEAKER pro tempore. 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. FROST. 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 226, nays 200, not voting 8, as follows:

[Roll No. 200]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
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
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
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)
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 (MS)
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
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
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
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—8

Campbell
Dixon
Oberstar
Owens
Pomeroy
Salmon
Stupak
Udall (NM)

□ 1310

Mrs. CLAYTON changed her vote from ''aye'' to ''no.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 11, as follows:

[Roll No. 201]

AYES—254

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
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
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Pallone
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu

NOT VOTING—11

Campbell
Dixon
Franks (NJ)
Jefferson
Oberstar
Owens
Salmon
Stupak
Udall (NM)
Weller
Wynn

□ 1320

Mr. ORTIZ and Mr. HALL of Texas changed their vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 504 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4205.

□ 1322

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 further 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, with Mr. BURR of North Carolina (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, proceedings pursuant to House Resolution 503 had been completed.

Pursuant to House Resolution 504, no further amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106–624 and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Each amendment shall be debatable for the time specified in the report, equally divided and controlled by the

proponent and an opponent of the amendment, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

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 Chairman of the Committee of the Whole may recognize for consideration of amendments printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

It is now in order to consider amendment No. 1 printed in House Report 106–624.

AMENDMENT NO. 1 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. 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. 1 offered by Ms. SANCHEZ:

At the end of title VII (page 247, after line 9), insert the following new section:

SEC. 7___. RESTORATION OF PRIOR POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out ''(a) RESTRICTION ON USE OF FUNDS.—''; and

(2) by striking out subsection (b).

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentlewoman from California (Ms. SANCHEZ) and the gentleman from Indiana (Mr. BUYER) each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. SANCHEZ).

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

Today, I join the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. LOWEY) to offer this amendment. This amendment repeals a provision of the fiscal year 1996 defense bill which bars women serving overseas in the U.S. military from using their own funds to obtain legal abortion services in military hospitals. Women who volunteer to serve in our Armed Forces already give up many freedoms and they risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic constitutional rights because of a policy that has no valid military purpose.

This is a health care concern. Local facilities in foreign nations are often not equipped to handle procedures, and medical standards may be far lower than those in the United States. In other words, we are putting our soldiers at risk.

This is a matter of fairness. Servicewomen and military dependents stationed abroad do not expect special treatment. They only expect the right to receive the same services guaranteed to American women under Roe v. Wade at their own expense.

My amendment does not allow taxpayer-funded abortions at military hospitals nor does it compel any doctor who opposes abortions on principle or as a matter of conscience to perform an abortion. My amendment reinstates the same policy that we had as a Nation from 1973 until 1988, and again from 1993 until 1996.

This has received bipartisan support from the House and from the House Committee on Armed Services. It also has strong support from the health care community; namely, the American Public Health Association, the American Medical Women's Association and the American College of Obstetricians and Gynecologists. And my amendment is supported by the Department of Defense.

If the professionals who are responsible for our Nation's armed services support this policy change, then why would Congress not? I urge my fellow colleagues to vote for the Sanchez-Morella-Lowey amendment.

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

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

Mr. Chairman, over the last 30 years, the availability of abortion services at military medical facilities has been subjected to numerous changes and interpretations. In January of 1993, President Clinton signed an executive order directing the Department of Defense to permit privately funded abortions in military treatment facilities. The changes ordered by the President, however, did not greatly increase the access to abortion services as may be claimed here on the House floor. Few abortions were performed at military treatment facilities overseas for a number of reasons. First, the United States military follows the prevailing laws and rules of host nations regarding abortions. Second, the military has had a difficult time finding health care professionals in uniform willing to perform such procedures, even though we then enacted a conscience clause.

The House has voted several times to ban abortions at overseas military hospitals. This language was defeated previously. It almost feels as though it is political theater year in and year out as we go through these abortion amendments.

I would note that in overseas locations where safe, legal abortions are not available, the beneficiaries have options of using space available travel for returning to the United States or traveling to another overseas location for the purpose of obtaining an abortion. But if we are going to subject our military facilities by military doctors who have taken a pledge and focus all of their energies toward military medical readiness, which means the saving of life, that is what our military doctors do. Military medical readiness is that they focus the performance of their duties to take care of soldiers who are wounded in accidents and, more particular, in battlefield injuries. Now to say, ''Well, we're going to take that same doctor and, oh, by the way, now we're going to say it's okay to let him perform abortions,'' I think not. The House has been heard on this issue.

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

□ 1330

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), a cosponsor of this amendment.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez-Morella-Lowey amendment, which would allow military women and dependents stationed overseas to obtain abortion services with their own money. I want to thank the gentlewoman from California (Ms. SANCHEZ) for her fine work on this important issue.

Over 100,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful Nation. These women work to protect the freedoms of our country, and yet these women, for the past 4 years, have been denied the very constitutional rights they fight to protect.

Mr. Chairman, this restriction is un-American, undemocratic, and would be unconstitutional on United States soil. How can this body deny constitutional liberties to the very women who toil to preserve them?

Mr. Chairman, especially as we work to promote and ensure democracy worldwide, we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions, because no Federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are opposed to, because they are protected by a conscience clause. This amendment is about ensuring that all American women have the ability to exercise their constitutional right to privacy and access to safe and legal abortion services.

In the past, I have expressed my exhaustion with the anti-choice majority's continued attempts to strip

women of their right to choose. Well, yes, I am tired of revisiting these now familiar battles, and so, too, are the American people.

Their message is clear: Do not make abortion more difficult and dangerous. Instead, they have asked this body to find ways to prevent unintended pregnancies and the need for abortion by encouraging responsibility and making contraception affordable and accessible to all women. That is why in the 105th Congress I worked tirelessly to secure passage of my provision.

Mr. Chairman, not one of these restrictions does anything to make abortion less necessary. I urge Members to support the Sanchez amendment and join me in my effort to make abortion less necessary.

Mr. BUYER. Mr. Chairman, I would respond to the gentlewoman by saying if she is fatigued in these types of battles, then join in the cause of the celebration for life.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, the purpose of the Sanchez amendment is to facilitate the destruction of unborn babies by dismemberment and chemical poisoning. Of course, my friend and colleague from California does not present her case to us in this way, my friend instead sanitizes a terrible reality. The difficult unavoidable consequence of enactment of her amendment is to facilitate the violent death of babies.

Mr. Chairman, with each passing day, more Americans in their heart of hearts know that abortion is violence against children. The stark, horrific reality of partial-birth abortion has shattered forever the unsustainable myth that abortion procedures are somehow benign and benevolent acts. The scrutiny that partial-birth abortion has received has helped peel away the layers upon layers of euphemisms, disinformation and lies to show abortion for what it is, child abuse and violence against children.

Mr. Chairman, the most commonly procured method of abortion in America today and most likely to be facilitated by this amendment is the dismemberment of babies. The Sanchez amendment will prevent razor blade tipped suction devices 20 to 30 times more powerful than the average household vacuum cleaner to be used in military health facilities to pulverize the child's arms, legs, torso and head. The baby who gets killed in the hideous fashion is turned into a bloody pulp. This is the uncensored reality of what choice is all about and a vote in favor of Sanchez will result in more kids being murdered in this way.

Abortion methods also include injecting deadly poisons, including high concentrated salt solutions, into the child's amniotic fluid or into the baby. That too would be facilitated by Sanchez. This barbaric type of child abuse usually takes 2 hours for the baby to die, and anybody who has ever seen a picture of a child killed by a saline abortion quickly takes note of the red/black badly burned skin of the victim child. The whole baby's body is badly burned from the corrosive action of the high dose of salt, but the palms of the child's hands are white, because the baby grips and clenches his or her fist because of the pain. That's not child abuse? That's not violence against children?

I strongly urge Members to vote no on the Sanchez amendment. Don't turn our medical facilities overseas into abortion mills. Make them places of healing and nurture.

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), a cosponsor of this amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me time, and I am certainly pleased to be a cosponsor of the Sanchez-Morella-Lowey amendment.

Actually, I did not recognize the amendment when I heard my good friend from New Jersey speak about it, because actually what the amendment would do would be to restore a provision, a regulation that had been there earlier, to allow U.S. servicewomen stationed overseas access to the Department of Defense health facilities and allowing them to use their own funds to obtain legal abortion services in military hospitals.

Women serving in the military overseas depend on their base hospitals for medical care. They may be stationed in areas where local health care facilities are inadequate, and this ban that we currently have might cause a woman who needs an abortion to delay the procedure while she looks for a safe provider or may force a woman to seek an illegal unsafe procedure locally.

I want to point out that women who volunteer to serve in our Armed Forces already give up many of their freedoms and risk their lives to defend our country, and they should not have to sacrifice their privacy, their health and their basic constitutional rights to a policy with no valid military purpose.

The amendment is about women's health, it is about fairness, and it is also about economic fairness. An officer may be able to fly home or fly one's wife or daughter home to seek abortion services, if necessary, but for an enlisted personnel, the burden of the ban may not be possible to overcome.

The amendment does not allow taxpayer funded abortions at military hospitals, I emphasize that, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. The amendment merely reinstates the policy that was in effect from 1973 until 1988, and again from 1993 to 1996.

So I urge my colleagues to join me in restoring servicewomen's constitutional rights by supporting the Sanchez-Morella-Lowey amendment.

Mr. BUYER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, on February 10, 1996, the National Defense Authorization Act was signed into law by President Clinton with the provision to prevent DOD medical treatment facilities from being used to perform abortions, except where the life of the mother was in danger or in the case of rape or incest. The provision reversed a Clinton Administration policy that was instituted on January 22, 1993, permitting abortions to be performed at military facilities. The Sanchez amendment, which would repeal the pro-life provision, reopens this issue and attempts to turn DOD medical treatment facilities into abortion clinics.

The House rejected this same amendment last year. We rejected it in committee this year. We should reject it again today.

When the 1993 policy permitting abortions in military facilities was first promulgated, all military physicians refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions. Therefore, if the Sanchez amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, resources would be used to search for, hire and transport new personnel simply so that abortions could be performed.

Military treatment facilities, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent of human life, the child in the womb. I urge Members to maintain current law and vote ''no'' on the Sanchez amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER), a member of the Committee on Armed Services.

Mrs. TAUSCHER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I would like to express my support for the Sanchez-Morella-Lowey amendment. This amendment, strongly supported by the Department of Defense, would provide fairness to female service members of the military assigned to duty overseas.

Mr. Chairman, the facts of this amendment are simple. First, no Federal funds would be used to perform these service. Individuals who decide to have these procedures would use their own money. Second, health care professionals who object to performing abortions as a matter of conscience or

moral principle would not be required to do so. Finally, the amendment simply repeals the statutory prohibition on abortions in overseas military hospitals.

I urge my colleagues to support this amendment.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the well-respected gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, it always is a mystery to me why so many good people, and the advocates of this amendment are as good as they get, can support such a hollow cause as killing an unborn child. That is the what an abortion is.

Do you ever hear the saying, get real? Well, they talk about euphemisms, about choice. We are all for choice, but there is only one choice, whether it is in a military hospital or in an abortion clinic; it is a live baby, or a dead baby. That is the choice they are opting for.

Mr. Chairman, military facilities are paid for by taxpayers, and they do not want the facilities used to kill unborn children.

The phrase ''terminate a pregnancy,'' that is fraudulent. You exterminate a pregnancy. Every pregnancy terminates at the end of 9 months.

No, our military is to defend life, not to exterminate defenseless, powerless, unborn life. I know lots of tough situations occur where a pregnancy is terribly awkward. It can even threaten your health. Those are serious and we cannot minimize them. But I will tell you what is serious; taking a little life that has a future and exterminating it for any reason other than to save another life.

So if abortion is just another procedure, and getting rid of the child is no big deal because it is really not a member of the human family, it is a thing, it is expendable, then, fine, this is probably a good idea. But if you think human life is something that is special, something that is sacred, if you think that all people are possessed of inalienable rights, the first of which is life, then it would seem to me, do not use taxpayer facilities.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Sanchez-Morella-Lowey amendment, and I want to thank them for their leadership. Together they consistently fight for equal treatment for women in the military.

Mr. Chairman, make no mistake about it, that is what this issue is all about, equal treatment for servicewomen stationed overseas. This amendment is about giving women who have volunteered to serve their country abroad the same constitutional protections that women have here at home.

In 1995 the Republicans told servicewomen stationed overseas that they could not spend their own money on abortion services in military hospitals. This message is loud and clear to each American servicewoman, that a political agenda here in the House of Representatives is more important than a woman's health and safety.

Mr. Chairman, these brave military women serve overseas to safeguard our freedom. They deserve the right to choose how to safeguard their own health. These women stand up for our freedom every day. Let us not take away their freedom. Vote for the Sanchez amendment.

□ 1345

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Procurement of the House Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank my friend, the gentleman from Indiana (Mr. BUYER) for yielding me this time.

Mr. Chairman, it has been stated in this debate by the proponents that somehow there is a different standard in the military than there is in the rest of society. I think that is true. I think, in fact, it is a higher standard, and interestingly, when polls are taken among the American people about which institutions they respect the most, the American military is number one, because the American military does have higher standards in a number of areas and this is one of those areas.

It is absolutely true, if one listened to the gentleman from Florida (Mr. WELDON), a former military physician, that military physicians come in with a sense of honor to serve their country, to save lives, and it is an enormous imposition on them to ask them to carry out the social dictates of a few folks who would devalue, in my estimation, devalue human life. So let us keep that high standard, duty, honor, country, for the American military. Let us not drag them down into the abortion mess.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in support of this amendment and I urge my colleagues to think about the double standard that we are imposing on these women. How can we expect women to serve their country if their country strips them of their rights of healthcare.

Mr. Chairman, this issue is an issue of fairness. We have more than 100,000 women serving our country overseas and these women are entitled to the same freedom as all other American women.

The Department of Defense supports this amendment and I urge my colleagues to do the same.

Let me just make one point. I serve on the House Committee on Veterans' Affairs, and the same problems that the women in the military are having are the same ones that the veterans' women have. This is why we cannot have comprehensive healthcare because of the same controlling, narrow-minded, one-sided philosophy of we are going to control what happens to women, and the healthcare of women, and the veterans' women, that is the problem that the military women are having and the veteran women are having.

Let me say I am hoping that women take control of what happens in this Congress.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The Chair would notify Members that the gentlewoman from California (Ms. SANCHEZ) has one-half minute remaining and the gentleman from Indiana (Mr. BUYER) has 1½ minutes remaining. The gentleman from Indiana has the right to close.

Mr. BUYER. Mr. Chairman, I reserve the right to close.

Ms. SANCHEZ. Mr. Chairman, I yield one-half minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I would say to my colleague, the gentleman from Illinois (Mr. HYDE), do not question our reverence for life, including the lives of women and including the lives of the 100,000 women active service members, spouses and dependents of military personnel who live on military bases overseas and rely on military hospitals for their healthcare.

The current ban on privately-funded abortions discriminates against these women who have volunteered to serve their country by prohibiting them from exercising their legally protected right to choose, simply because they are stationed overseas. The bottom line is, prohibiting women from using their own funds to obtain services at overseas military services endangers women's health and lives. Vote yes on Sanchez-Morella-Lowey.

Mr. BUYER. Mr. Chairman, since the name of the gentleman from Illinois (Mr. HYDE) was brought up in the well of the House, I yield 1 minute to him to respond.

Mr. HYDE. Mr. Chairman, I would just say to the gentlewoman from Illinois (Ms. SCHAKOWSKY), no one attacks anyone's reverence for life. I attack killing unborn children, however, and I will defend them. Secondly, no one is stopping a woman from exercising her constitutional right to have an abortion because of Roe versus Wade. Under the law, women have that right but they do not have the right to have the government pay for any part of it.

We have a right of free speech. That does not mean the government has to

buy someone a megaphone or a typewriter. People can exercise it. Taxpayers' funds are expended when military facilities are used and there is no constitutional right to that, and so that is the difference.

Mr. BUYER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I have heard the words fairness, double standard, discrimination, narrow-minded. I mean, we could go down the list.

I suppose to articulate debates one can choose these types of words. One thing that is real that one cannot get away from is the Supreme Court over there permits Congress to set the rules for the military, and we discriminate all the time: How tall one can be; how short; how heavy; how light; one cannot even be color blind.

We discriminate all the time, so that argument is rather foolish.

Narrow-minded? Guilty. So narrow that the interests for which we seek to protect are twofold. Number one, life. If we in this country cannot be the defenders of life, then what are we as a society? If that is narrow-minded, guilty.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Sanchez amendment and thank the gentlewoman for her hard work in support of the women who serve our Nation overseas.

This amendment would extend to the more than 100,000 women who live on American military bases abroad the right to make health decisions and access available care as they would be able to do here at home.

This amendment would not commit public funds, not one taxpayer dollar, for abortion. It would simply allow servicewomen—or the spouses or dependents of servicemen—to use their own funds to pay for an abortion which would be legal if they were stationed in the United States.

We all have our own views on the issue of abortion. But the fact remains that it remains a legal option for American women. Unarguably, women serving in our armed forces are entitled to all the constitutional rights they work each day to defend and protect.

To deny them the right to use their own money to obtain health care on their base if it is available is unfair to those committed service women. Many times these women are stationed in hostile nations where they may not know the language and have few or no civil rights. Denying our female soldiers or the wives of make soldiers the safe and quality health care they could have on base could in fact be putting them in danger.

This amendment is about preserving the rights of American soldiers and their families serving abroad. It is not about promoting or considering the legality of abortion. A vote for the Sanchez amendment is a vote to support these servicewomen stationed far from home.

Ms. DEGETTE. Mr. Chairman, I rise in strong support of the Sanchez amendment, but with deep disappointment that this issue must be subject to debate.

Today, we must debate whether or not the women serving this country overseas will fall into the same category as female prisoners as a class of women who cannot exercise the same right as free women in this country to access a safe and legal abortion. This amendment simply restores access to privately funded abortion services for U.S. servicewomen and military dependents abroad. We are not even debating funding this medical service with taxpayer dollars, and still this is subject to debate.

As much as the other side would like to make this debate about the practice of abortion, this debate is about equal treatment for women who put their lives on the line for this country all across the globe. I support the Sanchez amendment because current law jeopardizes the health of the 100,000 U.S. servicewomen and military dependents who live on military bases overseas. It denies a woman her constitutional right to choose and punishes her for her military service. This amendment ensures that our servicewomen are not forced into dangerous back alley abortions in unsafe, unsanitary, inhospitable locales. Abortion is a legal medical procedure in this country, and it should be legal for an American woman serving her country overseas.

Mr. FARR of California. Mr. Chairman, I urge my colleagues to support the Sanchez amendment to the Fiscal 2001 Department of Defense authorization which would restore equal access to health services for servicewomen stationed overseas by reversing the ban on privately funded abortion services at U.S. military bases.

More than 100,000 women—some active service members, some the wives of military personnel—live on American military bases overseas. These brave women risk their lives to protect our freedom, often in lands with laws and customs very different from those we know and cherish in the United States. The availability of abortion services in their host countries varies widely according to many factors—location, individual physician practices, command interpretations and practices, and that nation's rules and laws. Our soldiers and their families deserve equal access to the same spectrum and quality of health care procedures that we enjoy in the United States. Under current law, however, these women are denied this access, effectively putting their lives and health in harm's way.

The Sanchez amendment would rectify this grievous inequity by allowing women stationed overseas and their dependents to use their own funds to pay for abortion services at U.S. military bases, thereby providing them with access to constitutionally protected health care.

The facts of this amendment are clear—Roe v. Wade guarantees the right to choose, and if abortion is legal for women on the American mainland, it should be legal for women living on American bases abroad. No federal funds would be used, and health care professionals who are opposed to performing abortions as a matter of conscience or moral principle are not required to do so.

This is a health issue, and we should be making sure that this procedure is safe, legal and available for our military women and dependents. I urge my colleagues to support this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Sanchez amendment.

Mr. Chairman, here we go again. This is the 145th vote on choice since the beginning of the 104th Congress. I have documented each of these votes in my choice scorecard, which is available on my website: www.house.gov/maloney.

This common-sense amendment offered by Ms. SANCHEZ, lifts the ban on privately funded abortions at U.S. military facilities overseas.

It is bad enough that current law prohibits a woman from using her own funds at all military facilities overseas to get an abortion. But I want to point out although there is an exception when a woman's life is in danger, abortion is not even covered for cases of rape and incest.

How can anyone interfere with a woman's right to choose under these extreme circumstances? Just this week, the Supreme Court ruled that a woman who is raped is not entitled to sue in Federal court for civil damages.

Too often in our society, women who are raped are victimized a second time by the judicial system. Failure to pass this amendment doubly victimizes a women who is raped.

Why doesn't this Republican majority take rape seriously? I believe that the underlying law is discriminatory. While a woman may serve overseas defending our Constitutional rights, and defending our freedom, this Republican-led Congress is busily working to undermine hers. I cannot think of a men's medical procedure that is not covered. I cannot imagine a situation where a man would be told that a certain medical procedure was prohibited at overseas military hospitals.

In fact, when the drug Viagra came on the market, DoD quickly decided to cover it. This amendment is simple. This amendment will not cost the Federal Government one dime.

This amendment is about fairness. This amendment simply allows privately funded abortions at U.S. military facilities overseas. This amendment protects women's rights.

I urge a ''yes'' vote on the Sanchez amendment.

The CHAIRMAN pro tempore. All time has expired on this amendment.

The question is on the amendment offered by the gentlewoman from California (Ms. SANCHEZ).

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

Ms. SANCHEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered

by the gentlewoman from California (Ms. SANCHEZ) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 106–624.

AMENDMENT NO. 2 OFFERED BY MR. MOAKLEY.

Mr. MOAKLEY. 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. 2 offered by Mr. MOAKLEY:

Strike section 908 (page 285, line 6 through page 289, line 8) and insert the following:

SEC. 908. REPEAL OF AUTHORITY FOR UNITED STATES ARMY SCHOOL OF THE AMERICAS.

(a) CLOSURE OF SCHOOL OF THE AMERICAS.—The Secretary of the Army shall close the United States Army School of the Americas.

(b) REPEAL.—(1) Section 4415 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

(c) LIMITATION ON ESTABLISHMENT OF NEW EDUCATION AND TRAINING FACILITY.—No training or education facility may be established in the Department of Defense for Latin American military personnel (as a successor to the United States Army School of the Americas or otherwise) until the end of the ten-month period beginning on the date of the enactment of this Act.

(d) TASK FORCE.—(1) There is established a task force to conduct an assessment of the kind of education and training that is appropriate for the Department of Defense to provide to military personnel of Latin American nations.

(2) The task force shall be composed of eight Members of Congress, of whom two each shall be designated by the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

(3) Not later than six months after the date of the enactment of this Act, the task force shall submit to Congress a report on its assessment as specified in paragraph (1). The report shall include—

(A) a critical assessment of courses, curriculum and procedures appropriate for such education and training; and

(B) an evaluation of the effect of such education and training on the performance of Latin American military personnel in the areas of human rights and adherence to democratic principles and the rule of law.

(4) In this subsection, the term ''Member'' includes a Delegate to, or Resident Commissioner, in the Congress.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Massachusetts (Mr. MOAKLEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MOAKLEY).

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

Mr. Chairman, I want to begin by thanking my colleagues, both Democrat and Republican, for their tremendous support of this bill last year. Last year, 230 Members of this body joined me in voting against the School of the Americas and today, Mr. Chairman, I am asking them to do the same again. A lot of people are surprised to see a Boston Congressman working to close a school, a military school, in Fort Benning, Georgia, but, Mr. Chairman, I have my reasons.

Ten years ago, Speaker Foley asked me to head up a congressional investigation of the Jesuit murders in El Salvador and what I learned during the course of that investigation I will never forget. On November 6, 1989, at the University of Central America in San Salvador, six Jesuit priests, their housekeeper and her 15-year-old daughter were pulled from their beds in the middle of the night, armed only with Bibles and their rosary beads, forced to lie on the ground and they were executed in cold blood by a military cabal.

These murders shocked the entire country, the entire world, and at that point the United States Government had sent the Salvador military a total of $6 billion, with a ''B,'' and Congress wanted to get to the bottom of this killing.

So my top staffer at the time, who is now the gentleman from Massachusetts (Mr. MCGOVERN), and I traveled to El Salvador dozens of times over the next 2 years to get to the bottom of those very, very heinous murders. After these 2 years, we learned an awful lot. We learned that 26 Salvadoran soldiers committed the massacre and 19 of the 26 were graduates of the School of the Americas.

Mr. Chairman, up until that point I had never heard of the School of the Americas, but what I learned quickly convinced me that the school had no place as part of the United States Army.

The School of the Americas is an Army-run school at Fort Benning, Georgia, that every year trains about 1,000 Latin American soldiers in commando tactics, military intelligence, combat arms, and all this, Mr. Chairman, to the tune of about $20 million of the United States taxpayers' dollars.

I am not saying that everyone who graduates from the School of the Americas has gone on to murder civilians and I do not want to let anybody in this place believe that for one moment, but, Mr. Chairman, after investigation, many of them have. It is those who bring disgrace to the school. Panamanian dictator and drug trafficker Manuel Noriega went to the School of the Americas, along with one-third of General Pinochet's officials.

The architect of the genocide campaign in Guatemala, General Hector Gramaho, went to the School of the Americas. As so did the murderers of 900 unarmed Salvadorans who were killed in El Mozote and then buried in a big, huge ditch, and also the perpetrators of the chainsaw massacre at El Trujillo.

The rapists and murderers of the four American church women killed in El Salvador also went to the School of the Americas.

The crimes are not just in the past, Mr. Chairman. As recently as March of 1999, Colombian School of the America graduates Major Rojas and Captain Rodriguez were cited for murdering a peace activist and two others as they tried to deliver ransom money for a kidnapping victim.

The fact is, Mr. Chairman, the School of the Americas has been associated with some of the most heinous crimes that this hemisphere has ever endured. These crimes are so awful, Mr. Chairman, that approximately 10,000 people every year march on the school in protest.

Mr. Chairman, it is time for the United States to remove this blemish on our human rights record. It is time once again, Mr. Chairman, for the House to pass the Moakley-Scarborough-Campbell-McGovern amendment. Our amendment will close the School of the Americas as it exists today, and create a Congressional task force to determine what sort of training we should provide to our Latin American neighbors.

My colleagues who support the School of the Americas may say that the school got the message last year and made some changes. Unfortunately, Mr. Chairman, those changes do not amount to much more than a new coat of paint. It will still be at Fort Benning, Georgia. It will still inadequately screen soldiers who attend. It will still not monitor graduates for human rights abuses and it will still train Latin American soldiers in commando tactics and combat arms.

These changes that they made, Mr. Chairman, are like putting a perfume factory on top of a toxic waste dump. We believe that any school with such an infamous list of graduates needs more than a few cosmetic changes.

Mr. Chairman, Latin America needs us. They need us to help shore up their judicial systems. They need us to strengthen their electoral system. They need us to work with their police. They do not need the School of the Americas teaching their militaries how to wage war more effectively, especially when the vast majority of Latin America wars are conflicts with their own peoples.

It is time to move in a new direction. It is time to close the School of the Americas and start over. So I urge my colleagues to continue what we began last year and support the Moakley-Scarborough-Campbell-McGovern amendment to close the School of the Americas and create a Congressional task force to determine what should take its place.

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

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from South Carolina (Mr. SPENCE) is recognized for 20 minutes in opposition.

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

Mr. Chairman, times have not changed in so much of this debate. Our Nation cannot walk away from its obligation to lead our hemisphere in preserving regional stability, conducting counternarcotics operations, providing disaster relief and promoting democratic values and respect for human rights. Our military and the School of the Americas, in particular, have been a forefront of these efforts.

□ 1400

Ironically, the amendment before us would actually strike a provision of H.R. 4205 that would reform the School of the Americas and address key concerns that have been raised over the years by the school's critics.

Specifically, transitioning the school into the Defense Institute for Hemispheric Security Cooperation, it requires a minimum of 8 hours of instruction per student in human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society, and creating a board of visitors with a broad mandate to oversee the activities and curriculum of the Institute, and requires the board to submit a report to the Secretary of Defense and to Congress.

These are fundamental changes to the program that are intended to ensure continued education and training of the military, law enforcement, and civilian personnel from Latin America while enhancing transparency.

Passage of this amendment would undo the important reforms contained in this bill, and would eliminate the School of the Americas altogether. This would be a regrettable step backwards and would disregard the significant contributions of our military in fostering democracy throughout America.

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

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in support of the Moakley amendment.

Today, U.S. foreign policy in Latin America is in focus. History teaches us that graduates from the School of the Americas have returned to their home countries and committed some of the worst atrocities this hemisphere has ever seen.

Finally Congress responded accordingly and reasonably in cutting funds for the School of the Americas during the debate of the defense authorization bill last summer. Unfortunately, the will of the House was disregarded in conference.

No doubt the U.S. military has good intentions and regrets the behavior of those trained at the School of the Americas. But we have many higher education institutions that do not have such a bad track record. Let us utilize them, and let us eliminate the School of the Americas.

Now, in the face of pressure, of course, the Army has attempted to add new language that would simply rename the School of the Americas the Defense Institute for Hemispheric Security Cooperation. It has a nice ring to it. That idea provides no substantive reform or constructive policy path that would address the real problems of this institution's troubled history.

This would be really a victory of symbolism over substance. Last year when they talked about course work, they offered all these courses, but unfortunately, nobody was taking them, the human rights courses specifically. Mr. Chairman, as I said, this would be a victory of symbolism over substance. The reality is that the day after the name is changed, the school would continue to operate and it would be business as usual.

Most would agree we need to engage in a comprehensive approach to military training and aid for Latin America, but the U.S. military training for Latin America must go far beyond the School of the Americas, and certainly in a different direction. It is time that we fully reassess our military engagement policies and take a closer look at results.

The Moakley amendment would address the question, first, of closing the School of the Americas and placing any new training institute on hold until a bipartisan task force reviews and make recommendations for U.S. military training and relations in Latin America.

This is a reasonable approach, a policy path that our constituents could understand and support.

The Army's attempts at reform are too little, too late. This existing initiative in the bill at best reflects cosmetic changes. Real reform in my judgment would encompass alternatives to military aid, such as economic assistance, microcredit loans, and the other alternatives that my colleague, the gentleman from Massachusetts, outlined.

I would urge my colleagues to support the Moakley amendment and implement this new approach, real reform. Let us not let the Army buy off on an unworkable, easy route. Vote for the Moakley amendment.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. I commend the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of our Committee on Armed Services, for his good work on this important legislation.

Mr. Chairman, this bill includes an important bipartisan proposal that squarely addresses the concerns of critics of the United States Army School of the Americas. This bill will create the Defense Institute for Hemispheric Security Cooperation to replace the United States Army School of the Americas. This modern institution will have a new charter and a mission that is fully consistent with the U.S. military training efforts worldwide.

Like many of my colleagues, I was concerned by a number of the allegations that were leveled at the School of the Americas. I believe, however, based on repeated staff visits to Fort Benning, that the school now has bent over backwards to resolve those issues.

I cannot support the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY), my good friend. However, we should note that the language in the bill before the House today addresses a major concern behind the Moakley amendment. A new board of visitors, including Members of Congress, will be established to conduct the oversight and pragmatic review that the gentleman from Massachusetts has advocated in his amendment.

H.R. 4205 differs, however, in one fundamental respect, from the Moakley amendment. It reaffirms that the U.S. Army is a force for good in the world, and it recognizes that our men and women in uniform can make a difference by helping other militaries undertake an important professional reform.

The Moakley amendment would force an unwelcome hiatus in our U.S. Army's efforts to help Latin American armies become more professional and to respect human rights and civilian control of the military. The creation of the Defense Institute for Hemispheric Security Cooperation addresses the criticisms leveled at the School of the Americas. The Moakley amendment would unnecessarily be disruptive of our Armed Forces training programs.

I have met with a number of good people from my own congressional district who have urged that the School of the Americas should be closed. As I understood their views, they believe that Latin American countries do not need and should not have armies. For better or worse, most Latin American countries do have armies, and we are not in a position to dictate that they should abolish those institutions.

As long as those nations choose to keep their military, their people and our Nation will be far better served if our decent, honorable soldiers are able to exercise a positive influence on their soldiers. It is abundantly clear that there are nefarious forces, including

narcotics trafficking syndicates, that are waiting in the wings to fill the void if we decide here today to end our efforts to influence these armies for the good.

In closing, Mr. Chairman, we must not forget to take this opportunity to thank the men and women who have loyally served our Nation with honor and distinction in the U.S. Army School of the Americas. I invite my colleagues on both sides of the aisle to support H.R. 4205 and to oppose the Moakley amendment.

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

If the School of the Americas closed tomorrow, there would still be 9,000 Latin American soldiers getting some kind of training in this country from the U.S. Army, so it is not the only school.

Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a gentleman who was my chief investigator into the killings in El Salvador.

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the Moakley amendment to close the School of the Americas and initiate a bipartisan review of U.S. military education and training for our Latin American partners.

This amendment is a reasonable solution to the longstanding questions regarding the School of the Americas. This is a sensible solution to identifying our priorities in education and training and determining how best we can achieve these goals, and whether that requires a school or an institute.

I am sure that my colleagues are aware that the School of the Americas has provided less than 10 percent of the education and training the U.S. provides Latin American military personnel; let me repeat that, less than 10 percent. But the school has certainly provided most of the scandal, most of the debate, most of the horror stories, most of the controversy.

That history will not go away by hanging a sign with a new name over the same entry gate to the School of the Americas. The stains of blood will not fade away when we train Latin American military officers on the very same ground where we trained the people who murdered Archbishop Romero, Bishop Gerardi, the six Jesuit priests of El Salvador, and massacred literally thousands of Salvadorans, Guatemalans, Colombians, and other Latin Americans.

Those scandals will not disappear with a few minor changes in the curriculum. The controversy will continue. There has to be a clean break with the past, not cosmetic changes, although some of the changes are interesting in what they reveal. The U.S. Army has now finally and openly admitted that human rights, rule of law, civilian control of the military, and the role of the military were not part of the school's curriculum.

But do we need a newly-named school, the so-called Defense Institute for Hemispheric Security Cooperation, to teach those courses? I do not think so. That training is covered under our extended IMET program. We do not need to subsidize junkets to Georgia for this training. Well-established, well-funded programs at scores of U.S. institutions are already available to our Latin American partners on these subjects. We do not need to send them to a scandal-ridden school with no history or expertise in teaching these courses.

The new School of the Americas will continue to emphasize counterdrug operations, military education, and leadership development, all areas of the curriculum that helped develop some of the worst human rights violators of the hemisphere in the past. Why should we believe it will be any different now?

Mr. Chairman, the Pentagon already has a huge budget for training Latin American military in counterdrug operations. I was looking at a list of over 100 counterdrug programs we did last year for 1,200 Mexican military personnel. We do not need redundant counterdrug programs at the old or new School of the Americas.

Not even the Pentagon knows fully what military education and training programs it is engaged in. What information the Pentagon does have comes from policy groups that took the time to go through the programs and add up the numbers. What information the Pentagon does have also comes from a congressionally mandated report on foreign military training. Support the Moakley amendment. It is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I am in opposition to the Moakley amendment. I have visited El Salvador 40 or 50 times. The School of the Americas is something we need.

Mr. Chairman, I rise in opposition to the Moakley amendment.

As you should know, the School of the Americas has trained over 54,000 graduates, including ten presidents, 38 ministers of defense and state, 71 commanders of armed forces, and 25 service chiefs of staff in Latin America. Since the school began training national leaders of South and Central American countries, military or totalitarian regimes in that region have declined and have been replaced with democracies. Right now, Cuba remains as the sole dictatorship in the Western Hemisphere. Not so ironically, Cuba does not participate in the School of the Americas program.

This amendment attempts to close the school based on 10–20-year-old assumptions about the school. Although there may have been questionable practices taught at the school in the past, these have all been corrected years ago.

Without the training from the School of the Americas, there never would have been peace in El Salvador. The FMLN rebels demanded that the military leadership resign before they would negotiate for a peace settlement. Armed with the lessons taught at the school, these leaders decided to resign. This was not because they were losing, but because President Christiani had urged them to do it. And with that resignation, the peace process began. You see, yielding to civilian leadership is a principle taught at the School of the Americas, as has occurred just lately in the county of Columbia.

Students from our southern neighbors are learning about democracy and becoming our friends of the future. I urge my colleagues to support the democratic education of these officers provided by the school by defeating this amendment.

By the way, the former commanding general of the Salvadoran Army is now running a filling station in San Salvador.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP), whose district includes the School of the Americas.

Mr. BISHOP. Mr. Chairman, for many years we have been engaged in a debate over whether or not the School of the Americas has faithfully carried out its mission of teaching human rights and principles of democracy to visiting students from Latin America in addition to their military training.

Opponents have accused the school of all kinds of misdeeds, and those of us supporting the school and its mission have presented documented evidence which we believe thoroughly refutes these allegations. Nevertheless, the same old charges and countercharges are revived year after year, time and again.

I am not interested in rehashing the same old debate. What I am interested in is focusing on the substantive changes that are proposed today, changes that opponents have called for and which the supporters of the school also believe can be helpful.

Opponents wanted to change the name, claiming the existing one has been tainted. The plan before us would do that.

Opponents want stronger oversight, and the plan proposed shifts the oversight responsibility to the Cabinet level by placing it in the hands of the Secretary of Defense, rather than the Secretary of the Army, and by establishing the Independent Board of Visitors, which includes prominent human rights activists as part of this law.

Opponents wanted more emphasis on human rights, and the plan makes instruction in human rights and democratic principles mandatory by law for every student.

Anyone who supports the long-standing U.S. policy of both Democratic and Republican administrations, the policy

of helping Latin American democracies develop professional military forces that are committed to serving under civilian authority, should be for these changes.

The leaders of the School of the Americas Watch oppose this policy, so it is not surprising that this movement does not support the proposed reorganization of the school. The opponents of the School of the Americas have publicly stated that they want weak military forces in Latin America, even for democracies.

The real issue we are debating today is whether the U.S. should promote weaker military forces for emerging democracies which the Moakley Amendment does, or whether we should help these democracies become more secure—and whether we should sustain an instrument like the school at Fort Benning to actively carry out this policy.

A vote for this program is a vote for sound policy—and a vote for truth.

□ 1415

Mr. MOAKLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, last year, the House voted overwhelmingly 230 to 197 to stop funding the Army School of the Americas. We voted that way because this House finally decided that the record of atrocities of murders and mayhem committed by graduates of that school can no longer be ignored or condoned. Does the Pentagon believe that renaming the school will fool those of us who voted against funding it last year?

Mr. Chairman, if it walks like a duck and talks like a duck, it probably is a duck. This new school proposed by the Pentagon would have the same mission, the same grounds, the same commanders, the same purpose but a different name.

The Army claims it would teach human rights, but there is no credibility to that school teaching human rights. If the Army thinks that the Latin American officers being trained by the United States should be trained in human rights, they should require all students to take courses sponsored by nongovernmental organizations that are qualified to do that.

The gross violations of human rights and the murders perpetrated by graduates of this school argue convincingly that we must not be fooled, we should again vote to remove funds for this school from the budget, to close it down once and for all, so that the American role of Latin America can once again be an honorable role and the shameful record of some of the graduates of this school can no longer besmirch the honor of the United States.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I come to the floor today because I think we need to refute some of the slander that is being perpetuated by some of the opponents of the School of the Americas, and that is that the United States Army systematically teaches its foreign students how to violate human rights. Nothing could be further from the truth.

Our Army and this school has never taught torture techniques. Yes, some graduates of the School of America have subsequently been guilty of human rights abuses. So have some graduates from schools like Harvard. In those cases, the training did not take. But only 100 or 200 out of 58,000 graduates have documented human rights abuses.

Let us not forget the other 57,800 plus graduates. Over 100 School of Americas graduates serve or served their Nation and its people from the highest levels of civilian and military office, from chief executive to commander of major military units.

Furthermore, hundreds of School of America graduates currently occupy positions of leadership and command at all levels in their military and support democratically elected national leaders all over Latin America.

The fact of the matter is that in the last 20 years, democracy, respect for the rule of law, sensitivity to human rights have greatly increased in Latin America. This progress would have been impossible had these countries' military not received training in how a military operates in a democratic society at the School of the Americas.

Every year, soldiers from Argentina, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay, Venezuela and the United States attend the School of the Americas. No other school with such a small operational budget brings together future civilian and military leaders of 16 countries in the purposeful effort to prepare for the future, to strengthen alliances within a hemispheric region and increase mutual understanding, cooperation and reinforcement of the principles of democracy among neighboring countries.

We need to keep this school because it keeps us active in the human rights affairs of Latin America. We should support the School of America, and I urge rejection of this amendment.

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

Mr. Chairman, just to correct the gentleman from Arizona (Mr. KOLBE), who was at the microphone, we have a manual from the 1990s of the School of Americas that did teach torture, and the Pentagon admitted that those manuals did teach torture. They said they were unauthorized. So the gentleman was not correct in his statement.

Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of the Moakley amendment. Even School of the Americas supporter Senator PAUL COVERDELL characterized the Department of Defense's proposal as cosmetic changes that would ensure that the old SOA would continue its mission and operation.

Just like the SOA, the new school will still be located in Fort Benning; still train Latin American soldiers in commando tactics, military intelligence, psychological operations and combat arms; still have no independent outside oversight; still not monitor graduates for human rights abuses; still have inadequate screening of soldiers who attend; still tout fancy human rights courses that nobody takes or take for just a few hours. And this is not just rehashing of old news.

Since last year when 230 Members of this body voted against the SOA, new revelations have come to light about the SOA's connection with human rights abuses.

In January of this year, SOA graduate Colonel Lima Estrada was arrested in Guatemala for the brutal assassination of human rights champion Bishop Juan Gerardi just 2 years ago, and on and on.

Mr. Chairman, I agree with the Chicago Tribune that says it is time for lights out at the SOA.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, the gentleman from Massachusetts (Mr. MOAKLEY) is one of the most respected men in this House, especially by me. No one can doubt that he is a champion of human rights wherever they may be violated any place in the world. We just happen to think that the solution to this problem will take two different routes. The gentleman from Massachusetts (Mr. MOAKLEY) thinks we ought to go totally to the left, and totally abolish the good that the school is delivering. I think we ought to go to the right.

The irony of this, I say to the gentleman, is that we are both trying to get to the same corner of the room. The Commander-in-Chief of our Armed Forces, President Clinton, brought this message to us and asked for this authority and for the money to perform this. I am sorry that the gentleman has so little confidence in the Commander-in-Chief.

I am sorry he does not trust the President to do what is right, but I would assure him that any time anyone can bring to me, not only from this body but any place in the world, some evidence of proof that this school is doing harm and contributing to the violation of human rights, they will

not receive one penny of appropriation to continue that.

While I respect the theory of the gentleman from Massachusetts (Mr. MOAKLEY), while I certainly regret the atrocities that took place decades ago, I cannot accept your philosophy that a graduate of this school is automatically going to do something that some former graduates did. The Unabomber went to Harvard and we are not talking about closing down Harvard because he created these atrocities.

Mr. Chairman, I plead with my colleagues to listen to the Commander-in-Chief, to listen to the Secretary of Defense that your Commander-in-Chief, your President named to this position, who says this is vital towards the peace process and future human rights activities in these areas.

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

Mr. Chairman, before my dear friend, the gentleman from Alabama (Mr. CALLAHAN) leaves the room, the gentleman is my dear friend, too, I just wanted to inform him that these atrocities, some have occurred decades ago, but most recent ones have just occurred last March in Colombia by two graduates, the general and the major. So the atrocities are still going on, and we did not teach the Unabomber how to make bombs at Harvard.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in strong support of the amendment that has been put forth by the gentleman from Massachusetts (Mr. MOAKLEY), and I commend him for the effort that he has made in this area.

Mr. Chairman, I have had the opportunity to visit the School of Americas and, frankly, I was impressed by many of the people that I met there. I felt that they were good people, that they were trying to do what they thought was best for this country. But I also, Mr. Chairman, cannot ignore the history of this school.

While I was impressed by those people at the school and their integrity, I have to also look at the track record of the graduates of this school, and whether it has occurred in the last 2 years, the last 5 years or the last 15 years, what we have seen is we have seen, unfortunately, and frankly too many graduates who have been involved in violence in ways that are not acceptable to the American people and not acceptable to the people in Central America.

Mr. Chairman, to put it quite bluntly, this school has lost its credibility with the American people. The American people do not accept the function that this school performs. They do not accept the function that we should be training military leaders in Central America because our track record has been so poor, and we have had so many failures of people who have graduated from this school and have been involved in atrocities that no longer do the American people believe that this is a function that should be performed by the United States Government.

Mr. Chairman, I have been struck in my own district by the number of people from wide ranges, the faith community, the peace community, people who stopped me at schools and simply say this school must be closed down. And they go a step further, because they are aware of what is going on in this legislation. They are aware that there are cosmetic changes that are being taken to try to make this school more presentable, but at the end of the day, when the analysis is finished, those changes are simply cosmetic and the functions that have been performed by the schools historically are continuing to be performed now.

Unfortunately, I think that the time has come where we must simply conclude as a Congress that the school must be closed.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I urge my colleagues to oppose the Moakley amendment and support the provisions of the Defense Authorization bill to transition the School of Americas to the Defense Institute for Hemispheric Security Cooperation.

Military-to-military exchanges are an integral component of American foreign policy and provide valuable education and training to both military and civilian leaders alike. These exchanges increase cooperation, help professionalize militaries and teach them the role of military in democratic, civilian societies.

While the School of the Americas has played a vital role in our foreign policy over the last several decades, it is time that we modernize and update the approach of the school for the 21st century.

The House Committee on Armed Services has taken a bold step in replacing the School of the Americas. This bill would provide professional education and training to military, law enforcement and civilian leaders in Latin America.

Our bill requires that each student get a minimum of 8 hours instruction in human rights, the rule of law, due process, and civilian control of the military.

Finally, our bill creates an independent board of visitors with broad mandates to oversee the activities and curriculum of the institute. The board may include Members of Congress, as well as representatives from human rights and religious organizations.

These changes are important steps toward improving our military education and training programs and enriching relations between the United States of America and our Latin America neighbors.

The U.S. military has been and remains a strong force for positive change in Latin America, transmitting our Nation's military values there. I urge my colleagues to oppose the Moakley amendment that would strike these important initiatives and withdraw the United States from constructive engagement in Latin America.

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time, and I thank him for his leadership on this important amendment. He has been a leader in trying to educate the Congress on what has been happening in Latin America over the past decade, indeed, generation.

We are all deeply in his debt for making certain events there known to us so we could change and improve our policy. The issue before us today is one that we have visited over and over again. The chairman of my subcommittee, the gentleman from Alabama (Mr. CALLAHAN), which I am ranking member, has spoken in opposition to the gentleman from Massachusetts (Mr. MOAKLEY), and I want to speak in favor of him, because on our bill, the subcommittee on Foreign Operations, Export Financing and Related Programs bill, an amendment by the gentleman from Massachusetts (Mr. MOAKLEY) passed this House overwhelmingly by 230 to 197 to cut the funding for the School of the Americas.

This amendment is an improvement on that because what it says is there should be a bipartisan Congressional task force which will address military training of Latin American soldiers by the U.S. Department of Defense. This task force will critically assess course curriculum and procedures for training in order to ensure that we do not repeat the mistakes of the past.

□ 1430

Mr. Chairman, there is a tremendous need by this Congress to oversee the military training being done by the Department of Defense. With the highest regard for the Secretary of Defense and the Secretary of the Army, I have to rise and say that I strenuously object to the cavalier approach taken by the military to continue training violators of human rights not only in Latin America, but throughout the world.

We trained the Kopassus, the most vicious human rights violators; part of the Indonesian military. Indonesia is going to bring some of those people to justice, and we trained them. We trained them, and it is current and recent. This is not about a long time ago. That is not about the School of the

Americas, it is about the U.S. military training people overseas with the idea that we were going to teach them to have a military in a civilian population.

We all share the goal of sharing the expertise and the idealism of the U.S. military in training foreign militaries on how to exist in a civilian society without military dictatorships, and some of them have to get used to that. We all share the view that there should be human rights training at these schools. Let us really deal with this School of the Americas once and for all instead of every single year by addressing it completely; by having a study, a congressional task force to study it, to say what kind of school and what kind of curriculum should be there and to rid ourselves of the past, of the dreaded history of the School of the Americas and some of the people that it has trained.

So while we have a difference of opinion of approach here, I am sure all my colleagues would want to be very proud of whatever training we have done of foreign militaries, be they in Latin America or Indonesia. Unfortunately, the message of 230 to 197 on the appropriations bill was not a clear enough message to the military. We must send a clearer one. We can do it today under the leadership of the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from California, (Mr. CAMPBELL) and the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the amendment.

I have the greatest respect for the gentleman from Massachusetts, but I believe his amendment in this matter is based on old concepts and old ideas. Certainly, we must change as times change and as situations change.

Mr. Chairman, it is being ignored that this defense authorization includes a provision closing the U.S. Army School of the Americas, which is what they want to do, and establishes in its place a new school for international military education and training. The bill puts the new school under the direct responsibility of the Secretary of Defense.

I do not think we could ask for anymore than that. It requires every student of the school to undergo at least 8 hours of curricula related to human rights, democratic sustainment, and civilian patrol.

Mr. Chairman, it is clearly in our national interest to ensure that if our neighbors in the Western Hemisphere are going to maintain military forces, which they are, that we help to install a degree of professionalism and respect for human rights and civilian authority, values that guide our own military.

In closing, let us stop fighting the old battles of Cold War and let us move forward by supporting the bill and opposing the amendment.

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

Some of my colleagues are alluding to things that happened many years ago. We are talking about some atrocities that happened as recently as March of 1999 by two major generals; other atrocities in 1998 in Colombia. So some of the graduates are still doing these things.

This is a bipartisan amendment, Mr. Chairman. It is authored by both Democrats and Republicans. And I think if we close the school once and for all, we are not stopping all military training for Latin America, we are only stopping 10 percent of it. There are 10,000 people from Latin America trained by the United States Army, only 1,000 in the School of the Americas.

But I think where the School of the Americas has been so symbolic in Central America to some of the people down there, and it attracts thousands of people every year to picket it, I think that we should close it and start anew. So I hope my amendment is adopted.

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

Mr. COLLINS. Mr. Chairman, I thank the gentleman for yielding me this time.

It has been said that the vote last year in the Congress, in the House, was not heard. I assure my colleagues it was heard. It was heard by the President of the United States and the Secretary of Defense. That is the reason they sent up these new legislative procedures so that we could make some changes at the School of the Americas.

But it also has been said that no good deed goes unpunished, and the gentleman's amendment seems to bear that out. In response to concerns raised by the gentleman and other Members of this body and their constituents, and I respect their constituents, the United States Army School of the Americas has undergone extensive changes, extensive reform in the interest of meeting the changes needed by U.S. foreign policy in the post-Cold War era.

This Defense Authorization Act includes major reform provisions, ensuring that course work at the new training facility will fully comply with U.S. law, doctrine and policy. Unfortunately, Members are still seeking to close the School of the Americas. I ask all to oppose the amendment of the gentleman from Massachusetts.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, it is the passionate and sincere leadership of the gentleman from Massachusetts (Mr. MOAKLEY) that has forced the Pentagon and the Army to seriously rethink their approach to military and Democratic education for Latin America. However, I would hope that this House would respect the bipartisan plan that has been written into this bill to close the School of the Americas and to open a new institute, a Defense Institute for Hemispheric Security Cooperation. This is why I must oppose the Moakley amendment.

The Institute's management would be significantly different from the management of the School of the Americas in several ways.

First, it would be under the direct control of the Secretary of Defense, not the Secretary of the Army.

Second, Congress would have a direct oversight role at the Institute. Surely, even the cynics among us can trust the Congress not to endorse, year by year, terrorist training in Latin America.

Thirdly, a statutory board of visitors would be created with recommendations of House and Senate leaders from both parties, and with leaders from academic, human rights and religious organizations.

Fourth, the law would require the institute to teach human rights, due process, rule of law, and civilian control of the military. That is good for Latin America and for the United States.

And, fifth, the bill requires an annual report to Congress on the institute's education and training program.

I have to believe that with oversight from the United States Congress, with us here in this House, that more American engagement with Latin American military and civilian leaders is good. Less engagement is not wise.

Let us thank the gentleman from Massachusetts (Mr. MOAKLEY) for his leadership for change. He has truly made a significant difference. But now is a time for us to move forward in a new day, with new relationships with our allies and friends in Latin America.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentleman for yielding me this time.

One thing that has not been pointed out enough is this training center is the only one where it teaches in Spanish. Our other courses around the country reach the other echelons of leadership. This has tried to take our message of training, as well as human rights training, down to the lower levels of the military, to spread it through newly-democratic countries in Spanish, with instructors from those countries to build that credibility.

We also lost some message here as to why we have this school. In Colombia,

yesterday's Los Angeles Times: Elvia Cortes had a bomb put around her neck and was told that it would explode the next day. It did. She is dead. The person who attempted to remove this bomb had his hands blown off and he bled to death in a helicopter.

Because of our drug crisis and the amount of drugs we are purchasing in this country, we have threatened democracies throughout the world. We need to teach human rights, but we also need to work with those militaries and those democratic governments to do what they did in Guatemala, which is, graduates of the School of the Americas went after another graduate because the behavior he exhibited was intolerable to us.

So I praise this school for the advances they have allowed throughout the world.

Mr. SPENCE. Mr. Chairman, I yield myself the balance of my time.

I think many of us over the years have paid a lot of attention to South America, our friends and neighbors down there, but not as much as we should have. I remember the time when South America had many countries controlled by the military, had military dictatorships, and they did not do things according to the way we do business. With the training a lot of these people have gotten from our School of the Americas, we now have a different situation in South America.

I just got back from a trip. The climate is entirely different. Most of these countries now are democracies. We do not have military dictatorships now. We have people there who go by the rule of law; people who want to be friendlier to us, and they keep wondering why we are not friendlier to them in trying to help them enter into the new millennium.

We have tried to teach them these important lessons at the School of the Americas and it has made a significant differences in fostering stronger bilateral relations and observance of the rule of law.

Mr. KUCINICH. Mr. Chairman, I rise in support of the Moakley amendment to the Defense Authorization bill. This amendment will officially close down the School of the Americas until a report to Congress is submitted assessing the training procedures and their effect in Latin America.

Without this amendment, this bill would merely change the name of the School of the Americas to the Defense Institute for Hemispheric Security Cooperation and make other cosmetic changes.

The School of the Americas needs more than superficial changes.

I would like to take a moment to provide a roster of human rights violators who graduated from the School of Americas.

Nineteen of 26 Salvadoran officers accused of the 1989 massacre of the Jesuits were graduates of the School of the Americas.

Ten of twelve cited for the El Mozote massacre graduated from the school of the Americas.

Two of the three officers cited in Archbishop Romero's assassination were School of the Americas graduates.

And four churchwomen—including Dorthy Kazel, a nun from Cleveland and a friend of mine—were raped and brutally murdered in El Salvador. The UN Truth Commission investigating the murders verified that the School of the Americas trained three of the five officers responsible for the churchwomen's deaths.

Dorthy Kazel was more than a friend to me. She was a friend to humanity. She went to El Salvador to bring about peace and justice for those who most desperately needed it. And she was brutally murdered for her efforts.

The bill fails to make necessary changes to the School of the Americas. It does not address the crimes committed in the past, it does not provide any comfort to the families who were impacted by these human rights violators which I listed. The New School will not establish adequate screening of incoming soldiers and it will not monitor graduates of this school.

I urge my colleagues to support the Moakley amendment, and if this amendment does not pass, I urge my colleagues to vote against this bill.

Mr. BEREUTER. Mr. Chairman, the amendment would strike section 908 which changes the School of the Americas to the Defense Institute for Hemispheric Security.

It is certainly correct to point out that several of the School of the America's graduates have been implicated in crimes, corruption, and human rights violations. Press reports have accurately noted that former Panamanian dictator Manuel Noriega was a former student, as was one of the Salvadoran officers responsible for the 1989 assassination of six Jesuit priests.

However, more than 60,000 young Latin American Officers have graduated from the SOA since its creation in 1946, the vast majority of whom have served their nations honorably and responsibly. Graduates of the SOA are personally responsible for the return of democracy in Latin American nations such as Bolivia and Argentina. Many of the school's graduates have lost their lives while combating the narco-guerillas and drug lords in Colombia and Peru. These counterdrug operations are of vital interest to the safety and security of our Nation as the efforts of these brave Latin American soldiers are aimed at reducing the flow of drugs into the United States of America. It would be a disservice to brand all the school's graduates as criminals because of the misdeeds of a very few.

There have been many false allegations in the past regarding the School of the Americas, such as the alleged existence of SOA torture manuals. There are no such manuals. The SOA does not in any way engage in or endorse such heinous activities. Nor does the SOA trains death squads and assassins. The SOA is run by officers of the United States Army who must operate the school in accordance with governing regulations of the U.S. Army, the Department of Defense, and U.S. Public Law. This type of an amendment is resulting in a smear of the reputation of the fine men and women of the U.S. Army and specifically the officers and non-commitioned officers who have led the SOA. The repeated, unfounded and destorted allegations about the school are outrageous.

One very positive result of the recent focus of attention on the School has been a much greater emphasis on human rights. Every student at the school is now exposed to a rigorous formal and informal training program on basic human rights. Specific classes and case studies are used to enhance the training and to make U.S. concerns unambiguously clear. The roles and rights of civilians, clergy, human rights observers, and UN personnel are integrated into the training program.

H.R. 4205 as reported provides even greater assurances that training for our Latin American allies will continue to stress democracy, human rights, etc.

Mr. Chairman, the Moakley amendment provides for a Congressional Commission to review and recommend whether to reopen a successor to the School of the Americas. This just isn't necessary. We have reviewed, studied and debated the School of the Americas repeatedly. H.R. 4205 is the right course, right now. This member strongly urges opposition to the Moakley amendment.

Mr. BALDACCI. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. MOAKLEY to truly close the School of the Americas.

The School of the Americas was designed to educate and train Latin American military personnel in order to foster and bring about democracy and freedom in typically totalitarian governments. However, far from achieving these noble goals, SOA graduates have instead been linked repeatedly to massacres, assassinations and other atrocities in Latin America.

The United States should not be providing training in how to limit or abuse human rights. We need instead to be leaders in ensuring human rights and fair treatment for all people worldwide.

I have long been a supporter of legislation to close the SOA. It is both a waste of taxpayer money and an affront to our common principles of freedom, democracy and respect for human rights at home and around the world.

H.R. 4205 purports to close the School of the Americas. It does not. Instead, it simply makes a few cosmetic changes in the School's operation, gives it a fancy new name and then turns a blind eye to the repeated human rights violations committed by SOA graduates.

Cosmetic changes are not enough. We must truly close the School of the Americas. I strongly urge my colleagues to support the Moakley amendment to prohibit opening of a follow-on school for at least 10 months and to authorize a congressional task force to critically assess training of Latin American soldiers by the United States and report its findings to Congress within six months. This action is long overdue.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of the Moakley Amendment.

This body has already had this fight and we have won. Last August, the House voted to finally stop funding School of the Americas, and I quote, "None of the funds appropriated or otherwise made available by this Act may be

used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.''

The effort to rename the school without changing its essential role is nothing more than a public relations scheme. Remember, this is an organization whose roster of graduates reads like a Who's Who of human rights violators: 19 of 26 Salvadoran officers accused of the 1989 massacre of the Jesuits, 10 of 12 cited for the El Mozote massacre, 2 of 3 officers cited in the assassination of Archbishop Romero, and the list goes on and on.

More importantly, we have heard from the people. Their voices are smaller and their speeches are not as polished, but these are the people who have suffered from this scandalous school and they deserve to be heard. A name change will do nothing to improve the human rights record of this misguided institution.

I urge my colleagues resist this obvious scheme and support the Moakley amendment.

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

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY).

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

Mr. MOAKLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 106–624.

AMENDMENT NO. 3 OFFERED BY MR. COX

Mr. COX. 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. 3 offered by Mr. COX:

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR NUCLEAR ACCIDENTS IN NORTH KOREA.

Neither the President nor any department, agency, or instrumentality of the United States Government may use the authority of Public Law 85–804 (50 U.S.C. 1431) or any other provision of law to enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to impose liability on the United States Government, or otherwise require an indemnity by the United States Government, for nuclear accidents occurring in North Korea.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from California (Mr. COX) and a Member opposed each will control 15 minutes.

Mr. GEJDENSON. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) claims the time in opposition.

The Chair now recognizes the gentleman from California (Mr. COX).

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

Just a few weeks ago, Mr. Chairman, the Los Angeles Times published an article with the lead, ''Warning to American Taxpayers: Without knowing it, you may soon take on responsibility for what could be billions of dollars in liability stemming from nuclear accidents in, of all places, North Korea.''

The article continued: ''The Clinton administration is quietly weighing a policy change that would make the United States Government the insurer of last resort for any disasters at the civilian nuclear plants being built for the North Korean regime. But the Clinton administration is reluctant to seek a new law from the Republican Congress. That roadblock has sent administration lawyers scurrying through the United States Code, and they have found an obscure law that might be used in a new way.''

The article concludes: ''Presto, one little legal reinterpretation by the administration, and one huge new legal liability for American taxpayers.'' That according to the Los Angeles Times, April 12, 2000.

Perhaps not all of our colleagues are yet aware of how the administration has embarked upon a policy of subsidies to the Stalinist regime of Kim Jong Il in North Korea. From the founding of the Communist State in North Korea until the very last day of the Bush administration, North Korea received not a penny of U.S. foreign aid or U.S. taxpayer support. But that has all changed under the Clinton administration.

Today, the Stalinist government of North Korea is the number one recipient of U.S. foreign aid in the Asia Pacific region. Our aid is now totaling some two-thirds of a billion dollars. That aid is being used by Kim Jong Il's repressive government, to feed his million-man army, to use fuel oil for military industries, and, most improbably of all, to construct nuclear power plants; which, when they are completed, will produce enough plutonium for Kim Jong Il's army to build 65 nuclear weapons a year.

□ 1445

Now, this is the same government that has recently launched a three-stage ballistic missile over Japan. The proliferation risks of this venture are, obviously, the most frightening. But there are additional risks to the proposal to build nuclear plants for Kim Jong-Il as well, enormous risks to taxpayers from a nuclear accident at one of these plants if it were ever the case that the United States taxpayer would be on the line.

According to these published accounts not only in the Los Angeles Times but in industry publications as well, that is just what the administration is setting out to do.

I want to remind every Member that when the Clinton administration has advocated its North Korea policy before the Congress, they have always emphasized how limited our financial involvement would be and how limited our involvement in the nuclear reactor component of the KEDO program would be.

The administration's plans to put U.S. taxpayers on the line for the cost of nuclear accidents in North Korea and the administration's stated opposition to this amendment makes a mockery of those plans.

This amendment which I am offering, together with my Democratic colleague the gentleman from Massachusetts (Mr. MARKEY), prohibits the United States Government from making American taxpayers liable if the nuclear reactors that the Clinton administration is giving to North Korea are involved in a catastrophic nuclear accident.

If U.S. taxpayers are ever to be made liable in this unprecedented way for the costs of nuclear catastrophes in a foreign country, least of all North Korea, then it should be by the act of this Congress. That is the purpose of this amendment.

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

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

Mr. Chairman, 50 years ago when the Korean War started, few of us could have foreseen the kind of regime that would control North Korea for half a century.

This June, after half a century of almost complete isolation, the leaders of North and South Korea will meet directly for the first time. The agreements that have been worked out by the United States that have stopped the two attempts at a nuclear fissionable plant in North Korea and their missile program have been the first major gains in diplomatic efforts in that 50-year period as well.

We come here to the floor today basically arguing that 435 Members of Congress ought to negotiate the liability issues surrounding the building of the two plants that we have guaranteed would be built in North Korea in order for them to stop their own nuclear program and their own missile program.

Now, some on this floor are ready to spend $60 billion to stop the possibility of a North Korean missile aimed at the United States coming here and doing damage to our citizenry, something we ought to be worried about. They are ready to spend $60 billion. Maybe it might violate ABM, could cause all kinds of other problems, still has technical feasibility problems, but that they are ready to rush off to do.

But when we have a chance, and we have a successful program at this point that is led by Dr. Perry, the former Secretary of Defense, which has led to the cessation of their missile program and their nuclear problem at the two facilities that had an active program to create fissionable material, we are going to rush to this floor and we are going to say, wait a minute, the administration has not yet decided how they are going to be able to keep the contractors in this business. GE and others will leave if they end up with a liability.

The United States is working with the Japanese and the other coalition partners trying to work out a solution to the liability issue. But we are going to come to the floor today because we do not think there is a danger that North Korea will go back to building nuclear weapons, we do not think there is a danger they will go back to building their own missiles, because we want to rush to the floor and say, oh, no, no liability under any conditions.

Fifty years of the most isolated regime, for the first time, because of the work of Dr. Perry, we have the two sides sitting down and having a conversation. We have monitors and ways to check the North Korean missile and nuclear program, but now we have got to come to the floor and tell our contractors to go home because, yes, there might be some cost here.

There is some cost if North Korea spins out of control. Aside from the tens of thousands of people that starve to death, what about the North Koreans going back to trying to build nuclear weapons and nuclear missile programs? Is that not some danger for Americans?

I think we are imprudent by acting today. I ask my colleagues to reject this amendment, as well-intentioned as it is.

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

Mr. COX. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, North Korea, lest we forget, is one of the most anti-American and potentially dangerous countries in the world. The administration's efforts to contain North Korea's nuclear weapons ambitions by providing modern nuclear reactors for its energy needs have done little to dissuade North Korea from pursuing a nuclear weapons program.

In fact, contrary to the conventional wisdom, the reactors being provided would not eliminate North Korea's ability to produce sufficient quantities of fissile material that could be used to build nuclear weapons.

Incredibly, it now appears that the administration may indemnify companies involved in the construction of these reactors and actually they would leave American taxpayers footing the bill for nuclear accidents in North Korea.

I cannot believe it. This would, essentially, hold the United States taxpayer hostage to the operation of nuclear reactors over which we have no control in a Stalinist country hostile to the United States and which is developing ballistic missiles capable of striking our country with weapons of mass destruction.

The Cox-Markey amendment would prevent this from happening. The costs of a future nuclear reactor accident in North Korea could be astronomical and ought not to be paid for by our taxpayers.

Mr. Chairman, the amendment makes good common sense. I support it. I urge my colleagues to do the same thing.

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

Mr. GEJDENSON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Chairman, I rise today to express my opposition to the Cox-Markey amendment.

I think this bill sounds good on its face, and it might make us feel like we are striking a blow against North Korea, but I believe its passage today is certainly a mistake.

My friend the gentleman from Connecticut (Mr. GEJDENSON) and others have made the argument very well, and I agree with them on that and on their concerns, that this is an end-run on the committee. On subjects as tricky as nuclear energy and North Korea, Members of this House need the committee process to vet the complex issues this amendment raises.

But I want to make a different point, though, and that is our timing is terrible. This debate comes at the worst possible time at what might be a turning point in history.

For the first time since the Korean nation was split in two, a summit has been scheduled between the leaders of the North and South. Hopes are high that they will make progress towards peace or, at least, a more permanent end to the tense standoff that has blighted Korea's history for 50 years and kept tens of thousands of American troops stationed in a dangerous place far from home.

In less than a month, South Korea's elected president, a national hero known for his courage and pressing for human rights, will meet with North Korea's new leader.

This North-South summit is an historic initiative that our country should support. Instead, by this vote, we risk sending a signal to Koreans in both nations that they cannot trust the United States to keep our solemn commitments.

The agreed framework is controversial, but it is also working. Now is not the time to chip away at it, and this amendment would do just that.

With 37,000 Americans stationed along one of the world's most dangerous borders, ending the Korean War or even lessening the hostile situation should be our country's highest priority.

This amendment needlessly antagonizes South Korea, our long-time ally, and North Korea, the well-armed neighbor that it is trying to bring into the international community.

Every time I go to that region, every time I visit with our military officers and people, they always say, ''what are you guys in Congress doing?'' They cannot believe that here in Washington we are rattling sabers while they are posted on one of the world's most dangerous front lines.

Few of us expect this amendment to win Senate passage. If it does, I doubt the President will sign it.

I urge my colleagues to restrain themselves, to resist the temptation to lash out at an administration and a country they disagree with. I urge them to put peace and American troops ahead of other considerations. Vote no on the Cox-Markey amendment.

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

Mr. Chairman, in response to the gentleman from Ohio (Mr. HALL), I would simply point out that there is no provision in the KEDO agreement for U.S. taxpayer liability for nuclear accidents in North Korea, nor is there any existing Federal statute that permits the administration to do this by fiat.

If taxpayers are to assume this liability in a remarkable expansion of the U.S. financial commitment to KEDO, then it should be by decision of this Congress. That is the only purpose of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am pleased to support the amendment that has been offered jointly by the gentleman from California (Mr. COX) and the gentleman from Massachusetts (Mr. MARKEY).

The amendment before us today is derived from the legislation I introduced on April 13 of this year entitled the ''Prohibition on United States Government Liability for Nuclear Accidents in North Korea Act of 2000.''

This legislation, H.R. 4266, was cosponsored by the two authors of today's amendment, as well as by the gentleman from South Carolina (Mr. SPENCE), chairman of the Committee on Armed Services, the gentleman

from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific, and others.

Our bill and today's amendment are a response to recent disclosure of efforts within the Clinton administration to offer what amounts to U.S. Government insurance against whatever liability claims might be made if nuclear reactors that the administration is trying to give to North Korea are involved in a catastrophic nuclear accident.

Apparently, the administration is considering doing this, in effect exposing the U.S. taxpayer to potentially tens or even hundreds of billions of dollars in liability claims without the approval of Congress. They propose instead to reinterpret a law enacted in 1958 in a transparent effort to avoid Congressional participation in the decision that may have profound consequences for our Nation's financial solvency.

This effort within the administration was disclosed not in briefings to the Congress, nor in testimony before Congress by administration officials, but, rather, in an article in the Los Angeles Times dated April 12 of this year.

Among those who fear a possible nuclear catastrophe are the very contractors who the administration thought would be eager to participate in the $5 billion construction project in North Korea. Those contractors apparently are concerned that if there is a catastrophe they might be sued and the potential liability could bring down their companies.

I was surprised and alarmed to learn that the administration is considering offering an indemnity to contractors participating in the North Korean nuclear projects without the approval of Congress. Our staff had to ferret out that information through the conduct of Congressional oversight, and most Members of Congress first learned about it when they read about it in the Los Angeles Times.

Mr. Chairman, if the administration wants the U.S. Government to provide such insurance, then they should come to the Congress and make their case for it. Then, in accordance with the Constitution, we could consider that request and decide whether or not to approve it.

Mr. Chairman, the Cox-Markey amendment does nothing more than force the administration to respect the prerogatives of the Congress. Accordingly, I commend the sponsors of the amendment. I request our colleagues to fully support this measure.

□ 1500

Mr. GEJDENSON. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from California (Mr. BERMAN), a senior member of the committee.

Mr. BERMAN. Mr. Chairman, the scare is unlimited indemnification by the United States in the case of a North Korean light-water nuclear reactor. But the amendment does not address the scare. The amendment sweepingly prohibits any and all indemnification or liability agreements without regard to how limited, how widespread, who is participating and what is happening.

Some people in this House do not like to see nuclear energy. Probably everyone in this House looks at North Korea as an adversary who has undertaken and engaged in irresponsible conduct domestically and in foreign policy. But everyone who votes for the amendment should think first about the fact that they could be torpedoing the agreed framework and the ability to get meaningful inspections about what the North Koreans have done with the plutonium that is not even reached yet by the present freeze in the North Korean nuclear program. That is a very high price to pay for the pleasure of voting for an amendment which, on its surface, seems very attractive.

I think for purposes of making sure that we rid North Korea of any nuclear program whatsoever, of getting it in compliance with the nuclear nonproliferation treaty, of making it certified by the IAEA and of finally getting an account and disposing of the plutonium that we all know they have, it is a terrible mistake to vote for this amendment, and I urge the body to reject it.

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

I would just say to the gentleman that the KEDO program has never contemplated U.S. taxpayer liability for nuclear accidents in North Korea. Second, if the purpose is to rid North Korea of a nuclear program, it seems an odd way to do it, to build them nuclear reactors. If our object is to give them electricity, certainly a coal-fired plant or a hydro plant would make a great deal of sense.

Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we have so many red herrings floating around in the well down here today, we are going to have to build an aquarium. This has nothing to do with American nonproliferation policy. It has nothing to do with the agreed framework which everyone is talking about here. It has nothing to do with Star Wars, which I oppose, I think it is the stupidest idea of all time, but this is not what this debate is all about. It has nothing to do with Korean reunification, as much as we all sincerely hope that they will reunify. It has nothing to do with any of that. It has to do with a single company, General Electric, coming to this Congress and saying, we would like to be indemnified against wanton, reckless misconduct in the construction of our product if an accident occurs in North Korea. And if an accident occurs, we want the American taxpayer to shoulder the burden.

All we are saying is that General Electric should go into the private marketplace and get some insurance. Now, they are boasting in their puffing of this plant that they are going to make $30 million. Now, if with their $30 million worth of profit they cannot afford an insurance policy on this plant, then this is a pretty dangerous product. Now, my feeling is that out of the $30 million, they could probably spend a half a million or a million and get a good insurance policy, and then that insurance company should bear the risk. But it should not be the American taxpayer.

Generally speaking, what is going on here is that Adam Smith is spinning in his grave. General Electric wants us to socialize the risk but privatize the profit for them. But all of the American taxpayers are going to shoulder the burden. No other company, by the way, that is part of this project, it is not just General Electric, there are many other companies who are part of this project, none of them are asking for indemnification, only one company who does not want to go into the private insurance marketplace. It has nothing to do with Star Wars, nothing to do with the agreed framework, nothing to do with nonproliferation, nothing to do with anything.

Now, I believe that the American government, our negotiators, should have pushed them toward LNG, should have pushed them toward natural gas, should have pushed them toward clean coal. China would have been glad to sell it to them. By the way, Frank von Hippel at Princeton is quite convinced that a light-water reactor is not proliferation immune, that is, you can still build nuclear weapons out of a light-water reactor. We should have pushed them totally away from the nuclear technology. All of that is a separate issue. We do not have to debate that right now, only whether or not we should be giving one company American-taxpayer insurance protection when they should go out into the private marketplace, and everything else that we are debating here right now has no business being insinuated into this debate.

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

Mr. MARKEY. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I am sure we would have had a better deal from the North Koreans if the gentleman from Massachusetts had done the negotiation. But since we are lucky to have the gentleman staying in Congress and not going off to work for any administration and to negotiate, we are stuck with the deals that administrations, as incapable as they are, work out.

Would the gentleman not agree that if this framework falls apart and the North Koreans go back to trying to build their own reactors, we are less safe than under this program?

Mr. MARKEY. I would agree with the gentleman on that. I do not agree with the gentleman that it is going to fall apart over whether or not an insurance company is picking up the risk or the American taxpayer. All we are arguing right here is if General Electric cannot get a private insurance company to assume the risk for this nuclear power plant, then we are going to encourage them to engage in reckless, wanton behavior in the construction of the materials, and as a result, have the American taxpayer pick up the cost of the accident which will invariably occur.

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

I would say the red herrings might be that if we do not allow our administration to negotiate an insurance policy that might have America financing that insurance policy, that that will make General Electric be wantonly irresponsible. That might just be a red herring.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. There are a lot of things fishy going on on the floor today, Mr. Chairman.

The gentleman from Connecticut I think might know that I personally did go to North Korea, and I did begin the negotiation with the then dictator of North Korea, Kim Il Song, and it was a very difficult conversation, believe me. It was at a time when they were fully active with their heavy water nuclear reactor, when they were refusing to let the IAEA in to do the inspections and we had those constant standoffs at the airport and they did not want to budge.

To get them finally to agree that they would build down and take away and do away with their heavy-water reactor and switch to a light-water reactor, which we wanted them to do which would reduce the possibility of nuclear risk was a very difficult thing. The only thing that they wanted from us in return is to have the face, to be able to save face and not be able to say, well, the South Koreans and the Japanese of who they are not enamored with were bailing them out.

They wanted it to look like an international effort. So our contribution is basically funding the oil to heat their country while one reactor is turned off and the other one is turned on.

This is really about trying to embarrass the Clinton administration. This is really about establishing a strawman, a bogeyman to have an enemy to rally around and the North Koreans are very, very easy suspects to fill that role. What is going on here is basically to tear down the framework agreement. If we did not have the framework agreement, Mr. Chairman, this would be a much more dangerous world in which we live. This is critical that we go through with this. If this fails and they go back to their heavy-water reactor, where will we be? We will really need every bit of that $60 billion for Star Wars and all of those other things that we are talking about. This is the ounce of prevention that will save us megatons of cure.

Mr. GEJDENSON. Mr. Chairman, I yield 2½ minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time and would assert in direct refutation to my friend from Massachusetts that this has everything, everything to do about the larger issues of peace on the Korean peninsula. I am rather astounded that this amendment would be before us. We have come, since 1994, from the brink of military conflict to now the eve of a historic summit between leaders in that area. Lasting peace is a long ways away, but this summit is a historic opportunity for an advance, and here we are acting as though there has been nothing successful achieved under the nuclear framework.

This framework was negotiated because of the concern that the nuclear facility at Yongbyon could produce weapons grade material, and in fact, that they were moving plans to do that very kind of processing. The agreement to move to a light-water nuclear electricity capacity for North Korea deprives them of this material which is so very dangerous in light of its potential application for weapons grade plutonium.

We asked Secretary Perry, who negotiated this initial agreement, to go back and take a look at whether the framework was working. He reported to the Committee on International Relations, and I quote, ''The nuclear facilities remain frozen, a result that is critical for security on the peninsula since during the last 5 years those facilities could have produced enough plutonium to make a substantial number of nuclear weapons.''

Now, earlier this week, just days earlier, the gentleman from Massachusetts (Mr. MARKEY) was part of another legislative initiative along with the gentleman from New York (Mr. GILMAN), the Gilman-Markey amendment which would require House prior approval before the United States would enter nuclear cooperative agreements or provide key components, restricted components on the A–10 list as part of a nuclear agreement.

This prior House approval resolution passed 374–6. We have established the oversight opportunity to carefully watch this. Let us not pass this resolution which reflects the worst kind of armchair quarterbacking, coming in without being a party to the discussions at all despite their successful 5-year record so far and try to pick apart and undermine their future prospects for success even while the leaders prepare for the historic summit in Korea.

Reject this amendment. It is well intended but wrongheaded. Stick with the Gilman-Markey approval we earlier passed. We have all the oversight we need.

Mr. GEJDENSON. Mr. Chairman, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN) who has done such fine work in this area.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Maine is recognized for 2½ minutes.

Mr. ALLEN. Mr. Chairman, I rise in opposition to the Cox-Markey amendment. All of us agree that North Korea is a dangerous rogue state, but this amendment is about whether or not we can promote policies to make North Korea less of a threat or we just sit by and let the threat develop. We all agree we want to make North Korea less dangerous, and that is why we should reject this amendment. In 1994, the closed North Korean government opened up just enough to sign an agreement with us to eliminate its nuclear weapons program. The agreed framework has given us a great opportunity to reduce the threat from that country. The Cox-Markey amendment could jeopardize that opportunity by causing the United States to renege on its end of the bargain, which was to work with South Korea and Japan to build civilian nuclear reactors in North Korea. The amendment would, in effect, construct an insurmountable barrier to our cooperation in the framework.

Now any businessperson knows the importance of dealing with liability issues before the deal goes forward.

□ 1515

If we block the possibility of the U.S. Government assuming some, and certainly not all, of the liability for the reactors, we likely sink this deal.

The proponents are claiming to speak for the American taxpayer, but the rush to deploy a national missile defense is premised on defending against the North Korean missile threat, and that system's price tag is $60 billion. Those are real dollars to the American taxpayer. But the proponents of this amendment are rejecting a sensible effort to reduce the North Korean threat before it becomes a problem. The agreed framework is far from perfect, but it gives us the opportunity to eliminate North Korea's nuclear weapons program and to make their missile program less threatening, and it is far, far cheaper than $60 billion. Our national security policy is not served by a policy that says let us sit idle while they build it, and hope that some untested, unproven antimissile shield will work after the missiles are launched.

I urge my colleagues to think of the consequences of this vote, to think of the long-term security interests in Korea, and vote against the Cox-Markey amendment.

Mr. COX. Mr. Chairman, I yield the balance of my time. The gentleman from Michigan (Mr. KNOLLENBERG), a senior Member of the Committee on Appropriations, who has done a substantial amount of work on KEDO over the years.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Michigan is recognized for 1 minute.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me time, and thank the gentleman from Massachusetts (Mr. MARKEY) for his cosponsorship.

As the chairman has just stated, I have been a Member of the Committee on Appropriations, and I believe I am very familiar with this framework, with KEDO and the substance of this amendment and why we have this amendment.

Under KEDO and the administration's current policy with North Korea, as everybody knows, the U.S. is leading an effort to finance and build these two nuclear reactors. For whom? For North Korea, perhaps the most regressive regime in the world. It is not only illogical, but it is dangerous to the national security of this country.

But let us talk about the thing that I think may have been overlooked here, experience. The North Koreans clearly do not have the expertise to safely operate two nuclear reactors. Who are the operators going to be? Who will handle the plant management? One cannot create a nuclear industry infrastructure by administrative fiat. It requires the time to educate, to train all the necessary people and to develop the required supply chain.

The CHAIRMAN pro tempore. All time has expired.

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

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the chairman for yielding.

The North Koreans simply do not have the equipment, they do not have the capability to handle this method of producing electricity. Now, the companies that are involved here realize this. They know what the dilemma is, and, therefore, do not want to accept the billions of dollars of risk associated with building nuclear reactors in such a dangerous rogue nation. There is nothing that the U.S. can do to assure companies that the inexperienced North Koreans will not improperly operate these plants, and, thus create radioactive mishaps or accidents.

If there is anything that we have learned from our experience with North Korea, it is that there is no way that you can predict what they are going to do.

Now, faced with this dilemma, the administration is now looking for a way to put the U.S. taxpayers on the hook for this enormous liability. I think that is simply unacceptable, and this amendment is necessary to prevent it from happening.

Once again, I thank the sponsors, and strongly urge my colleagues to support this amendment.

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

Mr. Chairman, I would just like to say one thing in this respect. I said something earlier, but if my friends on the other side who oppose this amendment think, as I have heard them say, that North Korea has changed for the better and they are less hostile to our country, I want to let them know they are living in a fantasy world. The real world is that North Korea takes all we have to offer and give them to buy them off, and at the same time, they continue to develop weapons destructive toward us, aimed at us, and they also export to other rogue nations technologies to help them oppose us in the world.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, we must keep our focus on the narrow purpose of this amendment, which is to keep Congress in control over any decision whether the U.S. taxpayer should be put on the hook for a multi-billion dollar liability for nuclear accidents in North Korea.

It is, to say the least, a surprising policy that this administration, the Clinton-Gore administration, with the author of Earth in the Balance complicit in the decision, has decided to use taxpayer resources to build nuclear power plants, nuclear power plants not for U.S. consumers, but for a repressive regime that has armed itself to the teeth. They are maintaining a 1 million-man army while the people of North Korea are so impoverished they are eating the bark off of trees.

But leaving aside our warranted astonishment with this policy of building nuclear power plants for Kim Jong Il, which will produce plutonium which could be used to make nuclear weapons and be fitted on the missiles that he will continue to develop while we are giving them this aid, the new question that is put before us now is whether or not the agreed framework between the United States and Japan and South Korea and North Korea is going to be distorted in a way not contemplated by this Congress or by the administration, that the liability of the U.S. taxpayers will be enormously increased without any consultation with Congress, and, most importantly, without any legal authorization for doing so.

Earlier today I discussed this with Ambassador Sherman from the Department of State. She told me that the Republic of Korea National Assembly may soon be considering legislation to accept some part of the liability for nuclear accidents in North Korea. That would be a good policy for the U.S. Congress to follow.

Just as the ROK, we are also parties to this agreement. Let us not change the agreement and the financial commitment of the United States by fiat of the State Department. Let us not stretch a statute beyond all recognition in an unprecedented way to impose billions of dollars of liability on U.S. taxpayers.

It is precisely because the potential damages here are so great that the Clinton administration is considering an unprecedented use of a defense contracting provision in Title 50 of the United States Code, Section 1431, to impose unlimited nuclear liability on U.S. taxpayers. The Congressional Research Service has been unable to find any precedent for this. They have been unable to find any precedent for such use of this provision or for the assumption of unlimited foreign nuclear liability by U.S. taxpayers under any provision of U.S. law.

If we are to do this, then we should do it after debate on the merits in this Congress. That is the way that multibillion dollar commitments of U.S. taxpayer resources should be made in our government, with legal authority, not by fiat.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support for the Cox-Markey amendment to prohibit U.S. Government agencies from assuming liability for nuclear accidents that might occur in North Korea.

The amendment of the distinguished gentleman from California, Mr. COX, and the distinguished gentleman from Massachusetts, Mr. MARKEY, is made necessary by the willingness of the Executive branch to become the insurer of last resort for the two light-water nuclear reactors being constructed in the Democratic People's Republic of Korea (DPRK). American companies are understandably reluctant to shoulder the liability themselves, for they understand the risk of accident associated with this project is unacceptably high.

In the event of a Chernobyl-type catastrophe in North Korea, the United States could be held liable for legal claims. Such claims could be massive—reaching into the hundreds of billions of dollars! And, because North Korea is to operate and administer the light-water reactors, we are essentially trusting that North Korean technicians will keep the reactors operating in a safe manner. This Member would warn his colleagues that North Korea is not a nation that historically pays close attention to safety. Quite the reverse, what little contact we have had with the DPRK suggests that safety is the last thing on their mind. This body must assume that North Korea will willingly cut safety corners to extract as much profit as possible.

Mr. Chairman, the Korean light-water nuclear reactor project (KEDO) is a highly controversial initiative, and opinions differ on its

wisdom. However, this amendment is not an attempt to undermine U.S. participation in North Korea's light-water nuclear reactor project (KEDO). Rather, the Executive Branch is artificially, and inappropriately, attempting to "prop up" the KEDO agreement that may be collapsing under its own weight. The problem before this body is that this nuclear development project could result in countless billions of dollars in liability claims.

Mr. Chairman, if the marketplace is not willing to assume the risks associated with possible North Korean nuclear disaster, perhaps the body should pause before allowing the Federal Government to assume the liability. The amendment of the distinguished gentleman from California and the distinguished gentleman from Massachusetts is a commonsense response to a very real problem. This Member would note his intention to offer a companion amendment to the appropriate appropriations bill, prohibit U.S. funds from being spent for the assumption of nuclear liability related to North Korea.

This Member commends his colleagues for offering the amendment, and urges approval of the Cox/Markey amendment.

Mrs. TAUSCHER. Mr. Chairman, I urge Members to vote against the Cox-Markey amendment to the Defense Authorization bill. This amendment would undermine the framework agreed to by the United States and North Korea in 1994, and would have the effect of preventing continued progress in the critical area of nuclear non-proliferation.

The Cox-Markey legislation would forbid the United States from indemnifying the technology provided by an American contractor for civilian nuclear reactors in North Korea. The United States agreed to help build these reactors in exchange for North Korea's freezing of its nuclear-related activities at two sites. In the interim, these reactors are necessary to provide sufficient energy for parts of North Korea. If this amendment were to pass, the contractor will be forced to pull out of the project, leaving the U.S. unable to fulfill its part of the agreement. North Korea would then lack any reason for not resuming work at its nuclear sites.

We have a good agreement with North Korea. It effectively limits the nuclear threat posed by that country, and it does so in an intelligent way. The agreement is good for the U.S., and it commits us to building several reactors, which we will finance in concert with two of our Pacific allies, Japan and South Korea. This is a small price to pay for the dangers we can reduce in North Korea. If the Cox-Markey amendment passes, we will undermine the agreement, which will have two consequences. First, it will provoke North Korea to continue its production of nuclear warheads. Second, it will cause the U.S. to renege on its share of the duty, making us look unreliable to our allies.

For these two reasons, I urge my colleagues to oppose this amendment.

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

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. COX).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. COX. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from California (Mr. COX) will be postponed.

It is now in order to consider Amendment No. 4 printed in House Report 106–624.

AMENDMENT NO. 4 OFFERED BY MR. SKELTON

Mr. SKELTON. 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 Mr. SKELTON:

Strike title XV (page 354, line 6, through page 359, line 16) and insert the following:

TITLE XV—LAND CONVEYANCE REGARDING VIEQUES ISLAND, PUERTO RICO

SEC. 1501. CONVEYANCE OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) CONVEYANCE REQUIRED.—

(1) PROPERTY TO BE CONVEYED.—(1) Subject to subsection (b), the Secretary of the Navy shall convey, without consideration, to the Commonwealth of Puerto Rico all right, title, and interest of the United States in and to the land constituting the Naval Ammunition Support detachment located on the western end of Vieques Island, Puerto Rico.

(2) TIME FOR CONVEYANCE.—The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than December 31, 2000.

(3) PURPOSE OF CONVEYANCE.—The conveyance under paragraph (1) is being made for the benefit of the Municipality of Vieques, Puerto Rico, as determined by the Planning Board of the Commonwealth of Puerto Rico.

(b) RESERVED PROPERTY NOT SUBJECT TO CONVEYANCE.—

(1) RADAR AND COMMUNICATIONS FACILITIES.—The conveyance required by subsection (a) shall not include that portion of the Naval Ammunition Support detachment consisting of the following:

(A) Approximately 100 acres on which is located the Relocatable Over-the-Horizon Radar and the Mount Pirata telecommunications facilities.

(B) Such easements, rights-of-way, and other interests retained by the Secretary of the Navy as the Secretary considers necessary—

(i) to provide access to the property retained under subparagraph (A);

(ii) for the provision of utilities and security for the retained property; and

(iii) for the effective maintenance and operation of the retained property.

(2) OTHER SITES.—The United States may retain such other interests in the property conveyed under subsection (a) as—

(A) the Secretary of the Navy considers necessary, in the discharge of responsibilities under subsection (d), to protect human health and the environment; and

(B) the Secretary of the Interior considers necessary to discharge responsibilities under subsection (f), as provided in the co-management agreement referred to in such subsection.

(c) DESCRIPTION OF PROPERTY.—The Secretary of the Navy, in consultation with the Secretary of the Interior on issues relating to natural resource protection under subsection (f), shall determine the exact acreage and legal description of the property required to be conveyed pursuant to subsection (a), including the legal description of any easements, rights of way, and other interests that are retained pursuant to subsection (b).

(d) ENVIRONMENTAL RESTORATION.—

(1) OBJECTIVE OF CONVEYANCE.—An important objective of the conveyance required by this section is to promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment, consistent with all applicable environmental requirements and in full consultation with the Governor of Puerto Rico, for the benefit of the residents of Vieques Island.

(2) CONVEYANCE DESPITE RESPONSE NEED.—If the Secretary of the Navy, by December 31, 2000, is unable to provide the covenant required by section 120(h)(3)(A)(ii)(I) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)(ii)(I)) with respect to the property to be conveyed, the Secretary shall still complete the conveyance by that date, as required by subsection (a)(2). The Secretary shall remain responsible for completing all response actions required under such Act. The completion of the response actions shall not be delayed on account of the conveyance.

(3) CONTINUED NAVY RESPONSIBILITY.—The Secretary of the Navy shall remain responsible for the environmental condition of the property, and the Commonwealth of Puerto Rico shall not be responsible for any condition existing at the time of the conveyance.

(4) SAVINGS CLAUSE.—All response actions with respect to the property to be conveyed shall take place in compliance with current law.

(e) INDEMNIFICATION.—

(1) ENTITIES AND PERSONS COVERED; EXTENT.—(A) Except as provided in subparagraph (C), and subject to paragraph (2), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in subparagraph (B) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at those parts of the Naval Ammunition Support detachment conveyed pursuant to subsection (a).

(B) The persons and entities described in this paragraph are the following:

(i) The Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico), once Puerto Rico acquires ownership or control of the Naval Ammunition Support Detachment by the conveyance under subsection (a).

(ii) Any political subdivision of the Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico) that acquires such ownership or control.

(iii) Any other person or entity that acquires such ownership or control.

(iv) Any successor, assignee, transferee, lender, or lessee of a person or entity described in clauses (i) through (iii).

(C) To the extent the persons and entities described in subparagraph (B) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS ON INDEMNIFICATION.—No indemnification may be afforded under this

subsection unless the person or entity making a claim for indemnification—

(A) notifies the Secretary of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary of Defense;

(B) furnishes to the Secretary of Defense copies of pertinent papers the entity receives;

(C) furnishes evidence of proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(3) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—(A) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising our of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary of Defense to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(4) ACCRUAL OF ACTION.—For purposes of paragraph (2)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any part of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(5) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed as affecting or modifying in any way subsection 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) DEFINITIONS.—In this subsection, the terms ''hazardous substance'', ''release'', and ''pollutant or contaminant'' have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(f) MANAGEMENT.—

(1) CO-MANAGEMENT OF CONSERVATION ZONES.—Those areas on the western end of the Vieques Island designated as Conservation Zones in section IV of the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy shall be subject to a co-management agreement among the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust and the Secretary of the Interior. Areas adjacent to these Conservation Zones shall also be considered for inclusion under the co-management agreement. Adjacent areas to be included under the co-management agreement shall be mutually agreed to by the Commonwealth of Puerto Rico and the Secretary of the Interior. This determination of inclusion of lands shall be incorporated into the co-management agreement process as set forth in paragraph (2). In addition, the Sea Grass Area west of Mosquito Pier, as identified in the 1983 Memorandum of Understanding, shall be included in the co-management plan to be protected under the laws of the Commonwealth of Puerto Rico.

(2) CO-MANAGEMENT PURPOSES.—All lands covered by the co-management agreement shall be managed to protect and preserve the natural resources of these lands in perpetuity. The Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior shall follow all applicable Federal environmental laws during the creation and any subsequent amendment of the co-management agreement, including the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the National Historic Preservation Act. The co-management agreement shall be completed prior to any conveyance of the property under subsection (a), but not later than December 31, 2000. The Commonwealth of Puerto Rico shall implement the terms and conditions of the co-management agreement, which can only be amended by agreement of the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

(3) ROLE OF NATIONAL FISH AND WILDLIFE FOUNDATION.—Contingent on funds being available specifically for the preservation and protection of natural resources on Vieques Island, amounts necessary to carry out the co-management agreement may be made available to the National Fish and Wildlife Foundation to establish and manage an endowment for the management of lands transferred to the Commonwealth of Puerto Rico and subject to the co-management agreement. The proceeds from investment of the endowment shall be available on an annual basis. The Foundation shall strive to leverage annual proceeds with non-Federal funds to the fullest extent possible.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 15 minutes. Does the gentleman from South Carolina wish to claim the time in opposition?

Mr. SPENCE. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from South Carolina will control 15 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

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

Mr. Chairman, I speak in favor of a strong national security. This amendment is for just that. My amendment is the only way we can get back the range at Vieques permanently. My amendment would strike language that is in the bill that guts the negotiated agreement between the administration and the Navy on the one hand, and the Governor of Puerto Rico on the other.

My amendment would put in place the first piece of the conveyance, the conveyance of the excess land on the western end of the island, to the people of Vieques. During the debates we have heard much of the island of Vieques, a lot about what the Navy needs and why it is important to the Navy. Well, that is an excellent point.

If we really want to know what the Navy needs, let us listen and find out from the Navy itself, the Secretary of Defense and the President. The Secretary of the Navy, the Secretary of Defense and the President all vigorously opposed the language in the bill regarding Vieques. The Secretary of the Navy states that the committee bill ''would establish conditions on disposal of the Naval Ammunition Support Detachment that are contrary to presidential directives on that subject.''

The Secretary of Defense, William Cohen, says that ''any legislative proposal that unilaterally undermines that agreement will reverse the positive momentum that has been accomplished to date.''

The administration policy is ''the title of the bill regarding the Navy's facilities in Vieques, Puerto Rico, is unacceptable. If enacted, key provisions would make it likely that our Navy and Marine Corps personnel would not be able to get the training they need on the island.''

Departments of the Navy and Defense and the administration as a whole strongly support this language. It strikes this title and replaces it with language regarding the first part of the agreement, and that is the transfer of excess land to the people of Vieques.

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

Mr. SPENCE. Mr. Chairman I rise in opposition to this amendment, and I yield myself such time as I may consume.

Mr. Chairman, I appreciate the position my good friend from Missouri is in in having to offer this amendment. He is one of the strongest supporters we have of our troops and the training they must get. He is always talking about this being the year of the troops, and he is called upon by his administration to offer an amendment that would do harm to the training that our troops receive.

Mr. Chairman, the gentleman's amendment would strike the provisions contained in our bill. I support our bill, the Committee on Armed Services bill, the provisions that deal with Vieques. This amendment seeks to replace them with the administration's flawed approach, as established by the agreement between the President and the Governor of Puerto Rico on January 31, 2000.

Since the Navy ceased training on Vieques in April of 1999, East Coast-based Naval forces have experienced a decline in combat readiness. The ranges on Vieques island are the only place where our forces can conduct joint combined live fire training in conjunction with the actual amphibious landings by our troops ashore. When I was on active duty with the Navy, I remember back in those days being involved in training in Vieques myself. I know how valuable it is.

Vieques is, in the words of Vice Admiral William Fallon, the Commander of the Second Fleet, ''an irreplaceable national asset.'' And it is a national asset. People do not realize we own that island. We bought it. It belongs to the United States Government. Where else in this country and overseas do we have referendums to allow us to use our own bases for live firing?

□ 1530

Without live-fire training at Vieques, carrier battle groups and amphibious ready groups will continue to deploy overseas without the necessary training for combat. Therefore, access to Vieques for live-fire training must be retained. Anything less endangers the lives of American sailors and Marines and others who train there. We are putting our own people in jeopardy by what we are doing. We are not looking out for their welfare, and we are not looking out for the welfare of this country.

By endorsing the agreement between the President and the Governor, the amendment undermines the provisions in the bill that would ensure proper access to Vieques. Further, the amendment endorses the troublesome precedent of allowing the future of military training on Vieques to be determined by a referendum.

By allowing local communities to decide where the military can train, this amendment places in jeopardy current access to other critical military installations, as I have said before, both in this country and overseas.

The Vieques provision in this bill is fair and equitable. They allow for the conveyance of the land on the west end of Vieques to the Puerto Ricans and authorize $40 million in economic assistance for local citizens once live-fire training has resumed.

At the same time, they restrict live-fire training to 90 days a year and direct the Navy to take measures to ensure the safety of the local populace.

The bill protects the readiness of our military forces by ensuring that they have access to the best training facilities available, a facility that will allow them to train to protect their lives and the lives of other Americans the next time they are called up to take up arms in defense of this country.

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

Mr. SKELTON. Mr. Chairman, I yield myself 15 seconds to point out the actual facts that are before us. There is nothing in my amendment that talks about remuneration. There is nothing in my amendment that talks about a referendum. What it does, it strikes the killing language and transfers the excess western part of the island. That is all it does.

Mr. Chairman, I yield 3 minutes to the Resident Commissioner, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise on this occasion to express my solid support for the amendment of the gentleman from Missouri (Mr. SKELTON) on Vieques. I speak as the only elected representative of the 4 million U.S. citizens in Puerto Rico and Vieques and on behalf of the Governor of Puerto Rico and the Mayor of Vieques, to reinforce the importance of approving the Vieques land conveyance component of the presidential directives.

Both the presidential candidates also support this amendment. They support the presidential directives. First of all, I want to clarify that this land conveyance is limited to the western lands of Vieques and will have no impact on the eastern end of the island where the Navy's bombing range is located.

Looking at a map of Vieques, the eastern part of the island is where the range is located, in the easternmost part, and the western part, which are the lands that we are considering here, have nothing to do with the maneuvers and the training in Vieques now and they have been declared, the Navy itself does not need the western lands that make up the Naval ammunition depot.

In fact, the Secretary of the Navy indicated by letter to Speaker HASTERT that there has been little use of the property in recent years and that it is no longer needed for Federal purposes.

Parts of the agreement reached by the Secretary of the Navy, the Secretary of Defense, the President and the Governor of Puerto Rico are already implemented. After the Navy peacefully removed the protestors from the live impact range on the eastern end of Vieques, with the help of the police department in Puerto Rico, they immediately renewed military exercises with inert ordnance on May 10th. The people in Vieques did not even realize that inert ordnance was being used and that the bombing was going on. So everyone is peaceful now and satisfied.

We in Puerto Rico have done our part with the agreement. We have carried out our part of the agreement. Now it is the Navy's and the administration's turn to do their part of the agreement.

What is the issue here? Is it to prove that the Navy can beat the little Island of Vieques, a 20 square mile Island of Vieques with 9,300 people; the Navy is more powerful than Vieques? We concede that argument.

The Navy is much more powerful than Vieques. Of course it is, and it could carry out the bombing if it wanted to. But is that the Navy of the 21st century that wants to represent the Nation? Is that what we want?

This Nation was born out of a cry that no taxation without representation. Actually, in Vieques what the people are saying is no more bombing without some representation, or at least a referendum. That is what we are saying. This is a very, very valid statement, because they have no representation.

I represent them here but I cannot vote. We have no representation in the Senate. So they feel that they are by themselves, and they are asking for justice. They are asking that after all these years, after the land was taken over by the Navy in 1941, during the Second World War, where everyone in Puerto Rico, U.S. citizens in a patriotic sense of duty, they never contested the condemnation. This was going to be used for the Second World War, but the war never ended for Vieques and now they are asking let us put the presidential directives in place.

They are reinforced by the President, by the presidential candidates, by the Secretary of the Navy, by the Secretary of Defense, by the Naval Operations officers and we have those letters to confirm that.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I think the gentleman from South Carolina (Mr. SPENCE) said it right. What we are talking about is the troops. Who is going to take care of the troops in this thing or who cares about political things? That is what we are talking about here if we want to be gut honest about this.

What is the history on this thing, anyway? This thing was turned over to the United States Navy in the 1940s. They put $3 billion into that area. What is it? It is a test and training range, and that is what it is used for.

Now we talk about all of these letters from the President and the Secretary and that, and they are all political people. Let us talk about the people who have stars on their shoulders. Here are two letters that just came to me just yesterday, and what do they say?

General Jones, the Commandant of the Marine Corps, talks about the idea that the curtailment of Vieques would, in effect, curtail the work we are doing there and people would perish.

Let us talk about the CNO of the Navy, the chief Naval officer, what does he say? The same thing. The people will perish if they have the right to do that.

Are there other test and training ranges? Of course there are. They are all over America, and there are people bombed right next to them. I have one right in my district called the Utah Test and Training Range. And guess what? Every month or so somebody goes onto that range, and it is called trespass. If they do it and will not leave, they are prosecuted, and that is what should have happened here. But, no, they did not prosecute these people. Janet Reno elected not to do it.

I ask my colleagues to ask themselves this question: Why, oh, why,

does the President of the United States get involved in a trespass on a thing that is Navy property? He gets involved and strikes a deal that does absolutely nothing for us. If that is the case, we have them every day. I was checking with the one at China Lake, with Eglin, with the Utah Test and Training Range, with Nellis, with Mountain Home. Trespasses every day.

Well, why do we not get involved in them also? There must be something here besides the training of our troops.

The George Washington is going out. The George Washington is a carrier battle group, and on that carrier battle group, do we know what the CNO of the Navy had just said yesterday? He has made the statement that this is not prepared for battle and we are turning these guys into harm's way because of that.

Now does that bother anybody besides me here? I am really kind of concerned about this. It was pointed out that this does not make any difference. It does make a difference because it strikes the language that we have.

Mr. SKELTON. Mr. Chairman, I yield myself another 15 seconds.

Mr. Chairman, quoting from General James Jones, the Commandant of the Marine Corps, his letter goes on to say additional information. It says, ''Positive resolution of the Vieques referendum regarding live-fire training will restore Vieques training to its fullest potential.''

We should read the entire letter to this body.

Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member from our committee, the Committee on Armed Services, the Subcommittee on Military Personnel.

Mr. ABERCROMBIE. Mr. Chairman, I rise on this occasion to reiterate my support for the agreement reached by the President, the Secretary of Defense, the Navy, the Governor of Puerto Rico, to resolve the impasse over the Navy's training at Vieques.

As a witness to the experience of Kaho'olawe, a small island in Hawaii which was bombed for many years and on which significant progress has been made, I feel I am uniquely qualified to speak on the issue of Vieques.

The agreement between the Department of Defense and the Governor of Puerto Rico was thoughtfully crafted and the product of tireless effort. The agreement addresses the concerns of American citizens of Vieques and assures that our training needs are met. This agreement was reached not with the protestors but with the lawful authorities in Puerto Rico.

Because of the agreement, the Federal and local government enforcement officers removed the demonstrators blocking access to the training facility and the Navy is conducting training on Vieques as we speak.

Now last week, the Committee on Armed Services approved language that disrupts this carefully-crafted agreement and I want to discourage my colleagues from further jeopardizing the outcome they wish to obtain regarding the Navy's presence in Vieques.

Disruption would require the Vieques issue to go back to the drawing board. We should respect the hard work that has been done, and the national security interests representing the people of Vieques will be served.

Further, this effort by the Congress could very well end up backfiring. Disruption of the process will inevitably bring negative consequences for the Navy, and in that ill-fated effort it kills the possibility of building a relationship between the Navy and the people of Vieques.

The resolution is best accomplished by moving forward with the agreement. The Skelton amendment takes the first step towards living up to the negotiated agreement. I urge all my colleagues, particularly those on the Committee on Armed Services, to support the agreement reached by the Department of Defense and the Governor and support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding me this time.

Mr. Chairman, I also would agree it is important to keep the record clean. When the former Governor of Puerto Rico stands in the well and says that this land was taken by condemnation, that is completely false and I believe he knows that. The land was purchased at fair value between 1941 and 1950 for the use as a live-firing range. So I want the record clean.

Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. SKELTON. The agreement on Vieques range that the administration has reached with the Government of Puerto Rico, I believe, is fundamentally flawed in several respects, including the terrible precedent that the President's provision for a referendum sets.

Allowing the local communities to vote on the type of training that can be conducted at a military range endangers our military's access to other critical facilities both in the United States and overseas.

Even more importantly, the agreement permits the Navy and the Marine Corps to return to Vieques but only using inert munitions, which do not provide the type of combat arms training that our Navy and Marine Corps teams require.

The Commandant of the Marine Corps, James Jones, whose name is being thrown around a lot here today, and I would say to the gentleman from Missouri (Mr. SKELTON) I will also read from part of his quotes, he said, ''Inert training cannot replace the experience gained from training with live-fire ordnance. Employing live ordnance will allow us to train as we intend to fight.''

He goes on to say that the curtailment of training operations would have, quote, a significant detrimental effect on Navy and Marine Corps readiness.

When asked what the impact on Navy readiness would be if the Vieques range is restricted to inert ordnance only, the Chief of Naval Operations, Admiral Jay Johnson stated, ''The proficiency obtained by the personnel involved would be less than optimum.''

Significant detrimental effect on readiness and less than optimum? What these statements mean are longer, more costly wars and pictures on CNN of flag-draped coffins at Dover Air Force Base.

□ 1545

Is that what America really expects of us, those of us here in Congress that have the ultimate responsibility to ensure that the men and women who serve in the Nation's military are adequately trained? I think not. Vote down the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I rise in support of the Skelton amendment, which eliminates the offensive and onerous language in this bill regarding Puerto Rico and Vieques.

The current language of the bill allows the U.S. military to resume bombing of the island of Vieques with live ammunition. This is an abomination to the people of Vieques and all of Puerto Rico. Instead of returning the island to a state of siege, the Skelton amendment would return the land to the people of Vieques, who have generously and patiently allowed live ammunition to strike closer to their homes, and for a longer period of time, than any other group of United States citizens.

This land transfer is one small step towards justice for the people of Vieques, but an important one. My support for the Skelton amendment in no way suggests my support for President Clinton's directive regarding Vieques, to which I am vigorously opposed.

President Clinton as Commander in Chief of our Armed Forces should listen to the Puerto Rican people and end the bombing of Vieques. I remind my colleagues that President Bush showed this courage when he stopped the bombing of a Hawaiian island. How sad that President Clinton refuses to show the same vision on behalf of the people of Puerto Rico.

In the absence of President Clinton's commitment to do the right thing, to immediately and permanently end the

bombing in Vieques, I strongly support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Missouri (Mr. SKELTON), a friend that I usually find myself in agreement with, but not today, not on this amendment.

If adopted, the amendment of the gentleman from Missouri (Mr. SKELTON) would codify the President's fundamentally flawed agreement with the Governor of Puerto Rico concerning an irreplaceable training area.

Under the President's agreement, the Navy and Marine Corps are only allowed to use inert ammunition, ammunition that does not provide the type of combined arms training required to ensure combat readiness.

In fact, the Chief of Naval Operations, Admiral Jay Johnson, has stated that due to the moratorium of training with live ordnance, the Battle Group and Amphibious Ready Group will not be assessed by the Commander in Chief of the Atlantic Fleet as fully combat ready, as previous Battle Groups that have had the use of Vieques for integrated training.

Additionally, Mr. Chairman, voting in favor of the Skelton amendment is an endorsement of a referendum on Vieques, as outlined in the President's agreement. This referendum sets a bad precedent. Allowing a local community to vote on the type of training that can be conducted on our military ranges endangers our military's access to other critical facilities, both in the United States and overseas.

What are we going to do? Are we going to have a referendum at Fort Carson, Colorado, and say we cannot use live fire anymore; a referendum at Fort Sill, Oklahoma, or any innumerable sites across the United States and say we cannot do it anymore? Where are we going to train?

H.R. 4205 protects U.S. national security by ensuring our military's access to this vital facility, while at the same time taking into account the concerns of the citizens of Vieques. It allows the transfer of the western ammunition area and the $40 million in economic assistance, once uninterrupted live fire training resumes. It denies the transfer of any portion of the eastern maneuver area, where the critical ranges are located, and places restrictions on the amount and type of training that the Navy can conduct on Vieques.

I oppose the Skelton amendment. I ask my colleagues to oppose the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Skelton amendment. Some in this Chamber are claiming that Vieques is vital to our national security, and that those who oppose this are somehow less American than others. That is why I am so pleased that the gentleman from Missouri (Mr. SKELTON) is the lead on this important amendment. I cannot think of a better messenger for such an important message.

No one in this Chamber questions the dedication of the gentleman from Missouri (Mr. SKELTON) to our armed forces and our national defense. I am pleased to stand behind him and support his amendment.

With the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the gentleman from New York (Mr. SERRANO), the gentleman from Illinois (Mr. BLAGOJEVICH), the gentlewoman from New York (Ms. VELÁZQUEZ), and the gentleman from Illinois (Mr. GUTIERREZ), I sponsored the original House legislation to return the Navy-owned lands on the island of Vieques back to the people of Puerto Rico.

This past January an agreement was reached between the Navy and the government of Puerto Rico to handle this delicate situation. The compromise allows for the resumption of training on the island temporarily, while the U.S. Navy can find another training location.

The Navy supports this agreement, the government of Puerto Rico supports this agreement. Unfortunately, the Committee on Armed Services is ready to overturn the hard won compromises in the Clinton-Barceló agreement.

The committee produced a good bill to strengthen our national security, but there are some problems in this bill. The Skelton amendment will correct one of the biggest flaws in this overall good bill.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I have trained on these kinds of ranges. I have taken that same training. I have employed it in war. I currently represent one of these ranges that is the West Coast version of Vieques. That training is invaluable. We could not be effective in that kind of action without it.

Our obligation to the young men and women that we employ in our armed forces is to give them the best possible training before they go in harm's way, and today we routinely deploy, routinely deploy our carrier battle groups and amphibious ready groups where they immediately are put in harm's way in many cases, whether it is bombing Iraq, flying over the Balkans, or some embassy-saving they have to do.

This range must remain available for our forces' live fire combat training, period. I will say it again, it must remain available. We have adequate safeguards to protect the people of Puerto Rico.

Mr. Chairman, I urge all Members to vote no on this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the amendment offered by my distinguished colleague. In accordance with the presidential directives concerning Vieques, Puerto Rico, Federal and local law enforcement officers have now removed the peaceful civil demonstrators who had been blocking the Navy's access to that bombing range.

As a result of this removal, the Navy has regained control and has access to the range. In fact, the U.S. Navy warplanes recently resumed training on the Atlantic fleet bombing range in Vieques using air-to-ground inert ordnance. Now it is up to Congress to guarantee further fulfillment of the presidential directives.

The Skelton amendment will facilitate a key component of the directives. In addition, the directives have the support of Hispanic-American leaders and Puerto Rico's top elected officials. As the Secretary of Defense told the Committee on Armed Services in a letter dated May 10, 2000, this is in the best interests of our national security. Any action by this Congress to amend the directives or to short-circuit the processes already underway would further polarize all the parties involved. These directives ensure the safety of the disenfranchised U.S. citizens of Vieques, and provide a sensible framework that allows the Navy to continue its training operations.

The President, the Navy, and the Governor of Puerto Rico have all stood by the presidential directives. It is now in the hands of Congress to protect our national security and to protect the 9,300 people, Hispanic-Americans, in Puerto Rico.

I urge my colleagues to vote yes on the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Chairman, I rise today to express my outrage at the arrogance displayed by the language in this bill that deals with the island of Vieques.

Let me paint a picture of what it is like to live on the island of Vieques. They are sandwiched in a small area in the middle of the island. Ammunition is stored on the western portion of the island. Live ammunition fire takes place on the eastern part. The cancer rate on Vieques is 26 percent above the rate for the rest of the people of Puerto Rico.

The people on Vieques live in horror. They never know when a pilot may

miss his target and kill another citizen. It seems that the lives of the people of the island of Vieques are dispensable.

It is ironic that in 1990, when an uninhabited island in the Pacific was being used for military maneuvers, it was deemed unacceptable because it was close in proximity to Hawaii. It is interesting to note that the patriotism of those opposed to the bombing was never questioned.

Let me remind Members that more people from Puerto Rico died in the Korean and Vietnam War than most of the 50 States. If this were to take place anywhere else in this Nation, do Members think people would not protest?

The voices of the people of Vieques deserve to be heard just as loudly as those of every American. The language contained in this bill is shameful, mean-spirited. It is a slap in the face of our own people.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend for yielding time to me.

Mr. Chairman, I rise as a strong and an unapologetic supporter of the mission of our Department of Defense, and even more, of the United States Navy. I have two of the Navy's most outstanding facilities in my district, the Naval Air Facility and the Naval Ordnance Facility at Indian Head. I support the United States Navy.

But Mr. Chairman, I also support the Commander in Chief of the Armed Forces of America. I support giving him the ability to resolve crises with the confidence that the Congress of the United States will support that resolution. If we do not do so, Mr. Chairman, he will lose that ability, whoever that President might be, if the other side in a crisis situation, in a conflict situation, in a situation difficult to resolve, believes that the President of the United States, the Commander in Chief of the Armed Forces of the United States, cannot be counted on to make a resolution which will stick.

Mr. Chairman, it showed a great deal of courage, I will say, for Governor Rossello to stand and say, this we will agree to, not because it is what we would choose, but because it is a way out of a difficult situation. It was a difficult and courageous task when the gentleman who represents Puerto Rico, the former Governor of Puerto Rico, stood and said, we need to resolve this issue.

Mr. Chairman, my friend, the gentlewoman from New York (Ms. VELÁZQUEZ), who was born in Puerto Rico, who worked in Puerto Rico, who was handcuffed in Puerto Rico, for her to stand up for her principles, it was a courageous thing she did as well, and for the gentleman from New York (Mr. SERRANO).

Mr. Chairman, let us adopt the Skelton amendment and support the Commander in Chief under our Constitution of the Armed Forces of the United States. It is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I rise in strong opposition to the Skelton amendment. Let me make five critical points.

First, our sailors and Marines have no substitute for live fire training on Vieques. There is no substitute on the East Coast, as there was on the West Coast, where now our sailors and Marines do their training on San Clemente. We need to resume this training today.

When the George Washington Battle Group and the Saipan Amphibious Ready Group deploy next month, over 10,000 of our young sailors' and Marines' lives will now be more at risk because they will not be fully combat ready.

Second, the people of Vieques do not bear a unique burden. There are 33 major United States live fire ranges in 14 States and two territories. On Vieques, the civilian population is 9 miles from the live impact area. At Fort Sill, Oklahoma, an incorporated area of 90,000 people, they are only 1.9 miles away from the live impact area.

□ 1600

Third, American taxpayers have already invested over $3 billion for the training infrastructure in the Puerto Rico Operating Area.

Fourth, the bill's provisions differ considerably from the Fowler-Hansen amendment we voted on in March. And I want my colleagues to listen carefully, the bill places limits on the resumption of live-fire training on Vieques, including restricting live fire to 90 days per year, requiring notification prior to exercises and restricting ship placements to minimize noise impacts. It would also establish a permanent civilian military committee to review Vieques training plans.

In addition, the bill would convey the western third of the island from the Navy to the people of Puerto Rico for use as a conservation area. And finally the proponents of the Skelton amendment would tell us that the referendum prescribed by the President is the best way to resume live-fire training.

They are waiving all manner of letters from the administration officials to that effect. I would respond that, notwithstanding the broader question of whether America should determine its military requirements by public referenda, that a survey of Vieques residents conducted by the Puerto Rican newspaper just this past February indicated that only 4 percent of those on Vieques support resuming live-fire training.

It is evident that under the Skelton amendment, we will never resume live-fire training on Vieques. I urge defeat of the Skelton amendment, our young sailors and Marines' lives depend on it.

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

Mr. SKELTON. Mr. Chairman, I move to strike the last word, and I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, there is no Member of this body who understands our military more than the gentleman from Missouri (Mr. SKELTON). His expertise and commitment to our national security is unquestioned. So I urge Members to listen to and support him on this issue.

I have been to Vieques, and I have seen the devastating impact of the Navy's live bombing activities on the island. I was appalled by the Navy's indifference to the impact it has had on the island and its residents. The Navy's bombing has destroyed the island's once vibrant fishing economy, prohibited development of tourism.

The higher incidence of cancer and infant mortality rates suggest that the large quantities of explosives, including radioactivity of depleted uranium shells, have harmed the health of the island's residents.

After years of deplorable conduct by the Navy, including violating all agreements with the government of Puerto Rico, the majority would now seek to violate the latest agreement between our respective governments. If what was done in Vieques was done anywhere else in the country, the Navy's operations would have been shut down a long time ago.

Requiring the resumption of live bombing ignores the devastating impact of the Navy's activities on this group of Americans, and it is an indication of the second-class citizenship that some apparently assign to the residents of Vieques. Puerto Ricans have for a century donned the uniform of the United States, they have given their lives and their limbs in defense of this country in disproportionate numbers.

Mr. Chairman, I urge Members to support of the Skelton amendment and to support the American citizens who live on Vieques.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. REYES), a member of our committee.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in strong support of the amendment offered by my good friend, the gentleman from Missouri (Mr. SKELTON). I do not want to stand here today and rehash all of the problems that have occurred over this issue, the Island of Vieques. I would rather focus, and I ask this body to focus, on moving

forward in a democratic and fair manner to implement the agreement which was reached between the President, the Secretary of Defense and the Governor of Puerto Rico.

The language in the bill undermines the agreement and guarantees that we will continue to fight over Vieques instead of using it to train. The agreement that was reached strikes the necessary balance between our military readiness, national security needs and the needs of the people of Vieques.

As Secretary of State Bill Cohen has said, the continued cooperation of the government of Puerto Rico is critical to achieving the resumption of the full range of training exercises at Vieques. If legislation which abrogates the agreement is adopted, the opportunity to achieve that goal will be set back, if not lost altogether.

Mr. Chairman, I urge all of my colleagues to stand behind this agreement and to support the amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Missouri (Mr. SKELTON). The language that was put in this bill really is just more punishment for the people of Vieques and a lot of disregard for the people of Puerto Rico.

Let me answer the question of my colleague from Colorado why we do not have a referendum in there in Fort Sill or Fort Carson, simply we have Senators, we have Members of Congress to debate those issues. Puerto Rico is a colony of the United States. They have no representation here, so it is proper to question the people after 60 years of harassment and pain.

The people in Vieques have paid a price for 60 years, and now the Navy and some folks on the other side tell us that we cannot find another place in the world, another place to hold these maneuvers. Then how come on many occasions during the past 60 years we rented out Vieques to foreign governments to come and do their practice there?

If Vieques was so essential to us, why did we have free time for other nations to come and harm the population, harm the economy, harm the coral reef and harm the people? It is time to do the right thing.

While many of us are not even speaking about the agreement, we might not agree with, to think that we would come now and add more harsh language is just unfair.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I rise in strong support of the Skelton amendment in fairness for Puerto Rico in support of the amendment.

Mr. Chairman, I rise in support today of the amendment offered by my good friend, the Ranking Member of the Armed Services Committee, Mr. SKELTON.

This amendment will strike the underlying language in Title 15 and H.R. 4205 that prohibits the Navy from transferring land on Vieques, Puerto Rico, until live-fire training has resumed on the island's bombing range facility.

This amendment, instead, authorizes the conveyance of land at the western end of the island, with certain exceptions and in accordance with the President's negotiated agreement with the government of Puerto Rico.

The Vieques Agreement was accepted by all parties—including the Department of Defense, the U.S. Navy, the Government of Puerto Rico, the people of Vieques, and the White House. The underlying bill language is nothing short of Congressional meddling within the context of a long overdue solution to a local grievance.

Assuaging the fears of the naysayers, currently, the range is open to inert ordinance training on the eastern end of the island. The western end of the island is in excess to the needs of the Navy, as indicated by the Agreement. The Clinton administration reached this agreement to provide $40 million in immediate economic assistance to the island and requires a referendum on the island to decide whether the facility should remain. If the residents vote against the facility, the navy would have to leave the island by May 2003. If the referendum results in continued Navy use, the United States would provide the island with an additional $50 million and would have to limit live-fire training to 90 days a year.

I would like my colleagues to consider this important point: The initial agreement, in concert with the Navy's renewed commitment of improving military-civilian relations in Puerto Rico, is necessary because it will redress past wrongs and open the way toward a renewed mutual political relationship.

The Puerto Rican people are patriots in the highest order, having some of the highest enlistment rates of any location in the U.S. Yet despite this, because of their disenfranchised status, they have been at a distinct disadvantaged within the American political family. They are 3.6 million U.S. citizens who are represented ably by a single non-voting Resident Commissioner. This Constitutional injustice makes it extremely difficult to negotiate on par with the federal government. As a fellow citizen of another U.S. territory, I know this constitutional limitation only too well.

I urge my colleagues to support the Skelton amendment and restore the sanctity of the initial Presidential agreement with the people of Puerto Rico. It is the right and noble thing to do.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), a member of our committee.

Mr. LARSON. Mr. Chairman, I rise in strong support of the Skelton amendment. This fervent patriot has been an ardent supporter of our military and the men and women who wear the uniform. I understand the strategic value and the importance of training. But I also understand that we train our military to preserve the democratic values that the Skelton amendment will allow for the citizens of Vieques. That is why this amendment is so important. That is why I associate myself with the remarks of my colleagues that have stood here.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I consume.

Mr. Chairman, let me reiterate again the words of Marine Corps General James L. Jones, when he wrote ''Positive resolution of the Vieques referendum regarding live-fire training will restore Vieques training to its fullest potential.''

Mr. Chairman, this wording in the bill is contrary to what is desired by the Secretary of the Navy. It is contrary to what is desired by the Secretary of Defense. It is contrary to what is desired by the administration. It is contrary to what is desired by the Governor of Puerto Rico. It is contrary to what is supported by the Resident Commissioner of Puerto Rico.

We should adopt this amendment and do what is right. It does not deal with remuneration. It does not deal with the referendum. It merely voids the gutting language and attaches the land transfer only.

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

Mr. Chairman, it has been said today, and it needs saying again, people are talking about different things, the most important point that is being missed in all of this debate is the flaw contained in this agreement that does not permit live firing. I emphasize that word live firing. I wonder if my colleagues understand what that means.

I remember during World War II, just the other night there was a movie about it, up into the war, our submarines were firing torpedoes at the enemy, and they were not detonating. They were going out and firing torpedoes that were not detonating. Why? Because they were not allowed to have live firing of those weapons before for whatever reason. We not only lost lives, but it prevented us from taking advantage of the enemy because of this flaw.

Now, I want people to get on the right side of this thing. Are they for protecting our own troops, men and women, who are fighting for this country and by extension protecting this country or in pursuit of different goals?

Mr. Chairman, I yield 2 minutes to gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I would first, by the way of opening, say that we need a little truth in advocacy. It is very easy to create a strawman in advocacy that we then get to knock down. So the allegations of those of us who oppose the Skelton amendment that making some form of allegation that those of whom only support inert

and support the President are less patriotic was one of the allegations, that is false.

As a matter of fact, I have great pride and I believe every Member of Congress has great pride in the contribution of the citizens of Puerto Rico to freedom, and some of the Puerto Ricans that I served with in the United States Army, they were the sharpest dressed. They had the best looking shoes, the best looking brass, and I would stand side by side with them at any time, because I know they would be with me, or if they told me go left, I know that they would cover me. So stop creating this false advocacy that we have in here, let us have a little truth in advocacy.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I appreciate the comments of the chairman of the full committee, the gentleman from South Carolina (Mr. SPENCE), when he said they have lost sight of what we are talking about.

Now, where else on the East Coast can we do this? Is there any other place that this can be done? And when you talk to these people that have been in the military, and I am past Navy myself, you get down to the idea there comes a time when you have to learn a few things, and one of those is the final test is live fire.

This is where the Marines hit the beach and people are shooting over the top of them. This is where ships are shooting. This is where bombs are dropped, and this is when they are saying we are ready to go in harm's way.

Now, why would we want to gamble with the lives of our young women and our young men and send them out without this opportunity? I cannot understand why anyone would want to gamble. I keep hearing this thing no one else would put up with this. Sure, a lot of us have been to Vieques. I have been there twice myself. Well, come on, do Members want to come out and see some other ranges? I will show them some that are beat up more than that one is by a long shut. One is called Dougway Proving Ground since back in the 1930s. It is bigger than three States back here. You do not dare walk across it, because something will go off and you will kill yourself.

The people of Utah feel okay about that, the people of Nevada feel okay about that, the people of California, Colorado, and those areas, they are able to put up with it. Why can we not here?

Mr. Chairman, the thing that keeps bothering me is why, oh, why did the President of the United States get involved in this action? Why is this one important? All we are asking is we continue what we were doing since 1940, that we continue to train our guys and gals when they go out to fight that they will be prepared. What is wrong with that? That makes a lot of sense to me.

Knowing that a lot of these people, especially those who were the trespassers, believe in total independence, maybe that is what they should have is total independence. When it comes down to it, they have to carry their share just like everybody else.

And I would just like to thank the chairman for his leadership on this and the great comments that he has made. Please vote no on the Skelton amendment and let us train our troops and let us keep them safe.

Mr. BEREUTER. Mr. Chairman, the amendment offered by the gentleman from Missouri, Mr. SKELTON, would replace Title XV which restores full integrated training on Vieques with the agreement between the Clinton administration and the Governor of Puerto Rico.

The United States Navy has been using the range on Vieques since prior to World War II. Our Forces are much more capable because we conduct live fire training in as nearly real world environment as possible. Our Navy used to be able to train at Bloodsworth Island in the Chesapeake Bay and Culebra (very near Vieques) in Puerto Rico. These ranges have been lost to the Navy's use, leaving Vieques the only remaining live fire training range on the East Coast. Live fire training is the only way we can ensure our forces are capable of meeting the challenges to our freedoms they face every day. During February of this year this Member visited with Navy and Air Force units in the Mediterranean area and they explained the loss of what they considered to be coordinated live fire exercises at Vieques before they are deployed in rotations to the Mediterranean.

The Clinton Administration agreement allows the United States Navy to continue to use the range, on a reduced basis of 90 days per year, and then only with inert ordnance. The agreement also calls for a referendum of the citizens of Vieques to express their views on the future use of Vieques. The options will be to continue the limited use of Vieques, or cease all such training on the island. With the decision by the Clinton Administration, the outcome has already effectively been determined, and that as a result, the United States forces will not deploy with 100 percent of the combat qualifications needed to meet national security requirements. We will be asking our forces to defend us without a vital element of the necessary training to do so.

The amendment would allow certain parts of Western Vieques, namely the Naval Ammunition Support Detachment, to be transferred to the Commonwealth of Puerto Rico, without consideration, to benefit the Municipality of Vieques. The amendment would also promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment. The return of Culebra to the people of Puerto Rico in a similar fashion has been an abject failure. It was supposed to be returned to the local fishermen and island people, instead, it has been gobbled up by big developers who have built homes most Puerto Ricans can not afford. It is more than likely that the same will happen at Vieques if the amendment is accepted. Passage of this amendment would be a loss not only for our Navy but also for the people of Puerto Rico and Vieques in particular who would no longer be able to afford to live there. H.R. 4205 as reported would convey the property only to a conservation zone.

Mr. Chairman, this Member strongly urges opposition to the Skelton amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I support the amendment offered by the gentleman from Missouri, Mr. SKELTON, the Ranking Member of the House Armed Services Committee. This amendment, would authorize the conveyance of over 8,000 acres of the land at the western end of the island of Vieques for conservation and economic development to improve the lives of Vieques residents.

Vieques is a small island of Puerto Rico comprising approximately 52 square miles, two thirds of which is controlled by the US Navy. The Naval Ammunition Facility covers the western end of the island and the Inner Range of the Atlantic Fleet Weapons Training Facility controls the eastern side. Sandwiched between the two facilities, over 9,300 American citizens have resided for twenty five years in extremely close proximity to frequent military live-fire weapons testing.

From the beginning, relationships between the US Navy and the residents of Vieques and Puerto Rico have been strained. Numerous times the Navy has made promises to assist with local economic development, work to improve the welfare of the people of Vieques, assure the protection of the environment, and utilize the absolute minimum necessary of explosive ordnance. By all accounts the Navy has not lived up to its commitment.

The Navy has made it clear that they do not need the western side of Vieques and support transferring it to the people of Puerto Rico who in turn can use it to protect the environment and benefit the expansion of their economy. As is the case with all US insular areas, isolation and limited resources are stumbling blocks to economic development. Freeing up land, which is key to economic development, is one of the best gestures we can offer to Vieques.

It is hard to fathom that if Puerto Rico had full voting representation in Congress we would be debating this issue today. The current language in this legislation is a bribe and a slap in the face to the residents of Vieques. It forces them to continue putting their families at risk in order to receive a small portion of land from which they might be able to better their lives. It is an offering that we would not demand of any other community in the US.

Mr. Chairman, clearly we all understand the need for a strong military. Communities which give up so much to ensure readiness should be commended and not threatened or bullied into submission. I encourage all my colleagues to support the Skelton amendment.

Mr. BURTON of Indiana. Mr. Chairman, after months of negotiations, an agreement was finally reached between the President of the United States and the Governor of Puerto Rico, with the full endorsement of the Department of Defense and Department of the Navy, which provides the best opportunity to resume

essential live-fire training in Vieques. I, too, had concerns about the provisions expressed in the agreement and the precedent it could set. Yet, the unfortunate situation in Vieques is complicated by the fact that we are dealing with a territory that is neither a state nor an independent country, and that, as such, lacks the congressional representation that every State in the Union currently enjoys.

I support Congressman Skelton's amendment to the FY 2001 National Defense Authorization Act (H.R. 4205) after being assured by the Secretary of the Navy and the Secretary of Defense, in a memorandum sent by the Deputy Chief of Legislative Affairs, that the Navy "strongly supports Representative Skelton's proposed amendment as a substitute for the Vieques provisions of the bill." The Navy has already resumed inert bombing in Vieques; a vote for this amendment is a vote in support of the agreement between the U.S. Navy and the Administration.

Mr. ORTIZ. Mr. Chairman, I rise in support of the Skelton amendment, reinstating a critical element of the Directives issued by President Clinton regarding the Navy's presence in Vieques, Puerto Rico.

We are harming our national security by modifying the carefully crafted agreement between President Clinton and Puerto Rico's Governor to resolve the impasse over United States armed forces training in Vieques.

The President made a promise to millions of Puerto Ricans—both here on the mainland and in Puerto Rico—which calls for a referendum by the voters of Vieques to determine the future of Navy training on the island.

The people of Vieques will have a referendum regardless of the actions taken in Congress.

But this is a commitment of the President of the United States of America, our commander in chief, to a group of U.S. citizens.

The House Armed Services Committee included language disrupting President Clinton's and Governor Rossello's agreement.

By interfering and not honoring the Presidential directives as issued, this Congress is not helping the Navy to build a relationship with the people of Vieques, nor are they helping to keep Navy operations in Vieques beyond 2003.

We are simply not helping the Navy at all.

Let us stand in support of the agreement reached by the President, the Secretary of Defense, the Secretary of the Navy and the Governor of Puerto Rico—which illustrates the most effective way to protect our national security—and at the same time responds to the legitimate concerns of the American citizens in Vieques, Puerto Rico.

□ 1615

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

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

RECORDED VOTE

Mr. SKELTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair announces that proceedings will now resume on the three amendments postponed from earlier today immediately following this vote, and that the Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—ayes 218, noes 201, not voting 15, as follows:

[Roll No. 202]

AYES—218

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Frost
Gallegly
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
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)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shuster
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Velázquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wicker
Wise
Woolsey
Wu
Wynn
Young (AK)

NOES—201

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
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
Kingston
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
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
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Young (FL)

NOT VOTING—15

Campbell
Ford
Franks (NJ)
Hastings (FL)
Lewis (GA)
Lipinski
Pickett
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento

□ 1637

Messrs. HORN, BRADY of Texas, ARMEY, SCARBOROUGH, CRANE, ROHRABACHER, and GARY MILLER of California changed their vote from "aye" to "no."

Messrs. HALL of Ohio, DOGGETT, RYAN of Wisconsin, and YOUNG of Alaska changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MS. SANCHEZ

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on Amendment No. 1 offered by the gentlewoman

from California (Ms. SANCHEZ) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 221, not voting 18, as follows:

[Roll No. 203]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Fowler
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Leach
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Velázquez
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Campbell
Ford
Franks (NJ)
Hastings (FL)
Jefferson
Kaptur
Lewis (GA)
Lipinski
Ney
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Turner
Udall (NM)
Vento

□ 1644

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. MOAKLEY

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 214, not voting 16, as follows:

[Roll No. 204]

AYES—204

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Camp
Capps
Capuano
Cardin
Carson
Chabot
Clay
Clement
Coble
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley
Doyle
Duncan
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Frank (MA)
Gejdenson
Gephardt
Goode
Gordon
Green (TX)
Gutknecht
Hall (OH)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (OH)
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Rivers
Roemer
Rothman
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Stabenow
Stark
Strickland
Talent
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Udall (CO)
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—214

Aderholt
Archer
Armey
Baca
Bachus
Baker

Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chambliss
Chenoweth-Hage
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Everett
Ewing
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Martinez
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Meek (FL)
Mica
Millender-McDonald
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryun (KS)
Sandlin
Saxton
Sessions
Shaw
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Turner
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Campbell
Ford
Franks (NJ)
Gutierrez
Hastings (FL)
Lewis (GA)
Lipinski
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Wilson

□ 1653

Mr. TANCREDO changed his vote from ''aye'' to ''no.''

Mr. MATSUI changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Chairman, I was unavoidably detained at the White House and I missed rollcall votes numbered 202, 203 and 204. Had I been present, I would have voted yes on rollcall vote number 202, I would have voted yes on rollcall vote number 203, and I would have voted no on rollcall vote number 204.

AMENDMENT NO. 3 OFFERED BY MR. COX

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. COX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 334, noes 85, not voting 15, as follows:

[Roll No. 205]

AYES—334

Abercrombie
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—85

Ackerman
Allen
Baldwin
Bateman
Becerra
Berman
Berry
Blumenauer
Borski
Brady (PA)
Brown (OH)
Clay
Conyers
Coyne
Crowley
Davis (IL)
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Dooley
Edwards
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hastings (FL)
Hill (IN)
Holt
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kleczka
LaFalce
Lampson
Lantos
Larson
Lofgren
Lowey
Maloney (CT)
Matsui
McDermott
McGovern
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rush
Sabo
Sawyer
Schakowsky
Serrano
Smith (WA)
Snyder
Tauscher
Thurman
Visclosky
Watt (NC)
Waxman
Weiner
Wexler

NOT VOTING—15

Campbell
Ford
Franks (NJ)
Lewis (GA)
Lipinski
Morella
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Wilson

□ 1703

Messrs. DOOLEY of California, MEEHAN, HASTINGS of Florida and OLVER and Mrs. TAUSCHER changed their vote from ''aye'' to ''no.''

Messrs. BARRETT of Wisconsin, BAIRD and ROTHMAN and Mrs. CLAYTON changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider Amendment No. 5 printed in House Report 106–624.

AMENDMENT NO. 5 OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. 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. 5 offered by Mr. WHITFIELD:

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING COMPENSATION AND HEALTH CARE FOR PERSONNEL OF THE DEPARTMENT OF ENERGY AND ITS CONTRACTORS AND VENDORS WHO HAVE SUSTAINED BERYLLIUM, SILICA, AND RADIATION-RELATED INJURY.

It is the sense of Congress that—

(1) Since World War II Federal nuclear activities have been explicitly recognized by the United States Government as an a ultra-hazardous activity under Federal law. Nuclear weapons production and testing involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers would not cover, as well as chronic exposures to radioactive and hazardous substances, such as beryllium and silica, that even in small amounts could cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, large numbers of nuclear weapons workers at Department of Energy and at vendor sites who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Numerous previous secret records documented unmonitored radiation, beryllium, silica, heavy metals, and toxic substances' exposures and continuing problems at the Department of Energy and vendor sites across the country, where since World War II the Department of Energy and its predecessors have been self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to have such sweeping self-regulatory powers.

(4) The Department of Energy policy to litigate occupational illness claims has deterred workers from filing workers compensation claims and imposed major financial burdens for workers who sought compensation. Department of Energy contractors have been held harmless and the Department of Energy workers were denied workers compensation coverage for occupational disease.

(5) Over the past 20 years more than two dozen scientific findings have emerged that indicate that certain Department of Energy workers are experiencing increased risks of dying from cancer and non-malignant diseases at numerous facilities that provided for the nation's nuclear deterrent. Several of these studies also establish a correlation between excess diseases and exposure to radiation, beryllium, and silica.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium, even where there was compliance with the standards in place at the time, can cause beryllium sensitivity and chronic beryllium disease. Furthermore, studies indicate than 98 percent of radiation induced cancers within the Department of Energy complex occur at dose levels below existing maximum safe thresholds. Further, that workers at Department of Energy sites were exposed to silica, heavy metals, and toxic substances at levels that will lead or contribute to illness and diseases.

(7) Existing information indicates that State workers' compensation programs are not a uniform means to provide adequate compensation for the types of occupational illnesses and diseases related to the prosecution of the Cold War effort.

(8) The civilian men and women who performed duties uniquely related to the Department of Energy's nuclear weapons production and testing programs over the last 50 years should have efficient, uniform, and adequate compensation for beryllium-related health conditions, radiation-related health conditions, and silica-related health conditions in order to assure fairness and equity.

(9) This situation is sufficiently unique to the Department of Energy's nuclear weapons production and testing programs that it is appropriate for Congressional review this year.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 10 minutes.

MODIFICATION TO AMENDMENT OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I ask unanimous consent to modify the amendment just offered. This modification has been approved by the minority.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. WHITFIELD:

The amendment as modified is as follows:

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING COMPENSATION AND HEALTH CARE FOR PERSONNEL OF THE DEPARTMENT OF ENERGY AND ITS CONTRACTORS AND VENDORS WHO HAVE SUSTAINED BERYLLIUM, SILICA, AND RADIATION-RELATED INJURY.

It is the sense of Congress that—

(1) Since World War II Federal nuclear activities have been explicitly recognized by the United States Government as an a ultra-hazardous activity under Federal law. Nuclear weapons production and testing involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers would not cover, as well as chronic exposures to radioactive and hazardous substances, such as beryllium and silica, that even in small amounts could cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, large numbers of nuclear weapons workers at Department of Energy and at vendor sites who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Numerous previous secret records documented unmonitored radiation, beryllium, silica, heavy metals, and toxic substances' exposures and continuing problems at the Department of Energy and vendor sites across the country, where since World War II the Department of Energy and its predecessors have been self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to have such sweeping self-regulatory powers.

(4) The Department of Energy policy to litigate occupational illness claims has deterred workers from filing workers compensation claims and imposed major financial burdens for workers who sought compensation. Department of Energy contractors have been held harmless and the Department of Energy workers were denied workers compensation coverage for occupational disease.

(5) Over the past 20 years more than two dozen scientific findings have emerged that indicate that certain Department of Energy workers are experiencing increased risks of dying from cancer and non-malignant diseases at numerous facilities that provided for the nation's nuclear deterrent. Several of these studies also establish a correlation between excess diseases and exposure to radiation, beryllium, and silica.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium, even where there was compliance with the standards in place at the time, can cause beryllium sensitivity and chronic beryllium disease. Furthermore, studies indicate than 98 percent of radiation induced cancers within the Department of Energy complex occur at dose levels below existing maximum safe thresholds. Further, that workers at Department of Energy sites were exposed to silica, heavy metals, and toxic substances at levels that will lead or contribute to illness and diseases.

(7) Existing information indicates that State workers' compensation programs are not a uniform means to provide adequate compensation for the types of occupational illnesses and diseases related to the prosecution of the Cold War effort.

(8) The civilian men and women who performed duties uniquely related to the Department of Energy's nuclear weapons production and testing programs over the last 50 years should have efficient, uniform, and adequate compensation for beryllium-related health conditions, radiation-related health conditions, and silica-related health conditions in order to assure fairness and equity.

(9) This situation is sufficiently unique to the Department of Energy's nuclear weapons production and testing programs that it is appropriate for Congressional action this year.

Mr. WHITFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

Mr. SKELTON. Mr. Chairman, reserving the right to object, I will not object. I would just merely ask for a clarification of the correction that was made thereon.

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

Mr. SKELTON. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, the modification, and I will give the gentleman a copy, which I should have done earlier, changes one word. In the original amendment that was at the desk, on the last page, paragraph 9, line 19, which is the last time we used word ''action,'' that it is appropriate for Congressional action this year, that is what the amendment shows. The original word was ''review.''

The gentleman who had asked for the term ''review'' to be in the original amendment was the gentleman from Pennsylvania (Mr. GOODLING), and this came about after our negotiations with the gentleman from Pennsylvania.

Mr. SKELTON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to, and the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 10 minutes.

There was no objection.

Mr. WHITFIELD. Mr. Chairman, I yield myself 2 minutes in support of the amendment.

Mr. Chairman, I welcome the opportunity today to speak in support of this bipartisan amendment to the FY 2001 Department of Defense authorization bill on behalf of workers throughout the Department of Energy complex. I want to thank the gentleman from South Carolina (Chairman SPENCE) and the ranking member, the gentleman from Missouri (Mr. SKELTON) for their help to ensure that this amendment would be considered.

Last week, the gentleman from Ohio (Mr. STRICKLAND) and I, along with several others, introduced H.R. 4398. Our bill would establish a comprehensive Federal compensation program for Department of Energy contract and vender employees who have contracted illnesses from exposure to beryllium, radiation, silica and other hazardous materials. The legislation is patterned after the Federal Employees Compensation Act, which provides compensation to Federal employees and/or their survivors.

I represent the workers at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky. We have a chart down there that shows there are 200 other DOE facilities around the country in 37 states. For nearly a year, the plant at Paducah has been the focus of extensive national and local press reports about workers who were exposed to radiation and other hazardous substances without their knowledge. The same thing occurred in these 200 other facilities around the country.

The employees at these plants are Cold War veterans who manufactured and tested weapons systems that kept this Nation safe. They may not have worn military uniforms and they may not have been shot at by the enemy, but the increased incidences of illnesses and deaths that they are experiencing are every bit as dangerous. In my judgment, these workers did their duty, and they deserve to be compensated in a fair and timely manner by the government that put them in danger.

This amendment is simply a sense of Congress resolution which states that Congress should move forward on a comprehensive program to compensate these workers. I would urge support of the amendment.

Mr. STRICKLAND. Mr. Chairman, in view of the fact that no Member has risen in opposition to the amendment, I ask unanimous consent to claim the time in opposition, even though I support the amendment.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. STRICKLAND) is recognized for 10 minutes.

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

Mr. Chairman, I strongly support this sense of the Congress resolution and urge my colleagues to do the same.

This past Monday, Senator DEWINE held a hearing in Columbus, Ohio, on the need for a Federal compensation program for our Cold War veterans who were exposed to radiation, beryllium, and other heavy metals and toxic substances while working for the Department of Energy and its contractors.

At that hearing, we were told of Governor Taft's support ''for a federal program to compensate the workers at Federal nuclear sites.'' The state of Ohio made it clear that it would not see a federal workers' compensation program for DOE employees as an incursion on States' rights.

It was pointed out that many individuals worked at numerous sites under multiple employers across the complex. This creates jurisdictional questions and calls for separate State workers' compensation systems to pay the injured workers. In other words, the unique circumstances faced by these DOE workers warrant Federal intervention.

We also heard that altered, falsified or missing medical records deny us adequate scientific evidence on which to base a compensation program. At some sites, correction factors were invented and some workers were given a negative radiation dose. Mr. Chairman, a negative radiation dose does not exist in nature.

At last year's hearing of the Committee on Commerce Subcommittee on Oversight and Investigations, we learned that contractors made conscious decisions not to test certain workers. We must not establish a program that makes it impossible for workers to receive compensation. We must not deny workers' compensation simply because we lack certain medical documentation or because records were destroyed. If there is any doubt, the benefit of the doubt must go to the workers who were put in harm's way. We must pass and fund comprehensive workers' compensation legislation this year.

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

□ 1715

Mr. WHITFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman from Kentucky (Mr. WHITFIELD) for yielding me this time.

Mr. Chairman, as the representative for the Oak Ridge operations of the Department of Energy, I rise in support of this resolution, a sense of the Congress resolution, but also in support of further action that is going to be required in order to bring some benefits to the House's acknowledgment that there has been a disaffect from certain workers who were exposed through our nuclear buildup to radiation and beryllium and other sources that have caused these health problems.

The Department of Energy has now recognized that these problems exist and need to be addressed. The Congress needs to come along. We need to move quickly with the hearings and move quickly with the legislation.

There are four committees of jurisdiction. This is a problem that we need to unify on quickly and move forward. We need these committees to come together. I came to the floor today to appeal to all the committees of jurisdiction to try to waive as much of their jurisdiction as possible so we can get legislation through this year to get benefits.

We have to be careful that we do not create such a broad benefits package, but we have to get help to these workers.

Mr. STRICKLAND. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I rise, of course, in support of this resolution. I just want to point out to my

colleagues that this is one of the most bipartisan pieces of legislation that we have been working on for several years. I initially got involved in this because of the berylliosis problem at the Department of Energy plant in my district. I have since discovered, in working with various Members of Congress, that they have similar problems from beryllium, radiation, and other hazardous exposures that occurred in Department of Energy and Department of Defense installations in this country.

For more than 50 years now, people have been dying and suffering from horrible injuries without compensation. The opportunity we have today is to take advantage of at least four pieces of well thought out and previously introduced legislation, to have the committees of jurisdiction come together and take these pieces of legislation, hold hearings, and construct a bill that this Congress can pass, probably with unanimous consent, in the next several months.

Fifty years is too long to wait to assist these workers dying from horrible diseases when we know they have only suffered as a result of their exposure as Cold War warriors. To deny compensation any further is foolish because the Department of Defense and the medical establishment of this country have established, without question, that these diseases are directly related to their employment and that exposure. If we can enact other legislation in several weeks, this Congress, in a bipartisan way in the next month, should come together and pass a compensation bill to compensate the Cold War warriors of this country.

Mr. WHITFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, as we all learned in basic first aid, some wounds heal faster than others. The wounds of war, of course, can be the worst of all to heal.

As a representative of the Nevada Test Site, I rise in strong support of this amendment. Today, the bipartisan sponsors of this amendment and I are calling for long overdue first aid to protect and help our constituents: Those forgotten, wounded, citizen veterans of the Cold War. Their injuries and their wounds, for which no Purple Heart can ever be awarded, were received in Cold War battles waged in our laboratories and weapons plants all across America.

The culmination of these atomic laborers lit the skies and ripped the grounds in the deserts of the Nevada Test Site. They left poisoned workers in their wake, poisoned with radiation from the test and with silica from the dangerous underground tunneling the test required.

This amendment calls for action to address these wounds and to regain the trust and faith of these ill Cold War workers, and I call on all my colleagues to support this amendment.

Mr. STRICKLAND. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I am proud to stand here today with my colleagues on both sides of the aisle in support of this important resolution. I want the listeners to know that I represent the Rocky Flats facility, which was a key part of the nuclear weapons complex in the great State of Colorado.

We need to pass this resolution today and, as so many of my colleagues have called for, we need to put a bill together. In my opinion, we could do it by July 4. That would be fitting because these Americans were warriors in the Cold War, and they were no less deserving of support for the illnesses and injuries that occurred to them than those members of our society who were in the hot war that we fought in the Second World War.

So let us get this done for these Americans. I am proud to stand here with my colleagues.

Mr. WHITFIELD. Mr. Chairman, I yield 5½ minutes to the gentleman South Carolina (Mr. GRAHAM), for the purpose of a colloquy.

Mr. GRAHAM. Mr. Chairman, I rise today in support of the Whitfield amendment and enter into a colloquy with the gentleman from Tennessee (Mr. HILLEARY), the gentleman from California (Mr. HUNTER), the gentleman from Virginia (Mr. SISISKY), the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) about the need for comprehensive legislation to address worker exposures at Department of Energy facilities during the Cold War.

Mr. Chairman, I along with the gentleman from South Carolina (Mr. SPENCE) represent a large number of Cold War veterans at the Savannah River Site in South Carolina who helped this great Nation win the Cold War through their dedication and hard work. We have heard the last several speakers talk about DOE workers across the Nation who were exposed to levels of radiation greater than they should have been, and other DOE workers who were exposed to other substances, including beryllium, which have had an adverse effect on their health.

I think that all Members will agree that if through the course of producing nuclear weapons for this great Nation, Department of Energy or Department of Energy contract employees were caused physical harm, we owe it to them to seek a remedy for their lost wages and medical treatment.

Mr. Chairman, I know that as of late there has been a concerted effort on the part of the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI), the Department of Energy and others to come up with a plan to offer these workers compensation.

I believe the smart and responsible thing for us to do is to take a look at this situation and make sure we do the right thing for the workers.

Mr. Chairman, I have a letter from the gentleman from Texas (Chairman SMITH) of the Committee on the Judiciary's Subcommittee on Immigration and Claims in which he states, ''I hope to work with you and other Members to address the need to compensate workers at DOE weapons production facilities whose health has suffered as a result of their employment. Furthermore, I expect to hold hearings on this subject in the coming months.''

I appreciate the willingness of the gentleman from Texas (Mr. SMITH) to hold a hearing on this issue.

Mr. Chairman, I believe that the gentleman from Tennessee (Mr. HILLEARY) has a similar letter from the chairman of the Committee on Education and the Workforce.

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

Mr. GRAHAM. I yield to the gentleman from Tennessee.

Mr. HILLEARY. Mr. Chairman, I thank the gentleman from South Carolina (Mr. GRAHAM) for yielding, and I rise in strong support of the Whitfield amendment.

Mr. Chairman, I want to make sure we do the right thing for these workers. Many Tennesseans, in my opinion, are Cold War heroes and they deserve to be compensated if, through the course of their work, their health was adversely affected by exposure to radiation or other harmful effects.

I do have a letter from the gentleman from Pennsylvania (Mr. GOODLING) addressed to myself and the gentleman from South Carolina (Mr. GRAHAM) in which he too commits to hold a hearing this year on this important matter.

In this letter, the gentleman from Pennsylvania (Mr. GOODLING) states, and I quote, ''I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE-contract employees where concrete documentation proves they were adversely affected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.''

I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for his willingness to work on this matter, and as a member of the Committee on Armed Services and the Committee on Education and the Workforce, I look forward to participating and finding a real solution that benefits these injured workers and also look forward to

assisting the gentleman from Tennessee (Mr. WAMP), who represents Oak Ridge, and other Congressmen from the surrounding area around Oak Ridge in their efforts to help these workers.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 17, 2000.

Hon. LINDSEY GRAHAM.

Hon. VAN HILLEARY.

DEAR LINDSEY AND VAN: I appreciate your interest in resolving the issue of compensating Department of Energy workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapon's production facilities during the Cold War.

I understand that Mr. Whitfield, Mr. Wamp, Mr. Kanjorski, Mr. Strickland and others have introduced legislation to compensate these workers for their injuries. I'm also aware that the Department of Energy has proposed legislation to address the problem. These bills have been referred to the Education and Workforce committee for consideration.

I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE contract employees where concrete documentation proves they were adversely effected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.

I appreciate you bringing this matter to my attention.

Sincerely,

BILL GOODLING,
Member of Congress.

Mr. GRAHAM. Mr. Chairman, I would ask the gentleman from California (Mr. HUNTER) and the gentleman from Virginia (Mr. SISISKY) if they will agree to assist us in holding a hearing on this matter this year and make serious efforts to pass comprehensive workers compensation legislation?

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

Mr. GRAHAM. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I agree to work with this gentleman and with all the Members who have shown so much concern for these folks who are Cold War warriors and veterans in practically every sense of the term. I think we realize three things on the committee. One is that we do have a duty to take care of our Cold War veterans, including people who experienced exposure in trying to develop the strategic systems of this country that even today keep this country safe.

Number two, science has shown that there has been exposure, fairly major exposure, to a lot of our workers.

Number three, the fact that we do have a responsibility to take actions and perhaps to abandon this position that we have taken, which has been a presumption against the worker in the past.

So let me just thank all of my friends who have worked on this, and I support totally the Whitfield amendment and I want to let everybody know that we will be holding hearings. We will be working in cooperation with the gentleman, and we did put a couple of million dollars in the bill already to direct DOE to start to construct a program. So let us all work together and put this thing together and we will work with the gentleman.

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

Mr. GRAHAM. I yield to the gentleman from Virginia.

Mr. SISISKY. Mr. Chairman, I appreciate the work of Members of both sides of the aisle on this issue and look forward to working with the gentleman from California (Mr. HUNTER) in doing what is right for these workers, and I support this amendment and urge the House to accept it.

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

Mr. GRAHAM. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I appreciate the effort of all the Members involved in this issue and thank them for bringing it to the attention of the House. We need to do the right thing for these people who through the course of providing for the defense of our Nation received injury due to exposure to hazardous materials.

I support the amendment and I certainly encourage its adoption.

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

Mr. GRAHAM. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I also want to acknowledge the hard work of the gentleman from Kentucky (Mr. WHITFIELD) and others who have brought this resolution forth, and I agree to work with them and with the gentleman from California (Mr. HUNTER) in the days ahead. I support the amendment and urge its adoption.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 15, 2000.

Hon. LINDSEY O. GRAHAM,
House of Representatives,
Washington, DC.

DEAR LINDSEY: I appreciate your interest in resolving the issue of compensating Department of Energy (DOE) workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapons production facilities during the Cold War.

It is my understanding that Congressman Whitfield, Congressman Wamp, Congressman Kanjorski, Congressman Strickland and others have introduced legislation to compensate these workers for their injuries. I'm also aware that the Department of Energy has proposed legislation to address the problem. These bills have been referred to the Subcommittee on Immigration and Claims for consideration.

I hope to work with you and other members to address the need to compensate workers at DOE weapons production facilities whose health has suffered as a result of their employment. Furthermore, I expect to hold a hearing on this subject in the coming months.

Thank you for bringing this issue to my attention.

Sincerely,

LAMAR SMITH,
Chairman, Subcommittee on Immigration and Claims.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 17, 2000.

Hon. LINDSEY GRAHAM,

Hon. VAN HILLEARY.

DEAR LINDSEY AND VAN: I appreciate your interest in resolving the issue of compensating Department of Energy workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapon's production facilities during the Cold War.

I understand that Mr. Whitfield, Mr. Wamp, Mr. Kanjorski, Mr. Strickland and others have introduced legislation to address the problem. These bills have been referred to the Education and Workforce committee for consideration.

I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE contract employees where concrete documentation proves they were adversely effected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.

I appreciate you bringing this matter to my attention.

Sincerely,

BILL GOODLING,
Member of Congress.

Mr. STRICKLAND. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Whitfield-Strickland-Udall-Gibbons-Kanjorski sense of Congress resolution in the form of an amendment to cover workers from the Department of Energy and its contractors and vendors.

I would just say to my colleagues that as this legislation moves forward, there is one important category that is not covered and that is those workers, like those at Brush Wellman in Elmore, Ohio, who worked for the Department of Defense as contractors, vendors, subcontractors. I stand today in memory of Gaylen Lemke, a gentleman who died of chronic beryllium illness last year who first came to see me in 1994. It was an absolutely cruel illness. He was as much a veteran of this country as anyone who ever flew an airplane or served on a submarine. I would just hope that as these hearings are held that true compensation could be found for these individuals and their families who have suffered so greatly, actually through no one's fault but through our lack of knowledge about how these metals actually react with the human body.

When one's lungs turn to crystalline over a period of 10 to 15 years, it is among the cruelest of ways to die.

I just want to thank the Members of the Committee on Armed Services here

today, my good friend, the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), the gentleman from Virginia (Mr. SISISKY), for looking really seriously at this. I would say in my region of Ohio we have upwards of 200 people who have died or will die of this illness. Please do not forget those who have worked on contract to the Department of Defense, especially providing the material that was processed for the interiors of our missiles and our guided missile systems.

Mr. STRICKLAND. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Chairman, I thank the gentleman from Ohio (Mr. STRICKLAND) for his help and his leadership on this issue and also the gentleman from Kentucky (Mr. WHITFIELD). It has been a pleasure to work with them on this.

I really want to say that we are seeing the best of Congress here; Republicans in the House and Democrats in the House and the administration coming together to do what is correct.

□ 1730

We need to help people like Clara Harding and Al Matusick. Clara's husband Joe worked for 18 and a half years at the Paducah Gaseous Diffusion Plant in Kentucky which the gentleman from Kentucky (Mr. WHITFIELD) now represents. He worked without any radiation protection in air that was thick with uranium dust and plutonium, neptunium, and possibly ruthenium.

Mr. Harding died in 1980 at the age of 58. Two years ago, Mrs. Harding received only $12,000 in compensation. It is inexcusable. When we stop and think about the problems health-wise that these workers have experienced, it is unbelievable.

My friend, the gentleman from Pennsylvania (Mr. KANJORSKI) and his staff, just doing good casework, they worked with Al Matusick and discovered through him that there were this whole group of Cold War warriors who were suffering. That really began this ball rolling.

I want to thank the gentleman from Nanticoke, Pennsylvania (Mr. KANJORSKI) for having the foresight and compassion to introduce H.R. 675. I am proud to be a cosponsor of his bill, and want to continue to work with him on H.R. 3418, and work with the gentleman from Kentucky (Mr. WHITFIELD), and thank him for introducing H.R. 4398.

I want to thank Secretary Richardson for agreeing that the administration would work with us to see that the right thing is done on this issue. I think everybody is working together, and I am so happy to hear the dialogue on the floor today that we are going to have hearings and that something is going to be done. Fifty years is so long for people to wait.

We have heard about some of the things in the hearings we have held in the Committee on Commerce, and in fact that people were put at risk. They knew there was a danger there. These workers, many have died. Their families and workers need to be compensated. This Congress can act. It is the right, the correct, the ethical, and the moral thing to do.

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

In conclusion, I would like to say a couple of personal words.

Mr. Chairman, I want to thank my good and dear friend, the gentleman from Kentucky (Mr. WHITFIELD), for the work we have been able to do together.

I want to thank the gentleman from South Carolina (Chairman SPENCE), the gentleman from Virginia (Mr. SISISKY), the gentleman from California (Mr. HUNTER), and the gentleman from Missouri (Mr. SKELTON).

This is the right thing to do. This is one of the joys that I have experienced in this House, working together on this particular issue. I just have a heart full of thanks for these Members.

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

Mr. Chairman, I also want to thank everyone. We cannot solve this problem without the efforts of everyone.

If someone worked in a DOE facility during the Cold War and he is a Federal employee, he is covered under the Federal Employee Compensation Act. If he worked as an agent of a contractor and was exposed to one of these diseases, he did not have any coverage. We need to correct that problem. This is the first step.

Mrs. BIGGERT. Mr. Chairman, I rise today in strong support of this amendment. Congress must act as soon as possible to provide compensation and health care for the forgotten soldiers of the Cold War—those who constructed America's nuclear weapons.

More than 50 years ago, hundreds of Manhattan Project staff inhaled tiny particles of beryllium while helping develop the atomic bomb at a University of Chicago lab. That lab later became Argonne National Laboratory, a national energy laboratory operated for the Department of Energy by the University of Chicago, and located in the district I represent.

The Department of Energy estimates that as many as 2,300 people in Illinois were exposed to beryllium during the two decades ending in 1963 when the toxic metal was used in the atomic program at Argonne. Inhalation of beryllium dust causes Chronic Beryllium Disease (CBD)—a chronic, often disabling and sometimes fatal lung condition. It also causes beryllium sensitization, wherein a worker's immune system becomes allergic to the presence of beryllium in the body.

People who work at Argonne and other national labs are technically employed by the contractors hired to run the labs, so they don't qualify for federal employee health benefits. Meanwhile, state workers compensation laws often fail to provide benefits for occupational illnesses, which—in the case of nuclear weapons workers—can develop years after exposure to beryllium, radiation, or hazardous chemicals and long after a worker's eligibility for compensation has lapsed. Beryllium dust, for example, can cause Chronic Beryllium Disease up to forty years after exposure.

Mr. Chairman, compensating these workers for the suffering endured in service to our country is the right thing to do. This issue deserves our attention, which is why I urge my colleagues to support this amendment.

Mr. UDALL of Colorado. Mr. Chairman, I am pleased to give my strong support for this amendment. It represents an overall bipartisan effort that I believe must move forward in order to provide fair and just compensation for those who worked long and hard to win the Cold War: the Atomic Veterans. Many of these Atomic Veterans are ill or dying from diseases due to their exposures to hazardous materials at Department of Energy facilities.

New Mexico has a long and valued tradition of service to our Nation. New Mexico's workers at Los Alamos National Laboratory, the birthplace of the atomic bomb, have suffered from illness due to their exposures to radiation, beryllium, and other hazardous materials used in the production of nuclear weapons. It is right that we compensate the Atomic Veterans from all over this great nation who have sacrificed so courageously for their country. We spend billions of dollars on cleanup of nuclear waste sites; we now take responsibility for the human cost of the Cold War.

Congress must act, first to support this amendment, and then to pass legislation that is just and fair. When I introduced legislation to compensate Atomic Veterans from Los Alamos National Laboratory, I urged my colleagues from around the country, Democrats and Republicans, who also have victims in their districts, to work together to craft a solution to this problem at the national level. This amendment is a step in that direction.

Compensation is important because these workers are true patriots. They loved their country, they worked for their country, and now we need to do what is right and compensate them fairly for their illnesses.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment, as modified, offered by the gentleman from Kentucky (Mr. WHITFIELD).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 106–624.

AMENDMENT NO. 6 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. 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. 6 offered by Mr. TAYLOR of Mississippi:

Amend section 725 (page 231, line 3, and all that follows through page 232, line 21) to read as follows:

SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY RETIREES AND DEPENDENTS.

(a) FUTURE REPEAL OF LIMITATION ON NUMBER OF SITES.—Effective January 1, 2001, paragraph (2) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended to read as follows:

''(2) LOCATION OF SITES; FACILITIES.—Subject to annual appropriations, the program shall be conducted in any site that provides a full range of comprehensive health care and that is designated jointly by the administering Secretaries. The program shall be conducted nationwide by January 1, 2006.''.

(b) AUTHORITY TO MODIFY AGREEMENT.—Such section is further amended in paragraph (1)(A) by inserting '', which may be modified if necessary'' before the closing parenthesis.

(c) MAKING PROJECT PERMANENT; CHANGES IN PROJECT REFERENCES.—

(1) ELIMINATION OF TIME LIMITATION.—Paragraph (4) of section 1896(b) of such Act is repealed.

(2) TREATMENT OF CAPS.—Subsection (i)(4) of section 1896 of such Act is amended by adding at the end the following:

''This paragraph shall not apply after calendar year 2001.''.

(3) CONFORMING CHANGES OF REFERENCES TO DEMONSTRATION PROJECT.—Section 1896 of such Act is further amended—

(A) in the heading, by striking ''DEMONSTRATION PROJECT'' and inserting ''PROGRAM'';

(B) by amending subsection (a)(2) to read as follows:

''(2) PROGRAM.—The term 'program' means the program carried out under this section.'';

(C) in the heading to subsection (b), by striking ''DEMONSTRATION PROJECT'' and inserting ''PROGRAM'';

(D) by striking ''demonstration project'' or ''project'' each place either appears and inserting ''program'';

(E) in subsection (k)(2)—

(i) by striking ''EXTENSION AND EXPANSION OF DEMONSTRATION PROJECT'' and inserting ''PROGRAM''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) whether there is a cost to the health care program under this title in conducting the program under this section; and

''(B) whether the terms and conditions of the program should be modified.''.

(4) REPORTS.—Subsection (k)(1) of such section 1896 is amended in the second sentence—

(A) by striking ''the demonstration project'' and inserting ''the program'';

(B) by striking '', and the'' and all that follows through ''date'';

(C) by redesignating subparagraph (O) as subparagraph (S); and

(D) by inserting after subparagraph (N) the following new subparagraphs:

''(O) Patient satisfaction with the program.

''(P) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

''(Q) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

''(R) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the program.''.

(5) ADDITIONAL CONFORMING AMENDMENTS.—Section 1896(b) of such Act is further amended—

(A) by redesignating paragraph (5) as paragraph (4); and

(B) in such paragraph, by striking ''At least 60 days'' and all that follows through ''agreement'' and inserting ''The administering Secretaries shall also submit on an annual basis the most current agreement''.

(6) CONTINUATION OF PROVISION OF CARE.—Section 1896(b) of such Act is further amended by adding at the end the following new paragraph:

''(5) CONTINUATION OF PROVISION OF CARE.—With respect to any individual who receives health care benefits under this section before the date of the enactment of this paragraph, the administering Secretaries shall not terminate such benefits unless the individual ceases to fall within the definition of the term 'medicare-eligible military retiree or dependent' (as defined in subsection (a)).''.

(d) PAYMENTS.—

(1) PERMITTING PAYMENTS ON A FEE-FOR-SERVICE BASIS.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

''(l) PAYMENT ON A FEE-FOR-SERVICE BASIS.—Instead of the payment method described in subsection (i)(1) and in the case of individuals who are not enrolled in the program in the manner described in subsection (d)(1), the Secretary may reimburse the Secretary of Defense for services provided under the program at a rate that does not exceed the rate of payment that would otherwise be made under this title for such services if sections 1814(c) and 1835(d), and paragraphs (2) and (3) of section 1862(a), did not apply.''.

(2) PAYMENTS TO MILITARY TREATMENT FACILITIES.—Such section is further amended by adding at the end the following new subsection:

''(m) PAYMENTS TO MILITARY TREATMENT FACILITIES.—The Secretary of Defense shall reimburse military treatment facilities for the provision of health care under this section.''.

(3) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsections (b)(1)(B)(v) and (b)(1)(B)(viii)(I), by inserting ''or subsection (l)'' after ''subsection (i)'';

(B) in subsection (b)(2), by adding at the end the following: ''If feasible, at least one of the sites shall be conducted using the fee-for-service reimbursement method described in subsection (l).'';

(C) in subsection (d)(1)(A), by inserting ''(insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i))'' before ''shall meet'';

(D) in subsection (d)(1)(A), by inserting ''and the program (insofar as it provides for payment for facility services on the basis described in subsection (l)) shall meet all requirements for such facilities under this title'' after ''medicare payments'';

(E) in subsection (d)(2), by inserting '', insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i),'' before ''shall comply'';

(F) in subsection (g)(1), by inserting '', insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i),'' before ''the Secretary of Defense'';

(G) in subsection (i)(1), by inserting ''and subsection (l)'' after ''of this subsection''; and

(H) in subsection (j)(2)(B)(ii), by inserting ''or subsection (l)'' after ''subsection (i)(1)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on January 1, 2001, and apply to services furnished on or after such date.

(e) ELIMINATION OF RESTRICTION ON ELIGIBILITY.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

''(C) ELIMINATION OF RESTRICTIVE POLICY.—If the enrollment capacity in the program has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to medicare-eligible military retirees and dependents who are enrolled in TRICARE Prime (as defined for purposes of chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the program by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.''.

(f) MEDIGAP PROTECTION FOR ENROLLEES.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

''(m) MEDIGAP PROTECTION FOR ENROLLEES.—(1) Subject to paragraph (2), effective January 1, 2001, the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to any enrollment (and termination of enrollment) in the program (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

''(2) In applying paragraph (1)—

''(A) in the case of enrollments occurring before January 1, 2001, any reference in clause (v)(III) or (vi) of section 1882(s)(3)(B) of such Act to 'within the first 12 months of such enrollment' or 'by not later than 12 months after the effective date of such enrollment' is deemed a reference to during calendar year 2001; and

''(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary of Health and Human Services.''.

(g) IMPLEMENTATION OF UTILIZATION REVIEW PROCEDURES.—Subsection (b) of such section is further amended by adding at the end the following:

''(6) UTILIZATION REVIEW PROCEDURES.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the past half of a century people wearing the uniform of the United States of America in federally-owned buildings have been telling young 18-, 17-, 19-, and 20-year-old enlistees that if they served their country honorably for 20 years, that upon retirement they would receive free health care for them and their spouse in a military facility for the rest of their lives.

By and large, our Nation did a pretty good job of honoring that promise until about a decade ago. Then, with the demise of the Soviet Union, the subsequent drawdown, the subsequent reductions in the defense budget, the military health care system started telling these military retirees when they hit 65, we are sorry, we cannot see you anymore. Go see a doctor out in Medicare.

They justifiably feel betrayed, and betrayed is the proper word. They were made a promise. They kept their end of the promise, and their Nation let them down.

Today I am going to ask my colleagues, Democrats and Republicans, to honor that promise. After all, great nations keep their word. I am asking us to take a major step that would allow these military retirees to continue to go to the base hospital, and upon reaching their 65th birthday, Medicare would reimburse that base hospital. It would make this program nationwide, available at every military medical facility, and it would make this program permanent.

Why is this program important? Today in America, people will be retiring from the Armed Forces. When they retire and choose their retirement home, in many instances they do so near a military facility because they want to be able to use that hospital. I want those people who choose a house, who choose a retirement home, to know that this is going to be the law of the land forever, and that our Nation has failed them, but we will fail them no more.

Mr. Chairman, I urge my colleagues to support the Taylor amendment. This is the beginning of what is going to be an hour-long debate. My colleague, the gentleman from Indiana (Mr. BUYER), is going to try to gut the Taylor amendment.

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

The CHAIRMAN pro tempore. Does the gentleman from Indiana (Mr. BUYER) seek the time in opposition?

Mr. BUYER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. BUYER) is recognized for 15 minutes.

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

Mr. Chairman, I would change the vocabulary a bit, I say to my friend, the gentleman from Mississippi (Mr. TAYLOR). I seek to improve the amendment, not gut it.

To improve the amendment, what I mean is what we have done in the base text of this bill is stop the rhetoric. By speech, it is 101, any Member can go to the well and give a great speech and throw their arms around the military veteran. It is the easiest speech to give. It is 101 in speech.

Delivering the right preparation on the commitment and obligation of the retiree is a little more difficult. I will never, ever create an unreal expectancy. I caution Members who will speak on this issue, because I will be quick on my feet. I want truth in advocacy.

When it comes to ''the Medicare subvention,'' let me bring the stark reality into question. If we were to draw a pie of the 1.4 million military retirees, half of that pie, they live next to medical treatment facilities all around the country. Then, of that pie, I take 20 percent of the half, and that is all that could ever be treated in Medicare subvention. Why? Because there is a capacity question, capacity.

So be very cautious and tempered in words to say, and I throw this warning out in the debate, that Medicare subvention, if we make it permanent, delivers on the promise, because it does not.

The painful reality to the military retirees came into being not in the 1960s, when we created Medicare as a program, and we then triggered the retiree into the Medicare system, to be treated like everyone else in the country, senior citizens who had never worn the uniform. The painful reality really came when we went through the BRAC process and closed a lot of military bases, to include those base hospitals.

Congress responded in search of an answer. The reason this is so difficult, and it is a complex health system, is that the purpose of the military health systems are to treat combat casualties and accidents, and those active duty service personnel who are sick. Second comes the dependents and retirees. The real purpose is combat casualties, so military medical readiness is set up a little bit differently.

So when Congress is in search of ''the answer'' of how we take care of the commitment to the military retiree, we created some demo programs. We created Medicare subvention, whether it is the FEHBP, we have BRAC pharmacies, we have many different things.

What we do in the base text of this bill, which I compliment the bipartisan support of, that came out of the Committee on Armed Services, is, and it is supported by the administration, we put our arms around all of these demonstration projects. We expand them, and then we end them on December 31 of 2003.

Why do we end them? Because we want to analyze all these programs and say, all right, what is best to deliver the care to the military retiree? I would say that we do not have the competency to make that judgment today, so we create a methodology that says, all right, we create an independent advisory board, nominated by the Secretary of Defense. They will examine these. They have a report due to Congress in July of 2002.

We will have our ideas. The advisory group has theirs. DOD has theirs. The Senate will have theirs. OMB I am sure is a player. Then what we do is we come in and then make a judgment in the fall of 2002 of what is the best to deliver.

In the meantime, what can we do? Because that is the spirit of what my colleague, the gentleman from Mississippi (Mr. TAYLOR), is trying to say: In the meantime, what can we do?

I have been a good listener to him. I will have an amendment that comes up that says that we will expand the scope to the major medical centers, but it is not timely for us to make permanent Medicare subvention. Why? Because it is a crippled program. It was meant to be cost-neutral when it was negotiated with the Committee on Ways and Means and the Committee on Commerce. Today it is costing over $100 million to DOD, in excess of $3,000 per beneficiary.

Mr. Chairman, if we have a pilot program that is crippled fiscally, is it the right thing to do by the taxpayers to say, well, we will just go ahead and make it permanent? I believe that is not the proper and prudent thing for us to do. Let us follow the methodology. Let us do what is right for the military retiree.

In the meantime, we can do something. I will agree, I concur with the gentleman, we will extend the scope. We will work with HCFA and DOD to renegotiate these reimbursement rates. We will work on the utilization question.

One glorious thing we did do in this bill is we said to the military retiree, we said, we will create a pharmacy benefit, a pharmacy benefit that is so rich that it is not going to be treated like Grandma and Grandpa that never had served in the military. We are going to say to the military retiree, you are entitled to this pharmacy benefit.

So there are some things that we can do while we are waiting for the methodology, the analytical process of the data. Then we step forward, working with the next administration, for the cost of this program.

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

Mr. BUYER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding to me, Mr. Chairman.

Mr. Chairman, I think it would be good for the gentleman to tell us a little bit about the pharmacy benefit and what the retirees can expect. It has not been talked about a lot in the base bill.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the TRICARE senior pharmacy, what we do is reinstate access. We do not create new entitlements for the military retiree. It is an earned benefit. What we do is we preserve access to the military pharmacies at the medical treatment facilities.

We create a mail order pharmacy with an $8 co-pay, so if someone has diabetes or needs a drug that they know that have to have, they can. We also create a network, retail, with a 20 percent co-pay. Then also we have added an out of-network retail with a 25 percent co-pay and a $150 deductible.

What we are doing is giving the widest array of choices to that military retiree. I think that is extremely important, because most do not live next to medical treatment facilities.

Mr. HUNTER. If the gentleman will continue to yield, I just want to thank the gentleman for the great work that he did, along with his colleagues on the Subcommittee on Military Personnel, in developing this good program for our veterans and for our retirees.

I appreciate the fact that he is walking down through this road, these problems, which are fairly complex and which have a lot of potential options, and trying to put together a responsible program for our veterans and our retirees.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the key word that I believe the gentleman used is ''options.'' This methodology preserves a wide array of options from which we can then choose.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, keeping our word to our Nation's military retirees is not an option. Ten Members of Congress have cosponsored this amendment.

They are the gentleman from Mississippi (Mr. PICKERING), the gentleman from Maryland (Mr. BARTLETT), the gentleman from Florida (Mr. SCARBOROUGH), the gentlemen from North Carolina, Mr. JONES and Mr. HEFLEY, on the Republican side; the gentlewoman from California (Ms. SANCHEZ), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from California (Mr. FARR), and the gentleman from Tennessee (Mr. TANNER) on the Democratic side.

We believe, Democrats and Republicans, that it is time we keep our word.

□ 1745

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I urge my colleagues to support the amendment offered by the gentleman from Mississippi (Mr. TAYLOR), which expands and makes permanent the TRICARE Senior Prime program, more commonly known as Medicare subvention.

I focused on the need to improve access to health care services to the men and women in uniform in the past and particularly for our Medicare eligible retirees. This is truly the year of military health care. The expansion and permanent authority for Medicare subvention which the Taylor amendment will provide will begin to fulfill the commitment made to our men and women in uniform who were promised access to health care services for life if they served 20 years or more in the Armed Forces.

We made that promise to take care of the career men and women and their families and me must, Mr. Chairman, keep that promise. The Taylor amendment improves access to medical care for Medicare-eligible military retirees by expanding TRICARE Senior Prime to military hospitals and making the program permanent. It is an important step toward ensuring access to care for retirees and their dependents over the age of 65 who live near military facilities.

Mr. TAYLOR of Mississippi. Mr. Chairman, since we have the luxury of so many cosponsors, I will be recognizing them in the order of seniority on the committee, Democrat, Republican.

Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, I am really torn on this. There is nobody that has worked harder on this subject than the gentleman from Indiana (Mr. BUYER). The gentleman has struggled, he has negotiated with the Committee on Ways and Means, and unless you have negotiated with the Committee on Ways and Means you do not know what he has been through. He has worked diligently and hard and not only that, his heart is in this subject. He wants this problem solved, and he has come up with a plan to solve it.

On the other hand, I have worked for so many years on this subvention program. I can remember years ago, and I say to the gentleman from Mississippi (Mr. TAYLOR), I do not know if the gentleman remembers this or not, because we did not know each other well at that time, when we were before the committee and we were saying that we had made promises to these people that we were not keeping, and at that time the Pentagon was saying we did not really promise; that was overzealous recruiters that made those promises.

And I say to the gentleman, remember, we waved in front of them recruiting brochures to show, back from the 1950s I think they were, to show that we had made those promises. We made promises and we need to keep those promises, and one way to do that was that we passed the subvention program, to give it a try.

I sponsored that when it was not popular. There was no other sponsor in the House, there was no other sponsor in the Senate when that first started, but now it is a popular program. The retirees like that program, but it is not working like we planned, as the gentleman from Indiana (Mr. BUYER) has well pointed out.

Mr. Chairman, we made a bad deal on the payment schedule, and we need to correct that bad deal. The amendment of the gentleman from Indiana (Mr. BUYER) will kick the ball down the field, and I think that is good. And if that is all we can get, I think that is good, but I think it has one flaw, I say to the gentleman from Indiana (Mr. BUYER), and that is that it has to be cost neutral, and I am not sure it ever happens to expand it to those 12 or 13 if it is cost neutral unless we correct the problem with HCFA.

Let me just say in closing real quickly, there are three things that I would like to come out of this whole deal, and it may have to come out in conference, I would like for us to make HCFA pay like they are supposed to pay. I would like that to happen, and I think we are going to have to write that in in conference.

I would like the program extended nationwide, and I do not mind at all putting the sunset on it to take another look at it, and that is what the gentleman from Indiana (Mr. BUYER) is trying to do there. So I think there is a way to compromise, do not make it permanent like the gentleman from Mississippi (Mr. TAYLOR) wants it and I would like it, but have a time to reexamine it, but extend it nationwide.

Mr. BUYER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think the first thing that one ought to say when looking at this issue is that the government did make a promise, and it is important to keep that promise, not just for the retirees, but also for the young folks who are in the military now or are thinking about getting into the military.

Like many of my colleagues, I have had the experience of talking with the young 22-year-old single male in the military and asking why he is staying or whether he is going to stay in the military and the subject of health care comes up from someone that we would not think would be particularly concerned about health care.

I think all of us feel the frustration that the gentleman from Colorado (Mr. HEFLEY) talked about of trying to get greater attention to this issue and trying to find a way to solve this problem, to keep that promise when there are not the base hospitals to keep the promise. So it certainly has been a difficult thing.

Mr. Chairman, I heard the gentleman from Mississippi (Mr. TAYLOR) say in front of the Committee on Rules that

he wished he had a magic wand to wave over the country to solve it for everybody. Subvention is not a magic wand. As a matter of fact, I think there is no such thing as a magic wand, which is why we have to look at a number of options.

The underlying bill that the gentleman from Indiana (Chairman BUYER) has put together gives us, I think, for the first time since I have been in Congress a path towards a solution. It is not mere rhetoric, but it moves us in a direction by extending the various pilot programs and by expanding them to help make sure that it is a fair test.

My district is one of those that includes part of the subvention pilot program test, and I can give my colleagues a number of concerns that folks in my region have why it is not a true test. In my district, I also have people who live in a city that has a base that has been closed, and they are hundreds of miles away from the base where the subvention test is going on.

In my district, I also have military retirees that live many miles from any significant city, and around the country there are a variety of circumstances, and no one approach, including subvention, or FEHBP, is going to solve them all. We have to have a multilayered approach in order to come as close as we possibly can to keeping that promise that we made to retirees. I think that is the essential point.

What this bill does is gives us several options, tries to collect the information on what is needed but also moves us towards a time certain to make that decision, and we have never had that time certain before, but the essential point that has to be included in this or any other approach is that kind of choice; that is in the pharmacy benefit, which is in this bill.

We can have the mail order choice, if that is what best meets your needs, or we can a pharmacy that is inside this organization, or an outside one. You pay a little different copay, but you have the choice to make the decision that best meets your need. That is the only way we will come close to meeting the commitment that we made to military retirees, giving them those options.

The path that has been laid out by the chairman is the way to get to that point, and I thank the gentleman for offering it.

Mr. TAYLOR of Mississippi. Mr. Chairman, if a politician breaks his promise, shame on him. If a Nation breaks its promise, shame on all of us.

Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member on the Subcommittee on Military Personnel, another member of this committee who is trying to see to it that our Nation keeps its promise.

Mr. ABERCROMBIE. Mr. Chairman, let me state that I do not think anyone has worked harder on this issue than the gentleman from Indiana (Mr. BUYER). No one has worked with more diligence to try and put together a package that we can present to the body, some of which has already been mentioned, as the gentleman from California (Mr. HUNTER) indicated about the prescription benefit.

We do not want the good work that has been put together to get lost in this particular argument, and I do not even want to say it is an argument. As a matter of fact, that is one of the points I want to make. I do not think, and I hope that everyone on the committee would certainly recognize, that no one has tried to work harder than with the gentleman from Indiana (Mr. BUYER) than myself. This has been a bipartisan effort.

And I really believe, I honestly believe, my friends, that we may be having a dispute over something which really we have no argument about. I was quite content with the bill the way it was in the sense that we were trying to work the Medicare subvention thing, something which I support and many people have supported right straight through.

The question, though, for us now is the Committee on Rules has made this in order. And in my conversations with the gentleman from Indiana (Mr. BUYER), I indicated if they made it in order, I thought that perhaps the best role for us to take was to go to the full expansion and see where we win out.

Let me tell my colleagues why. The difference between what the gentleman from Indiana (Mr. BUYER) has and what the gentleman from Mississippi (Mr. TAYLOR) has again may be a distinction without a real difference if we work this right. The amendment to the amendment or the substitute that the chairman has extends it to some additional sites, the Taylor amendment makes it nationwide.

Here is the implementation idea, because I think in the end, we want to go to subvention, Medicare subvention. The Taylor amendment now reads beginning next January, but full implementation does not take place till 2005. And the amendment of the gentleman from Indiana (Mr. BUYER) now has beginning in 2002 and could be limited at least in terms of the experimental time for about 15 months.

In other words, we are talking about a difference in time. There is not a difference in principle here. There is a position versus our interests. And I think our interests are to try and extend it now, not because there is a victory or a defeat in this, but rather that inasmuch as we are going to expand the program anyway, let us expand it nationwide, let us give the House the opportunity to work its will on this, and then we will move; as General Ryan has indicated in his letter, that we need to have a more equitable arrangement than is now possible on cost effectiveness between the HCFA and the DOD.

Certainly, the Armed Forces will work with us. In fact, he says ''I ask your support in working with the DOD, HCFA and the Congress to develop cost-effective solutions.'' I think virtually everything that the gentleman from Indiana (Mr. BUYER) has said with respect to the difficulties is absolutely correct. I do not think anybody in any honesty can argue with it, but if we give this a chance to work nationwide, I think that we will all be the winners in the end. And I hope that we can come together on that resolution.

I want to thank the gentleman from Indiana (Mr. BUYER) for all of his help.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond. I enjoyed working with the gentleman from Hawaii (Mr. ABERCROMBIE), and I would say that in the letter from the Air Force Chief of Staff, it also reads, ''I urge that we heed the lessons already learned from the Medicare subvention demonstration projects. The current TRICARE Senior Prime demonstration, though popular with retirees, is not fiscally sustainable over the long term.''

The real difficulty I say to the gentleman from Hawaii (Mr. ABERCROMBIE) between these two proposals is that the gentleman from Mississippi (Mr. TAYLOR) seeks permanency of a crippled program.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the testimony of the DOD before the House Committee on Armed Services on March 15 of this year, and I am quoting, ''We believe that TRICARE Senior Prime is the key component of keeping health care commitments to our 65-year-old retirees and family Members who have sacrificed so much in the service to their country.'' That is Rudy de Leone, the Under Secretary of Defense.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), another key player on this, a member of the House Committee on Armed Services.

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of the Taylor-Jones-Bartlett amendment. I have seen the recruiting brochures. We did promise lifetime health care in a military facility for those who honorably served their country for 20 years or more. For a decade now, we have broken that promise and we are paying a high cost for having broken that promise.

It hurts us in recruitment. When their father, their uncle, their grandfather tells them that the military did

not keep their promise to them, why should they think we are going to keep our promises to them?

□ 1800

Three of our services are failing to meet their recruitment totals, and this is part of the problem.

It is hurting retention. When they look ahead to what will happen to them when they retire, they wonder if they can trust us, and so they are not staying in. They will not retire. They are leaving the service.

Properly administered, this program should cost no more than what we are now doing. As a matter of fact, the Medicare reimbursement is only 95 percent of what it is in the other hospitals. This means it actually ought to cost the taxpayers less. If the program is crippled now, it is only because it is not being administered correctly and we need to change that.

It is very important that we keep our promises to our veterans, not just because we made them and that is what honorable people do, it is important because it is hurting us now in recruitment and it is hurting us now in retention.

Mr. Chairman, I strongly urge a positive vote on this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, what is the time that remains?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Mississippi has 3 minutes remaining, and the gentleman from Indiana (Mr. BUYER) has 3½ minutes remaining.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON), another sponsor of this measure and a member of the Committee on Armed Services.

Mr. LARSON. Mr. Chairman, I rise in strong support of the Taylor amendment.

What is at stake here is a fundamental commitment to the men and women who wear the uniform. This is not a time to go slow. That is not what we have asked our veterans to do. This is not a time for incremental gain. We need the comprehensive approach that the Taylor amendment calls for.

I join with my colleagues in recognizing the efforts of the gentleman from Indiana (Mr. BUYER) on this committee, but I would like to point out that what we need here is the will to move forward. As we go through midtime review and see the surpluses that this Nation will have achieved because of our economic strength, we have the ability to carry out the options necessitated to make sure that we live up to the commitment that we made to these veterans.

Mr. Chairman, my father used to say to my mother Pauline, sitting across the dinner table, ''Who won the war?'' It is to the bewilderment of many of our veterans these days, thinking that their Nation has forgotten about them, that it has reneged on their promise. I do not question the patriotism or the fervor on the part of the gentleman from Indiana (Mr. BUYER) or anyone here who has served on our committee to do the very best for veterans. I simply believe that we can do more and we should do more. This is not a time to pull back. This is a time to move forward because we have the resources and the will to accomplish this on behalf of our veterans.

Memorial Day is around the corner. I agree with the gentleman, too many times we hear semantical speeches and plaudits given to veterans. We have an opportunity here today to act on their behalf. I urge support of the Taylor amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield the balance of my time, 1½ minutes, to the gentleman from North Carolina (Mr. JONES), another key member of the House Committee on Armed Services.

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of this Taylor amendment, and I must say I have enjoyed this debate. I have great respect for the gentleman from Indiana (Mr. BUYER) and great respect for the gentleman from Mississippi (Mr. TAYLOR) because what we are all trying to do is to do what is right for our retirees.

I have 12,000 retirees in my district, the Third District of North Carolina, and I have to say that the first thing on their mind is health care; secondly is will they have adequate health care when they get to be 65. They also say to me that we here all seem to be able to send $13 billion to Kosovo, and they want to know why we cannot help them with their health care.

So I am delighted that we are having this debate today because it is extremely important, and this Taylor amendment will help our retirees understand that we are willing to do what is necessary. I commend the gentleman from Indiana (Mr. BUYER), and I think that his plan is good, but I think this plan is much better because what we are saying to those retirees is we are going to make an investment.

It is my understanding that 5 years of the Taylor plan would cost $250 million. That is my understanding. If I am wrong a few million dollars, still look at what we are spending in Kosovo. We can find the money to help these retirees, and I think, quite frankly, Mr. Chairman, that those of us who have the privilege to serve I hope will look seriously at supporting the Taylor amendment tonight. We are saying to our retirees that we are willing to roll up our sleeves, we are willing to do what is necessary to give them the health care that they deserve and that they need when they hit 65.

Mr. BUYER. Mr. Chairman, I yield the balance of my time, 3½ minutes, to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I do not often find myself facing a tragic situation, but what I see occurring tonight here on the floor is a tragic situation.

Everyone in this House wants to honor military retirees and veterans. And those are two different groups. We have worked tirelessly to try to assist military retirees, through the Department of Defense's program called TRICARE, as we have worked diligently to try to help veterans under the Veterans Administration program called Vision.

Now, what is at stake here is not helping Americans who turn 65. That is not at issue. A military retiree turning 65, a veteran turning 65 has the Medicare benefits available to them. No one is being deprived of the full Medicare services, even though the hospital portion is a payroll tax, paid for by some Americans into a payroll tax and not paid by others.

No one turning 65 does not get Medicare. That is not the issue in front of us. Please, do not try to make that the issue. It is not. The issue is should military retirees be able to go to military hospitals to get their Medicare benefits.

Now, as my colleagues might imagine, the military hospitals were not exactly structured to handle geriatrics. They did not have as their history the ability to deal with old-age infirmities. That is not what they were designed to do. By what we are trying to do is take the Medicare funding, the taxpayers' money, and utilize it in Department of Defense institutions. It is not an easy thing to do. They do not have doctors that necessarily deal with old age. They deal more with wounds than arthritis. But what we have tried to do is meet the request; merge the Medicare monies into the DOD hospital structure. And we have been moving forward.

In 1997, under the new majority, we said let us try this program. Here was the first General Accounting Office evaluation in May of 1999. ''DOD Data Limitations May Require Adjustments and Raise Broader Concerns.'' We knew that it was going to be difficult getting started.

Here is the September 1999 report. ''DOD Start-up Overcame Obstacles, Yields Lessons and Raises Issues.'' That is progress. Here is the January 2000 report. ''Enrollment in DOD Pilot Reflects Retiree Experiences and Local Markets.'' We are making progress.

If I asked members of the Committee on Armed Services if they wanted to issue a rifle that they knew jammed on every fifth shot, just so they could say that they met some deadline in giving them new equipment, when they knew the equipment would not work; is that really what they would want to do? If we make this program permanent, it will fail.

There is no question it will fail on the basis of the ability of the DOD to account for the costs of seniors who are military retirees in their hospitals. It will overwhelm them. We will be paying out billions of dollars. Instead of receiving money, we will be paying money. We do not want that.

My colleagues do not want what they are asking for. This program is moving forward. It is responsible. Support the Buyer amendment.

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

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, all we have to do is go out here at Bethesda Naval Hospital, or Walter Reed Hospital, or Fort Leonard Wood Hospital and we will see those military physicians and technicians and nurses doing their very best to take care of geriatrics, the senior citizen who served his or her country for over 20 years.

So I wish to correct my friend from California.

Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding me this time, and I listened with great care to what the gentleman from Indiana (Mr. BUYER) had to say to warn us about the emotional side of being inaccurate in this, but I am not running for reelection. This speech gives me nothing.

I want to tell my colleagues what I learned when I first ran for office 6 years ago, and that is that we have lied and cheated our veterans and our retired military in terms of their health care. It is too common a complaint. It is too real. I saw it. I saw it at Tinker Hospital in Oklahoma City. They cannot even handle the people that are there now that are active duty. They send the people off.

So the question is, yes, have we met our need? We all agree we are trying to do that whether we do the Buyer amendment to this amendment or not.

The question that was raised is, is it cost effective? I do not care if it is cost effective. Because if it is cost effective or not, if the first principle of not keeping our word is not met, it does not matter. It does not matter.

We will not be able to ever man an army when we need to man a geared-up army if that population believes that we will not keep our word. And that is exactly what they believe today.

The final thing is that it is a crippled program. The only reason it is crippled is because we have not thought outside of the box. If we make the commitment to retired military that we are going to promise them health care, then give them a card, a new card, that lets them get it at a military hospital, at a VA hospital, at any hospital they want. But, by dingy, keep that commitment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this amendment.

I believe that H.R. 4205 laid the groundwork to address the continuing health care problems that are plaguing our service members. This amendment is crucial to our military retirees because it expands the Medicare subvention demonstration program for our Medicare eligible military retirees and their dependents.

Mr. Chairman, I just spent a week in my district visiting high schools and working with each of our services on their recruiting efforts. What is really great is the amount of young people that are out there who have a sincere interest in serving their country. What is unfortunate is that there are retirees who discourage them because of their intense disappointment and anger in how we are addressing their health care needs. They simply feel betrayed.

I want all my colleagues to know that this issue is real and that we are feeling the effects at our recruiting stations in our recruiting efforts. This amendment ensures that service members who served their country honorably have access to Medicare subvention, and not just in 8 locations, but across the country.

I was concerned about subvention because of reimbursement costs, however, this amendment also ensures that the Health Care Financing Administration would reimburse the Pentagon for most of the program's cost.

I urge my colleagues to support this amendment. We owe this to the men and women who have served and continue to serve our country.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. PICKERING).

□ 1815

Mr. PICKERING. Mr. Chairman, I rise in support of the Taylor amendment and as a cosponsor.

In my great State of Mississippi, we have the legacy of leaders like Stennis and Montgomery, who have built a strong defense. We believe in a strong military in Mississippi. But more important than our leaders has been the men and women, the veterans and the retirees who have honored our country by serving it.

How do we honor them? We honor our word. How do we keep recruitment and retention? We honor our word. If we say ''cost,'' they say ''commitment.'' The question is will we keep our commitment, will we find at least a part of the solution tonight?

I believe the Taylor amendment does that. I ask my colleagues to support the Taylor amendment. I am pleased to join with him.

I commend the gentleman from Indiana (Mr. BUYER) for all of his efforts, from the pharmacy benefit to TRICARE reform to all of the things in the underlying bill that help us keep our commitment as well, but I believe the Taylor amendment is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, now we are beginning to make some progress. I thank my colleague the gentleman from Oklahoma (Mr. COBURN) because, as we heard him say, he is not coming back so he wanted to speak from his heart. What we heard from his heart was that we ought to give military retirees and in fact we ought to give veterans a card, as he said, to go anywhere to get the health care they deserve.

That is not the Taylor amendment. The Taylor amendment says they have got to go to a military hospital on a military reservation.

Now, I tell my friend the gentleman from Missouri (Mr. SKELTON) that I am quite sure that Bethesda Naval Hospital, in the middle of this military area called Washington, does a pretty good job with military retirees. He ought to come out to China Lake in the middle of the Mojave Desert, he ought to go to Edwards Air Force Base and take a look at their military hospitals. They are not Bethesda, believe me.

Those people deserve to get the best health care they can. They do not deserve to be forced to get it on a military base. That is what this Taylor amendment does.

What we did was to set up some programs to figure out how we could merge the private sector assisting the military through the public sector.

The Taylor amendment may be well-intentioned, but what they are trying to do is guarantee that every military retiree gets their Medicare benefits at a military hospital. That is the wrong service to provide to our military retirees.

I agree with the gentleman from Oklahoma (Mr. COBURN), let them go anywhere. But that is not the amendment. I ask them to understand what they are trying to do. They are going to guarantee that the military retirees are going to fail in their effort to get Medicare services at military hospitals.

The amendment of the gentleman from Indiana (Mr. BUYER) is a definite step forward in making sure that this plan continues to show progress.

The gentleman from Mississippi (Mr. TAYLOR) is bound and determined to give the military retirees a rifle that will jamb. Why does he think a shiny new rifle that will not work is somehow benefiting military retirees?

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER), the chairman of our Armed Services Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the chairman for the leadership that he has given me as I put this together and also worked with the gentleman from Hawaii (Mr. ABERCROMBIE).

I needed to address several points earlier when I talked about making sure our advocacy is very correct. Let me address, number one, with regard to the comments of the gentleman from North Carolina (Mr. JONES) that this will only cost $250 million. The actual scoring from CBO is that it is $285 million. I just want to be very accurate.

The other is that what worries me is that if we are at six sites and it is costing DOD $100 million when, in fact, it was supposed to be cost neutral, and then we are going to expand nationwide, over 40 sites nationwide, it boggles my mind the impact that is going have upon DOD that has not even been budgeted.

With regard to my colleague, who I have great respect for and have been in Oklahoma with him in saying that whether it is cost effective or not does not matter, I believe that being cost effective in the efficiencies of governmental operations does matter.

In this bill, for example, we even said, for every claim that TRICARE files, we have learned that it costs $78 per claim. For Medicare, I say to the gentleman from Oklahoma (Mr. COBURN), when he goes back to Oklahoma and does his Medicare, it costs 85 cents to a dollar to file it. So we are forcing TRICARE to do best business practices and on-line billing.

We are going to save over $500 million over 5 years. That is like a touchdown and extra point for the American taxpayer. Asking government systems to exercise business practices and principles should not be a radical concept of the Federal Government.

I understand the gentleman saying these are men and women who put on the uniform who were not only willing to risk their life but their earning power, also.

Should we meet the commitment and obligation? Absolutely. How we get there with the right method is what this debate is all about.

So I have to stand here, as hard as it is, to agree to disagree with my colleague the gentleman from Mississippi (Mr. TAYLOR). We should not be going to as permanent a system, not yet.

I do not want to, but I will bring my opinion into the matter. My opinion is that I do not believe something magically should happen to a military retiree when they turn 65. When they retire from the military at age 46 or 42 or 50, whatever it is, or they are in TRICARE Senior Prime or Standard, nothing magically should happen when they turn 65. Keep them in the same system. It works for all.

I say to the gentleman from Connecticut (Mr. LARSON) that is comprehensive. To say that what is being offered is comprehensive I would respectfully disagree, because Medicare Subvention is only going to apply to 20 percent of the 50 percent that live next to a military medical treatment facility.

Mr. STARK. Mr. Chairman, having served in our nation's military, I am aware of the hardships that our military men and women, and their families, undergo on a daily basis. When they enlist in our nation's armed forces, they know they are volunteering for a very hard life, not only difficult physically, but also difficult financially and emotionally. Even in peacetime, their jobs are among the most dangerous in all of society, with injury or even death a constant threat.

In addition to the dangers they face defending America and its interests and keeping the peace throughout the world, they also know that their private lives will be very, very hard. Throughout their military careers they accept reduced pay and the deep emotional strain that inadequate finances places on their families. They face the additional emotional strain caused by poor living conditions they must endure. They face the emotional pain of constant uprooting of their lives as they are moved from one military installation to another. Mr. Chairman, the military life is a deeply difficult and painful life.

To be able to cope with the day-to-day difficulties in military life, our military men and women and their families must cling to hope for a better life when their military careers are over. One of the glimmers of hope is that upon retirement, their medical costs, which can be severe, will be paid. In retirement, they will finally have peace of mind, free from the fear of financial ruin brought on by a debilitating illness.

Mr. Chairman, when our military retirees are sick, they feel more comfortable receiving their medical care in a military facility. That is understandable. And because they feel more comfortable there, their stay in the health care facility is less traumatic, less emotionally painful, than in a civilian health care facility. Studies have shown repeatedly that people experience fewer side effects from an illness—and recover faster from it—when they experience less emotional stress. And that is the fundamental reason that we need to find ways to help our military retirees get their medical care in military health care facilities.

That is why, in the Balanced Budget Act of 1997, we authorized a demonstration project under which military retirees in six sites who are also entitled to Medicare would be able to get their medical care in military facilities and have Medicare contribute to the costs of that care. Because we did not know the answers to many questions about controlling costs, the Congress decided to place certain restrictions on this demonstration. Just as we needed to provide a means for military retirees who are entitled to Medicare to get their medical care in military facilities, the Congress also had to protect the Medicare trust funds from going bankrupt, thus jeopardizing medical care for 39 million other Americans who depend on Medicare.

As an example, one of the key issues concerned the form of the Medicare payment for services in military facilities. Because medical personnel in military facilities are paid a salary, unlike private sector medical professionals, who are paid on a fee-for-service basis, the Congress decided that payment for services in military facilities should be on a ''capitated'' basis; that is, payment should be based on the average amount that Medicare would normally pay for services for a Medicare beneficiary living in the area where the service was provided. The Congress also placed other limitations on the demonstration to protect Medicare.

Because the Congress did not want to delay any longer than necessary in providing this important benefit to military retirees, the demonstration was limited to three years. The Congress asked the General Accounting Office (GAO) to evaluate the demonstration and advise us on how to expand the program and make it permanent. In January of this year, the GAO issued its first report on the demonstration. The GAO found that in the first year of the demonstration, over one-fifth of Medicare-eligible military retirees in the six demonstration areas had enrolled in the demonstration. Enrollment was highest in sites where other Medicare managed care plans were not present; it was lowest where such plans were widespread. GAO will continue to monitor the demonstration and report to Congress annually.

Mr. Chairman, the amendments that we are considering today would either abandon the demonstration, and the knowledge to be gained from it, and proceed immediately to a permanent unlimited program, or expand the demonstration to eight additional sites, again without the benefit of the knowledge gained from the demonstration already underway. This is not the prudent way to proceed. This is not the way to help our military retirees and also protect the 39 million other Americans who depend on Medicare. The demonstration we have underway will give us information on which both to help military retirees and to protect Medicare. And we would know these answers in only two more years.

Mr. Chairman, the Administration has informed us that their position on these amendments is that the current demonstration should be extended for only one or two additional years, and that an independent evaluator should review the demonstration before we proceed further. That is the prudent course of action.

Mr. Chairman, I rise in enthusiastic support of the Taylor Amendment, which will expand and make permanent the existing TRICARE ''Medicare Subvention'' demonstration program for Medicare-eligible military retirees and their dependents. The Health Care Financing Administration would reimburse the Pentagon for most of the program's cost. Under the Taylor amendment, TRICARE's ''Senior Prime'' program would become a permanent program and would be available nationwide by Jan. 1, 2006.

Mr. Chairman, I cannot think of a more worthy amendment that would have a more wide reaching effect on the healthcare of our honored Veterans and retirees. For many years,

thousands of our military retirees were promised by their recruiters a lifetime of affordable healthcare if they served their nation for at least 20 years. The Taylor Amendment will restore the covenant between a grateful nation and those who faithfully served it in the Armed Services.

Medicare Subvention improves the military healthcare system and has without a doubt been an unmitigated success. Under the Taylor Amendment retirees will have access to the healthcare they need more expeditiously than under the current "space available" standard. The physicians at the military facilities where the pilot programs have been implemented, have welcomed the introduction of retirees as these patients have enabled a greater practice of medicine, which adds to the recruitment and retention of doctors and nurses.

The Taylor Amendment is an important step towards fulfilling the promise to our nation's military retirees. I urge its passage and I urge a defeat to the Buyer substitute.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider Amendment No. 7 printed in House Report 106–624.

AMENDMENT NO. 7 OFFERED BY MR. BUYER AS A SUBSTITUTE FOR AMENDMENT NO. 6 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. BUYER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 7 offered by Mr. BUYER as a substitute for Amendment No. 6 offered by Mr. TAYLOR of Mississippi:

Amend section 725 (page 231, line 3, and all that follows through page 232, line 21) to read as follows:

SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY RETIREES AND DEPENDENTS.

(a) EXPANSION OF PROJECT.—Section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended—

(1) by amending paragraph (2), to read as follows:

"(2) EXPANSION; LOCATION OF SITES.—Not later than December 31, 2002, in addition to the sites at which the project is already being conducted before the date of the enactment of this paragraph and subject to annual appropriations, the project shall be conducted at any site that includes a military treatment facility that is considered by the Secretary of Defense to be a major medical center and that is designated jointly by the administering Secretaries. The total number of sites at which the project may be carried out shall not exceed 14, and the total number of military treatment facilities at which the project may be carried out shall not exceed 24.";

(2) in paragraph (4), by striking "3-year period beginning on January 1, 1998" and inserting "period beginning on January 1, 1998, and ending on December 31, 2003"; and

(3) by adding at the end the following new paragraph:

"(6) ADMINISTRATION OF PROJECT.—Not later than September 30, 2002, the administering Secretaries shall undertake measures to ensure that the project under this section is being conducted, and reimbursements are being made, in accordance with subsection (i), including discussions regarding renegotiation of the agreement authorized under subsection (b)(1)(A).".

(b) AUTHORITY TO MODIFY AGREEMENT.—Such section is further amended—

(1) in paragraph (1)(A), by inserting ", which may be modified if necessary" before the closing parenthesis; and

(2) in paragraph (5), by striking "At least 60 days" and all that follows through "agreement" and inserting "The administering Secretaries shall also submit on an annual basis the most current agreement".

(c) CONTINUATION OF PROVISION OF CARE.—Section 1896(b) of such Act is further amended by adding at the end the following new paragraph:

"(7) CONTINUATION OF PROVISION OF CARE.—With respect to any individual who receives health care benefits under this section before the date of the enactment of this paragraph, the administering Secretaries shall not terminate such benefits unless the individual ceases to fall within the definition of the term 'medicare-eligible military retiree or dependent' (as defined in subsection (a)). Notwithstanding paragraph (2), the administering Secretaries shall continue to provide health care under the project at any military treatment center at which such care was provided before the date of the enactment of this paragraph.".

(d) PAYMENTS.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

"(m) PAYMENTS TO MILITARY TREATMENT FACILITIES.—The Secretary of Defense shall reimburse military treatment facilities for the provision of health care under this section.".

(e) ELIMINATION OF RESTRICTION ON ELIGIBILITY.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

"(C) ELIMINATION OF RESTRICTIVE POLICY.—If the enrollment capacity in the project has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to medicare-eligible military retirees and dependents who are enrolled in TRICARE Prime (within the meaning of that term as used in chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the project by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.".

(f) MEDIGAP PROTECTION FOR ENROLLEES.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

"(m) MEDIGAP PROTECTION FOR ENROLLEES.—(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to any enrollment (and termination of enrollment) in the project (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

"(2) In applying paragraph (1)—

"(A) in the case of an enrollment that occurred before the date of the enactment of this subsection, the enrollment (or effective date of the enrollment) is deemed to have occurred on such date of enactment for purposes of applying clauses (v)(III) and (vi) of section 1882(s)(3)(B) of such Act; and

"(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary of Health and Human Services.".

(g) IMPLEMENTATION OF UTILIZATION REVIEW PROCEDURES.—Subsection (b) of such section is further amended by adding at the end the following:

"(8) UTILIZATION REVIEW PROCEDURES.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.".

(h) REPORTS.—(1) Subsection (k)(1) of such section 1896 is amended—

(A) in the second sentence, by striking "3½ years" and inserting "4½ years"; and

(B) by redesignating subparagraph (O) as subparagraph (T); and

(C) by inserting after subparagraph (N) the following new subparagraphs:

"(O) Patient satisfaction with the project.

"(P) Which interagency funding mechanisms would be most appropriate if the project under this section is made permanent.

"(Q) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

"(R) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

"(S) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the demonstration project.".

(2) Section 724 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 1108 note) is amended by inserting "the demonstration project conducted under section 1896 of the Social Security Act (42 U.S.C. 1395ggg)," after "section 722,".

(3) Not later than July 1, 2002, the Secretary of Defense shall submit to the independent advisory committee established in section 722(c) a report on the actions taken to provide that the project established under section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is being conducted on a cost-neutral basis for the Department of Defense.

(4) Not later than December 31, 2002—

(A) the Secretary of Defense shall submit to Congress a report on such actions; and

(B) the General Accounting Office shall submit to Congress a report assessing the efforts of the Department regarding such actions.

H. RES. 504

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 further 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.

SEC. 2. (a) No further amendment to the committee amendment in the nature of a

substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(b) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(c) All points of order against amendments printed in the report of the Committee on Rules are waived.

SEC. 3. 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.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Indiana (Mr. BUYER) and the gentleman from Mississippi (Mr. TAYLOR) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER) is recognized.

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

Mr. Chairman, the amendment that I offer would require the expansion of Medicare Subvention, TRICARE Senior Prime Program, by the end of 2002 up to 13 more hospitals, bringing the total number of hospitals offering enrollment in Medicare Subvention to 24, and making an additional 140,000 retiree eligibles for enrollment.

We seek to extend Medicare Subvention, TRICARE Senior Prime demonstration project, through December 31, 2003. We require the Secretaries of Defense and Health and Human Services to take measures necessary to ensure the program is being administered in a fiscally sound manner and in accordance with the original legislation.

We also require GAO to oversee the efforts of both Secretaries. We ensure that the current subvention sites continue and care for the current participants is not interrupted.

We also ask that direct payments go directly to medical treatment facilities where the program is being offered.

We also seek to eliminate discrimination among enrollees allowed to ''age into'' the program by removing the requirement that their care be managed by a military treatment facility prior to enrollment.

We also seek to provide Medigap insurance protection to enrollees as if they were enrolled in the Medicare+Choice Plan.

We will also seek to implement the utilization management controls to keep the program within the budget caps as set by the budget resolution.

We also seek to require several reports on the efficacy of the demonstration project to be considered by the Congress in making the final decision in the year 2003 about the type of care we seek to extend to the Medicare eligible military retirees.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Buyer plan calls for a very limited program that would end in 2003. The Taylor plan calls for a nationwide program that would begin now and remain as long as we are a republic.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), one of the sponsors of the Taylor amendment.

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me the time.

Mr. Chairman, I have a great deal of respect for all the members of the committee that are dealing with this issue. I am not a member of that committee, but I do have some experience in this issue. I represent the largest base closure in the United States where they closed the military hospital. Out of that developed a veterans health clinic.

What I am seeing in this debate and I think our problem here in Congress is that we know about the promises and promises and promises that were made, but when we get down to trying to implement the promises, we find we have excuses, excuses, excuses. Those excuses are sort of promises dependent upon multi-layered solutions, promises dependent upon studies, promises dependent on delays on pilot programs and so on.

I mean, the fact of the matter is that we have military hospitals and we have veterans clinics. I know that there is a different jurisdictional issue here, but to the people outside of this building, they do not understand that.

Most hospitals in America are having a problem of being filled because our delivery of medicine is being more adequate. We have enough facilities out there. And what we have is a process that does this, they say they can go to a military clinic and they can get care and there is where their records are, those are where their identities are with their professional staff, but when they get to the age of 65, they are out, to go out in the private sector and, for the first time in their life perhaps, a doctor that will provide service for them and accept Medicare payments.

This is a whole new series. Think if they are a widow who has been in the military service and has not been able to understand the private sector. So we kick people out at a very vulnerable time, they lose that rapport, their records are not in one place.

What we are saying here is why not have, and this is where I think we are crazy on our budgeting of this stuff, why not allow a continuum of care at age 65 in the very same place they have been getting it, whether it is a veterans clinic or a hospital.

This amendment should be defeated.

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

Mr. SPENCE. Mr. Chairman, I rise in support of the Buyer amendment.

Mr. Chairman, the Buyer amendment provides a reasonable expansion of Medicare Subvention by adding up to 13 more hospitals to the 11 already participating today. It also provides 146,000 more retirees the eligibility to enroll in the program, where today we only have 30,000.

What the gentleman from Indiana (Mr. BUYER) proposes fully complements the superb health care reforms contained in the base text of our bill. In addition to restoring the access of 1.4 million retirees to the prescription drug benefit they have earned, this bill provides a process by which a permanent, comprehensive health care benefit can be provided to Medicare-eligible military retirees. The Buyer amendment substantially advances that process.

I am also swayed to support the Buyer amendment by the cautions raised by General Mike Ryan, the Chief of Staff of the Air Force. He does not believe that the current Medicare Subvention program is sustainable fiscally over the long term. In my view, that serious caution must not be disregarded as we make decisions with regard to changes in the level and scope

of medical benefits for our military retirees.

I urge my colleagues to support the Buyer amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me point out that General Ryan is a four-star general. When he retires, the private sector will be beating his door down to offer him outstanding opportunities.

I am more concerned with the sergeants and chief petty officers who do not have that financial security, and that is why we are trying to make Medicare Subvention on a nationwide basis for all military retirees.

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking Democrat on the Committee on the Budget and the senior member of the House Committee on Armed Services.

Mr. SPRATT. Mr. Chairman, I represent a lot of military retirees; and I can speak to the sentiments others have voiced that they feel betrayed.

This bill is an effort to try to make them feel that we are keeping the promises we made about military health care for life when we induced them to serve the better part of their adult lives in the armed services of the United States.

The base bill here is basic. What it simply says is that, when they turn 65, if they are a military retiree, they can keep on going to a military treatment facility for medical care and the care they receive, if they have the space available, the resources available, will be paid for by Medicare, by HCFA.

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If the military treatment facility is not able to provide that care, then the retiree would continue to receive benefits that he had been receiving under the TRICARE program. Basically if the resources are not there, if the treatment facility cannot accommodate the military retiree, then that person will go back into the private network that he has always used if he has been a subscriber to TRICARE. This provides among other things for continuity of care. It will help us get military retirees to join TRICARE because they know when they get to be 65, they will not have to start all over again with a new battery of doctors and new treatment facilities.

The Republican-passed budget, when it came to the floor, initially did not provide enough money for this, nor did it provide enough money for a pharmacy benefit. When it came back to us from conference, the conference report, however, provided $400 million, anticipating it might be used for something like this. And so that is exactly what we are doing. We are saying, let us use the money that is provided in the budget resolution to extend the Medicare program, extend the benefits of the Medicare program to military retirees so that they can go to those military treatment facilities they have always used. It is fair, it is sensible, it is affordable, it is not a token, it is substantial. We ought to do it.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I rise today in support of the Buyer amendment, and I believe that that amendment and frankly the underlying goal of the underlying amendment are both well-intentioned. However, I believe that subvention does not do it all for all the people we need to help. We are not keeping the commitment that we must keep to the retirees. When you come from a district like mine where we have no base to argue about a clinic, whether it is great for geriatric patients or not, they end up having to drive 640 miles round trip to McClellan from Oregon just so they can get their prescriptions filled.

So I am not ready to write a blank check here on subvention. I think the Buyer approach is the best approach, take this a step at a time while we do what my colleague from Oklahoma recommended about getting a card for everybody, so that my veterans and retirees do not have to make this trip.

I commend the gentleman and the chairman for their work so that they can get prescription drug coverage, because right now these people are boarding buses once a month to go to McClellan so that they can establish their ability to get prescription drugs. Do you want them to drive over mountain passes in the middle of the winter 300 miles each way to do that? This legislation fixes that problem. I commend both of the gentlemen and all the members of this committee for taking care of that. I support the Buyer amendment so we do the right thing here and not write a complete blank check.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Let me point out a couple of things. The Taylor amendment does not deprive any single program of one cent. It is an expansion of health care made permanent in military installations. The Buyer bill, throughout the entirety of the bill, says ''may be carried out at a limited number of places'' and it expires in 2003.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. I thank the gentleman for yielding me this time.

Mr. Chairman, let me say that with some difficulty I am going to vote against the gentleman from Indiana and for the gentleman from Mississippi's amendment. But I want to make it very clear that I have no greater respect for anybody in the world than the chairman of this committee and the gentleman from Indiana in their efforts to improve the defense of this Nation and in their concern for caring for our veterans and our retirees.

They do not have to take a back seat to anybody on that. The wonder of this debate is, however, that we are really here today, all of us, trying to find a solution to a problem that we have known about a long time, and it started some years ago as a little low roar and now, by golly, we are in here fighting it out how who can do the best for our particular veterans. Medicare subvention, in my view, and in the gentleman from Mississippi's view is probably the better way to go. It does not fulfill our commitment totally, nor does it force our veterans to go to military treatment facilities. They do not have to do that. They can continue to go to civilian facilities if they like.

Now, I am concerned about the difference in the cost. However, there is something badly wrong there. HCFA pays the same thing for an MRI, whether they go to Eisenhower Army Hospital or whether they go to a civilian community. The question is what is causing that cost and that is exactly what we need to do. We need to fix that and make sure it is cost neutral. I believe that we can do that if we put sort of the wheel to the grindstone. When we get through passing this today and giving our retirees part of what we owe them, Medicare subvention, we need to continue pushing, we need to continue to have this debate, and there is a bill for us all that will allow all of our retirees to be able to use the very health plan we have, the Federal employees' plan. That is what they want to do. They just want the same thing that we get, and there is absolutely no reason that you can justify that we should not do that and do that this year, do it immediately and keep our word.

Mr. BUYER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I take a back seat to no one as far as veterans and trying to help them, whether it is FEHBP, subvention, or other programs. I fought for their COLAs and I fought for their funding. I am a veteran. I am a combat veteran. I have health care needs because of that combat. And I understand the need. I have gone into hospitals where a general running a military hospital said, ''Duke, I'm losing two or three veterans a week from World War II, and they're not getting the health care that they need.'' And I understand what the gentleman is doing probably more than anybody in this room.

My veterans in San Diego wrote the subvention bill, the original one. I fought it through this body and through the Senate, and the White House limited it to a pilot program.

And the whole idea of it was that you could use Medicare at a hospital, a military hospital where you do not have large overheads. I am giving you the other side of your position, which is good, because I am trying to show you where my heart is. That because you do not have to pay for illegal aliens and children born out of wedlock and all of those things at a military hospital, you actually save Medicare dollars. I do not think they take that into account when they talk about, my side, talking about the expanded cost of it. We save Medicare dollars. It costs the military, but there needs to be a change in that.

But I want to tell you something. TRICARE, when you talk to the veterans is a Band-Aid. Subvention is a Band-Aid, even if it is expanded. Because instead of having to drive hundreds of miles just to fill a prescription, if you have a military hospital close to you, then it is okay, it is good, in the advancement of subvention. But if you live in a rural area, then you are left out.

What I want to do is work with the gentleman from Indiana and the gentleman from Mississippi and the rest of you to bring about a program of FEHBP where if you have a civilian working along with a lieutenant, the civilian at the end of the 20 years will get FEHBP supplement to Medicare and the military does not. If we will provide subvention along with that, but I do not know what that mix is.

Mr. SKELTON. Mr. Chairman, if the gentleman will yield, the bill does provide very properly and excellently, I think, for other ways to obtain prescription as opposed to just going to military hospitals.

Mr. CUNNINGHAM. I understand that. But I want to tell you, if we jump off into this, we may prevent in the future with this commission looking at what we could do to help everybody, not just the people that live next to a hospital. And that is my goal. I want to fight for that, and I want to work with the gentleman. But we cannot on this basis.

Mr. TAYLOR of Mississippi. Mr. Chairman, in addition to the broad base of congressional support, the Taylor amendment has been endorsed by the Military Coalition, a group of 24 veterans groups; the National Military Veterans Alliance; the Retired Officers Association; and the Retired Enlisted Association. It has also been endorsed by the gentleman from New Jersey (Mr. ANDREWS) to whom I yield 2 minutes.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Mississippi for yielding me this time. I rise in opposition to the amendment and in strong support of his proposal. This country made a promise to its veterans of lifetime quality health care. I know both of the contestants in this debate are honorable people that want to meet that objective. I believe that the gentleman from Mississippi's approach is absolutely the right way to do it. That promise did not say that you get lifetime quality health care on conditions.

There are veterans in this country that are about to turn 65 who want to continue their care at a veterans health facility and have Medicare pay for it. That is the way they have chosen to have that promise honored. But the promise did not say that it will be honored if you are lucky enough to live near one of those 14 places. The promise did not say that the promise would be honored if one of those 14 places has a major medical center. The promise did not say you would have to wait for over 2 years if you live in one of the new places, and it did not say that the promise expires in 2003. It says it for keeps and forever.

At a time when the country is bringing in about $1.05 in revenue for every $1 we spend, I believe the money is here. I think this is a question of will, not fiscal ability. I believe that there is both Republicans and Democrats that will be supportive of the gentleman from Mississippi's approach. I think the right way to do that is to reject the amendment before us and strongly support the gentleman from Mississippi's approach which I do.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank all my colleagues, the gentleman from Mississippi, the gentleman from Indiana, all of the folks that have spoken on this important issue, because I think together you are all a great team and we have come a long ways.

With respect to the gentleman from Maryland (Mr. BARTLETT) talking about the promises that were made and the brochures that were distributed, I just want to let my colleagues know that when I went down to the post office and signed up to go to Vietnam, all they told me was ''get on the bus,'' but I know that promises were made and extended to American veterans and retirees deserve that reciprocity and that trust.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM) so he can finish his statement. He is the father, at least in my mind, of subvention, and he did a lot of great work on it in the early times.

Mr. CUNNINGHAM. I thank the gentleman from California for yielding.

Mr. Chairman, if anybody should know the merit of this bill, it is the originator of the bill and what it stands for and what we can and cannot do with it. I want to use part of the subvention in whatever we go forward with. But my fear is if we go ahead with this, we may prevent an overall support for a bill that is going to help all veterans.

I want to tell you something. We told you that when you voted to go into Somalia, we have spent $2.4 billion into Haiti. We went to Iraq, we went to Sudan and bombed an aspirin factory with the White House, and all of these things, $200 billion. We could have more than paid for all of this. But yet, your liberal left on the Democrat side, oh, we need to go into Haiti, we need to go into Somalia, we need to go into all these other places. We said there would be a cost. I do not care so much about the cost of this that I want to take care of the veterans, but there is limited dollars in what you do.

Mr. HUNTER. I thank the gentleman. We have a limited amount of time. I thank him for his championing of the subvention system. Let me just say to my colleagues that we have the three options, FEHBP and supplemental and subvention. Let us give them all a chance. Let us go with Buyer.

Mr. TAYLOR of Mississippi. Mr. Chairman, again in addition to the Military Coalition, the National Military Veterans Alliance, the Retired Officers Association, the Retired Enlisted Association who have all come out in favor of the Taylor amendment is the Colonel from the Tennessee National Guard, the gentleman from Tennessee (Mr. TANNER) to whom I yield 2 minutes.

Mr. TANNER. Mr. Chairman, I want to thank the gentleman from Mississippi for yielding me this time and I want to urge the defeat of this amendment. This is not hard. We have made promises to people who have given their productive lives to the uniformed service of this country. This is an attempt to partially fulfill that. The money we are talking about is within the caps. There is absolutely, in my mind, no good reason that we cannot at least partially fulfill what we told people that we would do as a Nation, as a grateful Nation for their service to this country.

Now, you talk about the liberal left, somebody said, about limited dollars. Yes, there are limited dollars around here.

□ 1845

But it is not too limited that we cannot vote for a $800 billion tax cut. This is about priorities. Are you for a tax cut, or are you for doing what we told veterans who gave their productive lives to this country we would do for them when they got through? It is not hard, it is not complicated; it is within the budget caps, it ought to be done, and this amendment ought to be defeated.

Mr. BUYER. Mr. Chairman, I wondered how long it would take before we get a little politics involved in the issue. I thank the gentleman from Mississippi (Mr. TAYLOR).

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON), one of our true American heroes.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I appreciate the position on both sides, and I thank the gentleman from Indiana (Mr. BUYER) for offering this amendment.

As a veteran and former prisoner of war, I support ensuring veterans have access to the best health care our Nation has to offer. The amendment before us would extend Medicare subvention through 2003 and allow Medicare to pay for military retirees to get the health care they need at veterans hospitals.

To suggest that we are abrogating our responsibilities to America's veterans is just plain wrong. Before we make any program permanent, we ought to make sure that all the health care needs of our veterans are being met.

We have got to do the right things by our veterans. TRICARE is not working. We are committed to this Nation's veterans and our promise of lifetime health care. Let us make sure it is right when we do it.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have the greatest respect for the gentleman from Texas (Mr. SAM JOHNSON), but if the gentleman from Texas had read the Buyer amendment, he would notice that it limits the number of sites where Medicare subvention will be allowed; it says it may be carried out, it does not say it shall be carried out, and it expires in 2003.

Quite frankly, our Nation's military retirees are tired of being told maybe, sort of, kind of, if we get around to it. The Taylor amendment says we are going to do it, we are going to fulfill the promise. The Buyer amendment says we might. It is that simple.

Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. SHOWS), the champion in the United States Congress as far as health care for military veterans and military retirees.

Mr. SHOWS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I appreciate the opportunity to be here to talk about something that means a lot to me and I think millions of Americans across this country, and that is being fair to our military retirees.

I have actually talked to men and women who were recruiters, who are retirees, and they hang their head in shame because they promised these other young men and women when they joined the service they would have health care for the rest of their lives if they stayed 20 years.

Mr. Chairman, just imagine yourself in a foxhole, or out fighting a war or a conflict or something like that, and trying to help this country survive to keep us free where we can participate today, thinking when you get out, you are going to have free health care for the rest of your life, or health care access. TRICARE does not work, CHAMPUS did not work, we are trying to get subvention and what Congressman TAYLOR is trying to do now.

This is something that is important. It meets the 4 R's, as far as I am concerned. It meets the recruitment, retention, military readiness, and it is the right thing to do.

Let us think about our military retirees. I ask Members to support the Taylor amendment.

Mr. BUYER. Mr. Chairman, I have no more speakers.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would say to the gentleman from Indiana (Mr. BUYER), I have the luxury of a team that is going to win on this.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), another key member of that team, and a member of the House Committee on Armed Services.

Mr. LARSON. Mr. Chairman, I rise to oppose this amendment. I have great respect and admiration for the gentleman from Indiana (Mr. BUYER) and his efforts on this committee, and I applaud those efforts.

As has been said by many of the people that have risen today, we worked very hard as a committee to come to solutions. I believe, however well intended the gentleman's solution is, that it only goes part of the way, and that the wisdom behind the amendment of the gentleman from Mississippi (Mr. TAYLOR) and the time that it allows from its inception to its fulfillment, will provide us the remedies, whether the gun has been jammed, whether the program has been crippled, to correct those problems within the system, so that we can provide for our veterans what they richly deserve, the fulfillment of the commitment and the pledge that we made to them.

Mr. BUYER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman is recognized for 3 minutes.

Mr. BUYER. Mr. Chairman, I welcome the gentleman from Mississippi (Mr. TAYLOR). When you look at the amendment itself, when the gentleman said "what Buyer offers is a 'might,' it might happen," no. In the amendment we say in here "the project shall be conducted at any site that includes a military treatment facility that is considered by the Secretary of Defense to be a major medical center."

So what is that? That is the National Capital region, which is Walter Reed, it is Bethesda, it is Malcolm Grow, it is Fort Belvoir. Then we also go down to the Tidewater area, that is, Portsmouth. It is Naval Hospital, it is Langley Air Force Base, it is Fort Eustis. Then we drop down to North Carolina, it is Fort Bragg. In Georgia, it is Eisenhower Medical Center. In Ohio it is Wright-Patterson Air Force Base. In Texas it is William Beaumont. In California it is Travis Air Force Base. In Hawaii it is Tripler.

Now let me address this, "Oh, this only does it part of the way, and, gee, is this really going to take care of everyone?"

Mr. Chairman, I tried to do this pie and tried to explain it to everybody. Now I am going to grab the back of the chart and I am going to do another what I say is truth in advocacy. Let me just define this for everyone. Let me show you this really quick.

When you draw the whole of the pie, cut it in half, because this half over here represents how many military Members actually live in close proximity to a medical treatment facility. Now, of that half, of the 1.4 million, Medicare subvention, if we go permanent, it only addresses 20 percent of the half, which is only 10 percent of the 1.4 million. That is only 140,000 of the military retirees that we actually take care of. Why? Because of the capacity question.

So, even in my amendment, when we expand it to the major medical centers, it makes eligible 146,000 military retirees, but we only have room at the facilities that I listed for 30,000.

Then I had the list of all the other medical treatment facilities that the gentleman from Mississippi (Mr. TAYLOR) would add. What would it add? It would then make 195,800 eligible to enroll, but, at most, there is only room for 39,000. See, we have to be very, very careful between our rhetoric and demagoguery and what this really does.

Now, I have great respect, and I will say it again, with the gentleman from Mississippi (Mr. TAYLOR), because we are going to continue to work, whatever the outcome here, as we move to conference. But I think what is extremely important for us to do as a body is all these demonstration projects, we get our arms around them all; we get our arms around them, we actually have good analysis of the data so we can deliver the plan. In the meantime, we get the pharmacy benefit and we try to make sense out of this very complex military health system that we have. That is our pursuit.

Mr. Chairman, I ask all Members to vote for the Buyer amendment.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, the Taylor amendment tells the Department of Defense to do it and we tell HCFA to pay for it. Our Nation's military retirees kept their word; we want our Nation to keep its word.

Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr.

CLEMENT), a recently-retired Colonel from the Army National Guard.

Mr. CLEMENT. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR) for standing up for so many military retirees that need help, deserve help. Let us, once and for all, keep those promises.

The Taylor amendment corrects the inequity for military retirees dropped from TRICARE at age 65, to now enable them to continue to access the TRICARE benefits at the military treatment facilities. That is what it does, and that is what we are trying to accomplish here. That is not asking too much.

I served 2 years in the regular army, and then I joined the National Guard, and I am around military people, like many of you, on a daily basis. Being a Member of Congress, I have fought, ever since I have been here for the military retirees, to stay on track and do what we said we would do and keep our promises.

The gentleman from the great State of Mississippi (Mr. TAYLOR) has stepped forward, a great champion for the military retirees, and for the defense budget and all that, and he knows the issues, and he is offering some legislation that will, once and for all, correct a lot of these problems. What it offers, more than anything, is peace of mind, and peace of mind means a lot to our military people, when they do not know about what options are available to them anymore and they see so much deterioration in veterans affairs programs.

I used to be on the Committee on Veterans Affairs, just like the gentleman from Indiana (Mr. BUYER) and others have served on it, and I know the issues.

Let us stand and support the Taylor amendment, because it is the right thing to do.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the Taylor amendment and against the Buyer amendment.

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

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), the sponsor of this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I would again like to remind everyone that the Taylor amendment has been endorsed by the Military Coalition, the National Military and Veterans Alliance, the Retired Officers Association and the Retired Enlisted Association.

A week from Monday we will all be honoring our veterans at Memorial Day. We are going to honor them for what they have done, the many who died, the so many who were away from their families, who lost their sight, their limbs, their loved ones. What better way to honor our veterans than to finally say to them we are going to keep our word, we are going to fulfill the promise that was made to you the day you enlisted?

Mr. Chairman, I attended Walter Jones Sr.'s funeral, and I remember the preacher saying a quote by a man named Everett Hale, he was using it to describe Walter, Sr. He said ''I am but one, but I am one; I can't do everything, but I can do something; and those things that I can do, I should do, and, with the help of God, I will do.''

We are 435 Members of Congress, given the awesome opportunity to do what is right for our Nation's veterans. I am asking Members to step forward. We are not going to solve every problem in the world, there will still be other things. But we have the opportunity to do what is right for our Nation's military retirees, to say to them we are going to fulfill the promise at every base hospital in America, for every one of you, and it is forever. We are not going to cut you off in 4 years. We are going to keep our word.

Let us do what we can to make the world a better place. Let us fulfill our promise to our military retirees.

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

Mr. Chairman, we are charged to do our best for the people that we represent, for the people of our country. In this particular case, by voting for the Taylor amendment, unamended, we will be doing our best.

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

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

The CHAIRMAN pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I think what we owe the American people, the veterans, the military retirees, is the truth, and I have not heard much of that here tonight. The idea that military retirees, if the Taylor amendment passes, can now go to military hospitals, and if you are Medicare-eligible, receive care, is simply not true.

□ 1900

It was not true yesterday. It is not true today. It is not going to be true tomorrow.

I heard a lot of people saying we promised the military and that we ought to deliver on the promise. What is being proposed does not deliver on the promise.

If we heard the gentleman from Oklahoma, if we really truly want to provide healthcare to all Americans and most especially veterans and military retirees, we ought to make sure they have the ability to get it where they are able to get it, as close to them as possible; not at isolated locations called military hospitals.

The whole approach of trying to say one does not have to change, notwithstanding the fact that they are a widow and they have moved away from the area that their husband served his military service in, that they have to locate a particular physical place for them to get the benefit that we promised, is 19th Century thinking. It is worse than 19th Century thinking. It is telling people we are going to deliver a hope and a promise and, in fact, shatter a belief once again.

Now I do believe there has been some enlightenment in the understanding that there needs to be a change in the way in which we honestly meet a commitment to our veterans and to our military retirees. It frankly is not the Buyer amendment. It most certainly is not the Taylor amendment, because it makes permanent a flawed system which guarantees it fails.

Now, I didn't have to speak on this. I could have sat on the sidelines but what I do not want to be done is what has been done repeatedly, and that is make a promise that cannot be delivered, because the Taylor amendment does not do it. At least we are moving forward with the Buyer amendment, and I would ask my colleagues to be responsible in moving forward.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding the balance of his time.

Mr. Chairman, I do not believe that any of the Members who have spoken here today or those of whom served dutifully on the Committee on Armed Services can claim the cornerstone of fulfilling the promise, because I believe in fact we are all working in that direction.

I also will concur with the gentleman from Missouri (Mr. SKELTON) in that we are all charged to do our best, honor the commitment. Those are all the words that all of us will use, but let us be very careful.

I am always extra cautious not to create unrealistic expectancies among populations, and here in particular the military retiree. Let us say that today we even voted to make Medicare subvention permanent. Okay. Let us do a hypothetical. We vote to make it permanent right now. None of us can go back to our districts, pound the chest and say we have now fulfilled the promise and all the military retirees are taken care of.

The reason I drew out the pie and tried to show the map is the total eligibility of military retirees next to the medical treatment facilities is about 350,000. Of that 350,000, because of the limited capacity, we can only do about 69,000, which means out of 1.4 million military retirees we are only talking about 69,000. So let us be very honest with ourselves about what we are doing here today.

It is a pilot program that is flawed at the moment. It is running a deficit to the Department of Defense of $100 million. One says, well, money does not matter. Oh, really? Go back home and say that again.

Money does matter. We have to make sure that we make the right decision, and what we have done is laid forth the methodology to deliver the care.

In 2002, when we get that report from the independent advisory council, Congress will work with OMB, work with the Department of Defense; in 2002, put together the program, make sure the $9 billion to $10 billion will be in the budget; it comes over here; in October of 2003, this question is done. It is done, but what we have done is made sure that what we do is the right thing.

We do not have the capacity today to say, well, I already know the answer; we are going to do it; we are just going to make Medicare subvention permanent. Permanent when it only addresses a small minority of individuals who are located next to a medical treatment facility?

Let us do the right thing. Let us take the time and do the analysis.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER) as a substitute for the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. BUYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6(f) of rule XVIII, the minimum time for electronic voting on the underlying Taylor amendment, if ordered, will be 5 minutes.

The vote was taken by electronic device, and there were—ayes 95, noes 323, not voting 16, as follows:

[Roll No. 206]

AYES—95

Archer
Armey
Ballenger
Barrett (NE)
Bateman
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Cannon
Castle
Chabot
Chenoweth-Hage
Combest
Cook
Cox
Crane
Cunningham
DeLay
DeMint
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Everett
Ewing
Fowler
Gekas
Gilchrest
Gillmor
Goodling
Goss
Graham
Granger
Greenwood
Hansen
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hutchinson
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kingston
Knollenberg
Largent
LaTourette
Lewis (CA)
Martinez
McCollum
McKeon
Metcalf
Mica
Miller, Gary
Ose
Oxley
Packard
Pease
Pitts
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Ryun (KS)
Sanford
Sensenbrenner
Shays
Sherwood
Shuster
Simpson
Souder
Spence
Stark
Stearns
Stump
Sununu
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Vitter
Walden
Weldon (PA)

NOES—323

Abercrombie
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Campbell
Ford
Franks (NJ)
Lewis (GA)
Lipinski
Meehan
Murtha
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento

□ 1927

Ms. ROS-LEHTINEN, Mrs. NORTHUP, Mrs. BIGGERT, and Messrs. SWEENEY, YOUNG of Alaska, TANCREDO, CONYERS, LAHOOD, NUSSLE, BASS, ROGERS, HYDE, MILLER of Florida, ROGAN, WELLER, CALVERT, RUSH, DIAZ-BALART, DICKEY, TERRY, WELDON of Florida, PETERSON of Pennsylvania, and HORN changed their vote from ''aye'' to ''no.''

Messrs. HOBSON, STARK, and CHABOT changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

Mr. BUYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 10, not voting 18, as follows:

[Roll No. 207]

AYES—406

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
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
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
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)
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
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Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
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Lewis (CA)
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Lucas (KY)
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Maloney (CT)
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Manzullo
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McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
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Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Nussle
Oberstar
Obey
Olver
Ortiz
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Owens
Oxley
Pallone
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Payne
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Price (NC)
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Sessions
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Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
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Thornberry
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Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—10

Archer
Buyer
Houghton
Packard
Sanford
Sensenbrenner
Shays
Stark
Stump
Thomas

NOT VOTING—18

Ackerman
Campbell
Ford
Franks (NJ)
Lewis (GA)
Lipinski
Meehan
Murtha
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Waters
Woolsey

□ 1934

Mr. NADLER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Chairman, I include the following exchange of letters for inclusion in the RECORD.

COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, May 11, 2000.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN SPENCE: Thank you for working with me in your development of 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, specifically:

1. Section 341, Assistance to Local Educational Agencies that Benefit dependents of Members of the Armed Forces and Department of Defense Civilian Employees.

2. Section 342, Eligibility for Attendance at Department of Defense Domestic Dependent Elementary and Secondary Schools.

3. Section 504, ''Extension to end of calendar year of expiration date for certain force drawdown transition authorities.''

4. Section 1106, ''Pilot Program For Reengineering the Equal Employment Opportunity Complaint Process.''

As you know, these provisions are within the jurisdiction of the Education and the Workforce Committee. While I do not intend to seek sequential referral of H.R. 4205, the Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. We would expect to be appointed as conferees on these provisions should a conference with the Senate arise.

Again, I thank you for working with me in developing the amendments to H.R. 4205 and look forward to working with you on these issues in the future.

Sincerely,

BILL GOODLING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 12, 2000.

Hon. FLOYD D. SPENCE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 4205, legislation that was ordered reported by the Committee on Armed Services on May 10, 2000.

As reported, H.R. 4205 contains language within the Rule X jurisdiction of the Committee on the Judiciary, specifically sections 543, 906, and 1101.

The Judiciary Committee staff was consulted on these provisions of the bill to the satisfaction of this Committee. For this reason, the Committee does not object to the terms of this provision, and will not request a sequential referral. However, this does not in any way waive this Committee's jurisdiction over those portions of the bill which fall within this Committee's jurisdiction, nor does it waive the Committee's jurisdiction over any matters within its jurisdiction which might be included in H.R. 4205 during conference discussions with the Senate.

Sincerely,

HENRY J. HYDE, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 12, 2000.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: In the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over the following sections of FY 2001 Defense Authorization Bill, H.R. 4205.

Section 518: Extension of Involuntary Civil Service Retirement Data for Certain Reserve Technicians.

Section 651: Participation in the Thrift Savings Program.

Section 723: Extended Coverage under Federal Employee Health Benefits Program.

Section 801: Extension of Authority for the Defense of Defense Acquisition Pilot Program: Reports Required.

Section 906: Organization and Management of Civil Air Patrol.

Section 1101: Employment and Compensation Provisions for Employees of Temporary Organizations Established by Law or Executive Order.

Section 1102: Restructuring the Restriction on Degree Training.

Section 1104: Extension of Authority for Civilian Employees of the Department of Defense to Participate Voluntarily in Reductions in Force.

Section 1106: Pilot Program for Reengineering the Equal Employment Opportunity Complaint Process.

Section 2939: Land Conveyance, Charles Melvin Price Support Center, Illinois.

As you know, House Rules grant the Committee on Government Reform wide jurisdiction over government management issues including matters related to Federal civil service, procurement policy, and property disposal. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature.

Mr. Chairman, we appreciate your consultation with the Government Reform Committee to ensure that these provisions address the legislative goals of both Committees as well as the American taxpayer.

I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
Chairman.

Mr. LEVIN. Mr. Chairman, I support most of the provisions of the Defense Authorization Act; at the same time, I have grave concerns about the Kasich amendment that the House adopted yesterday. In my judgement, the Kasich amendment does serious harm to U.S. policy in Kosovo.

If possible, this amendment is even more misguided than a similar proposal the House rejected earlier this year when we debated the Supplemental Appropriation. The Kasich amendment conditions U.S. participation in Kosovo on whether or not our European allies meet a specified percentage of their aid pledges. All of these so-called burdensharing amendments contain the same fundamental flaw: They seek to abdicate control of U.S. policy in Kosovo to Europe. If the Kasich amendment becomes the law of the land, the decision on whether U.S. forces remain in Kosovo will not be made on the basis of whether doing so is in the best interest of our national security. Instead, the decision will be put on automatic pilot on the basis of what Europe does.

I know some Members of the House honestly disagree with U.S. policy in Kosovo. They feel we should not be there. I disagree with them, but if that's the way they feel, let's debate U.S. participation in Kosovo directly and have an up-or-down vote. Don't try to dress this up as a burdensharing amendment. The fact of the matter is that Europe is already providing 80 percent of the 46,000 NATO troops in Kosovo, Macedonia and Albania. There is no legitimate burdensharing argument that would dictate the withdrawal of U.S forces from Kosovo.

I agree with NATO Secretary-General Robinson who recently wrote that an American withdrawal from Kosovo "risks sending a dangerous signal to the Yugoslav dictator—Slobodan Milosevic—that NATO is divided, and that its biggest and most important ally is pulling up stakes." Having prevailed in Operation Allied Force, we should not now hand Milosevic the victory he could not win on the battlefield.

The Kasich amendment would undermine peace in Kosovo and jeopardize the relationship between the United States and our NATO allies. While I will vote for the Defense Authorization today, I do with the expectation that the Kasich language will be modified in conference with the Senate.

Mr. UDALL of Colorado. Mr. Chairman, I have some serious concerns about aspects of this bill. But I will vote for it because it includes many provisions that are important for our country and for Colorado.

For one thing, today the House adopted the amendment that added a strong statement of the need for the Congress to promptly pass legislation to provide compensation and fairer treatment for workers at DOE nuclear-weapons sites who were exposed to beryllium, radiation, and other hazards. I joined with colleagues from both sides of the aisle in proposing that amendment, which is very important for the nation and especially for the many Coloradans who have worked at Rocky Flats.

Earlier, the House also approved my amendment to assist federal employees at Rocky Flats to make successful transitions to retirement or new careers as we move toward expedited cleanup and closure of the site.

In addition, the House approved the amendment by Representative KASICH and others to condition further U.S. military involvement in Kosovo on more equitable burden-sharing by our NATO allies. I voted for that amendment because I believe our allies should keep their commitment to help us bear the load of peacekeeping in Kosovo. The United States is a great power, and as such must continue to play a leading role in global affairs. That doesn't mean, however, that we should have to carry the weight of the world on our own.

I am also glad that the House adopted the amendment by Mr. DREIER and others to reduce the current six-month waiting period for new computer export controls to a more realistic time period. I believe this is an important step toward developing an effective export control policy that protects our national security at the same time that it ensures continued U.S. technological leadership and competitiveness.

The bill would also make TRICARE's "senior prime" a permanent, nationwide program—a change of great importance to veterans.

However, as I said earlier, I do have serious concerns about some provisions in the bill.

First, the bill's authorized levels exceed last year's appropriated levels by $21 billion, and are $4.5 billion more than the Pentagon requested. I remain concerned that too much defense spending means not enough investment in education, health care, and the needs of our children.

Second, the bill authorizes $2.2 billion for the initial phases of a national missile defense system. I am concerned that the authorization of these funds could encourage a premature decision on the deployment of a national missile defense system. I don't believe that it is an accurate statement to say—as the bill does—that the National Missile Defense Act of 1999 entails a commitment by the President to deploy such a system. In fact, this was conditional on feasibility and on whether we are able to deploy in the context of other arms agreements. I am convinced it would be irresponsible—as well as strategically disadvantageous—for us to make a unilateral move toward an inadequately tested defensive system. Earlier this year I wrote to the President urging that he not make a deployment decision based on politics instead of on diplomacy and technical feasibility, and without weighing considerations of cost. The same holds true for Congress.

The House rejected a proposal to simply close the School of the Americas. Instead, the bill will replace it with a new military training institute that is not substantively different than the current one. I am deeply concerned that this cosmetic change is being viewed as the best we can do to clean up the School of the Americas.

I was also disappointed that the amendment Ms. SANCHEZ proposed did not pass. The amendment would have ensured equal access to comprehensive reproductive health care for all U.S. servicewomen and military dependents.

These are not trivial defects. They are real shortcomings.

Nonetheless, on balance, I think the merits of this bill as it stands outweigh its shortcomings and I will vote for its passage. It is my hope that the bill can be further improved as it moves through the legislative process.

Mr. STARK. Mr. Chairman, I oppose H.R. 4205, the Defense Authorization for Fiscal Year 2001 bill for a number of reasons. This bill spends too much for a national missile defense system that the President hasn't even determined to deploy and it seeks to keep defense contractor coffers plentiful.

H.R. 4205 authorizes $2.2 billion for national missile defense (NMD) systems when President Clinton hasn't made a decision on whether or not to deploy such a system. The President had indicated that he will make his decision later this year. But the longer he waits, the more evidence indicates that deployment is unwise.

Last month, the Congressional Budget Office (CBO) delivered a devastating blow to NMD proponents when they calculated the costs of building and operating the Administration's defenses system at almost $60 billion. For months now, the Pentagon has insisted that the cost of the Administration's system over the next six years was a modest $12.7 billion.

The Pentagon was shocked once again when a recent poll was released that national missile defense is an extremely low priority for Americans. Improving education, protecting Social Security and Medicare, and improving health care coverage are all significantly higher priorities than defense-related matters. I would much rather spend $12 billion to cover 11 million uninsured children—the cost of my MediKids bill.

While GOP feels at liberty to throw more money at the defense industry for deployment of a national missile defense, they considered my amendment unworthy of floor consideration.

I offered an amendment to H.R. 4025 that prevents the use of taxpayer funds at international air and trade shows. Unfortunately, my amendment, along with other amendments that would have saved millions of taxpayer dollars, were not made in order. This is especially egregious because the Defense Appropriations managers on the floor of the House accepted the same amendments last fall.

Currently, the Pentagon pays for incremental costs to advertise sophisticated weaponry and aircraft at international air shows and trade exhibitions. Last year, industry leaders such as Boeing, Lockheed Martin and Raytheon pawned off their wears to developing countries in Rio de Janeiro, Brazil. Lockheed pushed their high-ticket items such as the F–16, while Boeing advertised their FA/18 Super Hornet Fighter. These companies peddle their wares to countries that cannot even afford to feed their own citizens. And the U.S. government helps them to do so by subsidizing the expense at the shows.

The aircraft used during these shows and weapons exhibitions is paid for with American taxpayer dollars. The taxpayer subsidizes the cost of insurance, ramp fees, transportation to and from the show, and payment for government personnel needed to attend and monitor the show.

A conservative estimate of the total cost of taxpayer subsides is $34.2 million per year. This is a blatant form of corporate welfare and wasteful spending by the government.

My amendment prevents any further direct participation of Defense personnel and equipment at air shows unless the defense industry pays for the advertising and use of the DoD wares. The amendment prohibits sending planes, equipment, weapons, or any other related material to any overseas air show unless the contractor pays for all related expenses. If a contractor is making a profit by showing the aircraft, they will also be required to pay for the advertisement and use of the aircraft. In addition, my amendment prevents military and government personnel from lending their expertise at the show unless the contractor pays for their services during the show.

This amendment in no way prohibits the use of U.S. aircraft or other equipment in trade exhibitions. The bill simply takes the financial burden off of the American taxpayer and puts it on the defense contractor.

This is a wasteful practice that must end. It is a shame that my GOP colleagues did not agree that this was a waste of taxpayer dollars and make my amendment in order.

I urge my colleagues to stop throwing money at the defense industry and oppose H.R. 4205.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of section 535 of H.R. 4205.

At the National Memorial Cemetery of the Pacific there are 647 nameless remains of soldiers and sailors who died on December 7, 1941 as a result of the attack on Pearl Harbor. They are buried in graves marked simply ''unknown.''

H.R. 3806, which I introduced on March 1, 2000, would require that the Department of Veterans Affairs add information to the gravestones identifying the ship and the date of the death of those gallant servicemen.

I thank the Chairman of the Armed Services Committee, Mr. SPENCE, for being a cosponsor of the legislation. I appreciate his efforts, and the efforts of the ranking minority member of the Committee, Mr. SKELTON, to include language in H.R. 4205 to recognize these gallant men who gave their lives for their country.

Section 535 of the bill provides that the 74 graves containing the remains of 124 unknowns from the U.S.S. *Arizona* be marked with the name of the ship on which they served. The section is based on the validation of the research of Mrs. Lorraine Marks-Haislip of the U.S.S. *Arizona* Reunion Association and Mr. Ray Emory of the Pearl Harbor Survivors Association by the Director of Naval History. The two historians worked hard using the records of the Army and the Navy to identify the ship from which each set of unknown remains was recovered. The Director of Naval History reviewed the research and confirmed its accuracy.

I look forward to the validation of the remainder of the research of Mrs. Marks-Haislip and Mr. Emory so that the remaining graves of the unknown dead of the attack on Pearl Harbor may be properly marked as well.

Mr. BLUMENAUER. Mr. Chairman, the priorities in this bill are misplaced. For years we made commitments to military retirees that they and their families were entitled to lifetime health care. Some may argue it is too expensive but the commitment was made and people relied upon it.

We can afford to honor our commitments. We are spending too much in this bill on too many unproven technologies, duplicative systems, and Congressional add-ons. We are not spending enough on our people or on environmental remediation of past actions.

We are making a down payment totaling $2.2 billion on a national missile defense system that CBO estimated last month will cost $60 billion over the next 15 years. Many describe our current approach to national missile defense as a ''rush to failure'' that is resulting in excessive spending on a system that has only a spotty record of success.

We don't need three brand-new advanced fighter jets. We will have military air superiority over all potential adversaries for years to come with our current planes. The combined cost of the Air Force's F–22, the Navy's F–18 E/F, and the Joint Strike Fighter will be well over $350 billion. This bill adds over $3 billion this year for weapons systems that were not requested by the Pentagon and no funds were added to the personnel account for our troops.

Before we embark on new projects, we must address our primary responsibilities of taking care of our people who serve and have served in uniform and cleaning up our environment. If in the name of politics, we can give the military money it cannot afford for projects it does not need or want, then in the name of taking care of people, we can pay the bill and do it right. In the name of national security, we must not shortchange our people or the environment.

I regret that we did not have the opportunity to consider Congressman ALLEN's amendment giving the Pentagon the flexibility to dismantle strategic nuclear missiles it no longer wants or needs. We could save billions if we were not forced to maintain our nuclear arsenal at the START I level of 6,000 strategic nuclear weapons while Russia's forces continue to decline due to aging and funding shortfalls.

I am also disappointed that the McCarthy amendment was not allowed. It eliminated language that discriminates against gun manufacturers that have entered into common-sense agreements with our government to add child safety locks to their product. The McCarthy amendment would have allowed our government to lead by example by giving our business to gun manufacturers who want to bear some part of the responsibility for the end use of their products. The fact that the leadership does not want members to vote on this issue is a sure signal that we would have prevailed. I hope the offending language will be removed in conference before the president signs this bill.

We have to ask ourselves, what is truly important? Should we spend more money on a military that is unrivaled anywhere in the world, while ignoring commitments to our military retirees and family's health care? I think not.

Mr. STUMP. Mr. Chairman, rear (now Vice) Admiral Michael Mullen, Director of Surface Warfare, testified in March before the SASC Sea Power Subcommittee that, in effect, the present absence of naval surface fire support places the lives of Marines ''at high risk.'' Commandant General James Jones testified that ''we [Marines] have been at considerable risk in naval surface fire support since the retirement of the Iowa-class battleships.'' The Navy retired these ships in 1992 even though during the Gulf War they were the only warships we had which could, and did, provide our soldiers and Marines with effective fire support. This left us with zero-capability in this critical area. As the Senate Armed Services Committee declared on July 8, 1995, our decommissioned battleships represent the Navy's ''only remaining potential source of around-the-clock, accurate high volume, heavy fire support . . . .'' This will remain true for many years to come. As we learned again from Kosovo, bad weather can effectively eliminate air support for our troops in coastal region conflicts. Without surface fire support, they could needlessly suffer heavy casualties. We simply cannot continue taking this risk. It is, therefore, imperative that two battleships be returned to active service as soon as possible to bridge this dangerous fire support gap.

Two battleships, Iowa and Wisconsin, could be reactivated and modernized for about the cost of one new destroyer. The Navy stated that they can be reactivated in 14 months. Measured against their capabilities, they are the most cost effective and least manpower intensive warships we have. The Navy solution, however, is the near term five inch ERGM program and the long term DD–21 and 155mm advanced gun programs. The Navy's unrealistic requirements for this small gun have made the intrinsically flawed ERGM an engineers' nightmare. Moreover, as Lt. General Michael Williams recently testified, ERGM will not have the lethality the Marines need. The complex, still largely notional DD–21 and AGS programs face many challenges and it could well be 12 or more years before they could be fielded. In the meantime, two reactivated battleships could buy time essential for the deliberate and ultimately successful development of the DD–21 concept. General James Jones testified that the absence of naval surface fire support would ''continue until the DD–21 . . . joins the fleet in strength.'' Probably 2020. He earlier had testified that ''DD–21 will not be able to match the Iowa-class battleships in firepower and shock effect.'' He did, however, express positive hopes for the DD–21, but later stated that ''the Corps still requires more

options.'' Could any option surpass the already available battleships? It should also be noted that only the battleship is survivable enough for a close-to-shore peacekeeping forward presence, the Navy's main peacetime mission. It alone can provide us a truly menacing visual show-of-force in coastal crisis areas.

Mr. WATTS of Oklahoma. Mr. Chairman, I want to add my support to the FY 2001 National Defense Authorization Act. This legislation applies virtually all of the additional $4.5 billion above the President's request to unfunded requirements identified by the military service chiefs and defense agencies. Unfortunately, this bill cannot solve the fundamental problems facing the U.S. military with a single year's authorization bill. It will take a substantiated effort over a number of years to bring our military forces to the level needed to maintain our national security.

We in Congress must fund the military based on the fact that the first priority of the federal government is national defense. As we look at the defense budget and the U.S. military in general, we need to remember the quote attributed to George Washington, ''Those who love peace prepare for war'' is as true today as its ever been.

Frankly, I sometimes worry that many people have forgotten the real mission of the military. I firmly believe the U.S. Armed Forces exist for only one reason—to win the nation's wars when told to do so by the elected representatives of American people. To accomplish this mission, we must ensure that our military remains focused on war fighting and readiness. We have done much in this bill that allow our Armed Forces to be prepared to fight not only today, but also tomorrow. First, we have given a well deserved increase in military pay of 3.7 percent. Next, we included increasing funding for National Missile Defense development by $85 million, increasing procurement accounts by $2 billion, and increasing research and development accounts by $1.4 billion.

Finally, we must keep the faith with our veterans and military retirees so that our present and future service members know that the American people, through their elected officials, can be trusted. Toward that end, this bill removes barriers to an effective TRICARE system and generates significant savings that will be redirected to pay for future benefits. It restores pharmacy access to all Medicare-eligible military retirees, and establishes a road map toward implementation of a permanent health care program for military retirees over age 65.

I know some do not believe that a strong defense is necessary today. I believe just the opposite. We must strengthen the Armed Forces by increasing funding of defense and we must insure that our foreign policy makes sense.

I strongly urge my fellow members of Congress to support the Floyd D. Spence National Defense Authorization Act Fiscal Year 2001.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 4205, the Defense Authorization for FY 2001.

I would like to thank the Chairman and the Ranking Member of the Armed Services Committee for including language I requested to be included to convey the Charles Melvin Price Support Center to the Tri-City Port District located in my congressional district in Southwestern Illinois. The passage of this language will reduce the financial burden on the Army by entering into an interim lease with the Port District. It is in the best interest of the military and the local community. By downsizing the military to convey this property we are setting a good example of peacetime benefits which will also aid in lessening future costs to the Army. I am pleased an agreement was reached to keep the military housing in the area protected. I am confident the Port District will be a good landlord as long as the military has a presence. I am hopeful an interim lease can be entered into expeditiously. While there are several small areas that will need to be worked out in conference, I strongly encourage the passage of this legislation.

However, Mr. Chairman, I was disappointed to learn this morning that Congressman SANFORD will be offering an amendment jeopardizing such conveyances. This is an amendment opposed by the committee. Not only will passage of such an amendment continue to cost the military more money on land they wish to excess, it goes against Congress' best efforts to convey such land to local governmental agencies. Many times these land conveyances offer better resources from local governments than the military may be interested in providing. In many cases the Armed Services Committee has conveyed excess property to local law enforcement agencies—property that is desperately needed in many areas.

Mr. Chairman, I strongly urge my colleagues to oppose the Sanford amendment and support final passage of the Defense Authorization bill.

Mr. LAMPSON. Mr. Speaker, I rise today in support of my amendment to H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, to provide assistance to a small but important museum in my district of Galveston, Texas.

The Offshore Rig Museum was opened to the public in April 1997. It is unique among museums in the United States and probably around the world because the Museum was literally created out of a jack-up drill rig, the Ocean Star. The Ocean Star was acquired by the Offshore Rig Museum, a nonprofit corporation established under the laws of Texas, and doing business as the Offshore Energy Center, in 1995. The Ocean Star was a Mobile Offshore Drilling Unit (MODU), built in 1969 at the Bethlehem Steelyard in Beaumont, Texas. The Ocean Star was designed to work primarily in the Gulf of Mexico. During its working life, the Ocean Star drilled about 200 wells. After its working life was over, the Ocean Star was acquired by the Offshore Energy Center and moved to Pier 19 in Galveston and jacked into place for its new assignment as a museum.

Since its opening in April 1997, the Ocean Star has proudly seen close to 100,000 visitors tour this glorious old rig and learn how energy resources are recovered from the world's oceans. The mission of the Museum is to chronicle the unique heritage and technological accomplishments of an industry that discovers, produces, and delivers energy resources to mankind in safe and environmentally responsible ways.

The Museum has educational programs for children as well as for adults. School children regularly tour the Museum to learn about their world's resources and special programs are offered for scouts and other groups. In addition, the Museum offers safety training for offshore workers. I commend the Executive Director of the Museum, Ms. Carol Fleming, for all her hard work in bringing the Museum to life and building its educational and outreach programs.

As a result of acquiring the Ocean Star, the founders of the Museum were forced to assume some financial obligations on an earlier drill rig they had originally acquired from a private party. The earlier drill rig, the Marine 7, was encumbered with a promissory note to the Maritime Administration (MARAD). As a non-profit organization and public Museum, the Offshore Rig Museum has not been able to raise sufficient revenues to make the payments on this note. I have consulted with the Maritime Administration, and they are agreeable to my amendment that will convey full title to the Ocean Star to the Museum and release the note under certain conditions. The Museum has agreed to all these conditions, including the agreement to return the rig to MARAD should the Museum ever stop using the Ocean Star as a museum open to the public. These conditions were worked out with Marad and I appreciate their assistance on this project.

As MARAD understands, this is probably the best use of this obsolete drill rig. The cost to MARAD of foreclosing on the note and having to store and maintain the rig in its defense reserve fleet are certainly outweighed by the benefits of keeping the rig where it is and open to the public as a museum. Numerous other obsolete vessels are proudly serving as maritime museums these days, having being conveyed with special legislation similar to my amendment. The OCEAN STAR is one more proud testament to our merchant marine and offshore energy fleet.

The Offshore Rig Museum is an important part of the Galveston skyline and community. It brings many visitors every year to Galveston and is recognized for its important contributions to education and awareness of our Gulf of Mexico resources. With this amendment, the Museum will continue to do this job proudly and enable future generations of school children to see how we recover energy from the ocean and bring it to our shores.

I thank my colleagues for their support, and especially thank Mr. BATEMAN and Mr. TAYLOR for their assistance.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of section 536 of H.R. 4205.

This section expresses the sense of Congress that the commander of the U.S.S. *Indianapolis*, Admiral (then Captain) Charles Butler McVay III was not culpable for the sinking of the heavy cruiser by a submarine on July 30, 1945. The ship sunk in 12 minutes. Of the 1,196 crew members, only 316 survived the attack and a five day ordeal being adrift at sea before being rescued.

Captain McVay was court-martialed in 1946 for the loss of his ship despite the opposition of Fleet Admiral Chester Nimitz and Admiral

Raymond Spruance. The hurried court of inquiry and subsequent court marital did not provide adequate opportunity for a defense. Furthermore, information which would have exonerated Captain McVay was withheld from him.

Admiral Nimitz recognized the injustice done to Captain McVay and when he became Chief of Naval Operations, he remitted Captain McVay's sentence and restored him to active duty. Captain McVay went on to complete 30 years of active naval service and was promoted to the rank of Rear Admiral effective upon the date of his retirement.

The survivors of the U.S.S. *Indianapolis* still living today have remained steadfast in their support of the exoneration of Captain McVay.

A special word of thanks is due to Hunter Scott for pursuing the vindication of Captain McVay. Three years ago then-12 year old Hunter began his campaign to clear Captain McVay's name. He had thoroughly researched the case and concluded that the Captain was unjustly convicted. Hunter Scott should be proud of his successful effort on behalf of Captain McVay.

I support this long overdue recognition of the Congress that the court martial charges against Captain McVay were not morally sustainable and that his conviction was a miscarriage of justice.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. PEASE, having assumed the Chair, Mr. LAHOOD, Chairman pro tempore 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. 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, pursuant to House Resolution 504, 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 committee 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 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.

MOTION TO RECOMMIT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KUCINICH. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KUCINICH moves to recommit the bill H.R. 4205 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following new section:

SEC. . NMD SYSTEM REDUCTION.

The amount provided in section 201(4) is hereby reduced by $2,200,000,000, to be derived from funds for the National Missile Defense Program.

Mr. SPENCE. Mr. Speaker, I reserve a point of order against the motion, because we do not even have a copy of it yet. I ask that we get a copy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 5 minutes.

Mr. KUCINICH. Mr. Speaker, my fellow colleagues, today's New York Times reports that Dr. Theodore Postol, a prominent scientist at the Massachusetts Institute of Technology, says that the National Missile Defense Plan that we are considering authorizing at this moment is a hoax. He says that the Missile Defense System cannot distinguish incoming weapons from decoys.

He says in this article, in today's New York Times, that the contractors and the Department of Defense have deceptively planted the data of the tests. I want to repeat that, this article in today's New York Times says from a prominent scientist at Massachusetts Institute of Technology that contractors and the Department of Defense have deceptively manipulated the data of tests for this National Missile Defense System, which this bill will authorize $2.2 billion.

This time we know about the scandal before we vote on the money. Dr. Postol is calling on the administration to appoint an independent high-level scientific panel to investigate alleged efforts to cover up these flaws.

Why would Congress authorize $2.2 billion for more fraudulent tests on the same day that The New York Times carries this story?

I urge my colleagues to vote yes on the motion to recommit in order to give us a chance to take account of the fraud in past tests of the National Missile Defense System and to save the taxpayers billions of dollars in tests. When you have the credibility of the Pentagon and of defense contractors being called into question by a prominent scientist at the Massachusetts Institute of Technology, when this report says they are covering up flaws in data, this makes it a national security matter, because if this system cannot work, then we are telling the American people to pay $2.2 billion in the hope that somehow a system will work when there is data that has been according to this scientist when there is data that has been phonied up.

Now, this is a matter for the taxpayers, and it is a matter for national security. And if we care about national security, if we care about the taxpayers, we will vote to recommit this bill, straighten out this thing in committee and put forth a bill which is good and solid. I know a lot of good Members have done great work on this bill. It is a shame to have the bill clouded up with deception by the Pentagon and by defense contractors.

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

The SPEAKER pro tempore. Does the gentleman from South Carolina (Mr. SPENCE) insist on his point of order?

Mr. SPENCE. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

Is there a Member opposed?

Mr. WELDON of Pennsylvania. Mr. Speaker, I am opposed.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes in opposition.

□ 1945

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman from Ohio (Mr. KUCINICH) is a friend of mine. He and I traveled to Vienna last year to try to write an end to the Kosovo conflict. I have respect for him. I also have respect for the members that sit on the Committee on Armed Services; the gentleman from Missouri (Mr. SKELTON); my friend, the gentleman from Virginia (Mr. PICKETT); the gentleman from Virginia (Mr. SISISKY). We went through this bill after literally hundreds of hearings over the course of the last several months and came up with a solidly bipartisan bill that passed out of committee 51 to 1. The only member that opposed the bill was a Republican who objected to the bill because of the nuclear waste provisions and the impact on his own State. In this subcommittee there were no amendments raised of this type. In fact, our effort on missile defense has continually been bipartisan.

Mr. Speaker, I know Ted Postol. I do not know whether my colleague does. I know what his feelings are on missile defense. The article in today's paper is not new. He has been arguing against missile defense since I have been in Congress. I work with Ted Postol. I try to convince him and work with him. We should not vote on a motion to recommit and end years of research and technology development because of one article in one paper that no one else, my good friend, agrees with.

There is no member of the committee that offered this amendment, and the gentleman has to respect the members

of the committee that sit with us on a day-to-day basis. They are all solid members of the minority party. They are all talented people; the gentleman from South Carolina (Mr. SPRATT), the gentleman from Virginia (Mr. PICKETT), the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Texas (Mr. REYES). These are people who work these issues.

We should not overturn all of the hard work of the committee because of an article in The New York Times based on a report by a scientist who has an axe to grind, who has his own initiative that he would like us to fund, by the way, in case the gentleman did not know that, called boost phase intercept.

I would suggest to my colleagues, and I would hope they would believe this as well, that this is an easy vote for all of us. I would hope all of us would join together, my Democrat friends, like the gentleman from Hawaii (Mr. ABERCROMBIE), and all of us who work together, and rousingly oppose this motion to recommit.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SPENCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 63, not voting 19, as follows:

[Roll No. 208]

AYES—353

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
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
Traficant
Turner
Udall (CO)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—63

Baldwin
Barrett (WI)
Blumenauer
Brown (OH)
Capuano
Carson
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Ehlers
Engel
Eshoo
Fattah
Filner
Frank (MA)
Gibbons
Holt
Hooley
Jackson (IL)
Kind (WI)
Kucinich
Lee
Lofgren
Lowey
Luther
Markey
McDermott
McGovern
McKinney
Meeks (NY)
Miller, George
Minge
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Rivers
Rush
Sabo
Sanders
Sanford
Schakowsky
Sensenbrenner
Shays
Slaughter
Stark
Tierney
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wu

NOT VOTING—19

Ackerman
Campbell
Cannon
Ford
Franks (NJ)
Kasich
Knollenberg
Lewis (GA)
Lipinski
Murtha
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Woolsey

□ 2003

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

''A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4205, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4205.

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

There was no objection.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on May 17, 2000, I was unavoidably detained in

New York. Therefore, I missed roll call votes 190, 191, 192 and 193. I would like the RECORD to reflect that had I been here, I would have voted ''nay'' on rollcall Vote 190, ''aye'' on rollcall votes 191 and 192, and ''nay'' on rollcall vote 193.

AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT ACT

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3707) to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Institute in Taiwan Facilities Enhancement Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) in the Taiwan Relations Act of 1979 (22 U.S.C. 3301 et seq.), the Congress established the American Institute in Taiwan (hereafter in this Act referred to as ''AIT''), a nonprofit corporation incorporated in the District of Columbia, to carry out on behalf of the United States Government any and all programs, transactions, and other relations with Taiwan;

(2) the Congress has recognized AIT for the successful role it has played in sustaining and enhancing United States relations with Taiwan;

(3) the Taipei office of AIT is housed in buildings which were not originally designed for the important functions that AIT performs, whose location does not provide adequate security for its employees, and which, because they are almost 50 years old, have become increasingly expensive to maintain;

(4) the aging state of the AIT office building in Taipei is neither conducive to the safety and welfare of AIT's American and local employees nor commensurate with the level of contact that exists between the United States and Taiwan;

(5) AIT has made a good faith effort to set aside funds for the construction of a new office building, but these funds will be insufficient to construct a building that is large and secure enough to meet AIT's current and future needs; and

(6) because the Congress established AIT and has a strong interest in United States relations with Taiwan, the Congress has a special responsibility to ensure that AIT's requirements for safe and appropriate office quarters are met.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $75,000,000 to AIT—

(1) for plans for a new facility and, if necessary, residences or other structures located in close physical proximity to such facility, in Taipei, Taiwan, for AIT to carry out its purposes under the Taiwan Relations Act; and

(2) for acquisition by purchase or construction of such facility, residences, or other structures.

(b) LIMITATIONS.—Funds appropriated pursuant to subsection (a) may only be used if the new facility described in that subsection meets all requirements applicable to the security of United States diplomatic facilities, including the requirements in the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (22 U.S.C. 4801 et seq.) and the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat 1501A–451), except for those requirements which the Director of AIT certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are not applicable on account of the special status of AIT. In making such certification, the Director shall also certify that security considerations permit the exercise of the waiver of such requirements.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

Mr. BEREUTER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Nebraska (Mr. BEREUTER) is recognized for 1 hour.

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

Mr. Speaker, H.R. 3707, which this Member introduced, is an important measure that enjoys wide bipartisan support. It was considered and approved without objection by this body on March 28 of this year. The other body subsequently approved the legislation on May 2, with two modifications.

The amendments to H.R. 3707 approved by the other body are minor in nature. One unnecessary introductory paragraph that refers to the ''unofficial'' nature of U.S. relations with Taiwan is deleted. In addition, the other body added a sentence to Section 3(b) noting that if the Director of AIT certifies that certain security requirements related to construction of a new facility are not applicable on account of the special status of AIT, that he shall also certify that security considerations permit the exercise of the waiver of such requirements.

Mr. Speaker, as a newly-elected freshman Member of this body, one of the first votes this Member cast was on passage of the Taiwan Relations Acts of 1979 (TRA). For over 20 years, the TRA has guided U.S. foreign policy and demonstrated our commitment to the security and well-being of Taiwan. And, after 20 years, our unofficial relations with the people of Taiwan are stronger, more robust, and more important than ever.

The Taiwan Relations Act established the American Institute in Taiwan, AIT, as a nonprofit corporation to conduct any and all U.S. Government programs, transactions, and other relations with Taiwan; in other words, to function as America's unofficial embassy.

The current AIT facilities, which consist largely of aging quonset huts, are grossly inadequate and were not designed for the important functions of AIT. They were built as temporary facilities almost 50 years ago and are increasingly difficult and expensive to maintain.

From the perspective of security, AIT fails miserably in its structure. AIT is surrounded by taller buildings and lacking adequate setback. Major cost-ineffective enhancements would be required to bring it into compliance with security requirements.

Because of the unique status of Taiwan, the State Department is not able under routine authority to proceed with the planning and the construction of a new facility for AIT. The legislative branch, this Congress, must specifically authorize and appropriate the necessary funds.

AIT has made a good-faith effort to set aside funds for the construction of a new office building or complex. However, this effort, while significant, will never be sufficient to meet AIT's needs. Therefore, H.R. 3707 authorizes the appropriation of $75 million for planning, acquisition and construction of a new facility for the American Institute in Taiwan (AIT).

Mr. Speaker, this body has been seized with issues involving our relations with Taiwan and the People's Republic of China. Taiwan is a shining example of political and economic development in Asia. It has made the transition to a fully functioning democracy.

Recently, Taiwan celebrated the successful conclusion of elections that, for the first time in its history, in fact the first time in Chinese history, saw the Democratic transfer of power to the opposition party. This weekend Taiwan's newly-elected president and vice president will be inaugurated.

In view of these developments, now is the appropriate time to send the message of our unshakeable, long-term commitment to America's critically important relations with Taiwan. With a new AIT facility, the United States is delivering the message that its presence will remain as long as it takes to assure that any reunification with the mainland is voluntary and as a result of peaceful means.

In the next few days, this body is likely to approve permanent normal trade relations with the People's Republic of China as part of our support for its accession into the World Trade Organization (WTO).

Similarly, this Member is confident that this body will support simultaneous accession of Taiwan to the WTO, an action that has been too long delayed. We will support the accession of the PRC to the WTO because it is in our clear national interest to do so. But, at the same time, we will be making it clear that Taiwan merits similar consideration in the WTO and must have membership in it. I would hope it will come at the same session of the WTO.

This Member wishes to express his sincere appreciation to the gentleman from Illinois (Speaker HASTERT); the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader; the gentleman from New York (Mr. GILMAN), the committee chairman; the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democratic member, and all of those in the House and the Senate who have contributed to moving this important bill forward under unanimous consent.

Mr. Speaker, this Member supports these changes to H.R. 3707 and urges all of his colleagues to join in supporting this important legislation.

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

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3707.

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

There was no objection.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–241)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 2000.*

CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–242)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622 (d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 2000.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 2000.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 632

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 632, the Safe Seniors Assurance Study Act of 1999.

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

There was no objection.

VOTE AGAINST PNTR

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

Mr. WOLF. Mr. Speaker, I rise today to share with my colleagues William Safire's editorial from today's New York Times. Today, Mr. Safire writes that before Richard Nixon died, Mr. Safire had a conversation with Nixon about China. Safire asked Nixon if he had gone a bit overboard on selling the American public on the political benefits of the China deal. Nixon replied that he was not as hopeful as he had once been, saying, ''We may have created a Frankenstein.''

They are telling words from Richard Nixon, the person responsible for the so-called engagement, which has resulted in more espionage against our government, the arrest of Catholic bishops and persecution of people of faith. On his deathbed, Nixon, the architect for our present China policy said, ''We may have created a Frankenstein.''

The passage of PNTR will feed this Frankenstein that will come to haunt this country and haunt this House.

Mr. Speaker, I rise today to share with you William Safire's editorial from today's New York Times.

Today, Mr. Safire writes that before Richard Nixon died, Mr. Safire had a conversation with Nixon about China. Safire asked Nixon if they had gone a bit overboard on selling the American public on the political benefits of their China deal. Nixon replied that he was not as hopeful as he had once been, saying "We may have created a Frankenstein."

We may have created a Frankenstein. These are telling words coming from Nixon, the person most responsible for supposed American "engagement" with China . . . an engagement that over the past 30 years has refused to engage the Chinese with their gross human rights abuses, its espionage against the U.S., its proliferation of weapons of mass destruction, its plundering of Tibet.

On his deathbed, Nixon, the architect for our present China policy said "We may have created a Frankenstein."

Congress can prevent this Frankenstein from further atrocities and bad actions by voting against giving China permanent normal trade relations.

THE BIGGEST VOTE

(By William Safire)

WASHINGTON.—The most far-reaching vote any representative will cast this year will take place next week. It will be on the bill to permanently guarantee that Congress will have no economic leverage to restrain China's internal repression of dissidents or external aggression against Taiwan.

Bill Clinton, architect of the discredited ''strategic partnership'' with Beijing, is lobbying for H.R. 4444 as part of his legacy thing. His strange bedfellow is the G.O.P. leadership, fairly slavering at the prospect of heavy contributions from U.S. companies that want to profit from building up China's industrial and electronic strength.

Clinton has been purchasing Democratic votes one by one. The latest convert to pulling the U.S. teeth is Charles Rangel of New York, who was seduced by last week's legislation to benefit African workers at the expense of Chinese laborers in sweatshops at slave wages. He is the ranking Democrat on Ways and Means, which yesterday voted to send the any-behavior-goes bill to the House floor.

The president's tactics include frightening Americans with ''dangerous confrontation and constant insecurity'' from angry China if his appeasement is not passed.

He also divides American farmers from workers with his mantra, ''exports mean jobs.'' Of course they do; in the past decade, our trade deficit with China has ballooned from $7 billion to $70 billion. That means China's exports to the U.S. have created hundreds of thousands of jobs—in China. Clinton's trade deficit is certainly not creating net jobs for Americans.

His trade negotiator, Charlene Barshefsky, has become increasingly shrill, turning truth on its head this week by telling Lally Weymounth of The Washington Post that ''organized labor, human rights advocates

and some environmentalists have aligned themselves with the Chinese army and hardliners in Beijing who do not want accession for China.''

Not to be outdone in twisting the truth and kowtowing to Communists, Republican investors and the Asia establishment assure us that only by abandoning yearly review of China's rights abuses and diplomatic conduct can we encourage democracy there.

I confess to writing speeches for Richard Nixon assuring conservatives that trade with China would lead to the evolution of democratic principles in Beijing. But we've been trading for 30 years now, financing its military-industrial base, enabling it to buy M–11 missiles from the Russians and advanced computer technology from us.

Has our strengthening of their regime brought political freedom? Ask the Falun Gong, jailed by the thousands for daring to organize; as the Tibetans, their ancient culture destroyed and nation colonized; ask the Taiwanese, who face an escalation of the military threat against them after the U.S. Congress spikes its cannon of economic retaliation.

Before Nixon died, I asked him—on the record—if perhaps we had gone a bit overboard on selling the American public on the political benefits of increased trade. That old realist, who had played the China card to exploit the split in the Communist world, replied with some sadness that he was not as hopeful as he had once been: ''We may have created a Frankenstein.''

(I was on the verge of correcting him that Dr. Frankenstein was the creator, and that he meant ''Frankenstein's monster,'' but I bit my tongue.)

To provide a face-saver for Democrats uncomfortable with forever removing Scoop Jackson's economic pressure, Clinton's bipartisan allies have cooked up a toothless substitute: a committee to cluck-cluck loudly when China cracks down and acts up. We already have a State Department annual report that does that, to no effect on a China whose transgressions have always been waived.

Human rights advocates know the smart money in Washington is betting on the appeasers. Our only hope is that the undecideds in Congress consider that unemployment in their districts will not always be under 4 percent, and that when recession or aggression bites, voters will not forget who threw away economic restraints on China.

□ 2015

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WALDEN of Oregon). 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.

IN SUPPORT OF PNTR FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, American business men and women have eyed China for years, knowing that the sky is the limit when it comes to selling American-made goods and services to the world's largest market. But Americans have found it difficult to trade with China since complete access to this vast market has been vastly restricted.

In today's global marketplace, we can no longer afford any restrictions on trade with the world's largest population. We must engage China to ensure that American companies and American workers have the tools to compete with other nations now already in these markets. Remember, when America competes, we win.

Over the past year, Mr. Speaker, I have worked with the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, and a number of colleagues in support of extending permanent normal trading relations with China. Back home in New Jersey, I have met with hundreds of people from the business community to encourage them to organize and help spread the word about the benefits of increased trade with China that will bring benefits to the Garden State, and I would like to discuss for a few minutes a few of these items.

First, extending permanent normal trade relations with China is a win for fairness. This agreement forces China to adhere to our rules-based trading system. Without an agreement, there are no rules and we have no say whatsoever in how China conducts its business with the rest of the world.

Secondly, it is a win for U.S. workers and businesses, Mr. Speaker. China is an incredibly important emerging market with more than a billion consumers.

Thirdly, trade with China is a win for American values inside China. Through free and fair trade, America will not only export many products and services, but we will deliver a good old-fashioned dose of our democratic values and free market ideas.

Fourthly, international trade whether it be with China or any other Nation means jobs for my State of New Jersey, and that is the bottom line, continued prosperity for all of us. Out of New Jersey's 4.1 million member workforce, almost 600,000 people statewide from main street to Fortune 500 companies are employed because of exports, imports and foreign direct investment. Currently, China ranked as New Jersey's ninth largest export destination in 1998, an increase from 13th in 1993. Our Garden State has exported $668 million in merchandise to China in 1998, more than double what was exported 5 years earlier.

With a formal trade agreement in practice, imagine the potential as access to China's vast markets is improved. Enormous opportunities exist for our State's telecommunications, our environmental technology, our health care industry, our agriculture and food processing industries.

Fifth and finally, in the interest of world peace, it is absolutely a mistake to isolate China, a nation with the world's largest standing army, an estimated 2.6 million member force.

America's democratic allies in Asia support China's entry into the World Trade Organization because they know that a constructive relationship with China and a stable Asia offers the best chance for reducing regional tensions along the Taiwan Strait and for avoiding a new arms race elsewhere in Asia and throughout the world.

As I work to pass PNTR for China, I am fully aware of the controversies surrounding this vote. Indeed, humanitarian and environmental issues remain important to me in our dealings with China, but I refuse to believe that if we walk away from China our national interest would be better served. In fact, I am positive to do so would greatly deter from our ability and our credibility to push reform in China and around the globe.

Mr. Speaker, as General Colin Powell has said, and I quote, from every standpoint, from a strategic standpoint, from the standpoint of our national interest, from the standpoint of our trading interest and our economic interest, it serves all of our purposes to grant China this status.

INTRODUCTION OF LIVE LONG AND PROSPER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, May is Older Americans Month, a time for Americans to celebrate the many contributions our seniors have made to this country. It is also a time to reflect upon the changing look of our society and to advance policies that meet the needs of this and future generations of older Americans. By the year 2030, the number of older Americans is expected to be more than double, to 70 million, representing one-fifth of our total population. As the number of elderly Americans increases, the need for long-term home or institutional care will become even more pressing.

Are we now prepared to meet this future need? The sad fact is that neither the public nor the private sectors have adequately planned to meet this demand. In most cases, they are not aware that Medicaid requires divesting of assets and they do not understand that Medicare provides only minimal long-term care coverage. As for private insurance, it currently finances only an estimated 7 percent of long-term care expenditures.

Given America's ticking demographic time bomb, it is imperative that Congress address this issue now. That is why I rise today to introduce the Live Long and Prosper Act, which directly addresses what we must do now to help meet the needs of older

Americans of the future. This comprehensive legislation builds upon the long-term care financing provisions created by the Health Insurance Portability and Accountability Act of 1996.

To better prepare the public for long-term care expenses, first the bill provides for an above-the-line income tax deduction for the cost of long-term care insurance premiums for the taxpayer, his or her spouse and dependents. It also allows employers to provide long-term care insurance coverage as part of a cafeteria plan. Surprisingly, long-term care insurance currently is not allowed under these types of employer-employee arrangements.

Third, the bill would provide a personal exemption to the more than 7 million Americans who provide long-term custodial care for a relative in their home. Together, these provisions represent a market-based solution to the ever-growing demand for long-term care services and financing. But financial incentives alone will not advance the public's understanding of the need to plan for long-term care nor will they spur public debate on what more must be done.

The Live Long and Prosper Act calls for a biannual national White House summit on long-term care. The summit will bring together experts in the fields of long-term care insurance, retirement savings, care givers and others and will be cohosted by the President and congressional leaders. Its goal is to design and develop recommendations for additional research, reforms in public policy and improvements required in the field of long-term care insurance.

The bill also directs the Department of Labor to create and maintain an outreach program, to include public service announcements, forums, educational materials, and long-term care Internet sites. The Department of Health and Human Services will conduct studies focusing on the future demand for long-term care services and public and private options to finance them.

Finally, the bill contains several other provisions designed to improve awareness of and to strengthen the process for long-term care information delivery.

Mr. Speaker, in closing, the Center for Long-term Care and Financing describes long-term care as the sleeping giant of all U.S. social problems. Demographic changes, quality of care concerns, the rising cost of nursing home care and limited public finances all cry out for action in this area and call on this body to make long-term care a top policy priority.

I believe that the Live Long and Prosper Act is a comprehensive first step in what should be a bipartisan effort to address this vital issue. I urge my colleagues to cosponsor the bill and join me in this effort.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–626) on the resolution (H. Res. 505) providing for consideration of the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–627) on the resolution (H. Res. 506) providing for consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IN SUPPORT OF TOUGH GUN LEGISLATION AFTER THE MILLION MOMS MARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I rise today a week after the Million Mom March to remind the Congress that even though the march is over, the cause is not. On the eve of the march, some argued that we were being rabble-rousers and troublemakers. They argued then and they still argue that we are too emotional in pulling for tough gun control legislation, common sense gun control legislation. The National Rifle Association argues that we need, and I quote, gun education and not gun legislation, end of quote.

Well, as we all know, you cannot teach a child not to be a child. We all know that children often lash out in anger, without thinking, and they later wish that the things done and said can be taken back. But once a trigger is pulled, that bullet cannot be brought back. And those who, approximately 1 year after Columbine, still think that it is not their problem, I am here to tell you that once a bullet leaves the barrel of a gun, it does not care whether the child pulling it is rich, poor, black or white, they do not care where the child firing that gun is from, it does not care what sort of car that child's parents drive. A bullet does not care whether that child lives inside or outside of the Beltway, and a bullet does not care whether that child's mother or father is a bus driver, a lawyer or a Member of Congress.

So to the millions of mothers from all across this country who either attended or supported the Million Mom March, continue to raise your voices in support of tough common sense gun laws.

And to our critics who say that we are too emotional, I say yes, we are emotional over the gun control issue. The emotion we feel is sorrow over the senseless killing of our youth. And the emotion that I feel is frustration that we have not passed common sense gun legislation. The frustration that I feel is that we have not closed the gun show loophole, frustration that we have not required child safety locks for handguns, frustration that we have not banned the importation of large capacity ammunition magazines, and frustration that we have not encouraged the development of smart gun technology.

□ 2030

In short, Mr. Speaker, I feel frustration and shame that we as a body have not heard the pleas of millions of mothers and fathers who want us to help stop the destruction of America's families.

PRESCRIPTION DRUG COVERAGE FOR SENIORS NEEDED NOW

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise this evening again to talk about a critical issue facing all families in the United States, and particularly seniors, and that is the high cost of prescription drugs and the lack of coverage by Medicare. This is a critical issue that faces Michigan families. I hear from seniors every day about their struggles, choosing between the cost of food, being able to pay the utility bill, being able to get their medications.

Last summer I set up a hot line in Michigan asking those who had stories to tell to call and share those with me, and also for individuals to write me letters and send me copies of their prescription drug bills. I have received hundreds of those from across the state. I have begun sharing those each week on the floor of this House.

It is critical that we pass prescription drug coverage under Medicare, to modernize Medicare to cover the way health care is provided today, and do it

as soon as possible, and I intend to be here and share stories every week until that happens.

We know that there are 12 percent of the population that are seniors, but seniors purchase 33 percent of all prescription drugs. Over one-third of the 39 million Medicare beneficiaries, 15.5 million people, have no prescription drug coverage at all, and millions have insufficient coverage or must pay expensive copays. So you are talking about individuals, many of whom are living on Social Security, with a small pension, who are now finding themselves in a situation where they are needing to use medications, and the costs are going up and up. What do they do? Too many of them decide, do I buy my groceries today, or can I stretch it just a little bit longer and be able to afford my medications?

On top of that, according to the Bureau of Labor Statistics, drug prices rose by 306 percent between 1981 and 1999, while the consumer price index rose 99 percent during the same period, so we are seeing drug prices going up three times as fast as the consumer price index or other kinds of products.

The price for prescription drugs is expected to be 12 to 15 percent higher than in 1999. Not only are costs rising, but the volume of prescription drug use is also increasing. The number of prescriptions is expected to increase from 3 billion today to 4 billion prescriptions by 2004.

So what we are seeing is, as more and more people are using prescription drugs, it is wonderful that we have the new discoveries and the fact we have that available, and the fact that people can live longer and healthier lives is wonderful, but we are seeing a product going up three times as fast as the consumer price index in the pricing structure, and we see too many seniors that do not have any help at all for covering the costs, even though seniors are the ones that use the most prescription drugs. It makes no sense.

We also see that prescription drug coverage now is very much a part of the way health care is provided today. When Medicare was set up in 1965, it was in-patient care, operations and prescription drugs in the hospital. Now we see most of the care being done on an outpatient basis, being done through home care or prescription drugs that allow people to avoid having surgery and to be able to live at home with their family.

This is a good thing, but only if we make sure that Medicare is modernized to cover the new way health care is provided. It is time for that to happen. It is past time for that to happen.

I would like to share now a letter from Louise Jarnac of Cheboygan, Michigan. I am very grateful that she wrote to me and shared her comments and thoughts.

Dear Congresswoman STABENOW, I am sending three of my prescription drug bills and one of my brother's. I sure hope you can get some help for the elderly. It seems everything is more important than our health. I am 80 years old and my brother is 78 years old. These prescription drug prices take a big chunk out of our Social Security, since that is our full income. I am a widow and live alone, therefore, I have all the expenses all by myself. The last time I got my prescriptions it was $99.99 for Prevacid, this time it is $130.49. Most of the time I can't afford it and I go without until I can get it again. I think Social Security should be used for our security and not for other things.

Thank you,

LOUISE JARNAC.

Mr. Speaker, Prevacid, like another commonly known drug—Prilosec, is prescribed to inhibit gastric secretions. It is used to treat heartburn or other symptoms associated with GERD (Gastroesophageal reflux disease), ulcers, or other acid related disorders.

Without treating these symptoms, Mrs. Jarnac's condition could develop into cancer.

Furthermore, these diseases are extremely painful, and Mrs. Jarnac is unable to afford the medication on a regular basis to control the pain.

Mr. Speaker, it is time we do something about this, and make sure our seniors are not put in this position.

COMMEMORATING THE 20TH ANNIVERSARY OF THE ERUPTION OF MOUNT ST. HELENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I rise today to commemorate one of the most significant geological events in the history of our country and in my home state, the eruption of Mount St. Helens.

Twenty years ago today, on May 18, 1980, the peaceful northwest sky was rocked by an explosion comparable to that of 500 atomic bombs. The blast transformed more than 200 square miles of Pacific Northwest forest into a gray, lifeless landscape, and it triggered the largest known landslide in history, completely burying Spirit Lake and the Toutle River. Fifty-seven men and women lost their lives, hundreds of homes and cabins were destroyed, and our region incurred more than $3 billion in damage.

If you ask folks today in the Pacific Northwest for a list of the most memorable events in their lifetime, there is no question that the eruption of Mount St. Helens would rank right at the top of many lists. For that reason, I am deeply honored to come before this body today to pass on this message and to participate in today's events commemorating the 20th anniversary of the eruption of what is now a national treasure.

Mount St. Helens has always played a significant role in our region. Before the eruption, many families spent their summers at the recreation areas surrounding the mountain, where they would camp, hike and fish. In the year before the eruption, the Forest Service estimated more than half a million people visited the Mount St. Helens/Spirit Lake area. Few people at the time realized or could have predicted the awesome, majestic, primal and dreadful power that the eruption would soon provide.

After the eruption of 1980, in 1982 the U.S. Congress created the 110,000 acre National Volcanic Monument to serve as a center for research, education and recreation. Inside the Mount St. Helens monument, the environment is left to respond naturally to the disturbance brought about by the eruption.

Now, 20 years later, the land around the mountain is slowly healing itself. Nature is covering the scars of the eruption and the native plants and animals are beginning to thrive again. Mount St. Helens is now a place where tens of thousands of visitors flock every year from across the country and from around the world to witness both the destructive power and the healing power of nature. Local residents and businesses in Clark, Skamania, Lewis and Cowlitz Counties are all present and available for visitors to enjoy this wonderful facility, and they have really responded well and transformed this region to celebrate what is now, as I mentioned earlier, a treasure.

People often ask me, what did we learn from the eruption of Mount St. Helens? Clearly, we have learned many scientific things, but I also think the eruption of Mount St. Helens has taught us two lessons that humankind too often forgets, the lessons of humility and of cooperation.

No one that remembers the sight of 400 million tons of earth and rock being thrown into the sky can fail to understand man's small place in the universe, and everyone who visits Mount St. Helens Monument today soon realizes the level of dedication, hard work and cooperation it has taken to rebuild the area and the communities.

Much of our State's growth and history, from its early exploration and settlement to the construction of the northern railroad and the massive hydroelectric system, to the creation of the national monument built on the blast site of volcanoes, are the result of a farsighted, courageous and cooperative thinking and working people.

Citizens of the Pacific Northwest, who, in the words of Captain George Vancouver, ''Attempt to enrich nature by the industry of man,'' have set aside their differences and joined forces to make our region one of the most beautiful and welcoming places in America. I am confident that those who visit Mount St. Helens this year and all of those who visit the mountain in the next 20 years will make even greater strides in reawakening the beauty of

Mount St. Helens, and will make Washington State an even greater place to live, work and visit.

I invite people from throughout this country to come see what is an amazing geological marvel. You will find friendly, helpful local natives, willing to assist you, to make sure your visit is pleasurable and enjoyable, and you will see one of the most incredible sites in North America, Mount St. Helens National Volcanic Monument.

CONDEMNING THE ACTIONS OF IRAN REGARDING THIRTEEN JEWISH CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, before I speak about what I want to speak about, listening to my colleague talk about 20 years to the day of the eruption of Mount St. Helens, that was May 18, 1980, and people are always amazed when they mention Mount St. Helens, and I say, ''Oh, yes, that was May 18, 1980,'' and they cannot understand how I can remember the exact date. I was married on May 18, 1980, so today is the 20th anniversary of my marriage.

I do not know if there is some kind of lesson there, but I am glad the gentleman spoke about it, because it has been a good 20 years.

Mr. Speaker, I rise today to talk about the plight of 13 Iranian Jews who are on trial in Iran in a phony trial, in a show trial, in a disgraceful trial. These people are charged with supposedly spying for the United States and Israel, and were arrested on Passover of 1999. They have been imprisoned for a year without legal representation, and they are denied the right to choose their lawyer. Their trials are going on now.

Mr. Speaker, Iran must know that it cannot hope to normalize relations with the United States, certainly, and with most of the world, as long as these phony show trials are going on. These 13 people are innocent, even though some of them have been forced to supposedly confess. The trials are closed. No one is permitted to observe, not the diplomatic community, not the Jewish community, not human rights activists, and they are being tried in revolutionary courts which are not under the control of the reformist-minded President, Khatami. In fact, it is quite apparent that these 13 Iranian Jews are pawns, pawns in a power struggle between hard-liners and moderates in Iran. Unfortunately, these people are pawns, and no one knows how this trial, this staged trial, will turn out.

We have a resolution in this House, H. Con. Res. 307, sponsored by the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), and this House would do well to pass it very quickly, condemning these trials and exposing them for what they are.

Today, unfortunately, the World Bank loaned Iran $232 million. Our government, the President and Madeleine Albright, the Secretary of State, rightfully said this was not the thing to do at the very time that these show trials are going on, and shame on the World Bank for doing this.

I think that Iran ought to understand that there is a price to pay for what they are doing, and only if the world community expresses outrage, only if we in the United States keep the focus on this trial, then perhaps, and only perhaps, these 13 innocent Iranian Jews who are being used as pawns will be ultimately set free.

□ 2045

So I think it is very, very important that we in the Congress keep the focus on this trial; that we not allow Iran to continue this sham, and that they understand again that there is a price to pay for doing these kinds of phony trials.

Jews have lived in Iran for 2,700 years. In 1979, before the so-called Iranian revolution, there were 80,000 Jews in Iran. Today there are anywhere from 25,000 to 30,000. Seventeen Jews have been executed since 1979, and the community is very much threatened. They are allowed to travel somewhat, but not allowed to travel to Israel.

So I think it is, again, very appropriate at this time that we continue to focus on this trial; that we not rest until these innocent people are set free and that the world community collectively let Iran know that there is a price to pay and there will be a price to pay if these people are harmed.

SOCIAL SECURITY AND RETIREMENT FOR WOMEN

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, what I want to do tonight is take a little bit of time to talk about, I think, an issue that is so critically important and vital to women in the United States, and that is Social Security reform.

There is a very, very important debate that is going on about the future of Social Security right now, and I think it is important that women are included in this discussion. All of America's seniors have a stake in the conversation and the debate and the discourse about Social Security, but women have the biggest stake of all in the future of the program. We need to make sure that we undertake the right kind of Social Security reform for America's women.

Since 1935, America's women have been able to count on the guaranteed income of Social Security. I make a point here, because the bedrock and fundamental principle of Social Security is that in the retirement years there is a guaranteed income on a monthly basis for the duration of an individual's lifetime, based on the amount of work and income one made during their working years.

Since 1935, as I said, women have been able to count on that guaranteed income of Social Security. No matter what the stock market does, no matter what the state of the economy, Social Security has been there giving America's seniors the ability to live with independence and with dignity. It is, in fact, one of America's greatest success stories.

Times do change and it is clear that we need to look at how we strengthen Social Security and make sure that it is safe and secure today for America's seniors but as well for the next generations of retirees.

In 1999, there were 3.4 workers for each Social Security beneficiary, but in the year 2035 there will be only 2 workers per beneficiary. It has to be the right reform for everyone, and particularly, as I have said, for women.

Social Security is uniquely important to women because retirement is especially hard on women. My mother, who is 86 years old, once said to me, Rosa, these are supposed to be the golden years but somehow they are often the lead years. My mother was essentially expressing, I think, and giving voice to the expression of the frustration and the fear that many elderly women have.

In old age, women face all sorts of obstacles, stability and security, and without Social Security these obstacles would be even larger. Women account for 60 percent of Social Security beneficiaries even though they only make up roughly one half of the population. Three-quarters of widowed and unmarried elderly women rely on Social Security for over half of their income, and because women spend less time in the workforce than men, they are less likely to have pensions or to have been able to save and invest for their future.

So that Social Security is their bedrock. It provides women with a dignified retirement that they can rely on.

Women live longer than men. Women make less money than men in our society today; as a matter of fact, about 75 cents on the dollar. Women are also more likely to be dependents of workers and are dependent on their Social Security in their retirement years. As I said a minute ago, that women oftentimes outlive their spouses.

In my State of Connecticut alone Social Security lowers the poverty rate

among elderly women from 46 percent to 8 percent, 46 percent to 8 percent. That means that Social Security lifts over 100,000 Connecticut women out of poverty through Social Security. As I have just mentioned, during their years in the workforce women earn an average of about 75 cents for every dollar that men earn. In fact, the average female college graduate earns little more than the average male high school graduate. Again, for all of these reasons, strengthening and preserving Social Security is essential to the financial stability of America's hard working women. Again, it has to be the right reform for women.

This week George W. Bush, the governor of Texas, presented us with an example of what, in my view, is the wrong kind of reform for Social Security, the wrong kind of reform which introduces risk, takes money away from Social Security, undermines the guaranteed minimum Social Security benefit, undermines the guaranteed minimum Social Security income, and leaves the retirement of America's seniors in the hands of the stock market.

In fact, when George Bush was asked whether or not, under his program, seniors could expect a guaranteed minimum income, George Bush told America's seniors, and I quote, ''maybe; maybe not.''

That is not a risk that America's seniors should be forced to take. Just let me say, because I said at the outset, one of the bedrock principles of Social Security has been this guaranteed annual income. We turn Social Security on its head if we can no longer guarantee an annual income to seniors, so that this proposal, in fact, turns that principle on its head; does not make that guarantee and in addition to that increases individual risk.

Now, the reason, one of the principal reasons, why Mr. Bush is forced to gamble with the retirement of America's seniors is because instead of using the historic budget surplus that we have, and it is historic, we have not seen a budget surplus in the last several decades, Governor Bush proposes to spend the bulk of that surplus on a trillion dollar tax cut that by all accounts, not my account, by economists, by some of the leading conservative publications, by the Wall Street Journal and others, is that its primary beneficiaries are those who are at the upper levels of the income scale, some of the wealthiest people in the United States.

Now it is all right to think about giving people a tax cut, and I am a big supporter of tax cuts, but tax cuts that focus on working middle class families and not those who are doing well. That is not to say that they should not do well or they should not receive some acknowledgment or benefit from that wealth, but at this particular moment in the history of our country that is not where we ought to direct our attention.

What we ought to do with the surplus is take this opportunity to strengthen Social Security, to strengthen Medicare, to build on Medicare with a prescription drug benefit, pay down our debt, thereby helping to lower the interest rates in this country, which directly benefits families who are struggling with mounting bills and credit cards and education loans and car loans. That is how we ought to utilize that surplus, in my view.

It is the wrong kind of reform to take this surplus and focus it in on a trillion dollar tax cut. It is wrong for America's seniors and it is especially wrong for women.

A more prudent plan would be to invest that surplus in Social Security. Let us not gamble with it, with the ups and downs of the stock market.

We have seen in recent weeks and months about the fluctuation of the stock market. If we act now to use this historic opportunity, we can use the budget surplus to pay down that debt; to use the interest to strength Social Security; to protect its solvency through the year 2050. This is a sure bet. It is a sound investment for America's future and for America's seniors.

There are two visions of Social Security's future. One of the plans strengthens Social Security by using the budget surplus to pay down the national debt, using the savings from the interest to strengthen Social Security and extend its life. The other, in my view, jeopardizes the Social Security system by using the budget surplus for a tax cut.

We are at a critical moment in a debate and dialogue, and I encourage people around the country to think about this issue, to make their voices heard on this issue.

I want to try to provide a few specifics with regard to women and Social Security. I talked about women earning an average of 75 cents for every dollar that men earn, and women earn an average of $250,000 less per lifetime than men. Three-quarters of widowed or unmarried elderly women rely on Social Security for over half of their income. Women spend less time in the workplace because they take an average of 11.5 years out of their careers to care for their families. Social Security helps to compensate for this in the following ways: Social Security provides retirement benefits that equal half of a husband's benefit. Divorced homemakers who are married for at least 10 years can also receive these benefits. For widows, Social Security provides benefits equal to 100 percent of their husband's benefits. By working parttime, women reduce the amount of funds they can put away for retirement or their eligibility for employee-provided pensions. In 1996, 49 percent of women between 25 and 44 were employed full-time, compared to 74 percent of men. That information is taken from the Institute for Women's Policy Research in a publication called the Impact of Social Security Reform on Women.

□ 2100

In 1996, almost one-third of women between 25 and 44 were employed parttime compared to less than one out of five for men. Because women do take time out to care for their families, and because they only earn 75 cents for every $1 that men earn, women will have much less to invest in private retirement accounts.

Privatization, as has been suggested by George Bush, would cut spousal benefits by one-third, leaving many wives at near poverty level and penalizing them for taking time out of the labor force to care for their families.

This notion of privatization is very dangerous for women. While it is suggested today that there only be 2 percent of the benefits invested in private accounts, there is some information that George Bush talked about with reporters over the last couple of days that in fact could lead, that his plan could lead to complete privatization of social security. Let me just mention some of this information.

On May 17, George Bush said it was possible that workers would eventually be allowed to invest their entire social security tax, not just a portion. The Houston Chronicle reported, ''Bush on Tuesday said his plan to create private savings accounts could be the first step toward a complete privatization of social security.''

The New York Times reported, answering a question about his plan, that Mr. Bush said, ''The government could not go from one regime to another overnight. It is going to take a while to transition to a system where personal savings accounts are the predominant part of the investment vehicle. So this is a step toward a completely different world, and an important step.'' That was reported in the New York Times on May 15.

The other information here that I think, when asked the question about whether or not Americans could lose money through the plan that he proposed, he said that it was ''conceivable that a worker taking advantage of the investment accounts would get a lower guaranteed income from social security.''

The New York Times reported that, and I quote, ''Bush also refused to say how much benefits might be reduced for workers who created private investment accounts. 'That is all up for discussion,' Mr. Bush said.'' That was reported in the New York Times on May 17.

As I said earlier, as reported in the Dallas Morning News, ''Asked whether he envisions a system in which future

beneficiaries will receive no less than they would have under the current system, Mr. Bush said, 'Maybe, maybe not.' ''

He has also admitted that he has not accounted for trillion dollar costs in making a transition to this new program. He acknowledged that he has not fully accounted for the cost of moving from the current system to his proposed one, costs that Vice President GORE pegs at $900 billion.

It is not only the Vice President that has pegged these costs at a high rate, but we can again look to conservative publications, economists, people who understand what the transition would mean, and the millions of dollars that it would cost and billions of dollars that it would cost to make that transition.

The Washington Post reported on May 11 that, ''The plan laid out by George Bush leaves out one of the most important factors, the cost. According to a new report published by the Center for Budget and Policy Priorities, Bush's privatization plan would cost $900 billion over the first 10 years. These costs occur because the social security system must simultaneously pay out current benefits while privatization drains over 16 percent of the amount of money coming into the system. Combine this with the costs of George Bush's nearly $2 trillion tax cut, and the Bush plan will leave multitrillion dollar debts as far as the eye can see.''

The essential issue here is that there is not any question that we must do something to make sure that we strengthen and protect the social security system in the future because of what it has meant in the lives of working Americans.

Today, two-thirds of seniors rely on social security for over one-half of their income. We cannot play fast and loose with reform of the social security system. At a time when we need to make the reforms, we have a clear opportunity, given the historic surplus that we have.

In a prudent society and in a commonsense society, it makes all the sense in the world to say, let us take this opportunity to put the twin pillars of retirement security, social security and Medicare, on the path to real stability for today's people who need to take advantage of these systems and are eligible for them, and for those who come along in the future.

That is what I am trying to suggest here this evening, as well as to make the point that, particularly for women in our society, if we play fast and loose with the social security system, we will increase the ranks of poor older women.

Today one of the largest groups of our society who in their later years find themselves in poverty are older women. We should not compound that problem at this moment in our history, not when we have worked so hard and diligently to try to put our fiscal house in order.

Mr. Speaker, I call on my colleagues and I call on the American people to engage in this debate and in this discussion, and pay particular attention to what happens to women in our society as we go about trying to reform our social security system.

THE SOLVENCY OF SOCIAL SECURITY AND THE ISSUE OF HEALTH CARE AND PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I wonder if the gentlewoman from Connecticut (Ms. DELAURO) would like to enter into a discussion, if she has some time for a little bit.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I would be happy to, Mr. Speaker.

Mr. GANSKE. I think we could have a very unusual discussion tonight.

I had originally thought about talking about a case of HMO abuse that was highlighted today in the Los Angeles Times about a 74-year-old woman who died of a ruptured aortic aneurysm, and maybe if I have some time after a while I will do that.

I was very moved by your presentation on social security. I think it is a very, very important issue. There is no doubt about it, that elderly women depend on social security in order to stay out of poverty. The statistics of the gentlewoman from Connecticut are very similar to Iowa, and maybe even more so in Iowa, because Iowa has the largest number of people over the age of 85 percentage-wise of any State in the country, and the majority of those people are women and widows.

Some of them have to choose. They live on that social security check, and they are now in the situation where they have to choose between their rent and some of their medications, so prescription drugs are involved in this. I think we could agree on some facts, and so I would like to get the gentlewoman's feedback on some of this.

The Social Security Advisory Committee's report says that as the baby boomers move into retirement in about 25 years, or the baby boomers start to retire about the year 2011, at which time my group and the gentlewoman's group will be retiring at one every 8 seconds, by about the year 2025, the trust funds are empty, and we will be faced with a couple of choices based on current projected income from the social security tax, which is 12.4 percent combined for individual and from their employer.

That is, we would either need to reduce benefits by about 25 percent at that time, because of such a large number of baby boomers in retirement, or, because, as the gentlewoman pointed out I think very correctly, we will have significantly reduced numbers of workers, maybe even at the point of two workers for every retiree, then another option would be to raise the withholding, their work tax, their payroll tax. We might have to do that by as much as 50 percent.

The third option that the Social Security Advisory Committee talked about, and about a year ago offered three different scenarios, was whether in fact we could increase the rate of return on the funds that are going in.

Senator KERRY and Senator MOYNIHAN have proposed, and I have gone around my district for the last couple of years talking about Senator KERRY's proposal and actually utilizing some of his computer programs, they have proposed essentially a payroll tax cut of 2 percent of that 12.4 percent, so that would be about a 16 to 18 percent payroll tax cut.

Part of the reason that they have done that is because, for the average working person, not the person who has invested in the tech stocks, the most taxes they pay are their payroll tax. The people that the gentlewoman and I represent that are the average workers out there, they pay more in payroll tax than they do in income tax or any other taxes.

So there is an appeal, I think a bipartisan appeal if we are looking at a tax cut, in order to direct that toward those who need it the most, and those who need it the most are the ones where the biggest part of their taxes are coming from their payroll tax.

I am just interested if the gentlewoman from Connecticut is in agreement with me so far.

Ms. DELAURO. Mr. Speaker, the gentleman's assertions at the outset about where we are going and what is important about when the baby boomers retire is accurate. I agree with that.

What I think we have to deal with is how in fact we use the issue of, again, the surplus to assist this process. And we cannot count on this, but the fact of the matter is if we continue the rate of growth that we have been at in the last several years, which has been pretty sustained, and I understand that we cannot totally rely on that, one could project that in fact that rate of growth over the next number of years could allow us to really correct the social security problem that we have with the baby boomers moving into retirement.

So there are a number of scenarios, without talking about cutting people's benefits or raising the eligible age. I think there is merit to thinking and talking about the payroll tax and cutting that back. It is up for discussion.

Maybe we are in the same mode. This notion of this 2 percent that we put in these retirement accounts, my view ultimately, this winds up increasing a deficit situation that we have. It also means that at some point we have to draw on general revenues and so forth.

□ 2115

So the current proposal that is being made I find to be troubling in this sense that I have expressed on that, and I think that there is room to have a discussion on what we want to do and where we want to go on this issue.

Mr. GANSKE. I agree with the gentlewoman, let us say that you did set up personal accounts, and how you do that is open to debate, but let us say that you did that, you reduced the average payroll tax for a worker; let us, say, number one that we are not going to change the benefits for anyone over the age of 50 or 55, but let us say you set up personal accounts with 2 percent, with that 2 percent of the 12.4 percent, my point would be that that is in their name, and as Senator KERREY says, my goal is to help everyone in this country become richer.

That is an automatic increase in wealth for them, but the gentlewoman is absolutely correct. If you take 2 percent out of that 12.4 percent, that is about $1 in $6 of current revenues going into Social Security that is not in that trust fund.

Ms. DELAURO. That is right.

Mr. GANSKE. And we are in agreement on that. I think that there is a way to do a compromise on this issue, because I think Members of the Democratic side, your side and my side, would both like to see all Americans be wealthier. We probably both would like to see especially the people who are paying the most portion of their taxes in the payroll tax have some tax abatement.

The question then becomes, and this is where you are talking about the transition costs on this, and this is the $1 out of $6, that if you did this 2 percent, where would you make that up? I would suggest that the compromise on this between the parties, and we are certainly not going to work out this issue tonight, but it is something I think for people to think about, is if the economy continues to do so well and we have the surplus, then I would use part of that surplus to cover that transition costs of the payroll tax cut, so that for every dollar that you are providing for a payroll out of the $6, to go into a personal account, you replace in that trust fund with part of the surplus.

I am just curious as to what the gentlewoman would think about that.

Ms. DELAURO. Again, you can, over a certain period of time, deal with funding the credit with the budget surplus, and the gentleman could get it. There are reports out there about that, the gentleman could probably get yourself between now and 2015 where the gentleman might be able to do that, and again, the Center for Budget Priorities talks about 2015 to 2030 where the credit would be financed through spending cuts or larger deficits.

And, again, this is a proposal, a similar kind of a proposal that Martin Feldstein has made in terms of partially privatizing Social Security; by his own, estimate, the credit would be financed with higher tax revenues, which would have to be generated by higher tax rates of national savings and investment translated in terms of corporate profits, so that you are then dealing with a situation, if you will, in what we call the outyears here of either dealing with higher tax revenues or, again, some rate of national savings which there is not a guarantee of.

Mr. GANSKE. As the gentlewoman I think rightly pointed out, those outyears, the farther we get out, a lot of that will depend on exactly whether our economy continues to be as strong, what kind of economic growth, what, in essence, I am suggesting is that if we are, I think the gentlewoman, as she said, is in favor of some tax cuts, if we are looking at devoting some funds for tax cuts, why do we not devote those tax cut funds or a large portion of it to relief on the payroll tax, which is the tax which hits the average American the hardest?

I am not speaking for anyone else on the Republican side.

Ms. DELAURO. I understand that.

Mr. GANSKE. This is just purely an idea I have been tossing around in my mind and how do you do this.

Ms. DELAURO. Well, if you are going to deal with cutting back, where does the gentleman continue to be able to finance the effort, which is what is ultimately, in my mind, and when we start to talk about other proposals on Social Security, is that if the gentleman then looks at the utilization of the surplus, or the gentleman wants to do it in one way by bringing down the payroll tax.

Mr. GANSKE. I would use part of the surplus for a payroll tax.

Ms. DELAURO. That is right. But if the gentleman utilizes this in terms of where is the greater gain, I do not know, because I do not know the intricacies and where it comes out with what the gentleman is suggesting. But if you are paying down the debt and thereby reducing interest rates and costs and then utilizing, I mean, it just seems to me that in terms of overall fiscal policy, I am not an economist, that the gentleman is then dealing with a much greater financial stability by being able to pay down that debt over a period of time which has a whole variety of different ripple effects in the economy when that interest rate comes down and what people can do and what business can do, et cetera, and the whole litany of the multiplier effect on all of that. So that seems to me to be a better direction for us to head than to look at personal accounts, which, again, I think leaves people at the mercy of a stock market and whether or not they are proficient in being able to invest.

I cannot imagine, I do not know what the percentage is, but I do not know that there is a very large percentage of people who are so familiar with the stock market that they can do that, and there are those that do and those that cannot, and those that cannot will wind up dragging down those that can in terms of what they will have to make up in terms of lost dollars.

The gentleman is suggesting another alternative here, which I think reasonable people can take a look at and sort out and begin to ask some questions about.

Mr. GANSKE. My constituents back in Iowa tell me that as we look at the surplus, the number 1 thing that they want us to do with it right now is to pay down the debt, number one; number 2, to secure Medicare and Social Security; and number 3, in the context of the surplus, to do some tax relief. And I am just suggesting tonight that there might be a solution between the Republicans and the Democrats that could come about on Social Security, too, where we focus on trying to increase the net worth of every American by letting them keep a little bit of that payroll tax, making up the difference from the surplus, as part of a tax cut, or focused on a payroll tax cut.

This, I think, gets around a lot of the debate that we have seen on where do you put that tax cut, and how the numbers exactly would work out neither the gentlewoman nor I have that data right now, because there are lots of variables that the Congressional Budget Office and others would have to look at in terms of projections for economic growth, and exactly what the dollars would be coming into the Social Security trust fund or not be there if you had that 2 percent reduction.

I am just saying that I think that Republicans and Democrats on both sides of the aisle that have some shared goals, and the number one shared goal I think is Social Security solvency; number 2, maintaining the safety net for those elderly women; number 3, helping every American become richer. I would like to see every American become a lot more wealthy; and number 4, making sure that the younger people who are coming up, the two out of which we will be supporting every one retiree in about 25 years, that we somehow or another figure this out so that we do not leave them with an overwhelming payroll tax to be supporting the gentlewoman from Connecticut and me when we are in our retirement.

I very much appreciate the gentlewoman from Connecticut for just entering into a brief colloquy with me on

this. And I would be happy to yield again to the gentlewoman if she has any further remarks.

Ms. DELAURO. Well, I am pleased as well that the gentleman asked to be able to do this, because I think that there is room for discussion of the issues. Again, it is worrisome that we are, again, in two proposals that have been made in the last several days, which have captured the national attention that I think it is well worth pointing out, and again, in my view, I think one is terribly risky in this sense, as I started out my commentary, is that to somehow turn on its head the notion of this guaranteed annual income, which has been so important to people in their lives. It was not meant to be just that, the only income, but for some people, about a third of the beneficiaries of Social Security, that is the only income that they have, and to somehow tamper with that seems to be moving away from that guarantee that people have believed in.

Then the notion of the savings accounts deals with increasing individual risk, which I think, again, threatens the system. Now, are there alternate proposals that we might consider to get where we want to go in order to make sure that there is that guarantee that does not put people at risk, in which case then you can try to look at how, in fact, we can as the gentleman pointed out increase people's financial wherewithal; certainly, we ought to take a look at that.

I will tell the gentleman that in all of this, in terms of its effect on women and older women in our society, and if we do not go down this road in a very careful way about the unique situation that women find themselves in, then we are going to compound their vulnerability and increase their rate of poverty, and that is not where we want to go and what I see at the moment, in terms of a public policy direction, which has been espoused by Governor Bush, is that that, in fact, is where it leads. And I am not suggesting that is where you are and that there is not room for conversation and debate and discussion on this issue in a way that the gentleman has proposed, and there may be other ways, but it scares me.

Mr. GANSKE. I agree with the gentlewoman that we need to be very careful. And I think it will be, I hope that our parties' respective presidential candidates have a chance to be as civil to each other during a presidential debate on this important issue as we have been.

I also want to thank the gentlewoman for working so vigorously on the children's clothing issue as it relates to whether clothing can catch on fire. She has worked very diligently on trying to make sure that we have safe standards for children's clothing, and I look forward to joining the gentlewoman on this.

I would just close with this, and that is, that I think it is going to be important to talk in a reasoned fashion about where does Social Security go, with the baby boomers coming down the line, I think it is also true, though, that we will need to seek solutions and not just be reactionary and say that no change is the only way to go.

Ms. DELAURO. There has to be change.

Mr. GANSKE. I know the gentlewoman is not proposing that.

Ms. DELAURO. I thank the gentleman from Iowa, and I thank the gentleman, if I just might for one second, and I do not want to take any more of the gentleman's time, is for the gentleman's diligence, your commitment to the health of people in our country and in our society, both in your own profession as a doctor in which the gentleman has really made his own personal commitment, but the role that the gentleman has played in trying to bring us to some understanding and conclusion about patients and the decisions, medical decisions that affect their lives and your hard work on the patients' bill of rights. And I thank the gentleman.

□ 2130

Mr. GANSKE. I thank the gentlewoman from Connecticut.

Mr. Speaker, I am going to save my comments on HMOs for another night, because I am going to yield the balance of my time to my colleague from Colorado, who has important things to say, as he usually does, and so I will yield to the gentleman from Colorado.

SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 30 minutes as the designee of the majority leader.

POINT OF ORDER

Mr. MCINNIS. Point of order, Mr. Speaker. The gentleman, I think, yielded me the balance of his time, which I think would give me an additional 7 minutes. So I would request 37 minutes for the special order.

The SPEAKER pro tempore. Under the Speaker's guidelines, the gentleman from Iowa (Mr. GANSKE) is not allowed to yield to the gentleman, so the Chair recognizes the gentleman from Colorado (Mr. MCINNIS) for 30 minutes.

Mr. MCINNIS. I thank the Speaker for the clarification.

Good evening, colleagues. I have been listening to the discussions. I think we had a healthy discussion, where the gentleman from Iowa and the gentlewoman from Connecticut were having a discussion. But previous to that I was not quite as inspired as some might have been in regards to her attack on the policies of the Governor of the State of Texas, the Republican candidate for the Presidency, in regards to Social Security.

Now, my purpose here this evening with my colleagues is not to talk to them necessarily about partisan politics. That is not the purpose of this podium. My purpose this evening is to talk about an issue that is important and, by the way, not just important for women, it is very important for women but it is very important for young people, regardless of their sex, regardless of their ethnic background.

I tell my colleagues, we are not going to accomplish a solution for Social Security by using fear tactics. Standing up and implying that the women of this country, apart from any other segment of this country, are endangered by Social Security ignores problems that go across the sexes. These are fear tactics that are being launched against senior citizens.

The reality of it is that every one of us in these chambers, every one of us in these chambers knows that today every senior citizen, or every beneficiary of Social Security benefits who is picking up the check today will have the check next month, will have the check next year, and will have the check as long as they are entitled to that benefit. There is not, under anybody's, under anybody's study of Social Security, there is not one beneficiary today who is receiving Social Security funds, whose funds are endangered during the period of time that they are to receive those funds.

It is nothing but pure and simple fear tactics to come out here and somehow try to defend the status quo of a system that is not running well and by doing that implying that people who are on the system today are somehow going to be cut off. Imagine being a senior citizen and hearing from a person in these great halls of Congress the implication that either because they are a woman or because they are a senior citizen that somehow their benefits are somehow going to be canceled because a Republican, the Governor of the State of Texas, has come up with something that changes the status quo.

The recommendation to change the status quo comes because of one reason: Everybody in these chambers, everybody in our country admits that Social Security needs to be improved. How interesting that during the conversation of the gentlewoman from Connecticut she speaks consistently of privatization. Maybe she should speak, maybe we should all speak of personalization. Maybe we ought to look at this Social Security System and, number one, admit that it is not working right and quit being stuck on the status quo.

And by the way, this argument that, well, we are reducing the national debt. How nice, after 40 years of Democrat leadership, 40 years of Democratic

leadership which drove that debt to record highs, which gave us that annual deficit. All of a sudden they have turned a new leaf: Oh, let us reduce the national debt.

Let me tell my colleagues that in my opinion what we need to do is to not look at the fear factor of Social Security. Forget the fear factor of Social Security. Play fair on this. Look at the business factor of Social Security. Let us get down with our pencils and get down there with our pads of paper and figure out how we can improve the system.

I want to give my colleagues a suggestion, a suggestion that everybody in this Chamber, every Federal employee gets to enjoy, and then I want my colleagues to ask after I bring this system out, I want my colleagues to ask why only Federal employees? Why only Congressmen and Congresswomen? Why do they get this benefit and the rest of America does not? Why are we a special class, as Federal employees? We get to choose personalization. The gentleman from Connecticut who spoke up here previously gets to choose personalization. All of us have that option as Federal employees. As Congressmen we have that option to personalize our account. Why can we not look at Social Security and compare it to the system we have?

By the way, the system we have works very well. It is not broken. My guess would be that every one of my colleagues on this floor who is eligible for what we call Thrift Savings is in it. We are in the program. And my bet is that every one of our employees are in that program. Now, it is an option to go into that program. It is also my bet that most Federal employees are in that program. Why are they in that program? Because it works. They had a choice. It works and they get some choice in the program. They get to personalize it.

That is what George W. Bush is talking about. Frankly, I compliment him. We need somebody to stand up. Social Security in an election year is one hot potato to deal with. It is tough. And here we had somebody who had the courage to stand up and put out a plan that I think is pretty bold, a plan that I think has a lot of inspiration and initiative to it.

So let me tell my colleagues a little about the kind of plan that we have here on the floor, our Federal Thrift Savings Plan. It is really broken down into two parts. As a Federal employee, and let me speak more specifically, as a United States Congressman, we get every month a certain amount of money taken out of our pay that is put in for retirement. We have no choice where that money is invested. We have no choice how that money is invested. We cannot put our hands on that money. That is the safety net. But the second option we have is what is called Thrift Savings, and that is the kind of direction that is being proposed to look at for Social Security.

Now, what does the Thrift Savings do? A Federal employee, or a Congressman, let us take myself for an example, I, SCOTT MCINNIS, have the option every month of taking a certain percentage of my salary and putting it into the Thrift Savings program. Now, once it goes into the program, my personalization really begins. At that point I get to make a choice. No one else chooses for me. My employees do not choose for me. The bureaucracy does not choose for me. I get to have a personalized account.

And I have three basic options. I can take a high-risk speculative stock investment, and in the last several years that has made an enormous return, sometimes 24 to 48 percent. I do not have the exact figure, but it is a tremendous return. I can go into a little bit lower risk with the second option, which are bonds; or I can go into a guaranteed fund, which has a low interest.

Remember, interest is based on risk. The higher the risk, the higher the rate. The lower the risk, the lower the rate. So I can go into the most conservative of the three options, and it is guaranteed, but it does not return a lot of interest.

Now, when we take a look at what we have, and what has been suggested here, I am frankly surprised that the Vice President, under his policies, although 6 months ago he was in favor of something like this, in the last week and a half, frankly because of the politics, that his policy is stick with the status quo.

My good friend, the doctor here, the gentleman from Iowa (Mr. GANSKE), and I compliment him, as being a doctor, I admire him for that background.

Mr. GANSKE. And if the gentleman, when he gets a chance, would yield for just a minute.

Mr. MCINNIS. I will in just a moment, but let me go over a few statistics that the gentleman brought up.

The gentleman before me talked about what are some of the difficulties that we face with Social Security today. What are causing some of the problems? It is pretty simple. It is demographics. In 1935, when our Social Security System was put into place, we had 42 workers for every retired person over 65. Today, as the gentleman highlighted earlier, we have three workers for every retired person.

Now, as a compliment to the health care system of this country, when Social Security was first put into place, a man could expect to live to be 61 years old, a woman could expect to be 65. But because of health care and taking better care of ourselves and so on and so forth, that has gone up tremendously. So now people are living longer. The result of this has been that throughout this period of time we have had people who have refused to make those kind of adjustments. We had elected officials who continued to defend the status quo and shove it on to the next administration.

Well, I think it is time we take a stand and say we are not going to stand for the status quo. This Social Security System owes something to the women, absolutely, but we owe it to the women and we owe it to every citizen in the United States to stand up now while the system still has a positive cash flow and make commitments to move off the status quo and improve our system. And the beauty of it is we do not have to invent something brand new. This is a trail that has been traveled. The snow has been plowed. We have this system, the Thrift Savings system currently used by every Federal employee, or at least given as an option for every Federal employee, and that system works.

In just one minute I will yield to the gentleman from Iowa, but let me ask my colleagues, and I wish I had the time to go around individually to every Member and ask them, since they get the Thrift Savings option, what is so wrong with us at least having good discussion about the people who are on Social Security or the people who will be on Social Security, our young people or now the generation behind me who is in the working place, what is wrong with asking that generation if perhaps they would not like to personalize their account? Tough answer.

I would be happy to yield to the gentleman.

Mr. GANSKE. I appreciate the gentleman's comments, and I agree with him totally that Governor Bush, to his credit, has had the courage to talk about the future retirement of the baby boomers. This is, I think, going to be a significant debate, and it should be.

In the past, any politician that would touch Social Security, it has always been called the third rail of politics, Governor Bush deserves an awful lot of credit for the courage to talk about what are the options.

As we know from the Social Security Advisory Commission, the options are, with all the baby boomers coming down the road, we either, for those baby boomers, and we are not talking about current beneficiaries. The gentleman made that point clearly, but I want to emphasize it. We are not talking about current beneficiaries, we are talking about when the baby boomers retire.

But for the baby boomers, with our huge numbers coming down the road, the Social Security Advisory Commission has said that our options are one of three: We are either going to have to reduce benefits by 25 percent for the baby boomers, not for current beneficiaries; we are going to have to increase payroll taxes for those workers

at that time, these are our children that we are talking about; or we somehow or other work to help every American in retirement be wealthier, to have some type of increased return on investment.

□ 2145

Now, that Social Security advisory commission was made up of people representing labor unions, accountants, businesses, leaders from all across the spectrum. They had three separate proposals for how you would increase the return, and they vary in some details. But all of them agreed, all three of the solutions agreed that the first two solutions were not so great, and that was to either reduce benefits or to increase taxes. And so I commend the gentleman for giving an analogy, because our thrift, the Congressional Thrift Savings Plan is equivalent to a 401(k) in the private community. And it is something that we can elect to do. And if you are wise and you are looking at your future pension requirements, you will take some of your current salary and put it into that 401(k), just like people in businesses, corporations, employees do.

But the analogy is very apt in terms of the choices that we have, because that is one of the ways in which you could set up these personal accounts in Social Security, and, that is, that, number one, the government does not own those accounts, individuals do, and that is important because you do not want the government to own half or three-fourths of the stock market. Then the government can control investment. I do not think that the government necessarily makes wise decisions in investments.

So that is important. But there are mechanisms whereby through certification of funds that can help keep the administrative costs low. That has been something that people have criticized these accounts about. There are choices that can be offered to individuals. Let us say that you are younger, maybe you want to put that account into a growth fund for a while but then as you grow older you want to be more conservative so you switch it into a bond fund. Those are things that Americans have learned to do. And I think it is correct that over extended periods of time, you gain about twice or three times the return through the market. We are just talking about, though, a small percent and we are still talking about maintaining that safety net that is very important.

Mr. MCINNIS. The gentleman made a very clear point at the very end, and, that is, on the thrift savings, there is an amount of money that goes into our retirement every month we cannot touch. That money is guaranteed. So even if on our personalized account we mess up, we still have a safety net. I would ask every one of my colleagues in here, for example, if the gentleman or I won a million dollars in the lottery and we decided consciously that we wanted to take that $1 million and invest it for our future retirement, how many of us would take that $1 million and turn it over to Social Security and say, ''Hey, why don't you take the million dollars I just won and why don't you invest it because I've got confidence that when I get 65 you're going to have that million dollars and you will have taken good care in the investment of it.'' There is not a person in this country that is going to do it.

That is why when I listened to the previous speaker, let me say with all due respect to my colleague, that you cannot maintain the status quo. The Vice President has been very clear in his position. He wants the status quo. Now, look, things have changed. We have got a new economy out there. Take a look at the State of Florida last week. The State of Florida took 650,000 State employees and said, hey, we are going to let you go into your own, essentially what is a 401(k) program. We are letting you come out. You can come out to a Corporate Life 401(k) system. They get up to eight mutual funds to invest in. Ohio and Kansas are right behind them.

The States realize this. The employees realize this. The women, the children, the workers, they realize this. It is time to take a bold move. When we speak of bold move, as the gentleman stated, we are not talking about taking all of your Social Security money and putting it in, bulk, into this. We are only allowing a transfer of 2 percent. But that is considered bold when you are dealing with the status quo.

Let me mention a couple of other things because my good friend brought them up. The program that the Governor of Texas, Mr. Bush, has proposed had several principles. You hit on a few of them but that is what that Social Security panel said was necessary. Number one, modernization must not change existing benefits for retirees or near retirees. The current retirees are not going to be impacted by this. Their future is secure. And so are the expected retirees.

Mr. GANSKE. If the gentleman will yield, the retirees, for instance, people who are 50 or 55 years or older, because we all recognize that you cannot change the system for them. They would not have sufficient time to build up additional reserves.

Mr. MCINNIS. Reclaiming my time, the window of opportunity is too narrow. That is acknowledged.

It is kind of common sense, the next thing, that the Social Security surplus must be locked away for Social Security only. As you know, when these Democrats, frankly, the leadership, had control of this budget for 40 years, they used the Social Security money for other purposes. It is the Republican bills that changed the status quo and said, wait a minute, let us put Social Security money for the purpose of Social Security. Social Security payroll taxes must not be increased. That is another condition. The government must not invest Social Security funds in the stock market, the very point the gentleman made 3 or 4 minutes ago.

Modernization must preserve the disability and survivor components. Modernization must include individually controlled personalized voluntary, and ''voluntary'' is the key word, personal retirement accounts which will augment, supplement the Social Security safety net.

I wish my colleague were here. I would say what is wrong with any one of those elements. But let me say, if we adopt any one of those single elements, we move off the status quo. You have got to be willing to save Social Security, and to improve that system you have got to put your stubbornness aside, Democrats, and be prepared to accept some of these principles. And what is wrong with any one of them? There is not one of those principles I mentioned that they would disagree with.

Let me say that I am not attempting up here to throw out partisan warfare but I am saying, there is a clear difference, and as my colleague who is a Democrat who spoke earlier, she also said there is a clear difference between the two, and I think it is important for us to distinguish between these two plans. One supports the status quo and the second says we have got to make some type of improvement. The improvement is based on those conditions I mentioned.

Again, just recapping, how many Members in here are not in thrift savings? We all enjoy thrift savings. It is a voluntary program, it is a personalized program. Likewise, how many of us in these chambers would be willing to give Social Security a million dollars of our own money to invest and plan for our retirement?

Mr. GANSKE. I think it is important to note that 6 months or so ago, President Clinton and Vice President GORE talked about a plan to utilize a portion of that payroll tax to go into personal accounts. There were some differences in terms of the mechanics that they were talking about, but I think it is clear as we look at the demographics coming down the road that the status quo, doing nothing, just is not going to work.

Now, when we look at, let us say taking 2 percent out of that 12.4 percent and moving it into a personal account, that means that there are going to be some decreased dollars going into the Social Security trust fund for that transition. I have a hard time understanding why the Democrats who constantly talk about trying to direct tax cuts to those who need it most do not

seize on this. Look, the people that we, Republicans and Democrats, both would agree need that tax cut the most, the working Americans where their payroll tax is the biggest chunk of tax they ever pay, why not give them, as Senator BOB KERREY has said, a payroll tax cut.

Mr. MCINNIS. A Democrat, by the way.

Mr. GANSKE. A Democrat. And then use part of that surplus that we all want to keep coming in, use part of that projected surplus to make up the difference. That is a tax cut. That is a tax cut for the people who need it the most. That is also helping every American who is working and paying payroll taxes become richer. As Senator BOB KERREY says, my goal is to help every American in this country become wealthier. And the way to do that is to set up these personal accounts while at the same time preserving that safety net for those who are currently in the program and for those who are coming into the program in, say, the next 10 or 15 years. And I think that you can do it. If we look at the surplus that is coming along, if we look at the projections that have been done already through CBO on plans that are like this. I just do not buy this, quote, this risky language that we hear all the time.

As the gentleman said earlier, those are scare tactics. We need to have a civil, calm discussion and try to achieve goals that are common to both sides. But I think simply saying that the status quo is the only way is not recognizing what the experts from the Social Security advisory commission are telling us. They are warning us this.

Mr. MCINNIS. One thing we should discuss with our colleagues before they join on with the Vice President and talk about how reckless and how fearful it is, remember, it is a little hypocritical for any Federal employee to talk about the Bush proposal or the committee's proposal as reckless when in fact we enjoy the benefits of the thrift savings program which does exactly what we are posing in a smaller fashion Social Security head towards.

In other words, I am not sure I have heard any complaint from any of our colleagues, and I certainly have not heard any of our colleagues calling our own thrift savings which is exactly what the gentleman is talking about but as the gentleman knows we have it in place, I have not heard any of them say this is a reckless, terrible deal. In fact, my colleagues keep asking, why can I not contribute more? We would all like to put a little more into this. This is a good idea. That is the direction that I think we are headed.

I read the Wall Street Journal, they had an editorial yesterday, and it is called Grabbing the Third Rail. The reason I reference grabbing the third rail is it talks about the hot potato. It talks about the fact it is time somebody who wants to be the leader of this country, the President of this country, step forward and take a leadership role and say, ''Look, we have got a storm out there, we can't sit at home in the harbor. Somebody's got to take their ship out there and get to the other side.''

Now, what is interesting in this particular editorial is they talked about the fact that there has been some criticism, no details, not enough details. They give four or five websites that you can go to on your computer and these websites even have a calculator built in on them, so that you can figure out what would happen to you as an individual person. I will not go through all of them although I intend to next week because I plan on giving another speech in regard to Social Security because as the gentleman and I previously discussed, it is important. But let me give one of them: socialsecurity.org/index.html. That provides a lot of the detailed information that we are talking about this evening.

I can tell the gentleman that when I mention the Vice President's policy, that policy parallels the policy of the Democratic leadership. Fortunately, not all the Democrats are agreeing with the Democratic leadership. We have a number of Democrats, including as my colleague mentioned Senator KERREY who are saying, ''Wait a minute, you can't stick with the status quo.'' Come on, let us get off these fear tactics. Let us talk about business tactics. We have to change the business model, just the same as businesses throughout our country are changing the business model to deal with the Internet. We have got to do it. This system is 65 years old. Although it is in a cash flow right now, positive cash flow, as we both know, on an actuarial basis, this deal is in trouble.

□ 2200

But we got time to save it. The beauty of what we are doing right now, our conversation today is we are not worried about a fund that is going bankrupt tomorrow. For a change, finally, for a change, you have got elected political government officials in this country talking in advance of the crisis about what to do to avert the crisis.

A lot of times the government responds after the crisis occurs. Here at least we have had the foresight for you to look at your children, myself to look at my children, and say hey, we better do some planning for these people.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the guidance given to the Chair by the majority leader, the Chair now recognizes the gentleman from Colorado (Mr. MCINNIS) for an additional 7 minutes, which is the remainder of the hour reserved for the leadership.

Mr. MCINNIS. Mr. Speaker, I yield to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I thank the gentleman for yielding.

As I mentioned earlier this evening, for the last several years, as I have done my town hall meetings around my district, I have actually taken a computer program, run a laserpoint off it, the program I borrowed from Senator BOB KERREY, who is a Democrat, who talks about the impending age wave and the Social Security Advisory Commission's recommendations. We have had discussions across the 4th Congressional District in Iowa about this.

For 2 years at least I have been arguing that we need a presidential candidate of courage who would bring this up, who would be willing to take a risk, to have a full and public debate on where we go with probably the biggest issue that is facing our country, as well as all of the other developed countries, and that is how do we deal with the pension requirements of the baby-boomers in the next 20 to 30 years?

So we finally get a candidate like this. Governor Bush should be given a huge accolade for being willing to bring this to the forefront of the presidential debate. There is no question about it, they knew fully down in Austin, Texas, that they were taking a risk by bringing this important issue up, because this has been an issue that politicians have been afraid of.

Well, we finally have a presidential candidate who has been willing to take that risk, because this is the biggest issue facing our country in the next 25 to 30 years, and, as the gentleman from Colorado pointed out, you need time, time, to effect changes, to bring up the wealth of the average American, to make sure that the system is solvent. You cannot just take care of it when it is all of a sudden bankrupt, or else you are going to have huge shifts and significant pain, both on the part of the beneficiaries and on the part of the payees at that time.

Now is the time. This is the election to make a determination and have a debate on this issue, that we can then take into the year 2001 and say we have had this debate, and, if Governor Bush would become President, then we will have an opportunity to effect the type of changes that will be very important in order to make sure that the elderly continue to receive their benefits, in order to make sure that the young are not going to be faced with 50 percent payroll tax increases at that time.

This is hugely important, and I am immensely proud of Governor Bush for having taken this risk, because the easiest thing to have done with his lead in the polls would be to play it safe, to just ride it out, to take into account ''Clinton fatigue'' or whatever else

might enter into this election, and to bring honesty to the White House. But, instead, he has taken a bold step on this, and I am really proud that we have a candidate who has brought this to the debate, because I am sure this is going to be a major focus of debate in every presidential debate.

Mr. MCINNIS. Mr. Speaker, the gentleman is absolutely correct. The first step we have to take is, I used to practice law, and when you put on a defense, I did not do any criminal law, but even when you put on any kind of defense, it has to have some credibility. How can you stand up and credibly defend the current system that we have? How can you look at the young workers and how can the vice president and his policies and his policy for Social Security, how can he look at the women of the country or young workers and say I am going to defend the status quo, I am going to defend the current system?

You know what, it does not sell. It is not credible. I urge both sides of the aisle to get together and at least have enough courage to say, because we are beneficiaries of it, we get to use the Thrift Savings Program, that we at least have enough courage to stand out there and say, you know, what is wrong with looking at change? What is wrong with trying to suggest some improvements for the Social Security system? What is wrong with doing like Federal employees, all the Federal employees get to do, and that is personalize their accounts? What is wrong with standing up and figuring out, hey, there is a better way to do it?

We are not saying dump this system. We are saying improve this system. We are certainly not saying, as the gentleman has said, we are not saying threaten anybody currently on the system. Not at all. In fact, I think most people we talk to out there want us to improve the system. They want a system like every one of us sitting in this hall tonight are benefits of, a Thrift Savings Program. We get personalized choices, and yet we have a safety net back there. We have an obligation I think to offer this across the country. Every Federal employee gets it. What is wrong with offering it to other people?

In conclusion, I would first of all thank the gentleman for joining me this evening and look forward to further discussions with him. Number two, I think this is a very good topic for the presidential debates, because I think our next President has got to take a leadership role and put this system on a track that improves it, that puts it on a system that our young people, and even people our age, are not talking or have a fear that Social Security will not be there for them. We want a President that will give those people the comfort that that system will be there for them.

So far, frankly, so far the only candidate that has stepped out there and said ''I think I have got the system different than the status quo'' is Governor George Bush of the State of Texas.

Again, I thank my colleague for his participation this evening.

TOLERANCE OF TORTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, if a bill were to come before this Congress asking for the legalization of rape, torture, murder and religious persecution, it would be voted down without question. If our President were to lower the working age to 15 years old and call for 14 hour workdays, 6 days a week, the people of the United States would be outraged.

Why then do so many in this Congress seek to allow trade practices with a country that allows and encourages such atrocities? In the People's Republic of China, these types of events occur every day. This behavior is not punished by the Chinese Communist Party, but it is condoned and encouraged by this Chinese government.

Although the government of the United States obviously has no authority to stop directly this abusive behavior, we do have the ability to check on the human rights practices of the Chinese through our current trade agreement.

The U.S. State Department reports on human rights violations in China, ''Beijing's poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent.'' Even with our investigations into the human rights issue, China has not changed. Even if we do not consider the $70 billion trade deficit or the threat of jobs going overseas to China, we should deny China permanent normal trade relations based on these human rights violations done and allowed by the Chinese government.

Many of the victims of government oppression in China are young children. Two of the main concerns of many U.S. citizens regarding trade with China are child labor and working conditions for all Chinese, especially young women. Chinese are used as cheap labor, often forced to work in awful conditions for abnormally long hours. They are often punished cruelly. Many are tortured brutally, some are raped by their employers.

The Chinese government acknowledges the use of child labor, and while the exact number of child workers is unknown, the number of minors out of school and in the workforce exceeds by far 10 million young people. Companies looking for cheap labor attract apprehensive students with promises of money and success. These children are forced to work in cramped spaces for long hours. Fourteen-year-olds often faint from exhaustion and heat, often working 6 days a week, 16 hours a day.

Not only do the Chinese practice and allow child labor, slave labor is also common in labor camps throughout China. Chinese citizens are kidnapped, they are forced to work, often without wages or food. These workers, often very young, often 40 of them or more, are forced to stay in makeshift houses of less than 20 square meters, with leaking roofs and rat infestation.

If the U.S. allows China to obtain PNTR, then we are accepting the outrageous treatment of laborers in China. Can we in good conscience allow this to happen in this Congress?

One of the founding principles of the United States is freedom from religious persecution. Under communist rule in China, all religious activity must be approved and registered by the government. Religious sects not approved by the government include the Falun Gong and Tibetan Buddhism. The Chinese government has fought hard to restrict both these sects. According to the Students for a Free Tibet Organization, 6,000 Tibetan monasteries and shrines have been destroyed, 600 Tibetan Buddhists are presently in jail for practicing their religion. The Chinese government banned the Falun Gong in July and put tens of thousands of its members in psychiatric hospitals and in prisons for long, long terms. Prisoners are endlessly harassed, beaten and tortured. Often the Chinese government uses hospital and prisons to silence the spiritual leaders of their country.

Not only are the spiritual leaders detained and imprisoned, but so are political party leaders. China continues to harass Taiwan with threats of bombing, simply because they held free elections and are now a Democratic Nation.

The Chinese government attempts to squelch freedom and democracy, the two basic ideals on which our country was founded. Why are we willing to throw away these ideals because of corporate greed by U.S. CEOs? If the U.S. allows China to have permanent normal trade relations, we are condoning China's outrageous denial of human rights. We would not ignore this type of criminal behavior in our own country; we should not ignore these atrocities in China.

We cannot turn our backs on the Chinese people simply because they do not inhabit our shores. We should expect no less from the countries with whom we trade than we do from ourselves. If we want to have a global economy, we should have a global morality. Can we allow the trafficking of women and children in the name of western corporate profit? Can we condone discrimination and abuse against women and minorities for profit?

Mr. Speaker, free trade with China will prove to be very costly for our values, for democracy and for our Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VENTO (at the request of Mr. GEPHARDT) for today and the balance of the month, on account of illness.

Mr. SHADEGG (at the request of Mr. ARMEY) for today after 1:30 p.m. and May 19, on account of attending daughter's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. FRELINGHUYSEN) to revise and extend their remarks and include extraneous material:)

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mrs. CHENOWETH-HAGE, for 5 minutes, on May 23.

ADJOURNMENT

Mr. BROWN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Friday, May 19, 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:

7687. A communication from the President of the United States, transmitting requests for Fiscal Year 2001 budget amendments for programs designed to strengthen the Nation's counterterrorism efforts; (H. Doc. No. 106–239); to the Committee on Appropriations and ordered to be printed.

7688. A communication from the President of the United States, transmitting requests for Fiscal Year 2001 budget amendments for the Department of Defense; (H. Doc. No. 106–240); to the Committee on Appropriations and ordered to be printed.

7689. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Annual Reporting and Disclosure Requirements (RIN: 1210–AA52) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7690. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7691. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Delegations of Authority and Organization—received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7692. 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; Effective Date of Requirement for Premarket Approval for Three Preamendment Class III Devices [Docket No. 98N–0564] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7693. 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 and Codification of the Stainless Steel Suture [Docket No. 86P–0087] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7694. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology-Urology Devices; Effective Date of Requirement for Premarket Approval of the Penile Inflatable Implant [Docket No. 92N–0445] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7695. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lancaster, Groveton and Milan, New Hampshire) [MM Docket No. 99–9 RM–9434 RM–9597] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7696. A letter from the Division Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission and Federal Trade Commission, transmitting the Commission's final rule—Joint FCC/FTC Policy Statement For the Advertising of Dial-Around And Other Long-Distance Services To Consumers [File No. 00–EB–TCD–1(PS)] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7697. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV–080–FOR] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Anti-drug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specialized Aviation Activities [Docket No. 27065, 25148 and 26620; Amendment No. 121–273] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7699. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Annual Suncoast Kilo Run, Sarasota Bay, Sarasota, FL [CGD07–00–029] (RIN: 2115–AE46) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7700. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Regulation; San Francisco Bay, California [CGD11–99–009] (RIN: 2115–AA98) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7701. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Ortega River, Jacksonville, FL [CGD 07–00–023] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7702. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: West Bay, MA [CGD01–00–018] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7703. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Regulations: Harlem River, Newtown Creek, NY [CGD01–00–121] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7704. A letter from the Chief, Office of Regulations and Adminstrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Drawbridge Regulations; Mississippi River, Iowa and Illinois [CGD 08–99–069] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7705. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK [CGD17–99–002] (RIN: 2115–AF81) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7706. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08–99–071] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7707. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Monticello, IA [Airspace Docket No. 00–ACE–5] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7708. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arrius 1A Series Turboshaft Engines [Docket No. 99–NE–42–AD; Amendment 39–11650; AD 2000–06–09] (RIN: 2120–AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7709. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grand Island, NE [Airspace Docket No. 99–ACE–56] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7710. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Merrimack River, MA [CGD01–99–029] (RIN: 2115–AE47) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7711. A letter from the Chief, Office of Regulation and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Sunken Vessel JESSICA ANN, Cape Elizabeth, ME [CGD01–00–120] (RIN: 2115–AA97) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7712. A letter from the the Legislative Special Assistant, the Veterans of Foreign Wars of the U.S., transmitting proceedings of the 100th National Convention of the Veterans of Foreign Wars of the United States, held in Kansas City, Missouri, August 15–20, 1999, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 106—238); to the Committee on Veterans' Affairs and ordered to be printed.

7713. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Technical Correction; Description of Gramercy, Louisiana, Boundaries [T.D. 00–27] received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7714. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Rev. Proc. 2000–22] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7715. A letter from the Deputy Executive Secretary, Center for Health Plans and Providers, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Coverage of, and Payment for, Paramedic Intercept Ambulance Services [HCFA–1813–F] (RIN: 0938–AJ87) received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1304. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act; with an amendment (Rept. 106–625). Referred to the Committee of the Whole on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 505. Resolution providing for consideration of the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–626). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 506. Resolution providing for consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 106–627). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. FILNER, Ms. BROWN of Florida, Ms. CARSON, Mr. REYES, Mr. RODRIGUEZ, Ms. BERKLEY, Ms. BALDWIN, Mrs. MEEK of Florida, Ms. PELOSI, Mr. ABERCROMBIE, Mr. BAIRD, Mr. GREEN of Texas, Mr. HOLDEN, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Mr. SANDERS, Ms. LOFGREN, and Mr. GONZALEZ):

H.R. 4488. A bill to amend title 38, United States Code, to provide benefits for children of women Vietnam veterans who suffer from certain types of birth defects, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself, Mr. REYNOLDS, Mr. UPTON, Mr. DELAY, Mr. BONILLA, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. QUINN, Mr. MCHUGH, Mr. LAFALCE, Mr. HOUGHTON, Mr. SAM JOHNSON of Texas, Mr. REYES, Mr. METCALF, and Mr. YOUNG of Alaska):

H.R. 4489. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

By Mr. LAFALCE (for himself, Mr. LEACH, Ms. WATERS, Mr. FRANK of Massachusetts, Mr. VENTO, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. SANDERS, Mr. GUTIERREZ, Mr. BENTSEN, Ms. HOOLEY of Oregon, Ms. CARSON, Ms. LEE, Mr. MASCARA, Mr. INSLEE, Mrs. JONES of Ohio, Mr. GONZALEZ, Mr. CAPUANO, Mr. FROST, Ms. ROYBAL-ALLARD, Ms. RIVERS, Mr. JEFFERSON, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, and Mr. WEYGAND):

H.R. 4490. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SMITH of Michigan:

H.R. 4491. A bill to authorize appropriations for fiscal years 2001 and 2002 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Ms. LOFGREN (for herself, Mr. HYDE, Ms. KAPTUR, Mr. STUMP, Mr. EVANS, Mr. HOUGHTON, Mr. DINGELL, Mr. BALLENGER, Mr. MOAKLEY, Mr. REGULA, Mr. HALL of Texas, Mr. SKEEN, Mr. DOYLE, Mr. SISISKY, Mr. FILNER, Mr. GILMAN, and Mr. SHAYS):

H.R. 4492. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial; to the Committee on Government Reform.

By Mr. MICA (for himself, Mr. BALLENGER, Mr. GILMAN, Mr. GOSS, Ms. GRANGER, Mr. HUTCHINSON, Mr. KINGSTON, Mr. LATHAM, Mr. MCCOLLUM, Mr. PORTMAN, Mr. WAMP, and Mr. WOLF):

H.R. 4493. A bill to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 4494. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of West Virginia; to the Committee on Commerce.

By Mr. NETHERCUTT (for himself, Mrs. CAPPS, Mr. PORTER, and Mr. LAFALCE):

H.R. 4495. A bill to provide for coverage of all medically necessary pancreas transplantation procedures under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself, Mr. HANSEN, Mr. LIPINSKI, Mr. WELDON of Pennsylvania, Mr. LEWIS of Georgia, Mr. ENGLISH, Mr. SALMON, Mr. PASTOR, Mr. CANNON, Mr. RADANOVICH, Mr. YOUNG of Alaska, Mr. HERGER, Mr. GIBBONS, Mr. STUMP, Mr. SCHAFFER, Mr. HAYWORTH, and Mr. WALDEN of Oregon):

H.R. 4496. A bill to provide for the reintroduction of the Eastern Timber Wolf in the Catskill Mountains, New York, and to authorize the Secretary of the Interior to acquire lands through the Bureau of Land Management to facilitate that reintroduction; to the Committee on Resources.

By Mr. TALENT (for himself and Mr. THUNE):

H.R. 4497. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. BAKER, Mr. KUYKENDALL, Mr. PORTER, Mr. FLETCHER, and Mr. SHIMKUS):

H.R. 4498. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to enhance long-term care and to convene a National Summit on Long-Term Care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Commerce, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 113: Mr. MILLER of Florida.
H.R. 148: Mr. CROWLEY and Mr. RILEY.
H.R. 220: Mr. DUNCAN.
H.R. 353: Mr. MARTINEZ, Mr. PAYNE, and Mr. BRADY of Pennsylvania.
H.R. 363: Ms. SANCHEZ and Ms. LOFGREN.
H.R. 460: Mr. KOLBE, Mr. DEAL of Georgia, Mr. CONDIT, Ms. RIVERS, Mr. DICKS, Mr. CONYERS, MR. GILMAN, Mr. TERRY, Mr. SCHAFFER, and Mr. ABERCROMBIE.
H.R. 488: Mr. WYNN.
H.R. 531: Mr. TAUZIN.
H.R. 632: Mr. GILMAN.
H.R. 1187: Mr. UDALL of New Mexico.
H.R. 1228: Mr. NEY and Mr. HOSTETTLER.
H.R. 1248: Mr. BOSWELL, Mr. HORN, Mr. OWENS, Mr. DEAL of Georgia, and Ms. LEE.
H.R. 1322: Mr. LAMPSON, Mr. CROWLEY, Mr. PETRI, Mr. COOK, Mr. OXLEY, Mr. SHAW, MR. WOLF, and Ms. MCKINNEY.
H.R. 1351: Mr. MILLER of Florida
H.R. 1388: Mrs. MCCARTHY of New York, Ms. BROWN of Florida, Mr. CLYBURN, and Ms. JACKSON-LEE of Texas.
H.R. 1488: Mr. BLILEY.
H.R. 1592: Mr. BURR of North Carolina.
H.R. 1621: Mr. MOAKLEY.
H.R. 1824: Mr. HOSTETTLER.
H.R. 1899: Mr. BLUMENAUER.
H.R. 2002: Mr. DIXON and Ms. LEE.
H.R. 2316: Ms. LEE.
H.R. 2340: Mr. EVANS, Mr. HORN, and Mr. LANTOS.
H.R. 2419: Mr. GALLEGLY.
H.R. 2764: Mr. FATTAH.
H.R. 2801: Mr. LAMPSON.
H.R. 2909: Mr. BENTSEN.
H.R. 2919: Ms. KAPTUR.
H.R. 3059: Mr. GREENWOOD.
H.R. 3091: Mrs. LOWEY.
H.R. 3142: Ms. JACKSON-LEE of Texas.
H.R. 3144: Ms. DANNER.
H.R. 3180: Mr. DICKEY and Mr. COOK.
H.R. 3240: Mr. LINDER and Mr. MURTHA.
H.R. 3315: Ms. DELAURO and Mr. FROST.
H.R. 3405: Mr. ABERCROMBIE, Mr. JEFFERSON, Mr. RANGEL, and Mr. BRADY of Pennsylvania.
H.R. 3455: Ms. VELÁZQUEZ and Ms. RIVERS.
H.R. 3463: Mr. PASCRELL.
H.R. 3609: Mr. DICKEY.
H.R. 3625: Mr. QUINN, Mr. ROYCE, Mr. LUCAS of Oklahoma, Ms. DANNER, Mr. DREIER, Ms. DUNN, Mr. EVERETT, Mr. KING, Mr. LEWIS of California, Mr. MCHUGH, Mr. MCINNIS, Mr. METCALF, Mr. MILLER of Florida, Mr. NEY, Mr. OXLEY, Mr. REYNOLDS, Mr. THOMAS, Mr. WICKER, and Mr. SMITH of Texas.
H.R. 3634: Mr. BACA.
H.R. 3655: Mr. EDWARDS.
H.R. 3661: Mr. SWEENEY, Mr. SIMPSON, and Mr. ISAKSON.
H.R. 3669: Mr. CRAMER, Mr. PICKETT, Mr. HALL of Texas, and Mrs. BIGGERT.
H.R. 3688: Mr. INSLEE, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mrs. LOWEY, Mr. RANGEL, Mr. SERRANO, Ms. KAPTUR, Mr. WYNN, Mr. DICKS, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. OWENS, Mr. SHERMAN, Mr. PASTOR, Mr. GORDON, Mr. WEXLER, Mr. LAMPSON, Mr. SKELTON, Mr. MOAKLEY, and Mr. MORAN of Virginia.
H.R. 3692: Mr. GOODE.
H.R. 3694: Mr. HOLT.
H.R. 3766: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of California, Mr. FALEOMAVAEGA, and Ms. LEE.
H.R. 3825: Ms. LEE and Mr. KUCINICH.
H.R. 3826: Ms. MCKINNEY.
H.R. 3871: Mr. DICKEY.
H.R. 3872: Mr. WEYGAND and Mr. ABERCROMBIE.
H.R. 3891: Mrs. NAPOLITANO and Mr. JEFFERSON.
H.R. 3895: Mr. LATOURETTE.
H.R. 3916: Ms. JACKSON-LEE of Texas, Mr. HOEFFEL, Mrs. BIGGERT, Mr. CROWLEY, Mr. EVANS, Mr. GREENWOOD, Mr. SENSENBRENNER, Mr. BOEHLERT, Mr. CRAMER, Mr. ETHERIDGE, Mrs. JONES of Ohio, Mr. WICKER, Mr. HILLEARY, Mr. THUNE, Mr. WISE, Mr. FALEOMAVAEGA, and Mr. BARRETT of Wisconsin.
H.R. 4013: Mr. ETHERIDGE and Mr. HOYER.
H.R. 4033: Mr. COBLE and Mr. KANJORSKI.
H.R. 4049: Mr. BILBRAY and Ms. RIVERS.
H.R. 4054: Mrs. KELLY.
H.R. 4069: Mr. LAHOOD and Mr. HORN.
H.R. 4076: Mr. DICKEY.
H.R. 4094: Mr. DICKS, Mr. GEORGE MILLER of California, Ms. BALDWIN, Mr. CLEMENT, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. BENTSEN, and Mr. SANDERS.
H.R. 4144: Mr. ADERHOLT and Mr. LUCAS of Kentucky.
H.R. 4149: Mr. OSE and Mr. CALVERT.
H.R. 4170: Mr. SCHAFFER.
H.R. 4210: Mr. EWING, Mr. FOLEY, Mr. GRAHAM, Mr. BURR of North Carolina, Mr. MICA, Mr. THURMAN, Ms. BROWN of Florida, and Ms. ROS-LEHTINEN.
H.R. 4215: Mr. COOKSEY and Mr. HERGER.
H.R. 4222: Mr. MOORE, Ms. MCKINNEY, Mr. JEFFERSON, Ms. LEE, Mr. CONYERS, Mrs. CHRISTENSEN, Mr. RANGEL, and Ms. CARSON.
H.R. 4239: Mr. EVANS and Ms. LEE.
H.R. 4259: Mr. MCINTYRE, Mrs. MEEK of Florida, Mr. SKELTON, Mr. FROST, Mr. FALEOMAVAEGA, Ms. LEE, Mrs. THURMAN, Mr. PETERSON of Minnesota, Mr. GONZALEZ, Mr. JEFFERSON, Mr. MCNULTY, Mr. ENGLISH, Mr. STUPAK, Ms. DELAURO, Mr. METCALF, Mr. BACA, Mr. PASTOR, Mr. HAYWORTH, Mr. KILDEE, Mr. MEEKS of New York, and Mr. WATTS of Oklahoma.
H.R. 4271: Mr. GREEN of Wisconsin, Mr. WALSH, and Mr. LARSON.
H.R. 4272: Mr. WALSH, Mr. LARSON, and Ms. JACKSON-LEE of Texas.
H.R. 4273: Mr. WALSH, Mr. LARSON, and Ms. JACKSON-LEE of Texas.
H.R. 4274: Mr. TANCREDO, Mr. VITTER, Mr. DOOLITTLE, Mr. GARY MILLER of California, Mrs. BONO, Mr. HAYES, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. BASS, Mr. RILEY, Mr. MCINTOSH, Mr. DAVIS of Virginia, Mr. WICKER, Mr. HILLEARY, Mr. NORWOOD, Mr. TALENT, Mr. BILIRAKIS, Mr. REYNOLDS, Mr. PITTS, Mrs. MORELLA, Mr. JONES of North Carolina, Mr. ISAKSON, Mr. LINDER, Mr. FRANKS of New Jersey, Mr. HASTINGS of Washington, Mr. HUNTER, Mr. GEKAS, Mr. GIBBONS, Mrs. BIGGERT, Mr. WAMP, Mr. WOLF, Mr. SAXTON, Mr. COOKSEY, Mr. LEACH, Mr. GOSS, Mr. ROHRABACHER, Mr. BACHUS, and Mr. WALDEN of Oregon.
H.R. 4289: Mr. MCGOVERN, Mr. MICA, Mr. CLYBURN, Mr. WEYGAND, Mr. ENGEL, MRS. THURMAN, Mr. PAYNE, Mr. NEY, Mr. DIXON, Mr. DELAHUNT, and Mrs. NAPOLITANO.
H.R. 4292: Mr. HYDE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. HOEKSTRA, and Mr. TERRY.
H.R. 4301: Mr. EHRLICH, Mr. WHITFIELD, and Mr. PAUL.
H.R. 4320: Mr. TIERNEY, Ms. PELOSI, Mr. MCGOVERN, Mrs. MEEK of Florida, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. GEJDENSON, Mr. LANTOS, and Mr. HINCHEY.
H.R. 4374: Mr. GONZALEZ.
H.R. 4380: Mr. HOEFFEL and Mr. GEPHARDT.
H.R. 4395: Mr. CARDIN and Mrs. KELLY.
H.R. 4421: Mr. STUMP, Mr. LUCAS of Oklahoma, Mr. HULSHOF, Mr. HEFLEY, Mr. HALL of Texas, Mrs. EMERSON, Mr. THUNE, Mr. POMBO, Mr. BERRY, Mr. COOKSEY, Mr. GOODE, Mrs. CUBIN, Mr. HILL of Montana, Mr. PETERSON of Minnesota, Mr. BOYD, Mr. TRAFICANT, Mr. ROGAN, Mr. WATTS of Oklahoma, Mr. KINGSTON, Mr. GIBBONS, Mr. MORAN of Kansas, Mr. COMBEST, Mr. GREEN of Wisconsin, Mr. THORNBERRY, Ms. GRANGER, Mr. SAM JOHNSON of Texas, Mr. COBURN, Mr. ISAKSON, Mr. TERRY, Mr. MCCOLLUM, Mr. LARGENT, Mr. RYAN of Wisconsin, Mr. SKEEN, Mr. LEWIS of Kentucky, Mr. HUTCHINSON, Mrs. CHENOWETH-HAGE, Mr. JONES of North Carolina, Ms. DANNER, Mr. BRYANT, Mr. WAMP, Mr. BEREUTER, Mr. BOSWELL, Mr. HALL of Ohio, Mr. JENKINS, Mr. RILEY, Mr. COBLE, Mr. FLETCHER, Mr. DEMINT, Mr. EWING, Mr. TANNER, Mr. HYDE, and Mr. TALENT.
H.R. 4427: Mrs. JONES of Ohio and Ms. CARSON.
H.J. Res. 55: Mr. COOK.
H.J. Res. 56: Mr. LANTOS and Mr. WEINER.
H.J. Res. 98: Mr. STUMP and Ms. CARSON.
H. Res. 414: Mrs. FOWLER and Mr. DAVIS of Illinois.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 632: Mr. DAVIS of Illinois.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4392

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of the bill, add the following new section:

SEC. __. The Director shall report to the House Permanent Select Committee on Intelligence within 60 days whether the policies and goals of the People's Republic of China constitute a threat to our national security.

H.R. 4461

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: Page 13, line 17, insert ''(reduced by $200,000)'' before '', of which''.

Page 13, line 24, insert ''(reduced by $200,000)'' before ''; for''.

H.R. 4461

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: Page 37, line 10, insert ''(reduced by $2,000,000)'' before '', to remain available''.

Page 37, line 11, insert ''(reduced by $2,000,000)'' before '', shall be for''.

Page 38, line 3, insert ''(reduced by $2,000,000)'' before ''shall''.

H.R. 4475

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 49, line 14, strike ''$980,000'' and insert ''$450,000''.

H.R. 4475

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 2: Page 49, line 14, strike ''$980,000'' and insert ''$750,000''.

H.R. 4475

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 3: After section 340 of the bill insert the following:

SEC. 341. None of the funds in this Act shall be used for acquisition of diesel buses.

H.R. 4475

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 4: Page 54, after line 2, insert the following:

SEC. 341. None of the funds in this Act shall be used for acquisition of diesel buses, except those buses powered by engines which have emission levels comparable to, or lower than, emission levels from buses powered by low-polluting fuels, including methanol, ethanol, propane, and natural gas.

H.R. 4475

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 5: Page 30, line 2, after ''Long Island Railroad East Side access project'' insert ''and the 2nd Avenue Subway with the determination of allocation of such funds being made by the New York Metropolitan Transportation Authority''.

H.R. 4475

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 6: At the end of the bill, add the following new section:

SEC. 341. Notwithstanding any other provision of this Act, no funds may be made available to the Administrator of the Federal Aviation Administration under this Act before the Administrator—

(1) reclassifies the pay classification of each air traffic controller who, after August 31, 1997, left employment at an interim incentive pay facility for other employment as an air traffic controller and who returned after October 1, 1998, to employment as a reentrant at such a facility, such that the controller's pay classification is equal to the pay classification the controller would have if the controller had never left such facility; and

(2) pays to each such controller the amount of any difference between the salary that the controller earned after leaving the interim incentive pay facility and the salary the controller would have earned if the controller had never left such facility.

H.R. 4475

OFFERED BY: MR. OLVER

AMENDMENT NO. 7: In title III of the bill, strike section 318 and redesignate subsequent sections accordingly.

H.R. 4475

OFFERED BY: MR. ROGAN

AMENDMENT NO. 8: Page 54, after line 2, insert the following:

SEC. 341. None of the funds in this Act shall be used for the planning, development, or construction of California State Route 710 freeway extension project through South Pasadena, California.

H.R. 4475

OFFERED BY: MR. TERRY

AMENDMENT NO. 9: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to finalize or implement the proposed rule entitled ''Hours of Service of Drivers'' published by the Federal Motor Carrier Safety Administration in the Federal Register on May 2, 2000 (65 Fed. Reg. 25539 et seq.).

EXTENSIONS OF REMARKS

HONORING AMERICAN VETERANS' GROUPS WHO HAVE VOICED THEIR OPPOSITION TO PNTR FOR CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. WOLF. Mr. Speaker, I would like to take this opportunity to thank all of the veterans' groups which have courageously voiced their opposition to granting Permanent Normal Trade Relations for China.

These organizations represent over 5.1 million members, who have fought for the freedoms we enjoy today. They have the national security of the United States at heart. I want to enter into the RECORD their letters, which explain why granting PNTR to China could ultimately place American men and women in uniform in harm's way.

CHINA TRADE OPPOSED BY THE AMERICAN LEGION

INDIANAPOLIS (Wednesday, May 10, 2000).—Taking into account nuclear espionage charges, human rights abuses, saber rattling against Taiwan, and influence-peddling indictments, the 2.8-million member American Legion today demanded the U.S. government withhold Permanent Normalized Trade Relations with the People's Republic of China and oppose its entry into the World Trade Organization.

The American Legion's board of directors, during its annual spring meeting here, recommended Congress and the Clinton administration force China to meet four preconditions both for entry into the WTO and for ending the annual congressional review of its trade status:

Recognition of Taiwan's right to self-determination;

Full cooperation on the accounting of American servicemen missing from the Korean War and the Cold War;

Abandonment of policies aimed at military dominance in Asia; and

Encouragement and promotion of human rights and religious freedom among the Chinese people.

''China should embrace democratic values before it benefits from unfettered American investment,'' American Legion National Commander Al Lance said. ''The American Legion sets forth the prerequisites for peace and stability, without which Communist China will become economically and militarily more formidable even as it embarks on policies pursuant to regional instability. A something-for-nothing trade arrangement with China—one that severs trade from national security and human rights—threatens stability, rewards antagonism, and strengthens a potential foe of American sons and daughters in the U.S. armed forces.''

Founded in 1919, The American legion is the nation's largest veterans organization.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, DC, May 17, 2000.

To: All Members of the United States House of Representatives, 106th U.S. Congress:

The Veterans of Foreign Wars of the United States opposes Permanent Normal Trade Relations with China. China's policies and actions over the past several years have not demonstrated that it is ready to become a permanent-trading partner of the United States.

Passage of the China Trade Bill would end annual congressional review of China's access to U.S. markets and give it permanent trade relations with the United States. While this bill might provide certain economic benefits and advantages to some American companies, it could hurt other American industries and may cost many Americans their jobs. Permanent Normal Trade relations with the United States should be earned by China, not given away. Essentially this bill rewards China for mistreating its citizens, violating its current trade agreements, threatening its neighbors and the United States with military action, proliferating weapons of mass destruction, stealing nuclear, military and industrial secrets from the United States, increasing espionage against the U.S., and practicing religious oppression. We believe this bill sends the wrong message to China and the rest of the world.

Now is not the proper time to grant China Permanent Normal Trade Relations. The United States should maintain its current annual congressional review of China's trade status until such time as China changes its policy and demonstrates that it is ready to treat its people according to the basic human rights standards of other modern industrial nations.

A vote against Permanent Normal Trade Relations with China will send a clear message that the United States does not tolerate China's persistent human rights violations, and will not agree with its proliferation of missile technology and weapons of mass destruction, its military threats against the United States and other countries in the Pacific region including repeated threats made against Taiwan.

Respectfully,

JOHN W. SMART,
Commander-in-Chief.

AMVETS,
Lanham, MD, May 16, 2000.

Hon. FRANK R. WOLF,
Member of Congress, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: AMVETS, the nation's fourth largest veterans organization, represents more than 200,000 veterans who honorably served in the Armed Forces of the United States, and opposes Permanent Normal Trade Relations (PNTR) for China.

While the U.S. relationship with China is important, AMVETS believes that national security issues take precedence over the trade relations with foreign countries. We concur in your belief that our nation cannot afford to give leverage to the Republic of China—which exports weapons of mass destruction and missiles, maintains spy presence in the U.S. and continues to threaten Taiwan with military force.

When Congress votes in the House during the week of May 22, let is be known that AMVETS says ''no'' to the Permanent Normal Trade Relations for China.

Sincerely,

CHARLES L. TAYLOR,
National Commander, 1999–2000.

FLEET RESERVE ASSOCIATION,
Alexandria, VA, April 21, 2000.

Hon. CHRISTOPHER H. SMITH, M.C.,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SMITH: Please be advised that the Fleet Reserve Association (FRA), representing its 151,000 members, all career and retired Sailors, Marines, and Coast Guardsmen of the United States Armed Forces, joins you and your colleagues in opposing Permanent Normal Trade Relations (PNTR) for China.

FRA shares your concern that weapons of mass destruction exported by that country can be used against U.S. military personnel, and also our Nation's citizens. Further, China already has obtained considerable knowledge of our Nation's weapons technology without normal trade relations. Should the United States open its door to normal trade relations, it is worrisome that China will discover even more of that sensitive information.

One of the most important goals of this Association is to protect its members as well as every active duty and reserve uniformed member of the Navy, Marine Corps, and Coast Guard. To fulfill that commitment, FRA must do all that it can to oppose any move that could possibly send those brave men and women into harms way without ''rhyme or reason.'' With the possibility that the future will hand dark shadows over open trading with a yet unproven China, FRA is sensitive to the harm that country may inflict upon our Nation.

Loyalty, Protection, and Service,

CHARLES L. CALKINS,
National Executive Secretary.

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES,
Washington, DC, April 27, 2000.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: The Reserve Officers Association (''ROA''), representing 80,000 officers in all seven Uniformed Services, is concerned about the proposal to grant Permanent Normal Trade Relations (''PNTR'') to China.

ROA acknowledges the importance of our relationship with China, including our growing economic ties to China. Nevertheless, ROA believes that it would be a mistake to grant PNTR to China at this time. The annual process of reviewing trade relations with China provides Congress with leverage over Chinese behavior on national security and human rights matters. Granting PNTR would deprive Congress of the opportunity to

influence China to improve its human rights record and behave as a more responsible actor on the national security stage.

Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just four years ago, China fired several live missiles in the Taiwan Strait, necessitating a deployment of two American carrier battle groups to the area.

A report issued last month by the CIA and FBI indicates that Beijing has increased its military spying against the United States. Less than a year ago, the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and north Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that fully 79% of the American people oppose giving China permanent access to U.S. markets until China meets human rights and labor standards. On this issue, Congress should respect the wisdom of the American people. Now is not the time to grant Permanent Normal Trade Relations to China.

Sincerely,

JAYSON L. SPIEGE,
Executive Director.

NAVAL RESERVE ASSOCIATION,
Alexandria, VA, May 9, 2000.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: The Naval Reserve Association and the Naval Enlisted Reserve Association work together as affiliates to represent 37,000 officers and enlisted members from the Naval Reserve services. They are representative of the 89,000 Selected Reservists, the 4,500 non-pay Drilling Reservists (VTU), and the 91,000 Individual Ready Reservists (IRR), as well as the Retired Reserve community.

As a resource to the U.S. Military, our membership is concerned with our relationship with China. Decisions made today will be affecting the political-military balance in the Pacific for the next 50 years. The Peoples Republic of China may well be a rival.

Building its economy on the backs of its People, China is also willing to risk world stability. To generate hard currency, the PRC is selling weapons systems to Third World nations, including many considered rogue states in nature.

China is aggressively building its military. The PRC's ambitions include reunification by force with Taiwan, and territorial claim over the energy resources in the international waters of the South China Sea.

The process of reviewing trade relations with China each year is an opportunity for Congress to influence the behavior of China on matters of national security and human rights.

China is the largest of four surviving Communist governments in the world today. Human Rights of its citizens continue to be violated. Evidence exists of Chinese espionage within the U.S. Government and Industry. The PCR has effected political influence to manipulate U.S. policy. An annual trade review provides an element of counter balance.

Trade between nations helps maintain diplomatic dialogue and exposes a country's citizenry to outside ideas as well as products. Commerce with China is growing in importance for a number of U.S. Corporations. As a nation, we should continue to expand the marketplace, but not carte blanche. Now is not the time to offer Permanent Normal Trade Relationships (PNTR) for China.

MARSHALL HANSON,
Director of Legislation.
DENNIS F. PIERMAN,
Executive Director.

MILITARY ORDER OF
THE PURPLE HEART,
May 15, 2000.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: The Military Order of the Purple Heart (MOPH), representing the patriotic interests of its 30,000 members and the 600,000 living recipients of the Purple Heart, is seriously concerned with the Administration's proposal to grant Permanent Normal Trade Relations (PNTR) status to the Peoples Republic of China.

The MOPH is familiar with the current series of U.S. Government reports concerning China to include: the Cox Committee Report, the Rumsfield Commission Report, the 1999 Intelligence Community Report on Arms Proliferation, and Chairman Spence's May 2000 HASC National Security Report on China. These and other similar security assessments clearly indicate that China, as an international actor, continues to behave in a manner that is threatening to international stability and U.S. national security interests.

Given the broad consensus that has formed about this issue, to include the recent Harris Poll indicating 79% of all Americans are against granting PNTR status to China, the MOPH believes it both prudent and reasonable to delay the granting of PNTR status to China at this time. Speaking as patriots and combat wounded veterans, we believe that granting PNTR status to China would relieve them from the current pressure caused by annual Congressional review of their trade status. Clearly, Congressional review has caused China to improve its dismal human rights record and to modify to some extent its proliferation of dangerous arms on the world market. Yet these modifications must be seen as the beginning not the end.

Today, China represents the most dangerous of the emerging threats to U.S. national security. Her designs on Western Pacific dominance, her extreme belligerence towards Taiwan, and her persistent espionage and theft of U.S. advanced technologies are behaviors that must be checked before any reasonable consideration of PNTR status can be undertaken.

Many of America's combat wounded veterans sacrificed life and blood to repel Chinese aggression during the Korean Conflict. Fifty years after that war China remains an unabashedly communistic regime. It is time for China to change if she wishes to be a truly welcomed participant on the world's stage. It is also time for Congress and the Administration to reflect upon the sacrifices of its combat wounded veterans and ensure that China will not once again become our enemy. In the view of the MOPH this objective must be reached before PNTR status should be granted to China.

Yours in Patriotism,

FRANK G. WICKERSHAM III,
National Legislative Director.

WARRANT OFFICERS ASSOCIATION,
Herndon, VA, May 9, 2000.

Hon. FRANK R. WOLF,
Member of Congress, House of Representatives,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WOLF: On behalf of the membership of this Association I write to express support and appreciation of your actions, and that of several of your colleagues, in opposing Permanent Normal Trade Relations with China.

The USAWOA represents nearly 20,000 warrant officers of the Active Army, the Army Guard, and the Army Reserve. These highly-skilled men and women serve as helicopter pilots, special forces team leaders, intelligence analysts, command and control computer and communications managers, armament and equipment repair technicians, and in other technical fields critical to success of the modern battlefield. Daily, many of them are in harm's way.

From our perspective, it appears that China has done little to deserve such consideration. Of more concern is the fact that China shows few of the peaceful, democratic traits evidenced by our Nation's other major trading partners. Indeed, China appears to be striving to achieve not only economic dominance of the Pacific Rim but also a significant military advantage over her neighbors, and quite possibly, the United States.

In this instance, trade and economic considerations cannot take precedence over the safety of our Nation and that of our allies and friends. Until fundamental, lasting changes take place in China, normalization of trade relations should not take place.

Respectfully,

RAYMOND A. BELL,
Executive Director.

SUPPORTING MEMBERSHIP FOR TURKEY IN THE EUROPEAN UNION

HON. AMO HOUGHTON

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 17, 2000

Mr. HOUGHTON. Mr. Speaker, last December I sponsored a "Dear Colleague" letter to the EU term President, Martti Ahtisaari, President of Finland, in support of Turkey as a EU candidate. Twenty-six of my colleagues from both sides of the aisle joined me in sending that message to President Ahtisaari. Thankfully, Turkey became the European Union's first candidate for full membership with a predominantly Muslim population later in the month.

I strongly supported Turkey's EU membership became membership would anchor a country who's population has long aspired to be part of Europe. It would also further strengthen the Turkish-U.S. relationship, and help foster a stronger Turkish-Greek relationship.

Turkey is a secular Muslim country with a democratic tradition, whose recent presidential election underscores those ideals. Ahmet Sezer, former Chief Justice of the Constitutional Court, who has devoted his career to democratic principles, the rule of law, and freedom of expression received broad parliamentary support to become Turkey's tenth President. This development was favorably received in European capitals, the European press, and within Turkey.

Turkey is one of the U.S. strongest and most reliable allies. For over fifty years Turkey and the United States have fought for shared principles through the Korean War, the Cold War, the crisis in Iraq, the Balkans, Kosovo, and elsewhere. In addition, Turkey is a major ally in combating terrorism, Islamic fundamentalism, and injustice around the world. In Kosovo, Turkey not only was instrumental in the NATO operations, but its humanitarian assistance to refugees was key to helping ease the suffering of the victims.

EU candidacy has also fueled the rapprochement between Turkey and Greece. While the respective foreign ministers had started to meet, the tragic earthquake in both countries provided the much-needed impetus. In recent months the two countries signed a series of cooperation agreements covering areas as diverse as terrorism, the environment, tourism, cultural cooperation, investment protection, customs, and scientific and technological issues.

Recent press reports indicate that Turkish Armed Forces will take part in NATO maneuvers which will be carried out in Greek territory in May, and that last week, Greece allowed Turkish four F–16 planes to use its air space for the first time, while they were flying to Germany to attend ''Elite 2000'' maneuvers. These improved relations will not only benefit Greece and Turkey, but also the United States, NATO, and Europe at large.

Mr. Speaker, as a long time observer of Turkey, I continue to support that country's further western integration, and congratulate my friends in Turkey on the election of their new President.

HAYDEN HISTORICAL MUSEUM NAMED THE CENTER OF GRAVITY

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

Mr. HILL of Indiana. Mr. Speaker, I am pleased to announce the dedication of the Hayden Historical Museum's ''Center of Gravity'' marker in Hayden, Indiana. On Saturday, May 20, 2000, I will attend the ribbon-cutting ceremony in Hayden to commemorate nearly 150 years of a phenomenon that has relocated two major transportation systems and caused other unusual events in Hayden's history.

Town historians say the first train rolled into Hardenburg (now Hayden) on July 4, 1854. Allegedly, the train crew reported that the usual amount of steam power needed to ''pull out of Hardenburg'' would not suffice. Similar reports continued over the years, but no apparent conclusions or solutions were identified as to what ''pulled things down'' in Hayden. Years later, the railroad relocated to the south side of town where this mysterious force seemed to disappear.

However, the story doesn't end there. In the 1920s, U.S. Hwy. 50 came through town on the road now running in front of the Hayden Historical Museum. Once again, motorists complained of a strange force that slowed them down, caused their engines to misfire, and made it hard to start again if they stopped. After a few years, authorities relocated the highway farther south of town than the railroad and again the problems ended.

Hayden High School teacher and coach Charles ''Chuck'' Hurley coined the popular phrase ''the Hayden Spirit'' for a similar phenomenon that seemed to ''pull back '' people to Hayden just as the trains and cars seemed to be ''pulled down'' by the infamous force. The ''Center of Gravity'' is not the only force that attracts people to Hayden, Indiana. Hayden is a great place to live and raise your family. The citizens of Hayden take great pride in their community and work hard to keep their churches, schools and civic organizations strong. The ''Hayden Spirit'' represents what is best about Hoosier small town life. I am honored the citizens of Hayden have asked me to join them on Saturday when they mark the point from which this mysterious power emanates—the ''Center of Gravity.''

The Hayden Historical Museum keeps the Hayden community strong. The museum commemorates Hayden's past accomplishments and helps build its strong future. Elementary school members of Hayden's Little Hoosier Historians and middle school members of Whitcomb's Winners use the Museum every day to study the history of their town and state. The Museum library contains books, authentic letters, and a pictorial history of the town where Hayden's children can learn about the people and history of their small town of 250 people.

Mr. Speaker, I am proud to represent the people of Hayden in Congress. I applaud their enthusiastic commitment to education, arts, family, and community. The dedication celebration this weekend honors not only the Hayden Historical Museum's status as the ''Center of Gravity,'' but also the illustrious past and promising future of a remarkable Indiana community.

HONORING LAW ENFORCEMENT OFFICERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. COSTELLO. Mr. Speaker, I rise today in honor of National Law Enforcement Week and to honor the men and women who serve our Nation as Law Enforcement Officers.

America's law enforcement officers are one of our most valuable resources. Almost one million individuals nationwide perform an incredibly important task as they put their lives in danger on a daily basis to protect and serve the people. As a former police officer, and the father to a former police officer, I know the inherent risk involved in the profession and salute these men and women for their efforts.

Mr. Speaker, I am pleased that since 1993, the 12th District of Illinois has received funding for 272 new law enforcement officers under the COPS grant funding program. These additional officers have worked to increase the safety and well being of my constituents.

I urge my colleagues to join me in honor of Law Enforcement Week and our courageous law enforcement officers. These men and women deserve this praise and recognition.

HONORING THE BIRTHDAY OF DICK DOUGHERTY ON MAY 9TH, 2000

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Ms. SLAUGHTER. Mr. Speaker, today I would like to take a moment to recognize the 80th birthday of Dick Dougherty, a man who has spent over 50 years of his life involved in journalism in New York State. Currently, he is widely known by the people of Rochester, New York for his editorials in the Democrat and Chronicle, our hometown paper. I consider him to be a national treasure and without the dose of sanity and humor his column provides me five days a week I would be lost.

According to his wife Pat, Dick's family was not certain about his future success after he flunked out of his first year of engineering school at Duke University. After this, he went on to serve in the military as a soldier on the European front during WWII. When he came home, his perseverance led him to complete a journalism degree at Syracuse University. On June 15, 1948 he began his 50 year career with his first journalism job at the Binghamton Press. After two years with the Binghamton paper Dick came to Rochester as a reporter for the morning Democrat and Chronicle and has remained in our city ever since. In 1975 he was assigned by the Times-Union, a Rochester afternoon paper until 1997, to report on a transcontinental bicycle trip. It was on this trip that he discovered his unique talent and love for reaching out and touching the lives of others with his words.

At the age of 56 when most people are beginning to look forward to retirement Dick began his career as a columnist by writing an editorial three times a week for the Times-Union paper. This column now runs daily in the Democrat and Chronicle as Dick continues to captivate the people of Rochester with his unique point of view and perspective on life. Personally, I love to share his columns with my friends, family, colleagues and I have been known to send them to the President.

It is my distinct privilege to recognize Dick Dougherty as a resident of my home district in Rochester, New York. I offer him my heartfelt congratulations on the celebration of his 80th birthday on May 9th, 2000 and I invite my colleagues to do the same as we acknowledge this significant and important man.

TERRACE COMMUNITY CHARTER SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. SCHAFFER. Mr. Speaker, today I pay tribute to an outstanding charter school in Tampa, Florida. The reason a Member of

Congress from the great state of Colorado would recognize and congratulate the Terrace Community School in Florida is because I have visited the school and heard its principal, Mr. David Lourie, speak eloquently about its successes.

On March 27, 2000, the Education Subcommittee on Oversight and investigations held a hearing at TCS entitled, ''Putting Performance First: Academic Accountability and School Choice in Florida.'' Chairman Pete Hoekstra of Michigan conducted this hearing as part of his Crossroads 2000 project, a continuation and expansion of his ground-breaking education investigation, which culminated in the Education at a Crossroads report. As a member of the Oversight and Investigations Subcommittee and a passionate education reform advocate, I have attended several Crossroads hearings to find out what is working and what isn't in education across the country.

The latest installment of this important examination of American education took us to Florida, where we heard about the exciting efforts to raise the academic achievement for all students, implement school choice, increase school accountability, empower parents and improve the Florida education system. At the forefront of education reform in Florida are the state's charter schools. Specifically, the Terrance Community School (TCS) is an outstanding example of what education can, and should, be.

Mr. Speaker, I want to share with you a few facts about TCS and its successes. First, TCS bills itself as a ''public school of choice.'' To some, that may be a contradiction in terms, to others, a threat, but to me, it represents the first step toward a free-market education system whereby parents can choose the best school for their child. TCS will only remain a ''public school of choice'' if it remains free of federal government intrusion and regulation, and if it satisfies its customers—parents and students.

To date, these two criteria are being met. In terms of freedom to educate, Florida Governor Jeb Bush and Lt. Governor Frank Brogan have been national leaders in liberating education from the shackles of government regulation. In addition, Members of Congress like Chairman HOEKSTRA and me have worked tirelessly to ensure charter schools remain free from the tangled web of federal government involvement. And, TCS is clearly meeting the needs of its customers. According to its 1998–1999 annual shareholder report, or education prospectus, of the 118 students who completed the 1998–1999 school year, 112 have re-enrolled for 1999–2000, a return rate of 95 percent. This is an unequivocal demonstration of value. Further, when surveyed by TCS, the parents clearly endorsed the education taking place there. Ninety-five percent of parents are very satisfied with their child's experience at TCS, while ninety-three percent felt the teachers and administration are fulfilling the mission of the school.

Second, the mission of TCS is crucial to its success. The very first objective of TCS is to provide a foundation of knowledge which will allow students to have successful academic careers. Elaborating on that point, TCS states, ''We believe that all children can learn and that children will rise to the high expectations of their parents and teachers.'' And what does TCS teach? ''We offer the students the opportunity to be challenged by a rigorous, classic core curriculum taught in a planned progression by teachers who stress abundant practice and careful feedback.'' Finally, recognizing that education involves more than just books, the TCS ''founders believe that, in addition to a strong academic program, a school should help guide each child to develop his or her character.'' This is clearly a blueprint and commitment to effective, excellent education.

Third, I am pleased to report TCS has been successful in meeting its stated goals. For example, the class of 2002 raised their median national percentile on CTB/McGraw-Hill's ''Terra Nova Multiple Assessments Test'' in every category tested—reading, language, math, science and social studies. In math, TCS students jumped a remarkable 13 percentage points. The class of 2001 also achieved exceptional results on Terra Nova, showing gains in all subject areas, and an 11 point increase in science. Finally, the class of 2000 demonstrated growth in all but one subject area, and improved its overall Terra Nova score by 10 percentage points. On another measure of student performance, the math FCAT (Florida Comprehensive Achievement Test), TCS fifth-graders outperformed a majority of their peers in the county and across the state.

Charter schools must prove they are fulfilling their educational goals and that their students are, in fact, learning. They must do so, first and foremost, to meet their responsibility to educate children, to satisfy the terms of their charters, and to keep their customers, the parents, satisfied and willing to reinvest their most precious resource, their children, in the school. There can be no question TCS is achieving its goals and meeting its customers' needs.

As catalysts for positive change in children's learning, parents' options, school system quality and state reform efforts, charter schools are the vanguard. As exemplified by the Terrace Community School in Tampa, Florida, or the Liberty Common School in Fort Collins, Colorado, charter schools provide a desperately needed alternative to the failing government-owned monopoly schools. However, we must guard against overzealousness at the federal level. Charter schools have been successful because they have been free of the U.S. Department of Education and federal bureaucrats. Charter schools succeed and thrive today because of the strength of state charter school laws and because of the leaders in these schools.

Mr. Speaker, I applaud the efforts of Mr. Laurie, the teachers, parents and students of TCS, and hope their achievement, optimism, and freedom continue unabated for many years to come.

THE NEW MEXICO FIRES

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. SKEEN. Mr. Speaker, as most of you know New Mexico has had a series of terrible fires sweeping throughout forests in the past few weeks. My good friends and Members of Congress from New Mexico, HEATHER WILSON and TOM UDALL, have done an excellent job of informing us of the impact the Los Alamos fire has had on the citizens of northern New Mexico. As the fires continue to burn, we hear stories that make the New Mexico Congressional delegation proud and honored to represent and serve the citizens of the Land of Enchantment. In the days and weeks to come, many stories will surface regarding the efforts of the citizens of New Mexico and we will be relaying them to our good friends in the U.S. Congress.

Today I'd like to talk about the United States Post Office and the work and sacrifice they made to help keep our New Mexico communities together. Following the evacuation of Los Alamos and the surrounding area, thousands of residents were displaced to shelters, hotels, motels and homes across northern New Mexico. They were separated from their neighbors, their friends, their pastors and priests. They were separated from their children's teachers, coaches, scout leaders and den moms. They did not know what they would find when they would be allowed to return home.

However, something wonderful happened. Congress was not involved, an Executive Order was not issued, and no declaration was made by a public official. Instead, the United States Post Office decided to begin operating an outdoor Post Office where these refugees from the fire could come each day and collect their mail. They could meet their neighbors, their friends, their ministers, and the countless numbers who had been displaced. They could share information, they could console those who have lost their homes and they could provide support to each other. This temporary outdoor Post Office became the heart and soul of a city in exile.

Each day the Postal Service Letter Carriers, their supervisors, the window clerks and the leadership of the US Postal Service stepped up to the plate for New Mexico. I think all the citizens of New Mexico support me when I say thanks to the United States Postal Service for insuring that the mail got through and thank you for your help in holding a community together.

PERSONAL EXPLANATION

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. BALDACCI. Mr. Speaker, on Wednesday, May 17, 2000, I traveled to Michigan to be with my friend and colleague, BART STUPAK and attend the funeral of his son, BJ. Over the past few years, I had the opportunity to meet BJ and play some baseball with him. He was a fine young man, and his death comes as a great shock to all of us. My thoughts and prayers continue to be with BART and his family as they struggle to cope with this tragedy.

As a result of my travel, I missed four votes. Had I been present, I would have voted in the following ways.

Rollcall vote No. 190—''no''; rollcall vote No. 191—''aye''; rollcall vote No. 192—''aye''; and rollcall vote No. 193—''no.''

A CELEBRATION OF NORTH BAY VILLAGE 55TH BIRTHDAY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. SHAW. Mr. Speaker, today, I recognize a special birthday celebration within Florida's 22nd congressional district. On Sunday, May 21st, 2000, residents and friends of North Bay Village will celebrate its 55th birthday.

For my colleagues unfamiliar with North Bay Village, it is a wonderful little community in Miami-Dade County consisting of three islands, North Bay Island, Harbor Island and Treasure Island. Incorporated in 1945, North Bay Village is the home to 5,650 Floridians.

Mr. Speaker, North Bay Village was home to the Shaw family for many years. In 1943, two years prior to incorporation, I along with my parents, Dr. E. Clay Shaw, Sr. and Rita Walker Shaw called this community home. We settled in North Bay Village before two of the islands had yet been created, and we lived in one of the 10 original homes built on the island. At that time, the bridges connecting the island to the mainland were made of wood and we had many vacant lots on which to play ball.

After incorporation in 1945, North Bay Village began rapid growth; yet one could still stand on high ground and count the houses.

Today, under the leadership of Mayor Ignacio Diaz, City Manager Rafael Casals, and the North Bay Village Council, I am proud to call North Bay Village the home of Clay and Rita Shaw.

Mr. Speaker, my congratulations to the 5,650 residents and Mayor Diaz on this wonderful day.

TRIBUTE TO VERNA LEE CLARK OF MADISON COUNTY, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. CRAMER. Mr. Speaker, I pay tribute to Verna Lee Clark, Director of the Retired Senior Volunteer Program of Madison County. Ms. Clark is being honored today at a retirement reception and I wanted to express my gratitude for her 24 years of dedicated service to the senior citizens of Madison County, Alabama.

Through her work with each senior at the Huntsville-Madison County Seniors Center, she has given to her community tenfold. By providing service opportunities for senior citizens, she gives them a sense of accomplishment and self-worth. She allows them to remain connected to their community and other parts of society. By finding the right match for their individual talents and skills, she has reaffirmed countless seniors in North Alabama.

For nearly a quarter of a century, she has recognized the individual assets of each person before her and matched him or her with a service need in our community. I wish to take this opportunity to thank her for her exemplary role with the Senior Center. For her hard work, loyalty and kind heart, I feel that this is an apt honor.

On behalf of the Congress of the United States, I pay homage to Ms. Clark and thank her for a job well done. I know her seven children and fourteen grandchildren will relish the extra time with Ms. Clark. I congratulate Ms. Clark on her retirement and wish her a well-deserved rest.

INTRODUCTION OF THE FIRST ACCOUNTS ACT OF 2000 (H.R. 4490)

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. LAFALCE. Mr. Speaker, today I'm proud to introduce legislation to bring more low-income Americans, those who remain ''unbanked,'' into America's financial mainstream. This legislation reflects an initiative proposed by President Clinton in his FY 2001 budget, which is referred to as the ''First Accounts'' initiative. I am pleased to note that a number of my colleagues, including JIM LEACH, MAXINE WATERS, and BARNEY FRANK, have joined me as original co-sponsors of this legislation. With their support, I look forward to enacting this important initiative into law in this session of Congress.

The bill I am introducing today, the First Accounts Act of 2000 (H.R. 4490), will help bridge the financial divide in America through the implementation of innovative strategies by the Department of the Treasury. This initiative complements the Treasury's Electronic Transfer Accounts, or ETAs, which are low-cost electronic accounts offered to recipients of Federal benefits. President Clinton proposed $30 million from the FY 2001 budget for the First Accounts initiative, which unlike ETA, applies to non-recipients of Federal benefits. The First Accounts Act of 2000 consists of the following three basic elements: (1) Providing financial incentives to depository institutions to create low-cost bank accounts for low- and moderate-income individuals; (2) expanding access to ATMs in safe, secure and convenient locations, including U.S. Post Offices in low-income neighborhoods; and (3) implementing a financial literacy campaign to educate low- and moderate-income Americans about the benefits of a bank account for managing household finances and building assets over time.

Mr. Speaker, we often take for granted the significance to our daily lives of being part of the financial mainstream—that is, having the ability to direct-deposit our paychecks, write checks to pay our bills, and withdraw cash from ATMs. Unfortunately, roughly 8.4 million low-income Americans, according to the Federal Reserve, do not enjoy the simple privilege of a low-cost transaction or savings account that the rest of us enjoy. As a consequence, their financial condition, and ability to fully participate in the nation's current economic prosperity, suffers greatly.

The First Accounts Act of 2000 represents a meaningful effort to redress the imbalance between those of us who can afford and enjoy the convenience of readily available basic financial services, and those less fortunate American families who can't. Providing low-cost access to bank accounts would help save the scarce resources of America's less fortunate working families, many of whom pay more than $15,000 over a lifetime for check-cashing and bill-paying services from less-regulated financial institutions, such as check-cashers and payday lenders.

The First Accounts initiative also represents sound economic policy. Research indicates that once ''unbanked'' families enter the doors of depository institutions as regular account holders, they are likely to become savers and begin to accumulate assets. Mainstream depository institutions will also benefit from the First Accounts initiative. A Federal Reserve study indicates that many low-income families with bank accounts also routinely used other bank products, including credit cards, automobile loans, first mortgages and certificates of deposits.

Mr. Speaker, the First Accounts Act of 2000 is good policy and makes good sense. I urge my colleagues on both sides of the aisle to support this bill.

FIRE FIGHTER DIES

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. SKEEN. Mr. Speaker, New Mexico suffered an even greater tragedy on Monday, May 15. As much of the attention of the nation has been on the fire that burned portions of Los Alamos, New Mexico, a blaze was sweeping across the Sacramento Mountains in the south central portion of my state. Two men died in a spotter plane that was being used to help fight the Scott Able fire. The following story by Diane Stallings, a staff writer with the Ruidoso News, captures the essence of what the life of Sam Tobias, a career employee with the United States Forest Service was all about:

[From the Ruidoso News, Wed., May 17, 2000]

TOBIAS REMEMBERED

(By Dianne Stallings)

When local forester Sam Tobias died Monday, he was doing a part of his job he especially enjoyed.

''Going on (fire) spotter planes was something that he loved,'' said longtime friend Ron Hannan with the U.S. Forest Service in Alamogordo.

Tobias, 47, was a passenger on a fire-spotting airplane that went down two miles northeast of the Alamogordo-White Sands airport at about 12:30 p.m. Monday. The pilot, who was from Columbia, Calif, also died in the crash. The two men were scheduled to fly over the Scott Able Fire in the Sacramento District southeast of Cloudcroft, according to authorities.

''He always had a smile on his face,'' said wildlife biologist Larry Cordova, who worked

with Tobias on the Smokey Bear Ranger District with headquarters on Mechem Drive in Ruidoso.

District Ranger Jerry Hawkes said, ''We're just in shock that we won't have Sam here with us anymore. He was here 12 years and everyone has grown so close. This is pretty hard for us.''

''He was such a strong part of our district and the Forest Service. He was the peacemaker with that big smile, always helping and giving good advice. He had a lot of wisdom, enjoyed helping the community and trying to make things work out.''

Tobias grew up in southwestern Pennsylvania, earning a bachelor of science degree from Pennsylvania State University.

He worked in recreation management his entire career, starting in the Tonto Basin Ranger District form 1975 to 1988 and then joining the Smokey Bear District.

''Sam helped out fighting fires and through the years, he was trained as an air attack coordinator,'' Hannan said. ''He assisted many people fighting fires with his skill in coordinating air tankers, helicopters and fire crews.''

Tobias knew every corner and cave of the Lincoln National Forest in Lincoln County. He loved the outdoors and enjoyed hiking, fishing and hunting.

His mark can be found on many of the decisions regarding use of forest land.

He's credited with improving the ski area, campgrounds and picnic areas that are considered models of design, district officials said.

He also worked with summer cabin owners, miners, outfitter guides and telecommunication specialists.

''Life-long friends of his have been calling in,'' Hannan said. ''My wife worked for him in 1988. She can't even talk right now. Sam was the kind of guy who helped out whenever and wherever he could. He'd show up with his tools to lay bricks—whatever you needed.''

''We're certainly going to miss him.''

Tobias and his wife, Jackie, who is a Ruidoso High School teacher, recently built a home in Ranches of Sonterra.

She traveled to the site of the crash Tuesday and was unavailable to arrange details of a memorial service tentatively planned for Friday, said Danny Sisson of La Grone Funeral Chapel in Ruidoso.

Tobias' younger brother and sister are expected to attend from Pennsylvania, where his mother still lives.

Dale Mance with the Forest Service on the Tonto National Forest in Arizona, said Tobias changed his life when they were young men.

''I grew up with him in Pennsylvania from the sixth grade on,'' Mance said. ''He went to college and I went to the steel mills. I came out to visit him (when he was with the Forest Service in Arizona) in 1975 and I moved out the following year.''

The two roomed together for several years and worked on the same forest.

They still occasionally hunted and fished together, said Mance, who was in recreation, but now is in the engineering division of the Forest Service.

''He was just an all-around great person,'' he said of Tobias. ''He would do anything for you whether he knew you or not. He loved his work, he loved his family and was devoted to both.''

Mance said representatives from several national forests plan to attend the memorial service, ''just because he was how he was,'' Mance will come to New Mexico later when things settle down.

Tobias was proud of the home the couple built and brought photographs to a spring training session to show his friends, Mance said.

''He's done it to me twice—changed my priorities,'' Mance said. ''The first time was for the better (joining the Forest Service) and now again, I'm reassessing things.''

''You could just meet him once and be a friend with his big smile and that twinkle in his eye and the bear hugs. Those bear hugs. That's what I'll miss.''

MISSILE DEFENSE, DIRECTION AND DEVELOPMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. SCHAFFER. Mr. Speaker, America's national missile defense dominates policy issues. The question of how best to proceed seems to elude our country's security leaders. I am 100 percent convinced the United States must develop a reliable national missile defense (NMD) system. The question for me is not if, but what kind.

Regarding the technical aspects of NMD technology, I have drafted a few questions concerning various options, missile defense systems, and scenarios. I have addressed the questions to Dr. Hans Mark, Director of Defense Research and Engineering at the Pentagon. Dr. Mark has briefed me before on the intricacies of missile defense technology and his counsel is greatly appreciated.

A recent letter I posted to Dr. Mark follows. I urge our colleagues to review it and contact my office if interested in pursuing this topic in the House. I intend to submit Dr. Mark's reply in the RECORD at a later date.

APRIL27, 2000.

Dr. HANS MARK,

Director of Defense Research and Engineering, Washington, DC.

DEAR DR. MARK: You have proved yourself a friend of advanced technology and space. You were extremely helpful last year with your letter of March 2, 1999 and its attachments. You were kind enough to meet with me, members of my staff, friends, and other Members of Congress.

I would value again the benefit of your expertise on the subjects of ballistic-missile defense, space, and advanced technology in the following areas. I trust the questions posed will help develop issues involved, and prove beneficial for public discussion.

BALLISTIC MISSILE DEFENSE

Under the Strategic Defense Initiative (SDI) development was completed on the Brilliant Pebbles Space Based Interceptor. In 1992, Brilliant Pebbles was ready to move into its acquisition phase having undergone its hover tests and having been approved by the Defense Acquisition Board.

To re-start Brilliant Pebbles, would it be advisable for the United States to go back to the leading aerospace contractors that were involved in its development back in the early 1990's, and should we develop an independent, second effort that would be less visible to Communist Chinese military intelligence?

In addition, would it be advisable to restart Brilliant Pebbles under streamlined acquisition procedures to avoid unnecessary overhead, and costly and ineffective program delays?

SDI studied the possibilities of using Neutral Particle Beams, which were regarded as a potent weapon for ballistic missile defense applications. Under GPALS, Neutral Particle Beams received de-emphasis because of a program focus on near-term technologies (hit-to-kill and high energy lasers) rather than future technologies.

Allowing for a revived interest in ballistic missile defense programs, how would you structure a Neutral Particle Beam ballistic missile defense program, and what key areas of research would you emphasize?

SURVIVABILITY

Space-based ballistic missile defense can provide continuous, global coverage, and boost phase interception, which are characteristics not generally available with ground based defenses. Space based defenses can be built that are hardened against electromagnetic pulse from nuclear explosions or chemical emp warheads. In our meeting a year ago, you showed great enthusiasm for computer chips inherently resistant to emp.

Space-based defenses may also be built with passive countermeasures (detection and maneuver), redundancy, and hardening against high-energy lasers. Nonetheless, a critical area of survivability of space-based defenses will be their defense against high energy lasers on the ground. Beyond passive countermeasures or preemptive raids against high-energy laser facilities or platforms, what active defenses would you recommend?

Ostensibly, these active defenses could include kinetic energy weapons (tungsten rods) directed against ground based laser facilities, or a variant kinetic energy weapon using a maneuverable reentry vehicle. These active defenses may also include Space-Based Lasers of such a wavelength to enable them to reach into the atmosphere and counterattack a ground based laser. A review of the active defensive options we could develop in the near-term (four years under active program management) would be helpful.

ACCESS TO SPACE

Rapid, low-cost access to space remains an active concern for defense applications in spite of over two decades of discussion. Without going into a full blown discussion of reusable launch vehicles, two-stage reusable rockets, and Single Stage To Orbit (SSTO), your ideas would be welcome on how the United States can best develop the Rocket Based Combined Cycle (RBCC) engine and implement it in several innovative designs.

In particular, your input is sought as to whether the United States should run a parallel development program for the RBCC using several private firms without NASA, which has proved disappointing in its handling of the SSTO. Your advice is sought as to the use of the RBCC in a HyperSoar configuration (proposed by Lawrence Livermore's Preston H. Carter II) compared to other possible configurations and flight plans. In addition, your advice is sought on the development of a military ''spaceplane'' capability, whether it should use a rocket booster or an RBCC design.

DEVELOPMENT OF THE MOON

Your reference material in 1999 included plans for developing the moon, which were drawn up in the early 1990's before we knew the results of Project Clementine (1994) and Lunar Prospector (1998) firmly establishing the presence of water on the moon. The discovery of water on the moon is monumental, holding promise for the exploration of space

we have yet to grasp. Plans can be made for the mining of water on the moon and its processing into rocket fuel. Your advice is sought on the best type of lunar development and rocket program that can take advantage of the discovery of water on the moon.

For example, a lunar development program could encompass the parallel development of: a) the mining and processing of water at the lunar poles, b) a lunar observatory on the backside of the moon, c) the development of an earth-moon transportation system going from the moon's surface to Low Earth Orbit for the transport of water, rocket fuel (hydrogen and oxygen), and other items. Of course, other facilities and operations could be added later, once this basic infrastructure is established. Your thoughts on this subject would be most welcomed.

NUCLEAR ENERGY

The commercial use of nuclear energy on earth has received less than enthusiastic support in some quarters as the use of nuclear energy brings with it legitimate safety and environmental concerns. The use of nuclear energy in space, however, appears to mark an appropriate and beneficial application for nuclear energy.

Most space systems will be closed environments where nuclear reactors will have a natural, physical detachment, softening safety and environmental issues. In many circumstances nuclear waste products can be shipped to the sun without excessive effort. Your advice is sought on the types of nuclear reactors we should develop for use in space and their potential application with a lunar base.

Your advice is also sought on how we can achieve controlled fusion energy. The continuation of existing programs and appropriations will, apparently, not get the job done. The promise of fusion energy remains unfulfilled. What types of programs do we need to bring this hope to fulfillment? Please bear in mind that the potential use of fusion energy may also find its application in space. It has been pointed out how a lunar economy could mine Helium-3 for fusion energy.

NAVAL WARFARE

The efforts of the United States in developing new aspects of naval warfare appear to be constricted. Your advice is sought on an expansion of the vision and imagination we have for naval warfare to include new concepts (in some cases, old concepts with new technology).

Your advice is sought, for example, on the development of diesel powered and AIP (Air Independent Propulsion) submarines, in addition to nuclear powered submarines, that would be used for anti-submarine warfare, and for training of U.S. nuclear attack submarines in anti-submarine warfare.

Your advice is also sought on the development of submarines equipped with UAVs for reconnaissance, changing the Cold War vision of a submarine as a permanently submerged vessel to a vessel taking advantage of both the acoustic environment found underwater and aerial reconnaissance independent of an aircraft carrier.

Your advice is also sought on the development of a ''quick fix'' anti-aircraft defense against the supersonic cruise missiles that attack a surface vessel by very low flight above the water or by a last minute maneuver putting the cruise missile above the surface vessel, attacking at an angle of 90° beyond the reach of Phalanx.

In addition, your advice is sought on the development of naval vessels equipped with high energy lasers or particle beams capable of intercepting cruise missiles or bombs much like the Nautilus laser being developed for Israel.

Advanced technology can play a pivotal role in our ballistic missile defense program and space program. It can also provide spin-off applications to private industry. I look forward to your response with genuine anticipation.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on business and unable to be present for rollcall vote No. 192. Had I been present, I would have voted "yes".

IN RECOGNITION OF THE STATE CHAMPIONSHIP WRESTLING TEAM OF FARMINGTON HIGH SCHOOL

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mrs. EMERSON. Mr. Speaker, today I congratulate the Farmington High School Wrestling Team for winning the Missouri state championship on February 19, 2000. The Farmington Knights earned their first place position early in the tournament and held this lead to the end. This early lead allowed the four finalists to relax and focus on their final bouts.

Although only one of those finalists won his match for first place, the team sealed the victory against tough odds. You see, the Knights did not have the numbers of wrestlers that some of the other teams had going into the tournament, and they did not have the first place finishes many thought they would need to win a state championship. Because the team was successful as a whole, they were able to take the overall victory.

In addition to the team, I wish special recognition for senior Doug Wiles, who was able to win his first place match for an individual state championship in his weight class. Doug was also the only participant of the tournament with an undefeated season.

Congratulations to Mark Krause, head coach for the Knights, and the members of the Farmington High School Wrestling team as follows:

Cory Husher (finished 2nd in state)
Justin Peppers
Nathan McKinney
James Faulkner (State Qualifier)
Josh Krause
Caleb Smith
Josh Hoehn (finished 3rd in state)
Darin Johnson
Barry Watson
Dustin Wiles (finished 2nd in state)
Michael Hahn (finished 2nd in state)
Doug Wiles (finished 1st in state)
Jared Bornell (finished 5th in state)
Ryan Todd (finished 5th in state)

Congratulations to all the wrestlers at Farmington High School for these outstanding accomplishments. Each individual on this team played a key part of the success they had as a whole.

HONORING THE THUNDERBOLT ELEMENTARY SCHOOL IN THUNDERBOLT, GEORGIA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize Thunderbolt Elementary School in Thunderbolt, Georgia. Thunderbolt Elementary has been chosen by the Annual American Set a Good Example Competition to receive one of three national 3rd place awards for the best project completed by students to influence their own peers in a positive way: away from drug abuse, crime and violence while focusing on moral virtues such as honesty, trustworthiness and competence.

Students at Thunderbolt Elementary, under the careful instruction of their teacher, Beverly Small, did a series of projects based on setting good examples over the school year. Some of the accomplishments included weekly reading competitions, planting trees and flowers around campus, holding a canned food drive, essay writings on setting good examples, and establishing Parents are Terrific awards for assisting children with their homework.

The students have worked hard to demonstrate good will and respect for others, and because of these kinds of efforts they are not experiencing drug problems, crime, cheating, or violence in this school. It has become a family school, and parents tell me their children feel loved because the teachers take the time to listen. It is with my utmost admiration and commendation that I recognize Thunderbolt Elementary School students, teachers, and administration for achieving the national honor by setting a good example for all of us.

HONORING DR. LOVELL A. JONES, PhD, WINNER OF THE LEGACY OF LEADERSHIP AWARD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. BENTSEN. Mr. Speaker, I rise to honor Dr. Lovell A. Jones, for winning Howard University Hospital's Legacy of Leadership Award for Distinguished Health Care Advocate. This award is a fitting tribute to Dr. Jones, who has made outstanding contributions in quality health care and advocacy for the medically underserved and the socio-economically disadvantaged for more than two decades.

Dr. Jones has been a true visionary in Houston's medical community and throughout the nation. I am particularly proud that it was in my Congressional District that Dr. Jones

first began his ground-breaking work to address the unequal science and unequal treatment affecting health care for minorities and the medically underserved.

It was almost 15 years ago that Dr. Jones began planning the first Biennial Symposium on Minorities and Cancer. As a Biochemist and Professor of Experimental Gynecology and Endocrinology at the UT M.D. Anderson Cancer Center, Dr. Jones rolled up his sleeves to research why it was that minorities and the socio-economically disadvantaged were experiencing disproportionately high mortality rates from the diseases. He discovered a variety of reasons why certain communities have to bear the unequal burden of cancer, including the fact that these underserved communities are often diagnosed in later stages of the disease; are provided with only limited access to health care, and are without financial resources. Dr. Jones already understood that poor people, no matter what their ethnic background, place less emphasis on health care when having to deal with the harsh realities of poverty on a daily basis.

Dr. Jones has been on the forefront of activities to address the obstacles that ethnic minorities and medically underserved individuals face in seeking effective treatments for their illnesses. He inspires those of us in Congress to remain committed to helping our medical institutions continue their life-saving cutting-edge research.

Dr. Jones' efforts to help those with cancer in medically underserved and socioeconomically disadvantaged communities have gone beyond study and into heartfelt activism, transforming him into a leading health care advocate. He is establishing a Center of Excellence for Research on Minority Health at the University of Texas M.D. Anderson Cancer Center, and Dr. Jones co-founded the Intercultural Cancer Center (ICC), which has become the largest multicultural and multidisciplinary coalition addressing the unequal burden of cancer in minority and medically underserved areas in the United States. Leading cancer and community experts from academia, federal and state government representatives, clinicians, researchers, public health researchers, survivors and advocates hold Biennial Symposium to address cancer in minority and medically underserved communities throughout the nation. The symposia eventually grew so big that they had to move them from Houston to Washington, DC. This year's symposium, which emphasized the problem of cancer in all ethnic minority communities—African-American, Hispanic, Native-American, Alaskan native, Pacific Islander and Asian-American—attracted more than 1200 people, and marked the largest participation ever.

Mr. Speaker, Howard University Hospital could not have chosen a better candidate to honor for the Distinguished Health Care Advocate Award. Lovell Jones inspires us all to strive to truly live up to the ICC's motto of "Speaking with One Voice," because we believe that the burden of cancer rests with all of us. Throughout his career, Dr. Jones has stressed that in this country, as a united community of Americans, the working poor and minority populations should not have to suffer disproportionately.

Dr. Lovell Jones has said that it is his dream that we will finally "become a society where we will not tie people's value to their skin color and/or status in life." His hope is that one day we will address the needs of all Americans, so that our efforts to address the special needs of minorities and the medically underserved will no longer be necessary.

But until that day, we can all be grateful that we have Dr. Lovell A. Jones.

INTRODUCTION OF THE INSULIN–FREE WORLD MEDICARE PANCREAS TRANSPLANTATION COVERAGE ACT OF 2000

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. NETHERCUTT. Mr. Speaker, I am pleased to introduce the Insulin-Free World Medicare Pancreas Transplantation Coverage Act of 2000, to provide Medicare coverage for pancreas transplants. I introduce this legislation with my colleagues Mrs. CAPPS, Mr. PORTER and Mr. LAFALCE.

On July 1, 1999, the Health Care Financing Administration (HCFA) announced that the agency would provide coverage for pancreas transplants performed in people who also require kidney transplants. However, the agency continues to deny coverage for transplants in people who have reached kidney failure. Several studies, including one published in the New England Journal of Medicine in July 1998, indicate that a pancreas transplant performed before kidney disease is significant, can eliminate the need for a kidney transplant. My legislation would reverse this shortsighted policy.

While HCFA provides coverage for segmented/split liver transplants, the agency does not provide coverage for a pancreas that is segmented/split. This position should be reversed particularly in light of the profound and well-publicized organ shortage. In practice, Medicare's existing pancreas transplant coverage policy means that a pancreas may not be divided and used for more than one person. In addition, if part of the donor pancreas is found to be damaged, Medicare would not cover transplanting the useable portion. Medicare also would not cover a transplant for a person who has been offered the ultimate gift of life of part of a pancreas from a living relative.

Pancreas transplantation represents the first significant advance toward curing diabetes since the discovery of insulin. I urge my colleague to join me in supporting this legislation designed to give years of life and health back to people with long-standing diabetes.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 2000

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment authorizes the Department of Defense to assign members of our Armed Forces to assist the Immigration and Naturalization Service and the Customs Service in monitoring and patrolling U.S. borders. I urge my colleagues to vote against this amendment.

At the request of the Congress, the Department of Defense issued a report earlier this week on this very issue. After meeting with senior leadership of the Immigration and Naturalization Service and the U.S. Customs Service to determine a scenario where U.S. military personnel would be assigned to either agency, the report states, in the end, neither the Immigration and Naturalization Service nor the United States Customs Service could envision a scenario which would require such assignments. Instead, both agencies expected that they would use the existing system of plans and procedures to increase the level of support from DoD personnel who would report through existing military chains of command.

This is not necessary because the DoD already have plans in place detailing how DoD supports Federal law enforcement agencies during declared emergency situations. The President of the United States has the authority to declare emergencies and use military personnel to protect our borders. This is already implied in the powers of the Executive Office of the President.

We are a nation of immigrants and a nation of laws. The men and women of the U.S. Border Patrol put their lives on the line every day of their lives. The present force of 8,000 members is responsible for protecting more than 8,000 miles of international land and water boundaries, and work in the dangerous deserts of Arizona and Texas. They are empowered to do this job. We do not need Federal troops at the border just yet. I urge my colleagues to vote "no" on this amendment.

HONORING THE LATE DR. CLIFFORD H. KEENE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. FARR of California. Mr. Speaker, today I honor a man who helped usher in the age of the health maintenance organization. Dr. Clifford H. Keene passed away at the age of 89.

Born in Buffalo, NY on January 28, 1910, Clifford later on went to earn his medical degree from the University of Michigan Medical School in 1934 and was a surgical instructor there until 1939. During World War II Clifford rose to the rank of lieutenant colonel as the surgeon and medical administrator for the 24th Corps in the Pacific Theater. His career with the Kaiser-Permanente Medical Care Program began in 1954 when industrialist Henry Kaiser asked him to join the then-struggling Kaiser

health care system. Under Clifford's leadership, Kaiser Permanente grew into the largest nonprofit health care system in the United States. Over the years, he held a number of various positions including the Regional Manager of Kaiser Foundation Hospitals and Health Plan in Northern California, the Medical Program Coordinator for Kaiser Industries Corporation and the director, vice president and general manager of Kaiser Foundation Hospitals, Inc., and the Kaiser Foundation Health Plan. Clifford was also elected President of various Kaiser Foundation Medical Care Entities including the Kaiser hospitals and the Kaiser Research Institute and International Foundation. Clifford retired from active administration in 1970 and from the Kaiser Board of Directors in 1980.

Clifford will be forever remembered by his dear family and friends. He will be sorely missed by the many people who were privileged to know him personally and professionally. Clifford is survived by his wife, Mary; three daughters, Patricia Ann Kneedler of Forth Worth, TX, Martha Jane Sproule of Palos Park, IL, and Diane Eve Simonds of St. Helena; a sister Harriet Krueger of Sarasota, FL; seven grandchildren and six great grandchildren.

TRIBUTE TO THE OLIVIERA MIDDLE SCHOOL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to a school in Brownsville, Texas, that is beating the odds in today's public education system. At a time when our resources are terribly over-burdened, Oliviera Middle School won one of three national first-place awards in the "Set A Good Example" competition that is sponsored by the Concerned Businessmen of America.

These awards, launched in 1982, recognize schools which have a student-oriented program to influence their peers in a positive way by forwarding the simple human moral values such as honesty, trustworthiness, responsibility, competence and fairness. The Concerned Businessmen of America is a not-for-profit charitable education organization which incorporates successful business strategies to combat social ills and problems that face young people.

At a time when parents and community leaders are watching our young people with new eyes, wondering what is going on inside their minds and what motivates them, this recognition is concrete proof that the community surrounding Oliviera Middle School—educators, counselors, parents, business people, and most importantly, students themselves—is working together to ward off the problems that have plagued other schools and other young people. The winning ingredient here is the active involvement of the students. The best messenger for young people is other young people.

We have enormous challenges before us in education, and with regard to the public policy in our public schools. There will never be one single answer to preparing young people to withstand the complex social issues that our children encounter each day. But the best way to prepare our children to deal with the society in which we live is to teach them, from very early on, simple moral guidelines to apply to their lives. The "Set a Good Example" program follows up as encouragement and reinforcement to these lessons.

I ask my colleagues to join me in commending Oliviera Middle School for their efforts to be part of a solution, which is the first step to solving the problem. I thank the young people there for leading the way to better grades and healthier attitudes.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on business and unable to be present for rollcall vote No. 187. Had I been present, I would have voted "no."

HONORING OUTSTANDING NATIONAL HISPANIC YOUTH

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I am honored to recognize six students from San Diego County, California, who have been selected as finalists competing for National Hispanic Youth Awards. These students are among sixty finalists nationally. One of the six is a student in my 51st Congressional District, Milenka V. Meneses of San Marcos High School.

These outstanding Hispanic young people have been identified for their superior academic achievement, their leadership in their schools and their communities, and for their promise as positive role models for us all. If we believe that in America, every young person, from every ethnic background, deserves a fighting chance to achieve the American Dream, we need young people from every ethnic background to take the initiative to lead the way.

Young people like Milenka Meneses are such leaders. They deserve our recognition, our honor, and our encouragement.

I commend to my colleagues to read the following article from the San Diego Union-Tribune describing the recognition given to these fine young men and women. They are more than promising young leaders to the Hispanic community; they are young leaders for us all. They represent the best of America.

SIX LOCAL STUDENTS CHOSEN AS LATINO LEADER FINALISTS

Six San Diego County high school students have been selected as finalists in a nationwide search for top Latino youth leaders.

They will be among 60 students from across the nation competing for six National Hispanic Youth awards. The winners will be recognized at the Hispanic Heritage Awards annual gala Sept. 7 at the John F. Kennedy Center for the Performing Arts in Washington, D.C.

The six county residents selected to compete for the national awards are: Seidy Gaytan of Sweetwater Union High School; Laura Dawn Berumen of Montgomery High School; Abel Aramburo of El Cajon Valley High School; Milenka V. Meneses of San Marcos High School; Jose Barraza Jr. of Hilltop High School; and Danika Marie Lacarra Markey of Helix High School.

Because they were named regional finalists, each student received a $1,000 educational grant, a personal computer from CompUSA and a $500 donation to a community service organization of their choice.

The Hispanic Heritage Awards Foundation was established 14 years ago to provide a greater understanding of the contributions of Hispanic Americans in the United States and to recognize and honor role models who inspire Latino youth.